

PITU Election Ordinance Summary – May 4, 2015
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1. Both elections will be mail-ins (page 9) only (Band Chairs/Tribal Chair) all enrolled tribal members that are 18 and over or will be 18 on the day of election will have the right to vote. Page 7
2. Candidates must be 21 years old to hold office and must be free from any conviction of any felony in the ten (10) years preceding the election. Page 6
3. Nomination meeting for each band shall be conducted no later than the first week in January of an election year and nominated by his/her own Band member that is an eligible voter. The minutes of the nomination meeting must be reported within twenty-four (24) hours to the Election Board Chair. Page 10
4. Recall or Removal from office as basis for disqualification, any individual who has been recalled or removed from the Tribal Council or from his or her Band Council..... from holding elected Tribal office for a period of ten (10) years. Any misrepresentations and ongoing duty to disclose changes may result in a disqualification of the candidate. Page 7
5. All candidates are required to fill out and sign the background check form. Page 10

Background check fee of a minimum deposit of \$45.00 (no refunds) on the day they are nominated. This amount may increase in which the candidate must pay the remaining balance by February 20, 2017 to be placed on the ballot for election, was approved by the Tribal Council on November 17, 2016.

Any other person that plans to be a write-in must notify the Election Chair by January 20, 2017 to complete the background check form and the fees as stated above.

6. Appeal of certification decision if ineligible to seek elective office must petition within fifteen (15) days to the Tribal Council. Page 11
7. If more than five (5) candidates a primary election shall be held at least twenty (20) days prior to the General Tribal Council Election. Page 11
8. Eligible voters list will be provided the Band Chair to verify the list and registered said band eligible voters. Page 8 and 10
9. If lost/spoiled ballot must request in person or call Board Chair and must be in before 5:00p.m. on the day of election. Page 9
10. The election board 3 or more members (page 5): Betty Cuch, Election Board Chair
11. Write-Ins must have the correct full name that is on the eligible voters list to be counted (no nick names, misspell names or any other markings on the ballots will be concerned as invalid ballot)
12. Must be 18 years old day of elections to vote:
March 15, 2017
April 25, 2017

- (i) Pass any bill of attainder or ex post facto law; or
- (j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to trial by jury of not less than six (6) persons.

Section 3. Habeas Corpus. The privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of the tribe.

Section 4. Indian Civil Rights Act. In the event the Indian Civil Rights Act (82 Stat. 77) is amended, the foregoing provisions shall reflect said amendments without requiring the amendment of this constitution.

ARTICLE XIV - ELECTIONS

Section 1. Voters. All duly enrolled members of the tribe who are eighteen (18) years of age or older shall have the right to vote in all tribal elections for the tribal chairperson and for the vice-chairperson, consistent with the provisions of this constitution, and shall have the right to vote for the band representative to the tribal council election of the band of which he or she is a member.

Section 2. Manner of Voting. All elections shall be by written secret ballot. Voting by absentee ballot shall be provided for by ordinance.

Section 3. Absentee Voting. The absentee balloting ordinance shall require that absentee ballots be made available in advance of any election to members who will be absent on the day of election and that ballots must be submitted by absentee voters to the tribal office prior to the scheduled date of the election. Absentee ballots so submitted shall be counted along with those ballots cast in person at the polls.

Section 4. Tribal Council Elections. The election of band representatives to the tribal council shall be held during the second week of March every fourth year, the specific time, place and date to be set by ordinance of the tribal council. Thirty (30) days prior to said election day, the eligible voters of each band shall nominate candidates for the office of tribal council member/band chairperson to represent their respective band on the tribal council. Tribal council members shall be sworn in and assume the duties of office on the third of April of an election year.

Section 5. Tribal Chairperson and Vice-Chairperson Elections. The tribal chairperson and vice-chairperson shall be elected by the eligible voters of the tribe from among the council members elected to office in an election year. The election for tribal chairperson and vice-chairperson shall be held within twenty (20) days after the third of April. The chairperson and

vice-chairperson shall take office on the next working day following certification of the election results by the election board. Prior to the election of the chairperson, the tribal council shall appoint from within its membership a temporary chairperson.

Section 6. Qualifications for Office. Candidates for membership on the tribal council must be duly enrolled members of the Paiute Indian Tribe of Utah who will be twenty-one (21) years of age or older on the date of their election and must be free of any felony conviction prior to running for and holding office as a council member. The qualifications of each person nominated by a particular band must be certified by the election board twenty-five (25) days prior to the council election.

Section 7. Appeal Rights. Any person who is certified as ineligible to seek elective office by the election board may petition the tribal council to certify the person as a candidate. The tribal council shall render a final decision at least ten (10) days before the election, unless a primary election is to be held, in which case the tribal council shall render a decision before the primary election.

Section 8. Primary Election. In the event there are more than five (5) candidates for office from a particular band, a primary election shall be held by that band and the two (2) candidates receiving the highest number of votes shall be the final candidates from that band for the office of council member. Said primary election shall be held twenty (20) days prior to the council election.

Section 9. Election Board. The tribal council shall appoint an election board of three (3) or more persons which shall follow all requirements for each election called for under this constitution and shall certify in writing to the tribal council within five (5) business days after an election the results of any election. The members of the election board shall serve for set terms of office and as further provided for by ordinance. No person who holds any elective tribal office shall be eligible to serve on the election board. The duties of said election board shall be established by ordinance, which shall require the election board to insure that all tribal elections are conducted fairly and objectively.

Section 10. First Election. Notwithstanding the above provisions, the election of the first tribal council under this constitution shall be in accordance with an election ordinance enacted by the interim council which accords as much as feasible with the above provisions and is in accordance with 94 Stat. 317.

Section 11. Election Ordinance. The tribal council shall enact an ordinance governing the conduct of elections. Such ordinance shall be consistent with this constitution and shall include, but not be limited to, the following provisions:

- (1) Nomination of candidates;
- (2) Secret Ballots;
- (3) Absentee Voting;
- (4) Settlement of Election Disputes;
- (4) A procedure for filing petitions and determining their validity; and
- (5) Conduct of: Referendum, Initiative and Recall Elections.

Section 12. Tie. In the event there is a tie for any elected position as certified by the election board, the winner shall be determined by the flip of a coin under the supervision of the election board.

ARTICLE XV - TRIBAL LANDS

Section 1. Definitions.

- (a) "Tribal lands" as used in this Article means those lands held in trust by the United States for the Paiute Indian Tribe of Utah.
- (b) "Band lands" as used in this Article means those lands held in trust by the United States for any constituent band(s).

Section 2. Land Use and Natural Resources Conservation Plan. The tribal council may by ordinance establish a comprehensive land use and natural resource conservation plan for lands and natural resources subject to tribal jurisdiction. Such plan shall include rules and procedures by which tribal members and non-members may use specified parcels of land within the tribe's jurisdiction for public, educational, recreational, residential, business, commercial, industrial, religious or agricultural purposes. With respect to any lands held in trust by the United States on behalf of any constituent band, said ordinance shall provide for the approval of said ordinance by the eligible voters of the affected band or bands by majority vote of those voting.

Section 3. Power of the Tribal Council. With respect to tribal land, the tribal council by majority vote of the council in favor may authorize:

- (a) Grants of permission to a band or bands and members of the tribe to use specified portions of tribal land as provided in Section 2 of this Article.
- (b) Leases to a band or bands, to members and non-members of the tribe of specified portions of tribal land for the purposes specified in Section 2 of this Article subject to applicable Federal law and regulations;