

ELECTION ORDINANCE

PAIUTE INDIAN TRIBE OF UTAH

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SECTION 1. TITLE

This Ordinance shall be known as the Election Ordinance of the Paiute Indian Tribe of Utah (“Election Ordinance”). This Election Ordinance amends and supersedes the Election Ordinance originally enacted on September 22, 1981, as previously amended on May 18, 1984 and as previously amended on May 4, 2015.

SECTION 2. FINDINGS AND PURPOSE

The purpose of this Election Ordinance is to establish a uniform procedure for the election of Tribal Council Member/Band Chairperson; for Tribal Chairperson and Tribal Vice-Chairperson; and for the conduct of elections due to vacancies occurring prior to the end of the term of the office; and for Initiative and Referendum elections. This Ordinance is enacted pursuant to the authority of the Tribal Council of the Paiute Indian Tribe of Utah under the Constitution of the Paiute Indian Tribe of Utah, Article V, Section 1, and Article XIV, Section 11.

SECTION 3. DEFINITIONS

As used in this Election Ordinance, the following words and phrases shall have the following meanings, unless the context clearly requires otherwise:

- A. “Automatic Forfeiture” means the process by which a vacancy is created on the Tribal Council because a Tribal Council member dies; resigns; is convicted of, or pleads guilty or nolo contendere (no contest) to, any felony, including a felony in diversion or plea in abeyance; or fails to attend four consecutive regular Tribal Council meetings.
- B. “Bands” means any one of the five constituent Bands of the Paiute Indian Tribe of Utah: the Cedar Band of Paiutes, Indian Peaks Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, and Shivwits Band of Paiutes.
- C. “Band Council Election” means the five (5) Band’s Council Election that there will be no interference from the Election Board or Tribal Council Members
- D. “Candidates for Office of Tribal Council” means individuals nominated from their band to represent their band on the Tribal Council.
- E. “Cast Ballot” means an official ballot that is cast in the proper manner at the proper time by a duly Registered Voter. A ballot is cast when the ballot is duly received through the mail by the Election Board, or hand-delivered to the Election Board at the Tribal Headquarters. (Electronic voting)
- F. “Constitution” means the Constitution ratified by the Tribe on June 11, 1991, 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 any subsequently approved amendments thereto.
- G. “Election Board” means individuals appointed from their band and approved by the Tribal Council to be on the Election Board.

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- H. “Elections” means all elections that are held every fourth year (Primary, General Tribal Council and Tribal Chair/Vice Chair)
- I. “Eligible Voter” means a duly enrolled member of the Tribe who is eighteen (18) years of age or older.
- J. “Enrollment Officer” means the person designated by the Tribal Council to perform the duties set forth in the Tribe’s Enrollment Ordinance.
- K. “Initiative” means an action by the Eligible Voters of the Tribe to propose any ordinance to the Tribal Council or to repeal or amend any ordinance, except as limited by Article XI, Section 1, of the Constitution.
- L. “Invalid Ballot” means a ballot that does not comply with the requirements for voting or is not an official ballot prepared by the Election Board. A ballot will be considered invalid if: the ballot is received from a person who is not a Registered Voter; the mail-in ballot returned by the voter does not include a signed Certification of Eligibility to Vote; the ballot is received after the date of the tribal election; or the ballot otherwise fails to meet the requirements of this Election Ordinance. Invalid ballots shall not be counted in tabulating the total number of votes. The Election Board shall maintain a record of the number of Invalid Ballots in any tribal election.
- M. “Recall” means a procedure by which the Eligible Voters of the Tribe may recall a Tribal Council member for neglect of duty or willful misconduct as provided in Article XII, Section 1, of the Constitution.
- N. “Referendum” means a process by which the Tribal Council may submit a proposed or previously enacted ordinance to a vote of the Eligible Voters, except as limited by Article XI, Section 2, of the Constitution.
- O. “Registered Voter” means an Eligible Voter of the Tribe who has become entitled to cast a ballot in the election by registering to vote and having his/her name placed on the official list of Registered Voters.
- P. “Removal” means an action by the Tribal Council to remove a Tribal Council member from office for neglect of duty or willful misconduct as provided in Article XII, Section 2, of the Constitution.
- Q. “Special Election” means an election held to fill a vacancy in Tribal Council office created as a result of Recall, Removal or Automatic Forfeiture.
- R. “Spoiled Ballot” means an official ballot that has been mistakenly marked by a Registered Voter who returns the ballot to the Election Board in exchange for a new ballot. Spoiled ballots shall be clearly marked “SPOILED” and shall not be counted in tabulating the total number of votes. The Election Board shall maintain a record of the number of spoiled ballots in any tribal election.

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- S. “Tribal Council” means the Tribal Council of the Paiute Indian Tribe of Utah, which is the governing body of the Tribe.
- T. “Tribal Headquarters” means the tribal administrative building at 440 North Paiute Drive, Cedar City, Utah 84721.
- U. “Tribe” means the Paiute Indian Tribe of Utah.
- V. “Write-In Candidate” means a candidate for Office of Band Chair/Tribal Council Member whose name does not appear on the ballot (usually because he or she has not secured the nomination of their band) but whose name must be written on the ballot by voters. There will be no write-ins on special election.

SECTION 4. ELECTION BOARD

- A. 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 the members of the election board shall serve for set terms of office and as further provided for by ordinance. Pursuant to Article XIV – Election, Section 9 of Constitution
- B. Qualifications of the Election Board. No person who is a candidate for elective office on the Tribal Council or holds any elective office on the Tribal Council shall be eligible to serve on the Election Board. Election Board members must be at least eighteen (18) years of age prior to serving on the Election Board. Pursuant to Article XIV – Election, Section 9 of Constitution
- C. Election Board Terms. The members of the Election Board shall serve for five (5) years and serve on special elections, also for initiative, referendum, survey and petitions.
- D. Compensation. Members of the Election Board shall not be compensated for performance-related duties or travel expenses, unless otherwise approved by the Tribal Council. The Election Board shall provide the Tribal Council with an itemized budget for election related costs within a reasonable amount of time after appointment and upon request during the tribal operations budget process.
- E. Contractors and Consultants. The Election Board may, subject to budget limitations and contract approval by the Tribal Council, engage contractors as needed to assist the Election Board in conducting elections and carrying out its responsibilities under this Ordinance. The Election Board may engage consultants, also subject to budget limitation and contract approval by the Tribal Council, to provide training for the Election Board, engage legal counsel, and other persons as the Election Board deems appropriate.
- F. Election Office. During the election process, the Election Board shall ensure that to the greatest extent possible, the Election Board Office has regularly staffed office hours

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which are clearly posted outside the Election Board Office located at the Tribal Headquarters.

G. Duties of the Election Board. It shall be the duty of the Election Board to ensure that all tribal elections are conducted fairly and objectively. The Election Board shall verify all Initiatives, Referendum, Survey and Petitions permitted under the Election Ordinance and Article XI, Section 1 and 2 of the Constitution, and any other election pursuant to the Constitution, present the same to the Tribal Council, and conduct all Initiative and Referendum Election, in a manner consistent with the Constitution and this Election Ordinance, and in particular:

1. To ensure that candidates for office meet the minimum qualifications set forth in the Constitution and this Election Ordinance, and to certify the qualifications of each person nominated for tribal office prior to the tribal council election;
2. To provide such notices to tribal members as provided in this Election Ordinance, including of the need to register to vote;
3. To maintain the official list of Registered Voters;
4. To verify that the name and/or voter identification number of the person offering to vote is on the list of Registered Voters;
5. To mark the list of Registered Voters as each ballot is received in order to ensure that ballots are cast only by Registered Voters and that each Registered Voter only votes once;
6. To immediately place all received ballots, unopened, in secured ballot boxes at the Tribal Headquarters until the date of the election;
7. To begin to count the ballots immediately after the expiration of the time for their receipt;
8. To certify in writing the election results to the Tribal Council within five (5) business days after the election; and compliance with Article XIV Election, Section 9 of the Constitution;
9. To fulfill such other duties as assigned by the Tribal Council.

H. Storage of Election Records. After the ballots have been counted, the Election Board Chairperson shall store them with the other election records in a secure location at the Tribal Headquarters.

1. The election records to be stored shall include the following:
 - a. The Cast Ballots;
 - b. The Invalid Ballots;

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- c. The Spoiled Ballots;
 - d. The official list of Registered Voters;
 - e. The signed Certifications of Eligibility to Vote; and
 - f. Any other record of the Election Board of actions taken during the election.
2. The election records shall be stored until the certification of the next General Tribal Council Election.
- I. Authority of the Election Board. The Election Board is authorized and empowered under this Ordinance to:
1. Elections. Conduct, administer, and oversee the Tribal elections as prescribed by Article XIV, Section 9 of the Constitution. If a Band asks for assistance from the Election Board all applicable ordinances shall be complied with. For Primary Elections under Article XIV, Section 8 of the Constitution, any 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 band chair/tribal council member;
 2. Rules and Procedures of Election Board. Pursuant to Article X, Section 2(e) of the Constitution, notwithstanding any Tribal Council directives indicating otherwise or amending previously adopted rules and procedures, the Election Board shall adopt rules and procedures as deemed necessary to carry out their functions. Any such rules and procedures must be in compliance with this Ordinance and the Constitution. However, no amendments may be made to the rules and procedures within sixty (60) days of any scheduled election;
 3. Make determinations and render decisions regarding matters subject to the authority of the Election Board. All such decisions shall be final and conclusive except as provided in this Ordinance and the Constitution.
- J. Election Board Prohibited Activities. To the extent not inconsistent with any ethics code applicable to the Election Board which may be enacted by the Tribal Council, no member of the Election Board shall:
1. Run for Offices. Election Board members shall not be eligible to run for any Tribal Council office during the term they serve as a member of the Election Board in accordance with Article XIV Section 9 of the Constitution;
 2. Violate any ethics code, policy or code of conduct that the Tribal Council has in place;

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3. Seek to influence any Tribal/Band employee, representative, or official government decision or action on any basis other than the merits of the matter;
4. Circulate any Petition permitted under this Ordinance except for a Petition circulated under Article XI of the Constitution;
5. Knowingly make public any subject matter of a confidential nature received in connection with their duties as an Election Board member, including but not limited to matters discussed during a closed meeting of the Election Board; or matters protected as confidential under the Constitution, Tribal laws or policies or confidential matters related to any Candidate of office;
6. Participate in any political activities including Tribal political protests, campaigning for any Candidate, lobbying for or taking any role involving any Initiative or Referendum, circulation of Initiative or Referendum materials, participating in community meetings involving any issues on a ballot in any Tribal election, or the development of education materials related any issue on a ballot in a Tribal election other than those materials necessary to conduct the election; or

K. Appointment of Election Board. The Election Board shall be appointed by the Tribal Council. According to Article XIV, Section 9 of the Constitution the Tribal Council shall appoint an Election Board of three (3) or more persons using the following procedure:

1. Each designated Band council will suggest two (2) individuals as one (1) will be the alternate from their eligible Band members to serve on the Election Board within thirty (30) days of notice, pursuant to a background check set forth in this Election Ordinance;
2. The Tribal Council shall inform the respective Band Chair to submit an individual(s) to sit on the election board in writing within sixty (60) days prior to the expiration of the currently appointed Election Board member.
3. The newly appointed Election Board members shall be notified immediately of his/her appointment via a letter from the Tribal Council Chairperson or Election Board.

L. Confidentiality. All Election Board members shall sign a confidentiality statement which shall remain in effect for the duration of his/her term.

M. Voluntary Resignation. An Election Board member may voluntarily resign his/her position on the Election Board via a written letter of resignation delivered to their Band Council, and then the Band Chair will forward the letter to the Election Board:

1. Such a resignation shall be effective upon delivery unless stated otherwise in the letter of resignation.

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2. Upon receipt of the letter of resignation the Election Board shall forward the letter to the Tribal Council, with a request that the Tribal Council fill the vacated position from which Band they are representing.
3. The Tribal Council shall appoint an individual to fill the vacated position according to Article XIV Section 9 of the Constitution. The individual appointed following a vacancy shall fill the vacancy only for the remainder of the term of the person they are replacing.
4. Procedure to fill vacancy. The procedure to fill a vacancy following the voluntary resignation of an Election Board member shall be in accordance with Section K of this Election Ordinance, appointment to the Election Board, unless said vacancy occurs within sixty (60) days of any scheduled election. In the case of a vacancy which occurs within sixty (60) days of an election, the Tribal Council shall:

Refer back to the Band's alternate or a letter from the Band Chair concerning their new appointment to the Election Board.

N. Removal for Cause.

1. The Tribal Council or band chair may by a majority vote of the voting members of the Tribal Council/band council may remove from office any Election Board member for any of the following reasons:
 - i. Failure to perform the functions of the position, including but not limited to attending meetings of the Election Board;
 - ii. Incapacity from physical or mental disability, to the extent that he/she is incapable of exercising judgment about or attending to the business of the Election Board;
 - iii. Conviction of a felony, or any crime involving dishonesty or moral turpitude under federal, state, or tribal law/Constitution while being on the Election Board.
 - iv. Or engaging in any other prohibited activity included in Section J of this Ordinance.
2. An action to remove an Election Board member pursuant to an affirmative vote of a majority of the voting members of the Band Council/Tribal Council shall be documented in the form of a Tribal Council Resolution and set forth the specific facts and circumstances supporting the vote for Removal:
 - i. The Tribal Council Resolution shall contain exhibits and supporting documentation used by the Tribal Council to arrive at the decision to call for a vote for removal.
 - ii. A copy of the Tribal Council Resolution plus all supporting documentation must be personally served upon the Election Board member who is the subject of the Tribal Council Resolution within three (3) business days from the date of approval.
 - iii. All removals made pursuant to this Section shall become effective after hearing before the Tribal Council in accordance with subsection three (3) below.
 - iv. The alternate will step into the position as pursuant to the removal hearing.

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3. Hearing Before Tribal Council Following a Vote for Removal:
 - i. Upon the approval of a Council Resolution removing an Election Board member, the Tribal Council shall establish a date and time for a hearing on the matter provided that all parties are given at least ten (10) days after receiving notice of the date chosen by the Tribal Council.
 - ii. At the hearing, the Election Board member who is the subject of the Resolution for removal shall be given the opportunity to respond to the evidence before the Tribal Council, offer and confront witnesses (if any), and present any additional relevant evidence to the Tribal Council.
 - iii. Within ten (10) days after the conclusion of the hearing and upon determining whether the fact and circumstances providing the basis of the vote for removal fall within at least one of the grounds for removal enumerated in the Ordinance, the Tribal Council shall confirm or rescind the Removal Resolution with a subsequent Council Resolution.

4. Procedure to Fill Vacancy:
 - i. The Procedure to fill a vacancy following the Removal of an Election Board member shall pertain back to Section K of this Ordinance where the Band Council must submit a letter to the Tribal Council that is in accordance with Section K, for appointment to the Election Board of this Ordinance.

5. The individual appointed following a removal of any Election Board member shall fill the vacancy only for the remainder of the term of the person they are replacing.

SECTION 5. PRIMARY, GENERAL TRIBAL COUNCIL, TRIBAL CHAIR AND VICE-CHAIR, AND SPECIAL ELECTION

- A. Pursuant to Article XIV, Section 4 of the Constitution, nominations shall occur 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.

- B. Pursuant to Article XIV, Section 8 of the Constitution the primary election shall be held twenty (20) days prior to the council election

- C. Pursuant to Article XIV, Section 4 of the Constitution the General Tribal Council Elections shall be held during the second week of March every fourth year

- D. Pursuant to Article XIV, Section 5 of the Constitution the election for Tribal Chairperson and Vice-Chairperson shall be held within twenty (20) days after the third of April.

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- E. Pursuant to Article XIV, Section 4 of the Constitution the Newly Elected Tribal Council Members shall be sworn in and assume the duties of office on the third of April of an election year. The Tribal Council or Election Board Chair shall be sworn in the newly elected Tribal Council. Special election on Tribal Council shall be sworn in by the Tribal Council or Election Board Chair.
- F. Pursuant to Article XII, Section 1 (b3); (c4); Section 2 (b5); Section 3 (b1) and (b2) of the Constitution on Recall, Removal and Forfeiture. The Special Elections are to be held within thirty (30) days consistent with the relevant Constitution provision.
- G. Band Council Election there will be no interference from the Election Board or Tribal Council Members on any of the five (5) Band's Council Election, unless a Band requests assistance from the Election Board to oversee their election in which the cost will be occurred by that Band for the assistance of the Election Board. Pursuant to Article XII and Article XIV for election of Band Chair/Tribal Council Member.

SECTION 6. QUALIFICATIONS FOR OFFICE

- A. Minimum Qualifications. Candidates must meet the following minimum qualifications in order to be eligible to represent his/her Band on the Tribal Council:
 - 1. Must be a duly enrolled member of the Paiute Indian Tribe of Utah whose name appears on the membership roll as of the date of the election;
 - 2. Must be twenty-one (21) years of age or older on the date of the election;
 - 3. Must pass a background check which is limited to a check for felony convictions prior to running for and holding office, as outlined in the Constitution, Article XIV, Section 6.
- B. Minimum Qualifications Applicable to Band Vice-Chairs. Because a Vice-Chairperson of a Band may represent the Band in Tribal Council meetings in the event the Band Chairperson is unable to attend or there is a vacancy, the Band Vice-Chairpersons must meet all of the above minimum qualifications.
- C. 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 based upon a finding of neglect of duty or willful misconduct shall be disqualified from holding elected Tribal office for a period of ten (10) years.
- D. Misrepresentations By Candidate as Basis for Disqualification. Failure by a candidate to disclose relevant criminal history on the Authorization for Background Check form, or any misrepresentations by a candidate on such form, may result in disqualification of the candidate.

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- E. Ongoing Duty to Disclose Charges. Any person who, upon or subsequent to announcing their candidacy for election to any tribal office, is formally charged with, but not yet convicted of, any crime, whether felony or misdemeanor, shall disclose to the Election Board, the fact of such charges immediately upon becoming aware of the charges. Failure to do so may result in disqualification of the candidate.
- F. Certification of Qualifications by the Election Board. The qualifications of each person nominated by a particular Band must be certified by the Election Board at least twenty-five (25) days prior to the General Tribal Council Election.

SECTION 7. VOTER ELIGIBILITY AND REGISTRATION

- A. Who May Vote. Any tribal member whose name appears on the membership roll and who is eighteen (18) years of age or older on the day of the election shall have the right to vote in all tribal elections for the Tribal Chairperson and for the Vice-Chairperson, and in all Initiative and Referendum elections, and shall also have the right to vote to elect or Recall his/her Tribal Council Member/Band Chairperson.
- B. Voter Registration. In order to exercise the right to vote in any tribal election, an Eligible Voter must first register to vote.
 - 1. The Enrollment Officer shall provide a list of Eligible Voters, including those who will be eligible to vote as of the date of the election, with Band affiliation designated thereon, to the Election Board prior to any tribal election.
 - 2. The Election Board shall notify by regular mail all tribal members on the list of Eligible Voters of the need to register if they intend to vote. This notice shall be sent to the individual's last known address, and shall also be posted pursuant to Section 7 of this Election Ordinance.
 - 3. The notice of the need to register to vote shall include a voter registration form and applicable instructions. The completed registration form must be received by the Election Board on or before the date of the election in order for an Eligible Voter to be entitled to vote in that election.
 - 4. Once an Eligible Voter has registered to vote by properly completing the voter registration form, the voter's name shall be added to the official list of Registered Voters and he/she shall be entitled to vote.
 - 5. Tribal members who have previously registered to vote shall remain on the list of Registered Voters for subsequent tribal elections. It shall be the responsibility of the voter to notify the Election Board of any changes to the voter's mailing address.
 - 6. For a Secretarial election, voter registration shall be done in accordance with applicable federal law and regulations.

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SECTION 8. NOTICES

- A. Notice of Tribal Elections. The Election Board shall issue such notices as are necessary to inform tribal members of the dates, times, places, and procedures for nominations and elections.
- B. Timing of Notices.
1. General Tribal Council Elections: The Election Board shall issue election notices for the General Tribal Council Election at least sixty (60) days prior to the date for the General Tribal Council Election.
 2. Special Elections: The Election Board shall issue notices for a Special Election as soon as practicable, and at least fifteen (15) days prior the date of the Special Election.
- C. Location of Notices. Notice of elections shall be posted on the tribal website and at such other locations deemed appropriate by the Election Board. The Election Board shall take reasonable measures to notify tribal members living outside the Paiute Indian Tribe of Utah Reservation of the time, place and procedures for tribal elections.

SECTION 9. VOTING PROCEDURES

- A. Ballots. In a Tribal Council Member/Band Chairperson election, the Election Board shall prepare separate ballots for each Band showing in alphabetical order the names of the nominated eligible candidates for the Band. In an Initiative or Referendum election, the Election Board shall prepare a separate ballot for each ordinance proposed.
- B. Sample Ballots. Sample ballots will be printed on white paper and clearly marked "SAMPLE BALLOT" and shall not be counted if voted upon.
- C. Manner of Voting. All tribal elections shall be by written secret ballot. The Election Board shall conduct all tribal elections by mail-in ballot.
- D. Procedure for Electronic Voting. Elections may use any secure means of electronic voting that ensures that all safety, voter identity, and security policies of this Ordinance are complied with. This may necessitate use of password protected voter interfaces and dissemination of the ballot using system(s) designed for use in such elections. This Ordinance may be supplemented with an Addendum on Electronic Voting at least sixty (60) days prior to any election with the specific methodologies and systems used for secure voting.
- E. Procedure for Voting By Mail-In Ballot. Mail-in ballots shall be mailed to all tribal members on the list of Registered Voters at least twenty (20) days prior to the election.
1. Contents of the Mailing. The mailing for a mail-in ballot shall consist of a ballot listing the names of all candidates in alphabetical order, an instruction sheet, an

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inner envelope, a Certification of Eligibility to Vote, and a stamped, pre-printed return envelope addressed to the attention of the Election Board. The return envelope shall be pre-printed with the voter's identification number.

2. Casting the Ballot. The voter shall mark the ballot, then place it in the inner envelope and seal it. The inner envelope shall then be placed inside the return envelope.
 3. Certification of Eligibility to Vote. The voter shall complete and sign a Certification of Eligibility to Vote, which must be included in the return envelope, along with the voter's ballot, in order for the vote to be counted.
 4. Return of the Mail-In Ballot. The mail-in ballot shall be returned to the Election Board by mail, using the return envelope, or by hand-delivery to the Election Board at the Tribal Headquarters. Mail-in ballots must be received by the Election Board by 6:00 p.m. on the day of the election in order to be counted.
 5. Verification of Receipt of Ballot. The Election Board shall compare the voter identification number on the return envelope with the official list of Registered Voters. Once verified, the Election Board shall mark on the list of Registered Voters that the voter's ballot has been received and shall place the ballot in a secured ballot box until the date of the election. Registered voters may contact the Election Board to determine whether their ballot has been received.
 6. Verification of Voter Identity. On the date of the election, the Election Board shall open the return envelope, retrieve the Certification of Eligibility to Vote and compare it to the official list of Registered Voters to verify the identity of the person offering to vote, and shall mark such verification on the official list of Registered Voters.
- F. Request for New Ballot to Replace Lost or Spoiled Ballot. A Registered Voter may request a new ballot to replace a lost or spoiled one. If possible, the Registered Voter shall provide the Spoiled Ballot to the Election Board so that it can be marked "SPOILED" and kept in a secure location until after the election. The new ballot must be received by the Election Board by 6:00 p.m. on the day of the election; no additional time will be provided because the first ballot was lost or spoiled. The Election Board shall record the lost or Spoiled Ballot on the list of Registered Voters.
- G. Counting of Mail-In Ballots. Immediately after 5:00 p.m. on the day of the election, the Election Board shall begin counting the ballots and tallying the vote. The Election Board shall keep a record of the following information:
1. The total number of official ballots prepared for the election;
 2. The total number of ballots received;
 3. The total number of Cast Ballots (i.e., valid ballots);

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4. The total number of Invalid Ballots eliminated;
 5. The total number of lost or Spoiled Ballots eliminated; and
 6. The votes received by each person on the ballot and/or the votes for and against any other matter on the ballot.
- H. Certification of Election Results. The Election Board Chairperson shall certify the results of the election and deliver the results to the Tribal Council within five (5) days of the election.

SECTION 10. TERM OF OFFICE

The term of office for Tribal Council members shall commence on April 3rd of an election year and shall run for four (4) years. If a vacancy occurs during any term of office, the individual elected to fill such vacancy shall serve for the remainder of the unexpired term.

SECTION 11. GENERAL TRIBAL COUNCIL ELECTIONS

- A. General Tribal Council Elections. A General Tribal Council Election shall be held during the second week of March of every fourth year (commencing on April 3, 1985) for the purpose of electing a Tribal Council.
- B. List of Eligible Voters. The Enrollment Officer shall provide the list of Eligible Voters with Band affiliation designated thereon to each of the Band Chairpersons on or before the date set for nominations of candidates to the Tribal Council.
- C. Nomination Meeting. Each Band shall conduct a meeting no later than the first week in January of an election year for the purpose of nominating candidates for the office of Tribal Council member/Band Chairperson to represent the Band on the Tribal Council. The results of the nomination meeting shall be reported within twenty-four (24) hours thereof to the Election Board Chairperson, who shall be responsible for assembling the names of all candidates. Candidates to represent a particular Band must be a member of said Band. A candidate may be nominated only by an Eligible Voter of his or her own Band.
- D. Certification of Qualifications. Each individual nominated for Tribal Council Member/Band Chairperson must complete an Authorization for Background Check form to be submitted to the Election Board Chairperson within seven (7) days of the nomination meeting. The Election Board shall complete a background check within twenty (20) days of receipt of the Authorization for Background Check form. Only those candidates who are certified by the Election Board as meeting the minimum qualifications for office shall be eligible to run in the General Tribal Council Election.
- E. Write-in Candidate. Write-in Candidates that failed to be nominated during their band nomination meeting or did not attend their band nomination meeting are permitted to declare their run for candidacy by the first week in January to the Election Board

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Chairperson in writing. They must also adhere to the certification of qualifications with the exception of the background check form that must be completed the first week of January. The Write-in Candidates name will not appear on the official ballot but will be provided a blank space for the membership to write-in the candidates name, the exception to this is if a band has a primary election and the write-in candidate wins the primary election.

- F. Appeal of Certification Decision. Any person who is certified as ineligible to seek elective office by the Election Board may petition the Tribal Council in writing to certify the person as a candidate. Said petition must be submitted within fifteen (15) days of the Election Board's decision that the individual is ineligible to seek office. The petition shall state the grounds therefore. The Tribal Council shall render a final decision at least ten (10) days prior to the election, unless a primary election is to be held, in which case the Tribal Council shall render a decision ten (10) days prior to the primary election.
- G. Primary Elections. In the event there are more than five (5) candidates for office from a particular Band, a primary election shall be held by the Band. The two (2) candidates receiving the highest number of votes shall be the final candidates from the Band for the office of Tribal Council Member/Band Chairperson. Said primary election shall be held at least twenty (20) days prior to the General Tribal Council Election.
- H. Tribal Council/Band Chairperson. Each of the five constituent Bands of the Tribe shall elect a Tribal Council Member/Band Chairperson. The candidate who receives the highest number of votes in his or her Band election shall serve as the Band's representative to the Tribal Council and as Band Chairperson. The candidate who receives the second highest number of votes in the Band election shall serve as the Band Vice-Chairperson.
- I. Procedure in the Event of a Tie. In the event of a tie, as certified by the Election Board after all Cast Ballots have been counted and confirmed by a recount, the winner shall be determined by the flip of a coin under the supervision of the Election Board.

SECTION 12. TRIBAL CHAIRPERSON AND VICE-CHAIRPERSON ELECTIONS

- A. Tribal Chairperson and Vice-Chairperson Elections. An election for Tribal Chairperson and Vice-Chairperson shall be held within twenty (20) days after the third of April in an election year. The Tribal Chairperson and Tribal Vice-Chairperson shall be elected by the Registered Voters of the Tribe from among the five Tribal Council members who have previously been elected to office in the General Tribal Council Election.
- B. Results of the Tribal Chairperson and Vice-Chairperson Election. The Tribal Council member who receives the highest number of votes cast by the Registered Voters of the Tribe shall be Chairperson of the Tribal Council. The Council member receiving the second highest number of votes shall be Vice-Chairperson of the Tribal Council.
- C. Procedure in the Event of a Tie. In the event of a tie, as certified by the Election Board after all Cast Ballots have been counted and confirmed by a recount, the winner shall be determined by the flip of a coin under the supervision of the Election Board.

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SECTION 13. SPECIAL ELECTIONS – TRIBAL COUNCIL VACANCIES

- A. Special Election to Fill Tribal Council Vacancy. A Special Election shall be held to fill a vacancy in Tribal Council office created as a result of Recall, Removal or Automatic Forfeiture. In the event the vacancy that is created is in the office of Tribal Chairperson or Vice-Chairperson, the procedures set forth in subsections (N) and (O) shall apply.
- B. Special Election To Be Held Within Thirty (30) Days. A Special Election to fill a vacancy on the Tribal Council shall be held within thirty (30) days of the vacancy.
- C. Consultation with the Affected Band. The dates of the nomination meeting, the primary election (if applicable) and the Special Election shall be established by the Tribal Council by resolution after consultation with the affected Band Council.
- D. Vice-Chairperson of Affected Band to Fill Vacancy on an Interim Basis. In the event of a vacancy on the Tribal Council, the Vice-Chairperson of the affected Band shall fill said vacancy and shall have full voting authority until a Special Election can be conducted, provided that the Band Vice-Chairperson meets the minimum qualifications for office sets forth in the Constitution and in this Election Ordinance, as certified by the Election Board.
- E. Special Assignments. Any special assignments of a Tribal Council member whose seat is vacated shall be immediately reassigned by the Tribal Council.
- F. Nomination Meeting. The affected Band shall conduct a meeting as soon as practicable after the vacancy for the purpose of nominating candidates to fill the vacancy. The results of the nomination meeting shall be reported within twenty-four (24) hours thereof to the Election Board Chairperson, who shall be responsible for assembling the names of all candidates. Candidates to represent a particular Band must be a member of said Band. A candidate may be nominated only by an Eligible Voter of his or her own Band.
- G. Certification of Qualifications. Each individual nominated by the Band to fill a vacancy on the Tribal Council must complete an Authorization for Background Check form to be submitted to the Election Board Chairperson within seven (7) days of the nomination meeting. The Election Board shall complete a background check as soon as practicable after receiving the signed Authorization for Background Check form. No person shall be eligible to serve on the Tribal Council unless he or she is certified by the Election Board as meeting the minimum qualifications for office after completion of a background check.
- H. Preparing the Ballots for the Special Election. Because the Constitution requires that vacancies be filled within thirty (30) days, the Election Board shall prepare the ballots immediately upon receiving the names of candidates who have been nominated by the Band. In the event that a candidate is subsequently found not to meet the minimum qualifications for office, as determined by the Election Board, the qualified candidate who receives the next highest number of votes shall be the Band Chairperson and Band representative on the Tribal Council.

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- I. No Write-In Candidates Permitted in a Special Election. Write-in candidates shall not be permitted in a Special Election.
- J. Appeal of Certification Decision. Any person who is certified as ineligible to seek elective office by the Election Board in the Special Election may petition the Tribal Council in writing to certify the person as a candidate. Said petition must be submitted within three (3) days of the Election Board's decision that the individual is ineligible to seek office. The petition shall state the grounds therefore. The Tribal Council shall render a final decision within five (5) days after receipt of the petition, unless a primary election is to be held, in which case the Tribal Council shall render a decision prior to the primary election.
- K. Primary Elections. 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. The two (2) candidates receiving the highest number of votes shall be the final candidates from that Band to fill the vacancy in the Special Election. Said primary election shall be held at least five (5) days prior to the Special Election.
- L. Tribal Council/Band Chairperson. The candidate who receives the highest number of votes from the Eligible Voters of his or her Band in the Special Election shall fill the vacancy, and shall serve as the Band Chairperson and the Band's representative to the Tribal Council. The candidate elected to fill the vacancy shall serve for the remainder of the unexpired term.
- M. Procedure in the Event of a Tie. In the event of a tie, as certified by the Election Board after all Cast Ballots have been counted and confirmed by a recount, the winner shall be determined by the flip of a coin under the supervision of the Election Board.
- N. Procedures for Filling Tribal Chairperson Vacancy. In the event of a vacancy in the office of Tribal Chairperson as a result of Recall, Removal or Automatic Forfeiture, the following procedures shall apply:
1. Within thirty (30) days of the vacancy, a Special Election shall be held of the Registered Voters of the Tribe to elect a Chairperson from among the five (5) Tribal Council members.
 2. The Tribal Council Vice-Chairperson shall serve as the temporary Chairperson pending the election of the new Chairperson. While the Vice-Chairperson is temporarily serving as Chairperson to fill a vacancy, the position of Vice-Chairperson shall not be considered vacant.
 3. The Tribal Council member who served as the Vice-Chairperson at the time of the Chairperson's vacancy shall remain the Vice-Chairperson unless he or she is elected as the new Chairperson. In the event the Vice-Chairperson is elected as Chairperson, the Tribal Council member who receives the next highest number of votes in the Special Election to fill the Chairperson vacancy shall become the Vice-Chairperson.

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4. The Tribal Council member elected as Tribal Chairperson shall vacate his or her position as the Chairperson of the Band and shall serve only as the Tribal Chairperson. The Vice-Chairperson of the affected Band shall then serve as Band Chairperson and shall become the Band's representative to the Tribal Council and exercise all powers attendant thereto, provided that he or she meets the minimum qualifications for office established by the Constitution and this Election Ordinance.
- O. Procedure for Filling Tribal Vice-Chairperson Vacancy. In the event of a vacancy in the office of Tribal Vice-Chairperson as a result of Recall, Removal or Automatic Forfeiture, the following procedures shall apply:
1. The Tribal Council member who received the next highest number of votes in the preceding election for Tribal Chairperson shall succeed as Tribal Vice-Chairperson.
 2. A Special Election of the Registered Voters of the Band represented by the Vice-Chairperson whose seat became vacant shall be held within thirty (30) days, pursuant to the procedures set forth in this Section 12.

SECTION 14. RECALL ELECTIONS

- A. Recall from Office by Petition of Membership. Recall elections shall be governed by the specific provisions of Article XII, Section 1, of the Constitution.
- B. Requirements for a Valid Recall Petition. Recall petitions must be signed by the requisite number of Eligible Voters. All pages of the Recall petition shall be uniform in size and style. Each signature shall be executed in ink and shall be followed by the street or post office address of the person signing.
- C. Affidavit of Circulator of Recall Petition. Each page of a Recall petition shall have attached to it when filed with the Tribal Council, an affidavit executed by the circulator thereof, stating that he or she personally circulated the petition, the number of signatures thereon, that signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the detailed statement of the charges and accusations.
- D. Tribal Council's Review of Sufficiency of Recall Petition. Within ten (10) days of the filing of a Recall petition, the Tribal Council shall cause a review of the sufficiency of the petition to occur.

If the petition is deficient, the petitioner shall be informed of the particular deficiencies in writing and shall have ten (10) days in which to cure any such deficiencies. If the Recall petition is deficient, and the deficiencies are not timely cured, the petition shall be deemed insufficient to cause the holding of a Recall election.

If the Recall petition is deemed sufficient, the Tribal Council shall set the date for a Recall election as provided in the Constitution.

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SECTION 15. REMOVAL FROM OFFICE BY TRIBAL COUNCIL RESOLUTION

- A. Removal from Office By Tribal Council Resolution. The Tribal Council may by a majority vote of its members remove any Tribal Council member, including the Chairperson and Vice-Chairperson, for neglect of duty or willful misconduct. Actions to remove a Tribal Council member from the office by the Tribal Council shall be governed by Article XII, Section 2, of the Constitution and ordinances developed pursuant thereto.
- B. Election to Fill Vacancy Created By Removal. Once a Tribal Council member is removed, this Election Ordinance shall govern the procedure for the filling of the vacancy by election.

SECTION 16. INITIATIVE ELECTIONS

- A. Initiative Petitions. Upon the written request of any Eligible Voter, the Tribal Council shall cause to issue an Initiative petition.
- B. Requirements for Initiative Petition. Initiative petitions shall not be valid unless signed by at least twenty percent (20%) of the Eligible Voters of the Tribe. All pages of a petition shall be uniform in size and style. Each signature shall be executed in ink and shall be followed by the street addresses of the person signing. Petitions shall contain or have attached thereto throughout their circulation, the full text of the ordinance proposed or sought to be reconsidered.
- C. Affidavit of Circulator of Initiative Petition. Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the petition, the number of signatures thereon, that signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be repealed or amended.
- D. Tribal Council's Review of Sufficiency of the Initiative Petition. Within ten (10) days of the filing of the Initiative petition, the Tribal Council shall cause a review of the sufficiency of the petition to occur. If the petition is insufficient, the petitioner shall be informed of the particular deficiencies in writing and shall have ten (10) days in which to cure any such deficiencies.
- E. Action by Tribal Council. When an Initiative petition has been determined sufficient the Tribal Council shall either:
1. Adopt the ordinance as submitted by the Initiative petition;
 2. Repeal or amend the ordinance, or part thereof, referred to by the Initiative petition;
or
 3. Submit the proposal provided for in the Initiative petition to the Eligible Voters of the Tribe.

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- F. Submission to Voters. The vote of the Eligible Voters on the proposed ordinance, repeal or amendment of an ordinance shall be held not less than thirty (30) and not later than sixty (60) days from the date the Initiative and a valid petition are filed with the Tribal Council.
- G. Withdrawal of Initiative Petition. An Initiative petition may be withdrawn by the petitioner up to twenty (20) days prior to the scheduled election.
- H. Vote on Initiative. The vote of a majority of those actually voting shall be conclusive and binding upon the Tribal Council; provided that at least thirty-five percent (35%) of the Eligible Voters of the Tribe cast ballots in the Initiative election.

SECTION 17. REFERENDUM ELECTIONS

- A. Action by Tribal Council. The Tribal Council shall upon the vote of three (3) Tribal Council members in favor, submit any proposed or previously enacted ordinance to a vote of the Eligible Voters of the Tribe, except as prescribed by the Constitution.
- B. Proposed or Existing Ordinance to Be Voted Upon. The proposed or existing ordinance referred by the Tribal Council to the Eligible Voters shall be posted on the tribal website and at such other locations deemed appropriate by the Election Board at least twenty (20) days prior to said election. The effect of any existing ordinance referred to the voters shall be suspended pending the vote at the Referendum election.
- C. Submission to Voters. The Referendum election shall be held not less than (30) days and not later than sixty (60) days from the date the proposed or existing ordinance is referred to the voters by the vote of the Tribal Council as provided in this subsection. The vote of a majority of those Eligible Voters actually voting shall be conclusive and binding on the Tribal Council; provided, that at least thirty-five percent (35%) of the Eligible Voters of the Tribe cast ballots in the Referendum election.

SECTION 18. ELECTION TO AMEND CONSTITUTION

The Constitution may be amended by a majority vote of the Eligible Voters of the Tribe, voting at an election called for that purpose by the Secretary of the Interior. The election shall be conducted in accordance with rules and regulations set forth by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment to the Constitution at the request of four (4) members of the Tribal Council, or upon the presentation to the Secretary of the Interior of a valid petition signed by at least thirty-three percent (33%) of the Eligible Voters of the Tribe.

In the event that the Tribe amends its Constitution to remove the Secretarial approval requirement for future constitutional amendments, the Constitution, and not this Section 17, shall govern.

SECTION 19. ELECTION DISPUTES

- A. Disputes Regarding Certification of Eligibility for Office. Any person who is certified as ineligible to seek elective office by the Election Board may petition the Tribal Council in

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writing to certify the person as a candidate, under the procedure outlined in Section 10.D. or Section 12.J. of this Election Ordinance.

- B. Request for Recount. Upon receipt of a timely request from any Registered Voter of the Tribe, or any candidate for elective office, the Election Board shall conduct a recount of the tribal election results. Any request for a recount shall be delivered to the Election Board Chairperson no later than forty-eight (48) hours after the results of the election have been certified. The Election Board shall conduct and complete the recount within forty-eight (48) hours of receipt of the recount request. Upon completion of the recount, the Election Board Chairperson shall prepare a certification of the results of the recount.
- C. All Other Election Procedure Disputes. The Election Board shall decide all other disputes arising during and concerning the election process.
1. Disputes regarding the election process must be filed within thirty (30) days of the disputed election.
 2. In deciding any election disputes, the Election Board shall gather all relevant facts and documents as are necessary to resolve the dispute. The Election Board may conduct a hearing. Any decision of the Election Board shall be based on the evidence gathered during the Election Board's investigation.
 3. The Election Board's decision shall be in writing and shall be by a majority vote of the Election Board. The Election Board shall render its decision as expeditiously as possible, but in no event later than five (5) days after the election.
 4. The Election Board's decision shall be final.

SECTION 20. SOVEREIGN IMMUNITY PRESERVED

Nothing in this Election Ordinance shall be, or shall be deemed to be, a waiver of the Tribe's, or any of the Band's, inherent sovereign immunity from suit absent a valid waiver of the Tribe's, or any of the Band's, immunity from suit in accordance with the law of the Tribe. The individual Bands have the same immunity from suit as the Tribe.

SECTION 21. LIBERAL CONSTRUCTION

Provisions of this Election Ordinance shall be liberally construed to achieve the purposes set forth, whether clearly stated or apparent from the context of the language used herein.

SECTION 22. SEVERABILITY

If any provision or provisions of this Election Ordinance is/are held invalid by a court of competent jurisdiction, this Election Ordinance shall continue in effect as if the invalid provision(s) was/were not a part hereof.

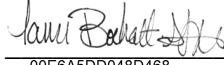
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SECTION 23. EFFECTIVE DATE

This Election Ordinance shall be effective following approval by the Paiute Indian Tribe of Utah Tribal Council, and after it has been posted for five (5) days at the Tribal Headquarters, each community building and on the tribal website.

ENACTMENT

BE IT ORDAINED BY THE TRIBAL COUNCIL OF THE PAIUTE INDIAN TRIBE OF UTAH: That this Election Ordinance of the Paiute Indian Tribe of Utah was fully considered by the Tribal Council at a duly called meeting, at which a quorum was present and that the same was passed by a vote of 5 in favor, 0 opposed, 0 abstained, 0 vacant and 0 absent this 20th day of January, 2021.

DocuSigned by:

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Tamra Borchardt-Slayton, Tribal Chairperson

ATTEST: Carol Garcia
DocuSigned by:

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Carol Garcia