

# ELECTION ORDINANCE

Siletz Tribal Code § 2.400

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**Ordinance Number 2.400.** Amended by Resolution No. 82-135 dated Apr. 20, 1982; Resolution No. 84-79 dated Jan. 15, 1984; Resolution No. 85-39 dated Nov. 17, 1984; Resolution No. 85-229 dated June 15, 1985; Resolution No. 85-381 dated Sept. 24, 1985; Resolution No. 90-18 dated Oct. 21, 1989; Resolution No. 91-179 dated May 18, 1991; Resolution No. 94-218 dated Sept. 17, 1994; Resolution No. 95-260 dated Aug. 19, 1995; Resolution No. 95-261 dated Aug. 19, 1995; Resolution No. 96-235 dated Aug. 17, 1996. Resolution No. 98-366 dated Oct. 18, 1998. Resolution 99-040 dated February 27, 1999; Resolution 01-365 dated November 16, 2001; Resolution No. 2002-357 dated October 18, 2002; Resolution No. 2003-327, dated July 25, 2003; Resolution No. 2004-269, dated June 18, 2004; Resolution No. 2004-479, dated December 9, 2004; Resolution No. 2004-506, dated December 17, 2004; Resolution No. 2005-361, dated September 16, 2005; Resolution No. 2007-35 1, dated September 22, 2007; Resolution No. 2008-387, dated September 29, 2008; Resolution No. 2008-447, dated November 21, 2008; Resolution No. 2011-231, dated July 22, 2011, Resolution No. 2013-148, dated May 24, 2013; Resolution No. 2024-132, dated April 19, 2024.

Original Date: July 13, 1979

Subject: Election

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### PART I GENERAL PROVISIONS

#### § 2.400 PURPOSE AND AUTHORITY

The purpose of this Ordinance is to provide for elections as required by Article VI, Section 4 of the Siletz Constitution, passed June 2, 1979, approved by the Secretary of the Interior, June 13, 1979 (hereinafter referred to as Siletz Constitution).

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## § 2.401 ELECTION BOARD

(a) Qualifications; Selection and Removal; Term of Office. The Election Board shall be appointed by resolution of the Tribal Council and shall consist of three regular and two alternate members. The Election Board shall elect a Chairman from among its members. The Election Board is a volunteer committee, composed of volunteer tribal members and Tribal member employees. Tribal member employees may be appointed as Election Board members by Tribal Council in the absence of sufficient qualified tribal member volunteers interested in serving. The Election Board shall not be subject to the Standing Committee Ordinance, STC §2.500 et seq. Election Board members shall each serve three-year terms from the date of appointment which shall be staggered to ensure Board continuity, except as otherwise determined by Resolution of the Tribal Council. Election Board members may only be removed for cause by the Tribal Council. No person shall be appointed who is currently holding elective office, who has an immediate family member or resident of the household who holds elective office, or who plans to be a candidate or who has an immediate family member or resident of the household who plans to be candidate in any election during his or her term of service. As used in this Ordinance, the term “immediate family member” means father, mother, son, daughter, husband, wife, brother, sister, any other person in a similar relationship, and any person living in the person’s household.

(b) Election Board Compensation. Members of the Election Board shall be paid an hourly rate set by the Tribal Council in its annual budget for their time spent performing the duties and responsibilities as a member of the Election Board and shall be reimbursed for any expenses incurred in connection with their official duties based on the following criteria:

- (1) Volunteer tribal members will be paid the hourly rate established by the Tribal Council as provided above;
- (2) Tribal employees appointed by the Tribal Council to the Election Board shall receive their current salary while performing Election Board duties if their hourly rate of pay is higher than the hourly rate established for the Election Board;
- (3) Tribal member employees appointed by the Tribal Council to the Election Board whose hourly rate is lower than the hourly rate established for the Election Board shall be paid the hourly rate established for the Election Board while performing the duties and responsibilities of the Election Board.

(c) Election Board Oath and Ethical Standards for Members of Election Board. Upon accepting the appointment, each member shall sign an oath which shall become part of the election records stating that he or she will serve according to the best of his or her ability and shall make every effort to prevent fraud or abuse of the election process. Election Board members shall be subject to the ethics policies of the Tribe. If a member of the immediate family or resident of the

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household of an Election Board member files as a candidate, that Board member shall be disqualified from serving and an alternate appointed in his or her place. In the event of a vacancy on the Election Board, the Tribal Council shall appoint a qualified replacement for the remainder of the term of service. Tribal Enrollment Staff who perform certain duties under this Ordinance shall be subject to the same conflict of interest and ethics policies as members of the Election Board. In the event that the Enrollment Officer or other Enrollment staff is a candidate for election to tribal office, or an immediate family member or resident of the household is or intends to be a candidate for tribal office, or during the period an Enrollment employee serves in the office of Tribal Council, the affected Enrollment staff member shall immediately remove him or herself from any involvement in the election process, including verification of signature cards. Failure to perform the duties of the Board as set forth in this Ordinance or any other misconduct shall be grounds for immediate dismissal from the Board by the Tribal Council. [Amended by Resolution No. 95-261, dated August 19, 1995; Resolution 2008- 387, Sept. 29, 2008, Resolution 2008-447, Nov. 21, 2008].

(d) Duties of the Election Board. The Election Board shall be responsible for supervising, regulating, and conducting tribal elections, as set forth in the Siletz Constitution and this Ordinance. Such duties shall include, but not be limited to, developing and certifying the voters' list of adult tribal members eligible to vote; publishing the date of the election; preparing rules and procedures related to candidates and the conduct of tribal elections, subject to approval of the Tribal Council; preparing, distributing, and processing ballots; counting or supervising the counting of the votes cast, in public; supervising in-person voting; ruling on challenges to ballots or to the conduct of an election; processing and certifying signature cards; processing and verifying petitions for initiative, referendum, or recall; regulating the conduct of Tribal Council candidates and voters to the extent necessary to preserve the integrity and fairness of tribal elections; and any other matter related to the conduct of tribal elections. The Election Board shall meet as often as is necessary to carry out its duties under this Ordinance and under the Siletz Constitution. The Election Board shall keep minutes of its meetings. The Election Board may contract with a company or governmental agency with expertise in conducting elections, to conduct technical aspects of any tribal election, including but not limited to the use of election aids such as machine or electronic voting. [Amended by Resolution No. 2008-387, Sept. 29, 2008; Resolution No. 2011-231, July 22, 2011].

(e) Rules. From time to time as it deems necessary, the Election Board may propose rules as are appropriate to conduct tribal elections and regulate the election process to the Tribal Council. The Tribal Council will review rules proposed by the Election Board and adopt those rules as it deems appropriate for the conduct and regulation of tribal elections. Such rules shall be published and available to tribal members upon request. These rules may include, but do not require, rules involving conduct of candidates' fairs, including providing a candidates fair before the deadline for all candidates to announce for tribal office, for those candidates who have declared and whose candidacy has been certified; rules regarding candidates' statements; rules regarding candidates' code of ethics; rules regarding the provision of lists or mailing labels of

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eligible tribal voters; and rules for conduct of the Election Board's business. [Amended by Resolution No. 2008-387, Sept. 29, 2008].

§ 2.402 [Reserved] [Amended by Resolution No. 2013-148, May 24, 2013].

## § 2.403 QUALIFICATION OF VOTERS

(a) Who May Vote. Any duly enrolled member of the Confederated Tribes of Siletz Indians of Oregon who will be 18 years of age or older on the date of any scheduled election shall have the right to vote in that election. "Duly Enrolled Member" shall mean that the person's name appears on the official tribal roll or the person's enrollment application has received final approval of the Tribal Council.

(b) Registration. Registration shall be required to vote in a tribal election. The Election Board shall mail registration forms to all eligible tribal voters not currently registered on an annual basis and take such other actions as appropriate and necessary to encourage the broadest possible participation in tribal mail in voting. Registration to vote shall be permitted on the day of the election at the Siletz Tribal Community Center, and is accomplished by execution of a valid Signature Card. As an alternative to verification of signature, a tribal member may have his or her signature card notarized, in which event, the signature card shall be automatically verified as required by STC §2.404(f) or a tribal member may provide a copy of his or her tribal enrollment card or other government issued identification showing a current signature to verify that signature. If the signature card is provided without being notarized and without any identification, the Election Board shall forward it to the Tribal Enrollment Staff to verify the signature. Tribal Enrollment staff and the Election Board shall take every opportunity to encourage tribal members to update their signature cards to reflect any changes that may have occurred. All tribal members with name changes approved through Tribal Enrollment must provide a new signature card before being eligible to vote by mail. Old signature cards shall be shredded or disposed of by the Election Board upon receipt and verification of a new signature card. [Amended by Resolution No. 2008-387, Sept. 29, 2008; Resolution No. 2011-231, July 22, 2011].

## § 2.404 CONDUCT OF THE ELECTION

(a) General Requirements for Conduct of Election Activities. Whenever election activities described in this Ordinance are being conducted by the Election Board, at least two members of the Election Board shall be present. [Amended by Resolution No. 2008-387, Sept. 29, 2008].

(b) Notice. The date of the election and the rules related to candidates shall be published in the tribal newsletter, tribal website, posted in Tribal Offices and announced at a General Council meeting by the Election Board sufficiently in advance of the election to notify all interested tribal members so that candidates can meet the time deadlines of this Ordinance and

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Election rules. The Election Board shall also publicize the date of the election and the rules related to candidates to the greatest extent possible and appropriate. [Amended by Resolution No. 2008- 387, Sept. 29, 2008; Resolution No. 2011-231, July 22, 2011].

(c) Poll Book; Voters List. By December 15th of each year, the Tribal Enrollment staff will provide the Election Board with Poll Book data listing all qualified tribal voters in alphabetical order or as nearly so as possible, as of December 1st of that year, provided that the Poll Book data shall also contain those enrolled tribal members under the age of eighteen (18) who will become eighteen on or before the date of the next tribal election. The Poll Book data will contain the name, enrollment number, and current address (if available) of each qualified voter and will indicate whether that tribal member is currently registered to vote. The data will be maintained by the Election Board and shall include a place where the Election Board can indicate when a mail-in ballot was sent to that voter, when a mail-in ballot was received from that voter, and a place for the Election Board to note that the signature of a mail-in voter has been verified before accepting the mail-in ballot and depositing the accepted ballot in the ballot box. On the election date, a physical Poll Book will be printed and will include a place where the tribal member can sign the Poll Book if voting in person, and a place for an Election Board member to verify the voter's signature. The Election Board may make changes to the Poll Book to update information contained therein. The Poll Book may be kept and/or maintained in electronic format. The Poll Book will be kept for six (6) months following the date of an election, *provided*, that an electronic copy of the Poll Book or electronic Poll Book database, with tribal member signatures omitted, shall be preserved as a tribal historical record and made available to tribal members as resources permit. Poll Books shall be open to inspection at any time by any adult tribal member following certification of the election, upon reasonable notice to the Election Board, but may not be copied. [Amended by Resolution No. 2008-387, Sept. 29, 2008; Resolution No. 2008-447, Nov. 21, 2008; Resolution No. 2011-231, July 22, 2011].

(d) Deferred Enrollment of Tribal Members. To ensure the accuracy of the voter lists and Poll Book data in the annual Tribal Council Election, the Tribal Council shall not take any action to enroll, disenroll, change the name, or to remove the name of any person on the Tribal Roll from December 1st of each year until the day following the annual tribal election. Enrolled tribal members who have not registered to vote before December 1st may still register as set out in this Ordinance.

(e) Ballots. The Election Board shall prepare all ballots. Ballot measures shall appear as required by Part III (Initiative, Referendum and Recall) of this Ordinance. The names of the certified candidates shall be in an alphabetical order. The ballot shall contain instructions that will be approved by Tribal Council and attached to this Ordinance as an Exhibit, as amended from time to time. The official ballots shall be printed on white paper with black ink. Sample ballots may be printed on colored paper and shall be clearly labeled "sample ballot" and shall not be counted if placed in the ballot box. For in person voting, each voter will be given an official ballot to fill out at the polling place. Those registered voters who are sent or who request a mail-in ballot will be sent

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a ballot which meets the requirements of STC § 2.404 of this Ordinance, an instruction sheet, an inner envelope, and a stamped return outer envelope with a signature line for the tribal voter and the return address printed on it. These materials will be sent in a separate envelope. [Amended by Resolution No. 2008-387, Sept. 29, 2008; Resolution No. 2008-447, Nov. 21, 2008; Resolution No. 2011-231, July 22, 2011].

(f) Signature Cards. Tribal members must file a signature card with the Election Board in order to register to vote in tribal elections. A tribal member may have his or her signature card notarized, or provide current identification to verify that signature, in which case such signature card shall be considered verified pursuant to this subsection. The person shall also certify on the signature card that they are eligible to vote in tribal elections. Signature cards shall be in a form prescribed and prepared by the Election Board, subject to Tribal Council approval. Signature cards may be requested orally or in writing from the Enrollment Staff or Election Board. Signature cards will be mailed to all tribal members when they reach the age of 18 or who will reach the age of 18 before the next election, and sufficiently in advance of such election so the member can return the signature card and timely receive an absentee ballot. Signature cards will also be mailed to any person over the age of 18 at the time that person formally becomes enrolled in the Siletz Tribe. Signature cards shall be mailed to persons who have applied to the Siletz Tribal Court for a name change, or whose name change has been recommended for approval by Enrollment Staff and approved by the Tribal Council. Signatures from valid signature cards will be scanned in by the Election Board in electronic format for use by the Board during the election process. [Amended by Resolution No. 2008-447, Nov. 21, 2008; Resolution No. 2011-231, July 22, 2011].

Upon receipt of a signature card, the Election Board shall verify the signature and content of the card. If a signature card has been notarized, it shall be considered verified. If a copy of a tribal enrollment or government issued identification is provided with the signature card, it shall be considered verified. A non-notarized signature or a signature card received without supporting government identification may be verified by any means designed to assure authenticity, including comparison of the signature on the signature card with the tribal member's signature on his or her enrollment application. Signature cards shall be verified within three (3) business days of receipt by the Election Board. Upon verification the Election Board shall certify the signature card as valid. For tribal members who have reached the age of eighteen (18) since the date of the last tribal election, the Election Board may accept a copy of another identification document such as a driver's license to verify the member's signature. For a tribal member who because of infirmity or other reason is not able or no longer able to sign the signature card or whose signature has changed substantially from his or her signature card, the signature and certification of a notary that the person signing the card is the person whose signature is attested to shall be sufficient verification for purposes of this Section, provided that the Election Board shall retain authority to investigate and review the signature of any person under this Ordinance. [Amended by Resolution No. 2011-231, July 22, 2011].

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Tribal members who have a signature card on file will automatically be mailed an election ballot for tribal elections provided they have a valid current address on file with the Enrollment Office. While the Election Board will attempt to update tribal member addresses by reasonable means, it shall remain the responsibility of each tribal member to inform Tribal Enrollment staff about his/her current address. The Election Board shall maintain certified signature cards in a permanent file.

Signature cards must contain the name that appears on the Tribal Roll of the member submitting the card and are valid only for the person using that name. A signature card is valid where the first and last name on the signature card matches the first and last name on the Tribal Roll. The use of a middle initial or middle name on a signature card is optional. Upon any legal change of name (for example, marriage, divorce, legal name change), the change must be submitted to the Enrollment Office and be approved by Tribal Council, at which time a new signature card must be submitted to the Election Board. It shall be the responsibility of the Tribal member to ensure that he/she has a valid signature card on file. [Amended by Resolution No. 2008-387, Sept. 29, 2008].

(g) Voting Procedure. The vote will be conducted by mail-in vote only, except that in-person voting shall take place on the day of the election at the Siletz Tribal Community Center in Siletz. Polling shall not take place in person at the Area Offices. The Siletz Tribal Community Center is the only location where tribal members will be able to vote in person. As used in this Ordinance, the term “mail-in” includes delivery of a ballot through the United States Postal Service, an express delivery service including but not limited to Federal Express or United Parcel Service, or hand delivery of ballots to the Election Board Office prior to the close of the polling place on election day. [Amended by Resolution No. 2008-447, Nov. 21, 2008].

(1) Mail-In Voting.

(A) Distribution of mail-in ballots. Mail -in ballots will be mailed to tribal members approximately thirty (30) days before the scheduled date of the tribal election. Each person who has a certified signature card on file and a valid current address at the time of the mailing will be mailed a mail-in ballot. Those persons who register to vote after the date of the mailing will be mailed a mail-in ballot upon valid completion and certification of a signature card, *provided*, that no mail-in ballots will be mailed within one week of the scheduled election date. Voters who register to vote within one week of the scheduled election date or who request a new ballot or submit an invalid ballot within such time period will be advised by all reasonable means that they must vote in person if they desire to vote in the tribal election. The date or dates of mailing a mail-in ballot shall be logged in the Poll Book data.



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(B) Voting Procedure. When voting, the voter shall mark the ballot and place it in the inner envelope and seal it. The inner envelope shall then be placed in the outer envelope and sealed. The outer envelope shall then be signed by the voter. The outer envelope shall then be returned by mail or hand delivered to the Election Board in the return envelope. The Election Board shall establish a separate Post Office Box for mail-in ballots and shall publicize this address to tribal voters and shall include this Post Office Box on the return envelope. [Amended by Resolution No. 2008-447, Nov. 21, 2008]

(C) Action Upon Receipt of Mail-In Ballot. Upon receiving a mail-in ballot, the Election Board shall log the ballot envelope, as follows: The Election Board shall compare the signature on the outer envelope with the signature provided on the voter's signature card. If the signatures match, the outer envelope shall then be deposited in the locked ballot box. The Election Board will enter in the Poll Book data the date the ballot was received. No mail-in ballots received after the close of voting on election day shall be counted. Mail-in ballots delivered by hand on the day of the election will be deposited in a secure location and processed and counted at the close of in-person voting, so as to not interfere with in-person voting. If the ballot is rejected because the signatures do not match or for some other reason, the Election Board will attempt to contact the voter to submit a new ballot or signature card and may mail the voter a new mail-in voter package or signature card, subject to the time limit set out in STC §2.404(g)(1)(A) above. If a ballot is rejected because of an improper signature and the voter does not send in a new mail-in ballot with a valid signature or does not send in a new signature card along with appropriate documentation to verify the authenticity of the signature, the outer envelope of the mail-in ballot shall not be opened and the entire rejected ballot shall be deposited in a separate secure box as a rejected ballot. [Amended by Resolution No. 2008-447, Nov. 21, 2008; Resolution No. 2011-231, July 22, 2011]

(2) In-Person Voting.

(A) Exclusion of Public. No person other than Election Board members acting in their official capacity shall remain or loiter in the voting area when in-person voting is taking place, or when mail-in ballots are being processed. The Election Board shall have authority to order the removal of any person from the premises who violates this provision. [Amended by Resolution No. 2007-351, dated September 22, 2007; Resolution No. 2008-447, Nov. 21, 2008].

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(B) Voting Procedure. One Election Board member shall control the Poll Book while another Election Board member shall hand out ballots and supervise the ballot box. The in-person voter shall first sign his or her name in the Poll Book, and the Election Board member shall compare the signature with that on the voter's signature card. If the voter is unable to sign his or her name, the Election Board member, after verifying the identity of the person, shall write "unable to sign" by the voter's name. The voter shall then mark the ballot in a private area designated by the Election Board. The voter may receive assistance from the Election Board in voting if he or she requests. The voter shall deposit the ballot in the locked ballot box. If a voter accidentally makes a mistake on or destroys or defaces his or her ballot, a new ballot may be issued to the voter, with the correction noted in the Poll Book. The spoiled ballot shall be segregated by the Election Board in a secure location and shall be destroyed along with the other ballots at the conclusion of the election process. [Amended by Resolution No. 2008-387, Sept. 29, 2008; Resolution No. 2008-447, Nov. 21, 2008; Resolution No. 2011-231, July 22, 2011]

(h) Returns. Immediately after the polls are closed, the Election Board shall process those mail-in ballots that have been delivered on the day of the election. The Election Board shall then secure the ballot box in a place where tampering cannot take place. No ballots, either mail-in or in-person, shall be removed from the ballot box until the official vote count by machine, electronic tabulation, or otherwise takes place. Immediately after the polls are closed in Siletz on the first Saturday in February, after mail-in ballots hand delivered on the day of the election have been processed, and after the procedures related to rejected ballots as set forth in subsection (i) have been completed, the Election Board shall oversee the count of the votes cast, by machine count, electronic tabulation, or otherwise, in public. Any candidate may request a re-count of the votes immediately after the vote count has been completed, which recount shall be conducted before certification of the election results upon the determination of the Election Board that a re-count is appropriate or necessary. Any further re-counts shall only take place at the direction of the Tribal Court. The Election Board shall review and certify the results of the election, deliver the results to the Chairman of the Tribal Council, and post the results in a public place. Winning candidates shall take office in accordance with STC §2.408 of this Ordinance. Ballot measures shall take effect in accordance with STC §2.418 and STC §2.419 of this Ordinance. [Amended by Resolution No. 2008-387, Sept. 29, 2008].

(i) Rejected Ballots. At the closing of the polls in Siletz, and before the counting of votes cast, the Election Board shall open the rejection box and disclose to the tribal membership present the ballots that have been rejected. The decision of the Election Board shall be final, subject to review by the Tribal Court. Rejected ballots shall be destroyed, unopened, after the election has been certified and the time for appeal of the election has run. [Amended by

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Resolution No. 2008-387, Sept. 29, 2008].

(j) Destruction of Ballots. All ballots cast in an election will be destroyed after the election has been certified and all appeals, if any, have been completed.

(k) Certification of the Election; Tie Vote. The Election Board shall certify the results of the election. In the event of a tie vote, the winner will be determined by flipping a coin under the supervision of the Election Board. When the votes in all valid ballots have been counted and the Election Board verifies that the vote count is accurate, and any recount has been completed, the Election Board shall deliver its certification of the election to the Tribal Chairman. [Amended by Resolution No. 2008-387, Sept. 29, 2008].

(l) Regulation of Candidate and Voter Conduct. The Election Board is authorized to take all action necessary and appropriate to ensure the integrity and fairness of any tribal election. The following actions are prohibited:

(1) Candidates. No candidate shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any tribal member from voting or attempting to vote, or to vote for a particular candidate. No candidate shall prevent or attempt to prevent any tribal member from voting who is entitled to vote, or to interfere with or obstruct the counting or tabulation of ballots. No candidate shall make or offer an expenditure or anything of value including gifts to any tribal member to vote, to withhold his or her vote, or to vote for or against any candidate. No candidate shall make any false, fictitious, or fraudulent statement in any materials disseminated or statements made regarding an election.

(2) Tribal Members. No tribal member shall make any false, fictitious, or fraudulent statements regarding his or her eligibility to register to vote or to vote in any tribal election. No tribal member shall attempt to vote more than once or in any other eligible voter's name in any tribal election. No tribal member shall offer anything of value including gifts or make an expenditure to encourage or persuade a tribal member from voting for or against a particular candidate. No tribal member shall coerce, intimidate, threaten, or attempt to coerce, intimidate, or threaten another tribal member from voting, refraining from voting, or voting for or against a specific candidate in an election. No tribal member shall attempt to prevent or prevent any other tribal member from voting in an election, or to interfere with or obstruct the counting or tabulation of ballots.

(3) Campaigning Rules. In addition to any other regulations adopted by the Election Board, the following rules apply to all tribal elections:

(A) Candidates for Tribal Council are prohibited from campaigning at

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Tribal administrative offices including Areas offices and the Community Health Clinic.

(B) On Election Day, campaigning will not be permitted within the sidewalk area from the roadway to the front doors of the Siletz Community Center on Government Hill and inside the room where the voting polls are located on Election Day.

§ 2.405 [Reserved]

### PART II TRIBAL COUNCIL

§ 2.406 CANDIDATES

(a) Qualifications. Any duly enrolled member who will be 18 years of age or older on the first Saturday in February and who has never been expelled in accordance with Article VII, Section 4, of the Siletz Constitution, is qualified to be a candidate.

(b) Filing. Candidates must file statements of their candidacy with the Election Board not less than forty-five (45) days before the annual election. The form must be filled out in full and signed and received by the Election Board (Siletz Tribal Office, Post Office Box 549, Siletz, Oregon 97380 or the official Post Office Box of the Election Board) no later than 4:00 p.m. on the day that it is due. Forms shall be published in the November and December newsletter, available on the tribal website and may be obtained by writing to the Election Board at the above addresses or by email or telephone. The Election Board shall make public the list of candidates not less than thirty (30) days before the election. [Amended by Resolution No. 2008-387, Sept. 29, 2008; Resolution No. 2011-231, July 22, 2011].

(c) Review by Election Board. The Election Board shall review the application and notify the applicant of any disqualification within three (3) days after the filing deadline to give the candidate opportunity to appeal in writing as to the reason for disqualification. The Election Board shall then review all applications and responses and determine which candidates meet the qualifications. The Election Board shall post a list of certified candidates in the Portland, Siletz, Salem, and Eugene tribal offices and on the tribal website not less than thirty (30) days before the election. [Amended by Resolution No. 2008-3 87, Sept. 29, 2008; Resolution No. 2011-231, July 22, 2011].

(d) Write-In Candidates Prohibited. Write in candidates are not allowed. Votes for persons who are not certified candidates shall not be counted. [Amended by Resolution No. 2008-387, Sept. 29, 2008].

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(e) Withdrawal of Candidate. Notice of withdrawal from candidacy shall be filed in writing with the Election Board. The Election Board shall make all possible timely efforts to notify tribal voters of a withdrawn or deceased candidate. [Amended by Resolution No. 2008-387, Sept. 29, 2008].

§ 2.407 [Reserved]

§ 2.408 OATH OF OFFICE

The Election Board Chairman or his or her designate shall administer the oath of office to each new Tribal Council member, who shall then begin his or her term of office within a reasonable period following certification of the election. No Tribal Council member shall assume office until he or she has taken the oath of office in accordance with this Section.

## PART III INITIATIVE AND REFERENDUM AND RECALL

§ 2.409 TYPES OF ACTION

(a) Initiative. Tribal voters may initiate legislation by filing an initiative petition with the Election Board, which complies with the requirements of this Ordinance. Upon the receipt and validation of a properly certified and completed petition, an election will be held on the proposed measure in accordance with the procedures set forth in this Ordinance.

(b) Referendum by Voters. Tribal voters may refer Tribal Council resolutions or Ordinances to a vote of the people by filing a referendum petition with the Election Board under the requirements of this Ordinance. Upon the receipt and validation of a properly certified and completed petition, an election will be held on the referred measure in accordance with the procedures set forth in this Ordinance. [Amended by Resolution No. 2008-387, Sept. 29, 2008].

(c) Referendum by Tribal Council. The Tribal Council may, by two-thirds vote of all its members, refer a measure to the voters. The motion shall be made at the time of adoption of the measure, and the measure shall not go into effect until it is adopted through an election held in accordance with the procedures set forth in this Ordinance.

(d) Recall. Tribal voters may initiate the recall of a Tribal Council member by filing a recall petition with the Election Board which complies with the requirements of this Ordinance. Upon receipt and validation of a properly certified and completed petition, an election will be held on the proposed recall in accordance with the procedures set forth in this Ordinance. Furthermore, a recall petition or election must meet the specific requirements set forth in this Ordinance.

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## § 2.410 PETITION REQUIREMENTS

(a) Sponsor. Each petition must have at least one sponsor with whom all correspondence and communication with the Election Board shall take place. The sponsor(s) must be a tribal member eligible to vote and his or her name must appear on each petition signature page along with mailing address and phone number.

(b) Purpose and Measure. Each petition signature page other than a recall petition, must contain the statement that "THE PURPOSE OF THIS PETITION IS TO HAVE A GENERAL COUNCIL ELECTION ON THE FOLLOWING MEASURE." In the case of a referendum, the number and date of adoption of the measure to be referred, and a summary of it, or if a proposed measure, the title of the measure and a summary of it, must appear at the top of each page. In the case of a recall petition, each signature page must contain the following statement "RECALL PETITION FOR \_\_, TRIBAL COUNCIL MEMBER", or an equivalent statement. In addition, each signature page on every petition must show the date of certification of the petition by the Election Board. Each petition signature page must have attached to it a complete copy of the proposed measure or measures to be referred. A recall petition may include a statement on each page of the reasons why recall of the Tribal Council member is being sought.

(c) Forms. The Election Board may issue a suggested form of petition for use by tribal members, but any petition which meets the requirements of this Section shall be sufficient for filing with the Election Board. Example 1, attached to this Ordinance, is an example of a General Petition. Example 2, attached to this Ordinance, is an example of a Recall Petition.

## § 2.411 FILING OF PETITION

Petitions first shall be filed by the sponsor with the Election Board by hand delivery or mail to the Siletz Tribal Office, Post Office Box 549, Siletz, Oregon 97380 or at another Post Office Box established by the Election Board for tribal elections. Upon the filing of a petition for an initiative, referendum or recall, the Election Board shall forward a copy of the petition to the Tribal Council for review. [Amended by Resolution No. 2008-3 87, Sept. 29, 2008].

## § 2.412 CERTIFICATION OF PETITION

The Election Board shall review all petitions for compliance with all the requirements set forth in this Ordinance. Certification or rejection by the Election Board shall occur within thirty (30) days after receipt of a petition. The sponsor of a petition may seek a writ of mandamus from the Tribal Court fourteen (14) days after receipt of the petition by the Election Board, to compel action on the petition. Once certified, the Election Board shall proceed in accordance with STC §2.413. If the petition is determined to be invalid, the Election Board shall render its decision in writing and post the same at the Tribal Office in Siletz and the three Area Offices. The sponsor of such petition shall have the right to appeal the determination of the Election Board to the Tribal

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Court. [Amended by Resolution No. 2008-387, Sept. 29, 2008].

### § 2.413 PRESENTATION OF MEASURE TO TRIBAL COUNCIL

Upon certification of the petition by the Election Board, the Election Board shall present the petition to the Tribal Council at its next regular or special meeting. The Tribal Council may, at its discretion, consider the measure contained in an initiative or referendum petition and may adopt it.

### § 2.414 CIRCULATION OF PETITION

Petitions may be circulated once a certified petition has been approved by the Election Board. Petitions may be circulated only by tribal members who are eligible to vote in tribal elections. Persons asked to sign a petition must be given sufficient opportunity to read the summary of the measure and the attached complete copy of the measure for initiative and referendum petitions, and must be advised that they must be an eligible tribal voter in order to sign a petition. [Amended by Resolution No. 2008-387, Sept. 29, 2008].

### § 2.415 VALIDATION OF PETITION

Sponsors of a petition may file completed petitions at any time within ninety (90) days of certification. Not later than fifteen (15) days after receipt of a petition by the Election Board, the Election Board must verify the number and genuineness of the signatures, that at least one third of all eligible voters have signed, and that the petition is filed within ninety (90) days of certification. If the requirements of this Ordinance are met, the Election Board shall so verify, and the petition shall be validated. The Election Board shall immediately report such decision to the Tribal Council.

(a) Signatures. The name of each signer must be printed, and the signature must be in ink. Signers must be eligible to vote in tribal elections as set forth in STC §2.403 of this Ordinance.

(b) Verification. On the back of each signature page shall be a statement, signed by the tribal member who circulated that page, stating that he or she is a tribal member eligible to vote, that for an initiative or referendum petition he or she circulated the signature page with a complete copy of the measure attached, and that the signatures on it are true and authentic to the best of his or her knowledge. The Election Board shall verify the genuineness of each signature on a petition, and that each person signing the petition is an enrolled tribal member. The Election Board may use appropriate tribal records for such verification, including but not limited to signature cards, voter registrations, and tribal enrollment records. The signature petition(s), once the verification process has been completed, shall be subject to in-person review by the person or persons named in the recall. [Amended by Resolution No. 2008-387, Sept. 29, 2008].

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(c) Withdrawal of Signature. A petition signature may not be withdrawn from a completed petition without a Tribal Court order finding that such petition signature was obtained by fraud or under duress.

(d) Statement of Tribal Council Member on Recall Petition. Upon receipt by the Election Board of a completed recall petition, the Election Board shall notify in writing the Tribal Council member named in such petition, and shall inform such member of his or her right to submit a written statement responding to the petition, not to exceed three hundred (300) words, by the deadline for validation of the petition as set forth in STC §2.416. If the recall petition is validated by the Election Board and the Tribal Council member has submitted a statement as set forth in this subsection, the statement shall be included with ballots sent to all mail-in or absentee voters, posted at all Area Offices, and shall be posted on the tribal website and on the day of the recall election at any polling place. [Amended by Resolution No. 2008-387, Sept. 29, 2008].

### **§ 2.416      DATE OF GENERAL COUNCIL ELECTION**

Upon validation of the petition for referendum or initiative, the measure shall be placed on the ballot for the next regularly scheduled General Council election, or a special election shall be conducted within sixty (60) days if the general election is not scheduled to be held within sixty (60) days. Any special election shall be held in the same manner as regular elections as provided for in Part I of this Ordinance and the matter on the ballot shall be limited to the measure contained in the petition (or petitions if more than one petition has been validated) and any measure or measures referred by the Tribal Council, provided that the Election Board may set a shorter time for in-person voting in a special election as it determines appropriate. A recall election shall be held no later than thirty (30) days after validation of the recall petition. If a recall petition is validated within six (6) months of the date of the next annual election, the Tribal Council may, by a two-thirds vote of the entire Tribal Council, place the recall matter on the ballot for that election. If more than one recall petition is validated at the same time or within one (1) week of each other, the recall election shall include all such validated petitions on one ballot. [Amended by Resolution No. 2008-387, Sept. 29, 2008].

### **§ 2.417      ADOPTION OF MEASURE**

A majority vote of those voters voting shall be required for the adoption of any measure by the General Council or the recall of any elected Tribal Council member. If the ballot contains conflicting measures, the ballot shall state that the voter may vote for as many measures as he or she chooses. If more than one measure receives a majority of the votes cast, the measure receiving the greatest number of votes shall be adopted and no further election shall be held without full compliance with the requirements of this Ordinance.



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### § 2.418 EFFECTIVE DATE OF MEASURE

Unless a measure or recall submitted to the General Council specifies a later date of effect, any measure or recall passed by the General Council election shall become effective upon certification of the election by the Election Board. [Amended by Resolution No. 2008-387, Sept. 29, 2008].

## PART IV EXPULSION

### § 2.419 EXPULSION

The Tribal Council may, by a two-thirds vote of its entire membership, expel a Tribal Council member for violations according to the tribal constitution. Expulsion shall take place in accordance with this Ordinance and following the procedure set forth in STC §2.207.

### § 2.420 NOTICE

Upon the motion to expel, duly made by a Tribal Council member, the Tribal Council may, by majority vote, adopt a resolution giving the Tribal Council member in question notice that he or she is the subject of a motion to expel, the reasons for the motion and setting a date for a special Tribal Council meeting to consider the matter.

### § 2.421 OPPORTUNITY TO BE HEARD

The Tribal Council member in question shall have the opportunity and right to be heard on his own behalf at a hearing held during a special Tribal Council meeting set in accordance with STC §2.421 and STC §2.207. There shall be full and complete discussion of all the aspects of the charges of neglect of duty or gross misconduct prior to Tribal Council action.

### § 2.422 DECISION AND EFFECTIVE DATE

Any Tribal Council decision to expel shall be by a vote of at least two-thirds of the total membership of the Tribal Council and shall be effective immediately.

## PART V APPEALS

### § 2.423 APPEALS

Any final decision of the Election Board or the Tribal Council under this Ordinance may be appealed to the Tribal Court, which shall consider such appeal on an expedited basis. Any appeal

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under this Ordinance must be filed with the Tribal Court within ten (10) days of the decision or of receipt of notice of the decision. The Tribal Court shall resolve all appeals under this section within thirty (30) days of the date any appeal is filed, unless good cause is shown for a longer appeal period. [Amended by Resolution No. 2008-387, Sept. 29, 2008].

### PART VI VIOLATIONS

#### § 2.424 VIOLATIONS

Any willful violation of this Ordinance by any person shall be a crime punishable by the Tribe by no more than six (6) months in prison and a fine of no more than \$5000.00, or both.