

Hualapai Tribe

Election Ordinance

* Includes all amendments through December 7, 2019.

TABLE OF CONTENTS
ELECTION ORDINANCE

ARTICLE I - ELECTIONS I
Section 1. Elections.
 (a). Types of Elections.
 (b). General Elections.
 (c). Special Elections.

ARTICLE II - ELECTION BOARD..... 2
Section 1. Appointment of Election Board.
Section 2. Duties of the Election Board Members.
Section 3. Compensation of the Election Board.

ARTICLE III - NOMINATIONS 3
Section 1. Nominations.
 (a). Self Nomination.
 (b). Nominations in a General Election without a Primary.
 (c). Nominations in a General Election with a Primary.
 (d). Nominations in a Special Election to Fill a Vacancy.
 (e). Official Filing Form.

ARTICLE IV - QUALIFICATIONS4
Section 1. Qualifications.

ARTICLE V - VOTING AGE6
Section 1. Voting Age.
Section 2. List of Eligible Voters.
 (a). General Election without a Primary.
 (b). General Election with a Primary.
 (c). Special Elections to Fill a Vacancy.
Section 3. Challenge to List of Eligible Voters.

ARTICLE VI - BALLOTS 7
Section 1. Ballots.

ARTICLE VII - ABSENTEE VOTING.....8
Section 1. Absentee Voting.

ARTICLE VIII. SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON.....8
Section I. Selection of Chairperson and Vice Chairperson.

ARTICLE IX - PRIMARY ELECTIONS8
Section 1. Primary Elections.

ARTICLE X – NOTICE OF ELECTION	9
Section 1. <u>Notice of Election.</u>	
(a). <u>Notice of a General Election without a Primary.</u>	
(b). <u>Notice of a General Election with a Primary.</u>	
(c). <u>Notice of a Special Election to Fill a Vacancy.</u>	
ARTICLE XI - ELECTION PROCEDURES.....	10
Section 1. <u>Polling Place.</u>	
Section 2. <u>Hours of Voting.</u>	
Section 3. <u>Fifty-foot Limit.</u>	
Section 4. <u>Method of Voting.</u>	
Section 5. <u>Counting the Ballots.</u>	
Section 6. <u>Spoiled Ballots.</u>	
Section 7. <u>Unused Ballots.</u>	
Section 8. <u>Rejected Ballots.</u>	
Section 9. <u>Recounts.</u>	
Section 10. <u>Other Matters Decided by the Election Board.</u>	
ARTICLE XII - ELECTION RESULTS	11
Section 1. <u>Election Results.</u>	
Section 2. <u>Safekeeping of Election Results.</u>	
ARTICLE XIII - TIE VOTES	12
Section 1. <u>Tie Votes.</u>	
ARTICLE XIV - CHALLENGES TO THE ELECTION RESULTS.....	12
Section 1. <u>Challenges to the Election Results.</u>	
ARTICLE XV – OATH OF OFFICE	13
Section 1. <u>Oath of Office.</u>	
ARTICLE XVI - TIMEFRAMES FOR CONDUCTING ELECTIONS	13
Section 1. <u>General Election with No Primary Election.</u>	
Section 2. <u>General with a Primary Election.</u>	
Section 3. <u>Special Elections.</u>	
ARTICLE XVII - RESIGNATIONS FROM TRIBAL COUNCIL	17
Section 1. <u>Resignations.</u>	
ARTICLE XVIII – RECALL ELECTIONS.....	17
Section 1. <u>Recall Elections.</u>	
Section 2. <u>Recall Election Procedures.</u>	
ARTICLE XVIX - GENERAL MEETING ON ELECTION DAY.....	19

HUALAPAI TRIBAL COUNCIL

Tribal Ordinance # 20

BE IT ENACTED by the Hualapai Tribal Council that the election of the Tribal Council members, including the Chairperson and Vice Chairperson, and other special elections, shall be governed by the following ordinance adopted pursuant to Article VIII, Section 15 of the Hualapai Constitution dated March 13, 1991.

This ordinance shall supersede the existing election ordinance (Revised Ordinance #20) adopted May 25, 1984, and shall govern election procedures from its effective date.

ARTICLE I - ELECTIONS

Section 1. Elections.

(a). Types of Elections.

There shall be two (2) types of elections: General Elections and Special Elections.

(b). General Elections.

General Elections shall be held in accordance with Article VIII, Section 1 of the Hualapai Constitution which states:

Section 1. General Elections. General elections to vote for council members shall be held in even numbered years on the first Saturday in June beginning in 1992. The voting place shall be at Peach Springs, Arizona. General elections before 1992 shall be held in accordance with the Amended Constitution and Bylaws of the Hualapai Tribe effective October 22, 1955.

(c). Special Elections.

(1). Special Elections shall be held in accordance with Article VIII, Section 2 of the Hualapai Constitution which states:

Section 2. Special Elections. Special elections shall be held when called for by the Tribal Council, by this constitution, or by the voters as provided in this constitution or appropriate ordinances. In all special elections adequate notice shall be given to the voters and the Tribal Council shall specify the voting places.

(2). Special elections shall include all elections other than the general election held on the first Saturday of June in even numbered years. Special elections shall include referendum and initiative elections, special runoff elections, recall elections, and any other special elections called for by the constitution or the Tribal Council.

ARTICLE II - ELECTION BOARD

Section 1. Appointment of Election Board.

(a). The Election Board shall be appointed in accordance with the Article VIII Section 3 of the Hualapai Constitution which states:

Section 3. Election Board. At least one-hundred-twenty (120) days before each general election, or no less than ten (10) days before calling a special election, the Tribal Council shall appoint an Election Board. All members of the Election Board must be members and eligible voters of the Hualapai Tribe. The duties, procedures, structure and compensation of the Election Board shall be included in the election ordinance.

(b). The Election Board shall consist of a Judge, four clerks, and a Marshall. If, on the day of the election, an Election Board member(s) is unable to serve, then the remaining Election Board members shall appoint a replacement(s).

Section 2. Duties of the Election Board Members.

(a). The duties of the Election Board shall be to:

(1). conduct the voting at polling places designated by the Tribal Council, and

(2). insure that all candidates meet the qualifications for office as contained in Article VIII, Section 5 of the Hualapai Constitution, and

(3). insure that each voter is permitted to mark his ballot in privacy, and

(4). insure that the 50-foot limit against electioneering is maintained, and

(5). insure that the election runs smoothly and that order is maintained at all times at the polls.

(b). Duties of the Election Judge.

(1). The Judge shall be the Chairman of the Election Board and shall be responsible for the safe keeping of the ballots and ballot box. The Election Judge

shall periodically check and monitor the work of the Election Board members to insure accuracy.

(2). At the close of the voting, the Judge shall unlock the ballot box and shall remove the ballots one at a time. The Judge shall open each ballot one at a time, and shall read off to the clerks the name of the candidate marked thereupon. The Judge shall show the ballot to the clerks to insure that it has been read correctly and shall place the ballot on the stack of counted ballots.

(c). Duties of the Clerks.

(1). The three (3) clerks shall check off the voters names on the final list of eligible voters as they arrive to vote on election day.

(2). The clerks shall insure that each voter is permitted to mark his ballot in privacy.

(3). Upon the close of the polls, the clerks shall tally the votes as the markings on the ballots are read off by the Election Judge. Each clerk shall keep a separate eligible voter list and a separate tally.

(4). The clerks may assist a voter in voting by any reasonable means necessary when requested to do so, however, the clerks shall not influence in any way the choice which the voter makes.

(d). Duties of the Marshall.

The Marshall shall be deputized by the Chief of Police or the Chief Judge of the Tribal Court to have the powers of a Tribal Police Officer from the time the polls open and until the counting of the ballots are complete. The Marshall shall maintain order at the polls and enforce election laws.

Section 3. Compensation of the Election Board.

(a). The Election Board members shall be compensated at a rate of one-hundred fifty dollars (\$150) for election day and fifty dollars (\$50) per meeting.

ARTICLE III - NOMINATIONS

Section 1. Nominations.

(a). Self Nomination.

Nominations for Tribal Council positions shall be conducted in accordance with Article VIII, Section 4 of the Hualapai Constitution which states:

Section 4. Nominations. Any tribal member may submit his name to the Election Board as a candidate for tribal office in accordance with this article and the procedures outlined in the election ordinance.

(b). Nominations in a General Election without a Primary.

Nominations shall be closed thirty (30) days before the general election at 5:00 p.m. The notice shall include the deadline for submitting nomination forms. The Election Board shall post the list of candidates who properly submitted a Candidate Filing Form at the polling place and in other public locations thirty (30) days before the general election.

(c). Nominations in a General Election with a Primary.

At least ninety (90) days before the a general election, the Election Board shall post a public notice informing the community of the procedures for nomination. Nominations shall be closed sixty (60) days before the general election at 5:00 p.m. The notice shall include the deadline for submitting nomination forms. The Election Board shall post the list of candidates who properly submitted a Candidate Filing Form at the polling place and in other public locations sixty (60) days before the general election.

(d). Nominations in a Special Election to Fill a Vacancy.

At least thirty (30) days before a special election to fill a vacancy, the Election Board shall post a public notice informing the community of the procedures for nomination. Nominations shall be closed at least ten (10) days before the special election at 5:00 p.m. The notice shall include the deadline for submitting nomination forms. The Election Board shall post the list of candidates who properly submitted a Candidate Filing Form at the polling place and in other public locations ten (10) days before the special election.

(e). Official Filing Form.

The Election Board shall prepare an official candidate filing and nomination form.

ARTICLE IV - QUALIFICATIONS

Section 1. Qualifications.

(a). All candidates for Tribal Council positions shall meet the minimum qualifications as listed in Article VIII, Section 5 of the Hualapai Constitution which states:

Section 5. Qualifications for Office.

(a). Any member of the Hualapai Tribe shall be eligible to run for tribal office if he:

(1) is at least twenty-five (25) years of age, and

(2) is a resident of the reservation for at least one (1) year, and

(3) has never been convicted of a felony or been convicted of three (3) misdemeanors within the last twelve (12) months, whether by Tribal, Federal, or State Court.

(b). For purposes of this section, all reservation trust lands, and all trust allotments held for the Tribe or its members, shall be considered part of the reservation.

(c). Persons attending school full time or in the military shall be considered residents for purposes of this section.

(b). Persons who are members of the current Election Board shall not be eligible to run for Tribal Council positions.

(c). The Election Board shall certify that all candidates for Tribal Council positions meet the qualifications before establishing a final list of candidates.

(1) For residency, candidates shall sign a statement that they have maintained and lived in their primary residence on the reservation for at least one year immediately prior to the general or special election, and, if elected, they shall maintain and live in a primary residence on the reservation through the duration of their term.

(2) The Election Board may verify residency through visual verification, Post Office box receipts, utility bills, housing records, voting records, tax records, or other means as determined by the Board.

(3) The Election Board shall obtain a criminal history record for each candidate to verify compliance with Section 5(a)(3) of the Constitution.

(d). Candidates who are found to have falsely presented their qualifications shall be disqualified from running for Tribal office for four years.

(e). Tribal Council members who have falsely presented their qualifications may resign or be removed from office by majority vote of the remaining Tribal Council members, after following the Due Process Procedures in the Hualapai Tribe Code of Ethics.

(f). Tribal Council members who no longer meet the residency requirement may resign or be removed from office by majority vote of the remaining Tribal Council members, after following Due Process Procedures in the Hualapai Tribe Code of Ethics.¹

ARTICLE V - VOTING AGE

Section 1. Voting Age.

(a). The voting age for any tribal election shall be set in accordance with Article VIII, Section 6 of the Hualapai Constitution which states:

Section 6. Voting Age. All tribal members who are eighteen (18) years of age or older on the date of any tribal election shall be entitled to vote in the election.

Section 2. List of Eligible Voters.

(a). General Election without a Primary.

(1). The list of eligible voters shall be prepared by the Election Board. The Election Board shall prepare the list of eligible voters carefully, adding the names of persons who have reached the age of eighteen (18) and who are known to be members of the Hualapai Tribe but who have been omitted in error.

(2). The preliminary list of eligible voters shall be posted at the polling place and in other public locations at least thirty (30) days before the general election.

(3). The Election Board shall accept written challenges to the preliminary list of eligible voters between thirty (30) days and ten (10) days before the election.

(4). The corrected final list of eligible voters shall be posted at the polling place and in other public locations at least five (5) days prior to the election.

(b). General Election with a Primary.

(1). The list of eligible voters shall be prepared by the Election Board. The Election Board shall prepare the list of eligible voters carefully, adding the names of persons who have reached the age of eighteen (18) and who are known to be members of the Hualapai Tribe but who have been omitted in error.

(2). The preliminary list of eligible voters shall be posted at the polling place and in other public locations at least sixty (60) days before the general election.

(3). The Election Board shall accept written challenges to the preliminary list of eligible voters between sixty (60) days and forty (40) days before the general election.

(4). The corrected final list of eligible voters shall be posted at the polling place and in other public locations at least thirty-five (35) days prior to the general election.

(c). Special Elections to Fill a Vacancy.

(1). The list of eligible voters shall be prepared by the Election Board. The Election Board shall prepare the list of eligible voters carefully, adding the names of persons who have reached the age of eighteen (18) and who are known to be members of the Hualapai Tribe but who have been omitted in error.

(2). The preliminary list of eligible voters shall be posted at the polling place and in other public locations at least twenty (20) days before the special election.

(3). The Election Board shall accept written challenges to the preliminary list of eligible voters between twenty (20) days and ten (10) days before the election.

(4). The corrected final list of eligible voters shall be posted at the polling place and in other public locations at least five (5) days prior to the election.

Section 3. Challenge to List of Eligible Voters.

(a). Any member of the Hualapai Tribe whose name does not appear on the preliminary list of eligible voters may file a written challenge with the Election Board in accordance with the timeframes as listed above in Article V, Section 2(a)(b) and (c) of this ordinance.

(b). Any member of the Hualapai Tribe may challenge a particular name, or the omission of a particular name, on the preliminary list of eligible voters. The challenge shall be written and shall be filed with substantiating evidence to the Election Board in accordance with the timeframes as listed above in Article V, Section 2(a)(b) and (c) of this ordinance.

(c). If the Election Board should favorably decide any written challenge to the preliminary list of eligible voters then it shall add or delete the name(s) on the final list of eligible voters.

ARTICLE VI - BALLOTS

Section 1. Ballots.

- (a). All elections shall be by secret written ballot.
- (b). The Election Board shall prepare an official ballot in accordance with the Constitution and this ordinance.
- (c). Ballots shall be prepared by the clerks of the Election Board. The ballots shall be either printed or xeroxed. The ballots shall list the names of the candidates whose names appear on the final list of candidates as established by the Election Board. The names of candidates on the ballots shall be listed alphabetically by last name, This section shall apply to primary elections, all general elections and applicable special elections.
- (d). REPEALED²

ARTICLE VII - ABSENTEE VOTING

Section 1. Absentee Voting.

- (a). Absentee voting shall be permitted in all tribal election.³
- (b). All eligible voters will be mailed a notice in advance of all tribal elections, which includes directions for requesting an absentee ballot.⁴

ARTICLE VIII - SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

Section 1. Selection of Chairperson and Vice Chairperson.

- (a). The selection of Chairperson and Vice Chairperson shall be held in accordance with Article VIII, Section 9 of the Hualapai Constitution which states:

Section 9. Selection of Chairperson and Vice Chairperson. The selection of Chairperson and Vice Chairperson shall be by popular vote in accordance with the applicable provisions of the election ordinance and Section 10 of this article.

ARTICLE IX - PRIMARY ELECTIONS

Section 1. Primary Elections.

(a). Primary elections shall be held in general elections where the positions of Chairperson and Vice Chairperson will become vacant and shall be held in accordance with Article VIII, Section 10 of the Hualapai Constitution which states:

Section 10. Primary Elections. In any general election where three (3) or more candidates are seeking the position of Chairperson, or the position of Vice Chairperson, there shall be a primary election held at least thirty (30) days before the general election. A person may not run for both positions of Chairperson and Vice Chairperson in the primary election. A primary election shall not be held for other council member positions but shall be limited to the positions of Chairperson and Vice Chairperson. The primary election shall narrow the list of candidates for Chairperson and Vice Chairperson down to two (2) candidates who shall run off in the general election. A primary which results in a tie between two (2) or more candidates shall be decided in the general election. Candidates eliminated during the primary election may still seek the position of council member in the general election. Candidates successful in the primary election may not run for the position of council member in the general election.

(b). A candidate who is eliminated in the primary election but who still wishes to run for the position of council member shall notify the Election Board at least ten (10) days before the general election; Provided, That the candidate submitted a proper nomination form prior to the established deadline.

(c). A primary election shall be held in any special election to fill a vacancy in the position of Chairperson or Vice Chairperson.

ARTICLE X - NOTICE OF ELECTION

Section 1. Notice of Election.

(a). Notice of a General Election without a Primary.

The Election Board shall post a notice at the polling place and in other public locations announcing the date of the election, the location of the polling place, and other pertinent information at least sixty (60) days before the general election.

(b). Notice of a General Election with a Primary.

The Election Board shall post a notice at the polling place and in other public locations announcing the date of the primary election, the date of the general election, the location of the polling place and other pertinent information at least sixty (60) days before the primary election.

(c). Notice of a Special Election to Fill a Vacancy.

The Election Board shall post a notice at the polling place and in other public locations stating the issue to be decided in the special election, the date of the special election, the location of the polling place and who will be eligible to vote in the special election at least thirty (30) days before the special election.

ARTICLE XI - ELECTION PROCEDURES

Section 1. Polling Place.

(a). There shall be a polling place at Peach Springs, Arizona. The polling place shall be located at the Multi-purpose building.

Section 2. Hours of Voting.

(a). The polls shall be open at the polling place from 8:00 a.m. to 5:00 p.m. Voters in line at the polling place but unable to cast their ballots before 5:00 p.m. shall be allowed to finish voting.

Section 3. Fifty-foot Limit.

(a). No persons except members of the Election Board shall be allowed to remain within ten (10) feet of a polling place, except while actually voting.⁵

Section 4. Method of Voting.

(a). Each prospective voter, upon being identified as being on the final list of eligible voters, shall be handed an unused ballot by a clerk and shall sign his name on a form kept for that purpose to acknowledge that he has received the ballot.

(b). The voter shall vote in privacy and shall place a mark opposite the name of the candidate for whom he is voting. The ballot shall be folded so that the person's choice cannot be seen by others. The ballot shall be personally deposited in the ballot box.

Section 5. Counting the Ballots.

(a). At the close of the polls, the Election Board shall count the votes as marked on the ballots. At the end of the tally, the Election Board shall determine the total vote cast for each candidate. These results shall be written down, together with the number of rejected ballots, and shall be certified by each member of the Election Board by the signing of his name thereto. The results shall be posted at the polling place and in other public locations.

(b). The tallying of (he votes shall be open for public observation, but the public must remain at a distance often (10) feet from the judge, clerks and the ballot box.⁶ The public must remain quiet and in no way interfere with the orderly tallying of the ballots. If order cannot be kept, the judge shall halt the tallying until such time order has been restored.

(c). At the end of the tally, the Judge shall place the pile of counted ballots, and the string of spoiled ballots, if any, in the ballot box. The ballot box shall be locked and sealed. The locked and sealed ballot box shall be kept in a safe location in accordance with Article XII, Section 2 of this ordinance.

Section 6. Spoiled Ballots.

(a). If a voter spoils a ballot and obtains another ballot, the spoiled ballot shall be folded and marked "SPOILED". Each member of the Election Board shall sign his name below this marking and the spoiled ballot shall be secured by the Judge. The string containing all spoiled ballots shall be placed in the ballot box at the end of the tallying.

Section 7. Unused Ballots.

(a). Ballots unused at the end of the voting shall be tied together, marked "UNUSED" and shall be placed in the ballot box at the end of the tallying.

Section 8. Rejected Ballots.

(a). If, during the tallying of the votes, the members of the Election Board are unable to determine from the ballot the choice of the voter, the ballot shall be rejected. The rejected ballot shall be strung on a string by the judge and the string of all rejected ballots shall be placed in the ballot box at the end of the tallying.

Section 9. Recounts.

The Election Board shall have the discretion to call for a recount of the ballots.

Section 10. Other Matters Decided by the Election Board.

The Election Ordinance of the Hualapai Tribe shall control all aspects of elections conducted by the Tribe exclusive of any Federal or State laws. Any other election matters not specifically addressed in this ordinance shall be decided by the Election Board. The decision of the Election Board shall be final.

ARTICLE XII - ELECTION RESULTS

Section 1. Election Results.

The election results shall be determined in accordance with Article VIII, Section 11 of the Hualapai Constitution which states:

Section 11. Election Results. The candidates receiving the highest number of votes for the available positions shall be declared the winners for those positions. The Election Board shall certify all election results within three (3) days of the date of the election.

Section 2. Safekeeping of Election Results.

The ballot box containing all used, unused, spoiled and rejected ballots shall be deposited with the Chief Judge of the Hualapai Tribal Court by the Election Board. The Chief Judge shall keep the ballot box and all of its contents for at least four (4) years.

ARTICLE XIII -TIE VOTES

Section 1. Tie Votes.

Tie votes shall be determined in accordance with Article VIII, Section 12 of the Hualapai Constitution which states:

Section 12. Tie Votes. In the case of a tie between two or more candidates, a special runoff election shall be held after five (5) days but no more than forty-five (45) days after the election results are certified by the Election Board. All eligible voters shall be permitted to vote in any runoff election.

ARTICLE XIV - CHALLENGES TO THE ELECTION RESULTS

Section 1. Challenges to the Election Results.

Any challenges to any election results shall be made in accordance with Article VIII, Section 13 of the Hualapai Constitution which states:

Section 13. Challenges to the Election Results. Any tribal member may challenge election results by filing a suit in Tribal Court within ten (10) days after the Election Hoard certifies the election results. The Tribal Court shall hear and decide election cases within thirty (30) days after the Election Board certifies the results, except where the party challenging the Election Board's decision requests additional time which may be granted at the discretion of the Tribal Court, Provided, That only one extension of time may he granted. If the Tribal Court invalidates the election results, the Court shall order that a new election be held as soon us possible.

ARTICLE XV - OATH OF OFFICE

Section 1. Oath of Office.

- (a) The Oath of Office shall be made in accordance with Article VIII – Elections, Section 14 of the Hualapai Constitution which states:

Section 14. Oath of Office: The oath of office for newly elected Tribal Council members shall be administered no later than sixty (60) days after the election results are certified. In the first election in 1992, the Oath of Office shall be administered immediately after the election results are certified.

- (b) The Chief Judge shall administer the oath of office.⁷

ARTICLE XVI - TIMEFRAMES FOR CONDUCTING ELECTIONS

Section 1. General Elections without a Primary Election.

- (a). At least 120 days before the election:

The Tribal Council shall select an Election Board.

- (b). At least 60 days before the election:

The Election Board shall post a notice at the polling place and in other public locations announcing the date of the election, the location of the polling place, and other pertinent information. The Election Board shall post public notices of the need to file a Candidate Filing Form in order to run for Tribal Council positions. The notice shall include a deadline for filing the Candidate Filing Form.

- (c). 30 days before the election:

The Election Board shall not accept any additional Candidate Filing Forms after 5:00 P.M. thirty (30) days before the election.

- (d). 30 days before the election:

The Election Board shall post the list of candidates who properly submitted a Candidate Filing Form at the polling place and in other public locations.

- (e). At least 30 days before the election:

The Election Board shall post the preliminary list of eligible voters at the polling place and in other public locations.

(f). Between 30 days and 10 days before the election:

The Election Board shall accept written challenges to the preliminary list of eligible voters.

(g). 10 days before the election:

The Election Board shall not accept any additional written challenges to the preliminary list of eligible voters after 5:00 P.M. ten (10) days before the election.

(h). At least 5 days before the election:

The Election Board shall decide all written challenges to the preliminary list of eligible voters.

(i). At least 5 days before the election:

The Election Board shall post the final list of eligible voters at the polling place and in other public locations.

(j). The election shall be held on election day.

(k). Within 3 days after the election:

The Election Board shall certify all election results within three (3) days of the date of the election.

(l). Between 5 days but no more than forty-five (45) days after the election:

The Election Board shall hold a special runoff election to determine any tie votes between two or more candidates.

Section 2. General Election with a Primary Election.

(a). At least 120 days before the general election:

The Tribal Council shall select an Election Board.

(b). At least 60 days before the primary election:

The Election Board shall post a notice at the polling place and in other public locations announcing the date of the primary election, the date of the general election, the location of the polling place, and other pertinent information. The Election Board shall post public notices of the need to file a Candidate Filing

Form in order to run for Tribal Council positions. The notice shall include a deadline for filing the Candidate Filing Form.

(c). 60 days before the general election:

The Election Board shall not accept any additional Candidate Filing Forms after 5:00 P.M. sixty (60) days before the election.

(d). 60 days before the general election:

The Election Board shall post the list of candidates who properly submitted a Candidate Filing Form at the polling place and in other public locations.

(e). At least 60 days before the general election:

The Election Board shall post the preliminary list of eligible voters at the polling place and in other public locations.

(f). Between 60 days and 40 days before the general election:

The Election Board shall accept written challenges to the preliminary list of eligible voters.

(g). 40 days before the general election:

The Election Board shall not accept any additional written challenges to the preliminary list of eligible voters after 5:00 P.M. forty (40) days before the election.

(h). At least 35 days before the general election:

The Election Board shall decide all written challenges to the preliminary list of eligible voters.

(i). At least 35 days before the general election:

The Election Board shall post the final list of eligible voters at the polling place and in other public locations.

(j). At least 30 days before the general election:

The Election Board shall hold a primary election in accordance with Article VIII, Section 10 of the Hualapai Constitution and all other applicable laws of the Tribe.

(k). At least 3 days after the primary election:

The Election Board shall certify all election results within three (3) days of the date of the primary election.

(l). The general election shall be held on election day.

(m). Within 3 days after the general election:

The Election Board shall certify all election results within three (3) days of the date of the election.

(n). Between 5 days but no more than forty-five (45) days after the general election:

The Election Board shall hold a special runoff election to determine any tie votes between two or more candidates.

Section 3. Special Elections.

(a). At least thirty (30) days before calling a special election:

The Election Board shall post a notice in public locations the stating issue to be decided in the special election, the date of the special election, the location of the polling places and who will be eligible to vote in the special election.

(b). At least twenty (20) days before the special election:

The Election Board shall post the preliminary list of eligible voters at the polling place and in other public locations.

(c). Between 20 days and 10 days before the special election:

The Election Board shall accept written challenges to the preliminary list of eligible voters.

(d). 10 days before the special election:

The Election Board shall not accept any additional written challenges to the preliminary list of eligible voters after 5:00 p.m. ten (10) days before the election.

(e). At least 5 days before the special election:

The Election Board shall decide all written challenges to the preliminary list of eligible voters.

(f). At least 5 days before the special election:

The Election Board shall post the final list of eligible voters at the polling place and in other public locations.

(g). The special election shall be held on election day.

(h). Within 3 days after the special election:

The Election Board shall certify all election results within three (3) days of the date of the election.

(i). Between 5 days but no more than forty-five (45) days after the special election:

The Election Board shall hold a special runoff election to determine any tie votes between two or more candidates.

ARTICLE XVII - RESIGNATIONS FROM TRIBAL COUNCIL

Section 1. Resignations.

(a). All resignations from the Tribal Council shall be done in accordance with Article IV, Section 13(b) of the Hualapai Constitution which states:

(b) All resignations from the Tribal Council shall be in writing. A voluntary resignation, once submitted, cannot be withdrawn.

(b). A resignation from the Chairperson or Vice Chairperson shall be considered a resignation from the Tribal Council body. A Chairperson or Vice Chairperson cannot resign from their position and still serve as a Tribal Council member.

ARTICLE XVIII - RECALL ELECTIONS

Section 1. Recall Elections.

Recall elections shall be conducted in accordance with Article IV, Section 12 of the Hualapai Constitution which states

(a) Any member of the Hualapai Tribe of voting age shall have the power to initiate recall proceedings against a council member by filing with the Election Board a written statement giving specific reasons why the council member in question should be recalled;

(b) In order to force a recall election, the tribal member(s) circulating the petitions shall collect the signatures from twenty (20) percent of the eligible voters of the Tribe;

(c) A maximum of three (3) members of the Tribal Council may be recalled at a time;

(d) Individual petitions shall be circulated for each council member who is subject to recall;

(e) A council member who is successfully recalled shall not be returned to office and must wait four (4) years from his final day in office before being eligible to run for office again or to be appointed to fill a vacancy;

(f) The Tribal Council shall adopt ordinances to carry out the details of this section.

Section 2. Recall Election Procedures.

(a). All recall proceedings shall be administered by the Election Board. The Election Board which served in the last preceding general election shall serve as the Election Board for any subsequent recall proceedings. The Tribal Council shall not have jurisdiction over recall proceedings and it shall not exercise its authority to remove members of the Election Board in such a way as to impede a recall proceeding.

(b). A recall election shall be considered a special election and shall be conducted in accordance with all applicable provisions of the Hualapai Constitution and appropriate ordinances.

(c). A tribal member or petitioner who wishes to initiate recall proceedings against a Tribal Council member shall collect signatures from tribal members on official petition forms.

(d). The Election Board shall issue official petition forms to the petitioner who shall have sixty (60) days to collect the appropriate number of signatures from tribal members. The Election Board shall inform the petitioner of the number of signatures needed for a valid petition.

(e). The official petition form shall include the allegations on the top of each page and shall include spaces for twenty (20) signatures per page.

(f). The Election Board shall verify the signatures on a recall petition within ten (10) days of receipt of a recall petition.

(g). The Election Board shall give the person who is subject to recall the opportunity to respond to the charges in writing. Any response from the person who is subject to recall shall be placed on the ballot in the special recall election.

(h). The official ballot used in the special recall election shall include the statement from the petitioner and the written response, if any, from the person who is subject to recall.

(i). A majority vote of the eligible voters voting in a special recall election shall determine the success or failure of the recall election.

(j). The results of the recall election shall be final.

ARTICLE XIX - GENERAL MEETING ON ELECTION DAY

A general meeting of the Tribe may be held on election day. If a general meeting is held on election day, the Election Board shall not participate in the general meeting but shall limit its activities to the conducting of the election in an orderly and fair manner in accordance with the Hualapai Constitution and this ordinance.

1. Article IV, Sections (c), (d), (e), and (f) were amended and/or added by Tribal Council Resolution No. 58-2013 (as indicated above), which also *repealed* the following text: *“The Election Board shall interpret the one year residency requirement for candidates to mean at least one year immediately prior to the general election.”*

2. Article VI, Section 1(d) was repealed by Tribal Council Resolution No. 08-2001, dated January 27, 2001. The text of the *repealed* Section 1(d) stated: *“Voters shall be permitted to write-in candidates on the official ballot.”*

3. On January 27, 2001, the Tribal Council passed Resolution No. 08-2001, which amended Article VII, Section 1(a) by replacing the word "shall" with the word "may". Subsequently, on August 29, 2013, the Tribal Council passed Resolution No. 58-2013, which amended Article VII, Section 1(a) by replacing the word “may” with the word “shall”.

4. Article VII, Section 1(b) was added as a new subsection by Tribal Council Resolution No. 58-2013.

5. In Article XI, Section 3(a), the fifty (50) feet limit was amended to create a ten (10) feet limit by Tribal Council Resolution No. 08-2001, dated January 27, 2001.

6. In Article XI, Section 5(b), the twenty (20) feet limit was amended to ten (10) feet by Tribal Council Resolution No. 08-2001, dated January 27, 2001.

7. Pursuant to Tribal Council Resolution No. 08-2001, dated January 27, 2001, in Article XV, Section 1, the term “Election Board” has been replaced with the term “Chief Judge” who

administers the oath of office. Pursuant to Tribal Council Resolution No. 126-2019, dated December 7, 2019, Article XV, Section 1 was amended in its entirety by repealing the following: *“After the Election Board has certified the results of the election and the winners are announced, the Chief Judge shall immediately administer the oath of office.”*