

**Redding Rancheria
Election Ordinance**



REDDING RANCHERIA ELECTION ORDINANCE

The Redding Rancheria Indian Tribe, a federally recognized Indian Tribe ("Tribe") hereby enacts the following ordinance to establish and regulate the procedures for Tribal Council elections. This ordinance shall be known as the "Redding Rancheria Election Ordinance." This ordinance and any regulations promulgated thereunder shall constitute the entire election procedures for the tribe.

FINDINGS AND POLICY

The Tribe finds that:

Under the Tribe's Constitution, the Tribal Council is charged with the duty of regulating the procedures of tribal meetings and elections; and specifically the duty to prepare an Election Ordinance that will define the procedures for Tribal Council elections.

The council hereby declares that the policy of the tribe is to exercise its sovereign right of self-government including the establishment of procedures for Tribal Council elections.

NOW, THEREFORE, the Tribe hereby ordains as follows:

Chapters

1. General Provisions
2. Definitions
3. Election Committee
4. Election Procedures
5. Certification

Chapter 1. General Provisions

1000. Short title. This ordinance shall be known and cited as the "Redding Rancheria Election Ordinance."
1001. Authority. This Title is enacted pursuant to Article V (1) (g) of the Redding Rancheria Tribe's Constitution to regulate the procedures of Tribal meetings and elections, Article VI, (Elections) which provides generally as follows:

- 1) The Tribal Council election shall be held annually on the first Saturday of October.
- 2) The place and time of elections shall be decided by the Tribal Council. The premises where the election is held shall be accessible for physically handicapped and elders.
- 3) The Tribal Council shall prepare an Election Ordinance that will define the procedures for Tribal Council elections.
- 4) A three-member Election Committee together with four alternate members, independent of Tribal Council shall be appointed at the last Regular General Meeting prior to the June election meeting. The duties of the Election Committee shall be:
 - a) to certify Redding Rancheria members eligible to vote and complete the formal list of voting members;
 - b) to ensure the membership are notified of the election meeting, date, time, and place by registered mail thirty (30) days prior to the date of the meeting;
 - c) to prepare a list of persons who are interested in and qualified to seek a position on Tribal Council;
 - d) to prepare the tribal council election ballot;
 - e) to supervise the nominations and voting procedures;
 - f) to settle election disputes according to the Election Ordinance;
 - g) to verify positions of Tribal elections, and perform such other duties as defined by the Election Ordinance.
- 5) The terms and appointment of the Election Committee shall expire at the next Regular General Meeting after the election.
- 6)
 - a) Councillors shall be elected for a two (2) year term.
 - b) The three (3) Alternate Councillors shall be elected for a one (1) year term and shall be those three (3) candidates receiving the next highest number of votes after those candidates elected as Councillors.
- 7) All members of the Redding Rancheria who are eighteen (18) years of age or older shall be qualified voters in elections and General Meetings.
- 8) Voting on matters other than the election of Councillors is by show of hands, unless the voting members otherwise decide.
- 9) Voting by proxy is not permitted.

1002. Findings. The Tribal Council hereby finds

That clear election procedures are a necessity for conducting tribal elections.

1003. Purpose and Interpretation. This Ordinance shall be strictly interpreted and construed to fulfill the following purposes:

- A. To clarify the procedures governing Tribal Council elections.

B. To establish the duties of the Election Committee.

C. To provide summary procedures for settlement of election disputes by the Election Committee.

1004. Jurisdiction. The provisions of this Ordinance shall apply to all Tribal Council elections as established by the Constitution of the Redding Rancheria Tribe.
1005. Construction. This Ordinance shall be strictly interpreted and construed. The Tribal Council shall have the authority to interpret any ambiguities in this Ordinance, provided no such interpretation shall be contrary to any provision of the Constitution.
(See cover letter)
1006. Sovereign Immunity Preserved. Nothing in this ordinance shall be deemed to constitute a waiver of sovereign immunity of the Tribe.
1007. Amendment. This Ordinance may be amended by a majority vote at any regular Redding Rancheria Tribal Council meeting, provided that no such amendment shall be contrary to the Constitution.
1008. Severability. If any provision of this Ordinance or its applications to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances, remains in effect.

Chapter 2. Definitions

1. Appointment: the voting process mandated by the Constitution through which the General Membership selects the Election Committee at the last regularly scheduled General Membership Meeting before the June General Membership Election Meeting.
2. Certify: the process by which the Election Committee gives official approval to the list of successful candidates following a Tribal Council election.
3. Constitution: the Redding Rancheria Constitution.
4. Election Dispute: a matter during a Tribal Council election process concerning which an adult tribal member files a timely written complaint to the Election Committee.
5. Election Meeting: the General Membership meeting at which nominations for Tribal Council are accepted.
6. Eligible to Vote in a Tribal Council Election: all enrolled tribal members aged 18 or over on the day of a Tribal Council election.

7. Interested In and Qualified to Seek a Tribal Council Position: persons who are enrolled tribal members who inform the Election Committee in writing of their interest in a Tribal Council position.
8. Nomination: the process by which a tribal member age 18 or over formally announces support at the Annual General Election Meeting for another eligible tribal member for election to Tribal Council.
9. Qualified Voter: all tribal members age 18 or over on the date of a tribal election.
10. Settle: the Constitutional duty placed on the Election Committee to promptly resolve election disputes.
11. Staff Designee: designated tribal employee carrying out staff responsibilities.
12. Supervise: the Constitutional duty placed on the Election Committee to carry out the Tribal Council election process as directed by the Constitution and this Election Ordinance, as may be amended or replaced, provided its terms are consistent with the Constitution.
13. Verify Positions of Tribal Elections: the formal process through which tribal elections are conducted such that the Election Committee can certify a list of successful candidates.

Chapter 3. Election Committee

3000. Appointment.

A three-member plus three alternate Election Committee independent of Tribal Council shall be appointed at the last Regular General Meeting prior to the election meeting.

3001. Duties.

The duties of the Election Committee shall be:

- a) to certify Redding Rancheria members eligible to vote and complete the formal list of voting members;
- b) to ensure the membership are notified of the election meeting, date, time, and place by registered mail thirty (30) days prior to the date of the meeting;
- c) to prepare a list of persons who are interested in and qualified to seek a position of Tribal Council;
- d) to supervise the nominations and voting procedures;
- e) to settle election disputes according to the Election Ordinance, chapter 4;
- f) to verify positions of Tribal elections, and perform such other duties as defined by the Election Ordinance.

3002. Operating Procedures.

The Election Committee is hereby authorized and directed to meet as required to carry out its election duties, and to review any written operating procedures consistent with the Constitution and the Election Ordinance necessary to carry out their duties.

Chapter 4. Settlement of Disputes

4000. Grounds for Contest.

- (1) Any candidate in an election or any voter of the Redding Rancheria may contest any election result for any of the following causes:
 - (a) Any member of the Election Committee was guilty of improper conduct in the performance of his or her duties on the Committee.
 - (b) That any candidate has given to any elector or member of the Election Committee any bribe or reward for the purpose of procuring his or her election.
 - (c) That illegal votes were cast.
 - (d) That the Election Committee in conducting the election or in canvassing the returns, made errors sufficient to change the results of the election as to any person who has been declared elected.
 - (e) That there was an error in the vote counting or summation of ballot counts sufficient to change the results of an election.

When any election is contested on account of improper conduct of the Election Committee, or any member thereof, the election shall not be annulled or set aside upon any proof thereof, unless the improper conduct was such that changes the result of the election.

An election shall not be set aside on account of illegal votes unless it appears that a number of illegal votes has been given to the person whose right to the office is contested, or who has been certified as having tied for first place, which, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to that other person.

Any qualified voter contesting an election under this section shall file a written statement with the appropriate office named in regulations hereunder stating (1) his or her name and address; (2) the name of the candidate and office, or the measure; (3) the particular grounds of contest; and (4) whether a hearing is requested. Such written statement must

be delivered to the Election Committee office no later than 5:00 p.m. on the third calendar day following the election.

Within five (5) business days of receipt of a contestant's written statement the Election Committee shall review the allegation. If the Election Committee finds that the results of the election might be affected if the allegation is established to be true, the Election Committee shall immediately forward the allegation and any relevant evidence to the Tribal Court for setting an expedited hearing. The Tribal Court Clerk, after consultation with the Court, shall promptly set a hearing providing not less than five business days written notice to the contestant and any affected candidates. The contestant and any affected candidate shall be allowed to testify and present evidence at the hearing and may provide written materials to the court not later than 2 business days prior to the hearing.

4001. Recount Contest.

Any contest involving a recount of votes cast shall be accompanied by a non-refundable fee in the amount of \$150.00. Upon receipt of the contest and the recount fee, the Election Committee shall proceed to conduct a recount of the votes for the particular office. Chapter 5 of this Ordinance and any operating procedures governing the conduct of elections are applicable to recounts pursuant to this section. All recounts shall be completed prior to posting the official certification of election results. The decision of the Election Committee shall be final.

Chapter 5. Election Procedures

5000. Certification of Votes.

- (a) The Election Committee members will verify and certify the results of the poll votes.
- (b) The certification of poll vote results will take place on the day of the election.

5001. Certification of Absentee Votes.

The Election Committee shall count and certify the results of the absentee votes and make a written statement of the results of the absentee and poll vote count.

5002. Certification Procedures.

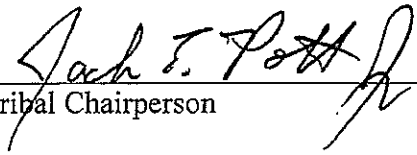
The Election Committee shall insure that proper procedure is followed including the following:

- (1) Determine first if any disputes have been filed prior to the commencement of the certification process. If so, the dispute will be resolved before proceeding;

- (2) Insure that candidates are allowed to observe the certification proceedings (vote count);

Chapter 6. Certification.

The undersigned Tribal Chairperson of the Redding Rancheria Tribe of California hereby certifies that the foregoing Election Ordinance is a true and correct copy of the Election Ordinance that was approved by a vote conducted on the 8 day of Feb, 2016, and was duly adopted by a vote of 62 for, 0 Opposed, 1 Abstentions.


Tribal Chairperson

2-8-16
Date