Karuk Community Health Clinic
64236 Second Avenue
Post Office Box 316
Happy Camp, CA 96039
Phone: (530) 493-5257
Fax: (530) 493-5270

Karuk Tribe

Karuk Dental Clinic
64236 Second Avenue
Post Office Box 1016
Happy Camp, CA 96039
Phone: (530) 493-2201
Fax: (530) 493-5364

Administrative Office
Phone: (530) 493-1600 • Fax: (530) 493-5322
64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

RESOLUTION OF THE KARUK TRIBE

Resolution No: **16-R-084**
Date Approved: **May 19, 2016**

RESOLUTION ADOPTING REVISIONS TO THE ELECTION ORDINANCE OF THE KARUK TRIBE

WHEREAS; the Karuk Tribe is a Sovereign Aboriginal People, that have lived on their own land since long before the European influx of white men came to this continent; and

WHEREAS; the members of the Karuk Tribe have approved Article VI of the Constitution delegating to the Tribal Council the authority and responsibility to exercise by resolution or enactment of Tribal laws all the inherent sovereign powers vested in the Tribe as a Sovereign Aboriginal People, including negotiating and contracting with federal, state, Tribal and local governments, private agencies and consultants; and

WHEREAS; the members of the Karuk Tribe have approved Article VIII of the Constitution assigning duties to the Chair, Vice Chair, and Secretary/Treasurer including signing and executing all contracts and official documents pertaining to the Karuk Tribe; and

WHEREAS; the Karuk Tribe is a federally recognized Tribe and its Tribal Council is eligible to and is designated as an organization authorized to Contract pursuant to P.L. 93-638, as amended, on behalf of the Karuk Tribe; and

WHEREAS; the Karuk Tribe currently has an approved Election Ordinance and Election Committee in place in order to conduct and oversee elections; and

WHEREAS; the Election Ordinance shall be revised as necessary to ensure procedures for fair and orderly elections; and

WHEREAS; all revisions to the Election Ordinance shall be reviewed and adopted at least ninety (90) days prior to a scheduled election; and

WHEREAS, the Election Committee has proposed the attached amendments to the Ordinance to facilitate more fair, orderly, and efficient elections; now

THEREFORE BE IT FINALLY RESOLVED; that the Karuk Tribal Council authorizes the adoption of revisions to the Election Ordinance of the Karuk Tribe.

CERTIFICATION

I, the Chairman, hereby certify the foregoing resolution 16-R-084 which was approved at a Planning Meeting on May 19, 2016, was duly adopted by a vote of 7 AYES, 0 NOES, 1 ABSTAIN, and said resolution has not been rescinded or amended in any way. The Tribal Council is comprised of 9 members of which 8 voted.

Michael Thom for
Russell Attebery, Chairman

6/2/16
Date

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KARUK TRIBE

ELECTION ORDINANCE

AS AMENDED April 20, 2005

AS AMENDED April 13, 2006

AS AMENDED September 25, 2008

AS AMENDED March 17, 2011

AS AMENDED April 23, 2015

MOST RECENTLY AMENDED May 19, 2016

***** This Amended Ordinance Supersedes ALL Other Versions *****

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SECTION 1. AUTHORITY

This Election Ordinance is amended pursuant to Article VII, Section 6 of the Constitution of the Karuk Tribe.

SECTION 2. PURPOSE

The purpose of this Ordinance is to establish procedures for fair and orderly elections and to ensure the secrecy and sanctity of the ballot. The procedures contained in this Ordinance shall be administered in such a way as to accomplish this purpose. In cases of disputes as to compliance with these procedures, substantial, rather than complete compliance with these procedures shall be deemed adequate.

SECTION 3. ESTABLISHMENT OF THE ELECTION COMMITTEE

The Karuk Tribal Election Committee (hereafter referred to as the Election Committee) is hereby established for the purposes of: 1) conducting and supervising all Tribal elections, general, primary, or special, in accordance with this Ordinance; 2) deciding election disputes; 3) enforcing this Ordinance; and 4) recommending to the Tribal Council such additional rules for the conduct of elections as may be necessary from time to time.

SECTION 4. APPOINTMENT AND COMPOSITION OF ELECTION COMMITTEE MEMBERS

A. The Election Committee shall consist of seven (7) members and two (2) alternates who shall be appointed by majority vote of the Tribal Council. The Tribal Council shall attempt to appoint at least one member representative from each of the Yreka, Happy Camp, and Orleans districts. Alternates shall be used when a member cannot fulfil their duties due to illness, family emergencies, and conflicts of interests such as potential nepotism. The Election Committee shall determine when an alternate is needed.

B. The Election Committee shall designate one of the appointees to act as Chairperson of the Election Committee. The Chairperson and Secretary shall be the only person who possesses a key, which will open the ballot boxes, and the Chairperson shall be responsible for ensuring that the ballot boxes are opened only in conformity with this Ordinance.

C. The Secretary/Treasurer of the Tribal Council shall serve as the Registrar of Voters for the Karuk Tribe.

D. Any person appointed to the Election Committee may decline the appointment, in which case, another appointment shall be made.

E. Upon accepting the appointment, each member of the Election Committee shall sign an oath which shall become part of the committee's records stating that he or she will serve to the best of his or her ability and shall make every effort to prevent fraud or abuse in the election process. The following form of oath of office shall be administered by the Chairperson of the Election Committee: *"I, [Name], do solemnly swear or affirm that I am duly qualified to exercise the duties of Election Committee Member for the Karuk Tribe to which I have been selected and that I will carry out faithfully, impartially and confidentially the duties of my office to the best of my ability, that I will make every effort to ensure a fair election and that I will promote and protect the best interest of my Tribe in accordance with its Constitution."*

SECTION 5. QUALIFICATIONS OF ELECTION COMMITTEE MEMBERS

A. The members of the Election Committee shall be (1) members of the Karuk Tribe; (2) over eighteen (18) years of age; and (3) subject to a criminal background check in accordance with the same standards as the Karuk Tribal Council background check.

B. In the event that any person appointed to the Election Committee is nominated as a candidate for an office to be filled during his or her term of office on the Election Committee, he or she shall withdraw from the Election Committee and the Tribal Council shall temporarily appoint another to serve in his or her place.

C. Election Committee members shall withdraw from any and all functions of their positions during any election in which a conflict of interest exists. Such members shall resume their duties only when there is no longer a conflict of interest. Nepotism shall be considered a conflict of interest and shall include election matters involving a Spouse or Co-Habitant, Parents, Foster Parents, Siblings, Children, Foster Children, Grandparents, Grandchildren, Fathers-in-Law, Mothers-in-Law, Sons-in-Law, Daughters-in-Law, Step-Parents, and Step-Children.

SECTION 6. TERM OF OFFICE

All terms of office shall be for four (4) years.

SECTION 7. RULEMAKING

A. The Election Committee shall have the authority to recommend, by majority vote, such rules as they may deem necessary to provide for fair and efficient elections under this Ordinance.

B. No rule recommended under the authority of this section shall be inconsistent with the provisions of this Ordinance or the Constitution of the Karuk Tribe.

C. All rules recommended are subject to the approval of the Karuk Tribal Council. No rules recommended under the authority of this ordinance shall be valid unless approved by the Tribal Council at least ninety (90) days prior to said election.

D. A minimum of four (4) Election Committee members must be present at any meeting to establish a quorum.

SECTION 8. DUTIES OF THE ELECTION COMMITTEE

In addition to performing any other duties delegated to the Election Committee by this Ordinance, the Election Committee shall:

A. Determine the date upon which the receipt of nominating petitions will cease, which shall be at least sixty (60) days prior to the election, as provided in Article VII, Section 3 of the Constitution of the Karuk Tribe, as amended.

B. Direct preparation of the forms for use as nominating petitions, ballots, Election Notices and other forms as may be required, and make them available to Tribal members.

C. Receive and review all nominating petitions from Karuk Tribal members.

D. Prepare packets for all candidates that include:
   1) Petition and necessary forms;

   2) Instructions, including date time lines; and

   3) Eligibility requirements for candidates.

E. Determine and make rulings on the residence, district and eligibility of all potential candidates, pursuant to this Ordinance and the Constitution of the Karuk Tribe.

F. Notify in writing all unqualified candidates and state the reason for their ineligibility.

G. Contact all eligible candidates and document their willingness or unwillingness to be a candidate for office.

H. Upon the determination of which candidates are properly nominated and are willing to serve, the Election Committee shall direct the preparation of official ballots and provide a list of candidates to the Registrar of Voters in sufficient time to allow the registrar to cause the list to be posted at least ten (10) days before the election.

I. The Election Committee shall make determinations about the eligibility of voters and is responsible for registering such voters upon a valid request to be registered, pursuant to Section 10.

J. The Election Committee shall mail absentee ballots as required by this Ordinance.

K. The Election Committee members shall keep confidential and private information (such as financial or criminal records) that is received in the course of their duties in strict confidence, and they shall not divulge such confidential information to any person not directly involved in the election process.

L. The Tribal Council shall allocate an amount in each fiscal year's budget under a separate line item, to cover necessary election costs. The funds budgeted shall be utilized in accordance with all Tribal financial plans of operation for conducting Tribal elections in accordance with this Ordinance. Election Committee members shall be given a stipend, or otherwise be reimbursed for their time pursuant to Tribal policies and procedures regarding Tribal committees, for their time spent on elections, Election Committee meetings, trainings, or other necessary Election Committee duties.

SECTION 9. REMOVAL OF ELECTION COMMITTEE MEMBERS

The Tribal Council may remove, with a two-thirds majority vote, any member of the Election Committee from office for cause, after providing timely notice of intent to do so, the reason for such action and an opportunity, for the person to be removed, to answer the charges against him or her. Election Committee members shall be suspended from their duties immediately when suspected of a gross violation of this ordinance.

SECTION 10. VOTER ELIGIBILITY; REGISTRAR

A. No person may vote in any election of the Karuk Tribe unless that person is an eligible enrolled Karuk tribal member and is registered to vote.

B. To be eligible to vote, Tribal members must be eighteen (18) or older on the day of the election, and be listed in the Election Roster with a valid signature or have a valid signature verification form.

C. The Secretary/Treasurer of the Tribal Council shall serve as the Registrar of Voters for the Karuk Tribe. In the event that the Secretary/Treasurer is unable to perform these duties, the Tribal Council shall designate another Tribal Council member an alternate. The Enrollment Officer, or representative designated by said officer, shall provide the Secretary/Treasurer with data necessary to perform the Secretary/Treasurer's responsibilities under Section 10.C.

D. Fourteen (14) days before the next scheduled election, the Enrollment Department shall provide a certified copy of the Election Roster to the Election Committee. For the purposes of this subsection, certification shall consist of a statement by the Registrar that the list is a true and correct list of all persons who are enrolled and who meet the qualifications for voters established by the Constitution of the Karuk Tribe and this Ordinance.

F. It shall be the duty of all voters to provide a current mailing address to the Election Committee. All correspondence regarding Tribal elections will be mailed to the last address supplied by the voter.

SECTION 11. TRIBAL COUNCIL CANDIDACY ELIGIBILITY

As defined by Resolution 03-R-38, in order to be eligible as a Karuk Tribal Council Candidate, potential candidates must meet all of the following criteria:

A. Be enrolled Karuk Tribal Members; a candidate may only run for one (1) position in any one (1) election.

B. Have maintained a legal physical residence, where the member has actually lived, for at least six (6) consecutive months before the election, within a 100 road mile distance from the exterior boundary of the Karuk Tribe's Ancestral Territory, and, if running for a District Seat, within the exterior boundary of District in which he or she seeks to be a candidate. However, non-resident candidates may be determined eligible if there are no eligible candidates running for that District as long as they meet the 100 road mile resident requirement.

The Council Districts are as follows:

1) The Orleans (Panámniik) District, which shall draw its membership from the towns and surrounding areas of Orleans, Weitchpec/Hoopa, Somes Bar, Forks of Salmon/Sawyers Bar, Weaverville, Crescent City, Klamath, McKinleyville, Arcata, Eureka, Fortuna, and Rio Dell.

2) The Happy Camp (Athithúfvuunupma) District, which shall draw its membership from the towns and surrounding areas of Happy Camp, Seiad Valley, Klamath River, Scott Bar, O Brien, Cave Junction and Grants Pass.

3) The Yreka (Kahtishraam) District, which shall draw its membership from the towns and

surrounding areas of Yreka, Montague, Fort Jones, Etna, Hornbrook, Ashland, Talent, Phoenix, Medford, and Central Point.

Should there be no eligible candidate running in any given District for any given election where a District seat is open, another candidate from outside that District may be elected to fill the vacancy. The candidate with the highest number of votes shall be elected in those instances.

C. Prove legal physical residency by submitting valid copies of three proofs that show name and physical address from the following list:

1) Karuk Tribal ID (with physical address);

2) Utility bill;

3) Rent receipt, Lease Agreement, Mortgage Statement, or Deed;

4) Drivers License, or other valid recognized Photo Identification;

5) Passport;

6) Vehicle Registration;

7) Three non-related witnesses with notarized affidavit and common knowledge of residency; or

8) Any other credible evidence of legal physical evidence, as long as a majority vote of the Election Committee accepts such evidence.

For purposes of this section, evidence of a Post Office box alone is insufficient to prove legal physical residence. Notary services will not be charged at the Karuk Tribe or any entities of the Karuk Tribe for the purposes of this section.

D. Have submitted, at least 60 days before the election, to the Election Committee, a nominating petition signed by at least twenty (20) Karuk Tribal members who are all eighteen (18) or older at the date the petition was signed, shall be considered nominated to be a candidate for the office.

E. Submit their entire completed candidate packet by the end of business on the date designated by the Election Committee.

F. Meet all of the requirements of the Constitution of the Karuk Tribe and this Election Ordinance in order to become a candidate for office.

G. Make arrangements through the Karuk Tribe Human Resources Department to make an appointment to be fingerprinted in accordance with the Tribe's Policy. Potential candidates must submit payment of a $75.00 processing fee to offset the costs of processing the fingerprints and background checks to ensure that all candidates meet standards as set forth in the Constitution of the Karuk Tribe and the Tribe's Election Ordinance. Human Resources must provide all criminal background check results to the Election Committee upon receipt. Completed candidate application packets, including petitions and proof of completion of fingerprinting must be submitted to any member of the Karuk Tribe's Election Committee prior to the deadline set by the Election Committee. Failure to comply is grounds for disqualification as a candidate.

H. Make arrangements through the Karuk Tribe Human Resources Department to complete the urine drug screening procedure as is currently conducted for Tribal employees. Failure to comply with this section and pass the drug screening shall be grounds for disqualification as a candidate.

I. Not have any disqualifying felonies or offenses in their criminal records. Potential candidates who have been convicted of a felony involving murder, manslaughter, rape, assault with intent to kill, burglary, child or elder abuse, assault resulting in serious bodily injury, theft, fraud or embezzlement, during his or her term of office or within ten (10) years prior to the election, shall be ineligible to run for office or serve on the Tribal Council. However, persons who have completed their sentence for such conviction at least ten (10) years before the date of the election in which they intend to run for office may file as candidates. Potential candidates who have been removed from the Tribal Council office for gross misconduct, terminated from employment with the Tribe for theft, fraud or embezzlement, or who have been convicted of a crime requiring registration as a sex offender, shall be ineligible to run for office or serve on the Tribal Council.

SECTION 12. ELECTION; NOTICES

A. The Registrar of Voters shall, at 1east one hundred twenty (120) days (four months) before the date scheduled for a Tribal election:

1) Cause an Election announcement to be published for no less then five (5) consecutive weekdays, in local newspapers which include the following:

a. Siskiyou Daily News

b. Eureka Times Standard

c. Medford Mail Tribune

d. Two Rivers Tribune

2) Cause at least two (2) copies of the Notice of Election to be posted conspicuously in Tribal Offices in each of the following communities:

a. Orleans, California

b. Yreka, California

c. Happy Camp, California

3) Mail a copy of the Notice of Election to every registered voter listed on the Election Roster mailing list; and

4) Cause a copy of the Notice of Election to be advertised in the Karuk Tribal newsletter, website, and official social media accounts.

B. The Notice of Election shall provide all of the following information:

1) The date and time of the election.

2) The exact location of each polling place.

3) Subject matter of election, including a list of council seats available for candidacy for each District and each Officer position.

4) Requirements to be an eligible voter, including information on how to register to vote.

5) Information about absentee voting.

6) How to obtain and return candidate petitions, including the closing date for the return of the completed candidate packets.

C. The Registrar shall at least ten (10) days before the election, cause to be posted, a Notice of Candidates which shall list all eligible positions and their candidates.

SECTION 13. VOTING METHOD; PROXIES PROHIBITED

A. Each registered voter may cast one vote by secret ballot.

B. Registered voters shall vote for each District seat as it becomes vacant. All registered voters may vote for all Council seats, regardless of the residency of the voter.

C. No voter may have any other person cast his or her vote "by proxy."

D. Assisting a voter may be allowed under the direct supervision of an Election Committee Member.

E. Special circumstances can be allowed for by majority vote of the Election Committee.

SECTION 14. BALLOTS

A. The Election Committee shall determine the form of the ballots to be used in each election.

B. All ballots shall be kept under lock and key by the Election Committee until the results of the election have been certified, the time for requesting a recount and/or filing complaints or petitions for Council review has passed, and in any case, until at least sixty (60) days have passed since the election.

SECTION 15. HANDLING OF SPECIAL CIRCUMSTANCES

A. Spoiled Ballot. Should any voter spoil his ballot in his effort to vote, he or she shall fold and return it in the presence of the election officials and such voter shall then in the presence of said officials, destroy said ballot and the election officials shall then provide the voter with another ballot in the same manner that the first one was provided. The election official shall write on the proper blank line on the stub of the spoiled ballot the word 'spoiled'. He or she shall not write the name of the voter upon the stub of the duplicate ballot, but shall write instead the words, 'Duplicate of Ballot #¬_____', giving the number of the original or spoiled ballots.

B. Unreported Spoiled Ballots. Should any voter make any material marks or writings upon his or her ballot that are not responsive to the ballot questions, the ballot shall be considered spoiled and will not be counted.

C. Write-in Votes. Write-in votes are not allowed and will not be counted.

D. In the event of uncontested elections, that is that there is only one eligible candidate, no election needs to be held and that person may take office provided he or she meets the Tribe's candidate eligibility criteria.

SECTION 16. ABSENTEE VOTING

A. Absentee ballots shall be mailed by the Election Committee to enrolled, registered voters when so requested in writing by that voter. The requirements for absentee voters shall be the same requirements of all enrolled, registered voters.

B. Requests must be received by the Election Committee no less than fourteen (14) days before the election date. Special circumstances can be made by majority vote of the Election Committee; however, there is no guarantee that absentee ballots mailed out less than 14 days prior to the election, or mailed back less than seven (7) days prior to the election will be received in time to be processed.

C. The signatures of all registered voters requesting absentee ballots must be verified by one of the four following methods:

1) a notary public;

2) comparing the signature to the voter registration form on file with the Election Committee;

3) written verification from two eligible voters of the Karuk Tribe; or

4) providing a copy of a State, Federal, or Tribal signature I.D. card.

D. All requests for absentee ballots shall be kept on file in the Tribal Office by the Election Committee.

E. Absentee Ballots, pre-addressed to the Election Committee at the Tribal Headquarters shall be mailed to eligible voters not less than fourteen (14) days before the election date.

F. Completed and signed absentee ballots must be either hand delivered to a polling location or received via mail by the Election Committee at P.O. Box 815, Happy Camp, California 96039 in the envelope provided with the absentee ballot package prior to the closing of the voting hours on the Election Day.

G. It shall be the duty of the absentee voter to provide a current mailing address and District affiliation to the Election Committee. All correspondence regarding Tribal elections will be mailed to the last address supplied by the voter.

H. Registered permanent absentee voters shall receive absentee ballots for all Primary, General, and Special Elections, unless their absentee ballot is not returned for a general election within the Guidelines of the Election.

SECTION 17. ELECTION DATES

Annual General elections shall be held on the first Tuesday in November. Primary elections shall be held on the first Tuesday in August. Special Election dates shall be established by the Election Committee consistent with Article VII of the Constitution of the Karuk Tribe.

SECTION 18. POLLING PLACES AND VOTING HOURS

A. Polling places for all elections shall be established in each of the following locations:

1) Orleans, California

2) Yreka, California

3) Happy Camp, California

B. Polling places shall be open between the hours of 7:00 A.M. and 7:00 P.M.

SECTION 19. POLL WATCHERS

A. Each candidate may have present at each polling place one poll watcher. Any person who has been designated as a poll watcher shall have in his or her possession, at all times he or she is present in the polling place in that capacity, a notarized statement by the candidate certifying that the person is a representative of the candidate. The certified statement shall be delivered to the Karuk Tribe Enrollment Office for the Election Committee by 5:00pm the day before any election.

B. No poll watcher or any other person may engage in any political activity, campaign, or canvassing at or within 100 yards of a polling place.

C. One poll watcher for each candidate may witness the counting of the votes at Tribal headquarters, at the discretion of the Election Committee.

D. The Election Committee may dismiss a poll watcher for misconduct during ballot counting.

SECTION 20. ELECTION DAY PROCEDURES; BALLOT COUNT

A. On the date of the election, at least one (1) member of the Election Committee shall be present at each polling place at all times during voting hours. The Election Committee may appoint a Sergeant at Arms to assist them at the polling locations.

The Election Committee representative at each poll shall:

1) Verify the Karuk voter eligibility of each person requesting a ballot, and ensure that no person who is not enrolled or registered to vote receives a ballot.

2) Witness the signature entries, by voters, in the voting registry, to ensure against any person voting more than once.

3) Make certain that the ballot boxes are empty, then locked, prior to the opening of the polls, and that the boxes remain locked until opened for counting by the Chairperson of the Election Committee.

4) Close the poll at the proper time and ensure that no voting occurs after that time.

5) Upon the closing of the voting hours the Election Committee members at each polling place shall transport the ballot box, unopened, to Tribal headquarters. The Election Committee shall develop a process each Election Day to ensure that ballot boxes and unused ballots are not transported together by only one (1) Election Committee member, to avoid the appearance of improper conduct.

B. Once all participating members of the Election Committee have arrived at Tribal headquarters with all of the ballot boxes, the Chairperson of the Election Committee shall start the ballot review process, as follows:

1) No person, other than Election Committee members, the Registrar of Voters, poll watchers as defined herein, and any law enforcement personnel requested to be present by the Election Committee, may be present during the counting of the ballots.

2) The Election Committee will review the voter registration list of each polling area and a list of the absentee voters, as a reference to see if there were any individuals who had voted more than one time.

3) The Chairperson shall open each polling area box and absentee ballot box in turn and the Committee shall examine, tally (at least twice) and record all ballots cast.

4) The Election Committee shall issue and post an uncertified statement to announce the election results within three (3) days following completion of the election vote counting. However, such results shall be posted no later than 5:00 p.m., three (3) days immediately following the election.

SECTION 21. RECOUNT OF VOTES

A. In the event that the person receiving the highest number of votes for an office has fewer than eleven (11) votes more than the person receiving the next highest number of votes, the latter may, upon written request to the Election Committee, have the votes for that particular office recounted by the Election Committee.

B. Any request for a recount shall be in writing and be delivered to the Chairperson of the Election Committee no later than forty-eight (48) hours after the results of the election have been announced and posted by the Committee.

SECTION 22. TIES

A. In the event that two (2) or more candidates for the same office receive an equal number of votes, and it is not possible for both candidates to take office due to the filling of all available positions, then a run-off election shall be held.

B. A run-off election shall be held in the same manner as a general election as provided by this Ordinance, except that only the candidates who received equal numbers of votes shall be

candidates in the run-off. The candidate receiving the highest number of votes in the run-off election shall be elected to the position.

C. Any successful candidate who is not involved in a run-off election or election contest may be sworn in and assume office, pursuant to the provisions of this Ordinance.

SECTION 23. ELECTION CONTESTS AND DISPUTES

A. Any candidate, within five (5) business days of an election, may file a notarized complaint, under penalty of perjury, with the Election Committee alleging any election irregularity and demanding relief. The candidate must deliver a fee of $100.00 paid to the Karuk Tribe. This fee will be refunded if the complaint is determined to be valid by the Election Committee. This procedure shall be the only method of presenting an election dispute to the Election Committee.

B. The Election Committee shall decide all disputes concerning the election process within five (5) business days of receipt of a written complaint, and their decision shall be final; provided, however, that any candidate dissatisfied with a decision of the Election Committee may, within five (5) business days of that decision, petition the Tribal Council for review of the Election Committee's decision. The Tribal Council may, by a vote of two-thirds of the Council, reverse the decision of the Election Committee; provided that the Election Committee has had the opportunity to solicit legal counsel. The decision of the Tribal Council shall be final.

C. In deciding any dispute the Election Committee shall gather such facts as are available and necessary for a fair resolution of the dispute. Any decision of the Election Committee shall be by a majority vote thereof.

SECTION 24. CERTIFICATION OF ELECTION RESULTS

A. Once the time for filing an election contest has passed the Election Committee shall thereafter prepare a certification of the results of the election which shall be signed by each participating member of the Election Committee and which will contain the following information for each District:

1) The number of ballots cast.

2) The number of invalid ballots.

3) The number of absentee ballots.

4) The total number of valid ballots.

5) The number of valid votes cast for each candidate and for each issue on the ballot.

6) The outcome of each election issue on the ballot.

7) Date and time of certification.

SECTION 25. SWEARING IN PROCESS

A. Newly elected Tribal Council members who are deemed eligible shall be sworn in at the next regularly scheduled Tribal Council meeting following certification of the election results, as long

as it is within thirty (30) days of the election date as stated in Article VII, Section 5,of the Constitution of the Karuk Tribe.

B. The Registrar of Voters shall notify the current Tribal Chairperson, who will be responsible for setting the date for swearing in ceremonies.

C. Each successful candidate elected to the Tribal Council shall take an oath of office prior to assuming the duties of such position, by which oath he or she shall pledge him or herself to support and defend the Tribe's Constitution. The following form of oath of office shall be administered: *"I, [Name], do solemnly swear or affirm that I am duly qualified to exercise the duties of [Council Position] for the Karuk Tribe to which I have been selected and that I will carry out faithfully and impartially the duties of my office to the best of my ability, that I will promote and protect the best interest of my Tribe in accordance with its Constitution".*

SECTION 26. FILLING COUNCIL MID-TERM VACANCIES

A. The Tribal Council shall declare a Council position vacant when any member of the Tribal Council or other elected official: (1) dies, resigns, or is removed or recalled from office; (2) is found guilty while in office of a felony or misdemeanor involving dishonesty, as defined in the Constitution, in any court of competent jurisdiction; (3) misses three consecutive regularly scheduled meetings of the Council without being excused by that body. Under no circumstances shall the Tribal Council appoint an individual to the position of Chairperson or Vice Chairperson.

B. If more than six (6) months remains in the term of the vacant position, the Election Committee shall conduct a Special election of the voting membership for the purpose of filling the vacancy. Council shall notify the Election Committee, in writing, of mid-term vacancies within ten (10) working days of creation of the vacancy, and an election shall proceed pursuant to this Ordinance. The Tribal Council may fill a position temporarily in cases where tribal business can not be conducted effectively; the temporary position will be filled upon completion of the special election.

1) Potential appointees must meet all requirements as stated under the Constitution of the Karuk Tribe, Article VII, and the Election Ordinance of the Karuk Tribe, with the exception of time frames relating to Tribal elections.

C. If less than six (6) months remains in the unexpired term, the Offices other than Chairperson and Vice Chairperson, the Council shall select a candidate from the appropriate District to serve the remainder of the unexpired term from a list of candidates generated by the following process:

1) Council shall advertise or cause to be advertised, all vacant positions. The advertisement must include the number of vacant positions, length of term remaining for each position, from which District the vacant positions must be filled, and a request for petitions to be submitted by a closing date.

2) Potential candidates must meet all requirements as stated under the Constitution of the Karuk Tribe, Article VII, and the Election Ordinance of the Karuk Tribe, with the exception of time frames relating to Tribal elections. Potential candidates must submit petitions and proof of residency.

3) The Election Committee will determine the eligibility of all potential candidates.

4) From the list of eligible candidates the Council shall choose one candidate for each position to be filled. The appointees will fill the vacancy for the remainder of the term respective to the position appointed.

5) Council shall fill all vacancies within sixty (60) days from the day the position becomes vacant. In case of extraordinary circumstances, this time frame may be extended at Council's discretion.

SECTION 27. SPECIAL ELECTIONS

The Election Committee, established for the purposes of conducting and supervising all Tribal elections including general, primary or special will:

A. Establish a fair and equitable process for conducting and supervising all special elections to meet each situation.

B. Cause copies of a Notice of Election to be published and distributed to eligible voters. The Notice shall include:

1) The date and time of the election.

2) List of positions/candidates available for each District, and/or subject matter of the election.

3) Description of the Special Election Process, outlining any parameters that differ from the general election process, such as:

a. Polling locations;

b. Absentee voting; or

c. Timeline standards.

SECTION 28. PRIMARY ELECTIONS

A Primary election shall be held for the Officer positions of Chairperson, Vice Chairperson, and Secretary/Treasurer. The Primary Election shall be conducted the first Tuesday in August. Voting shall be by secret ballot. Absentee ballots shall be available upon written request by registered voters and mailed in a timely manner to such voters as set forth in Section 16.A. of this Ordinance.

The two candidates receiving the most votes in the Primary election shall compete against each other in the General Election which shall be conducted on the first Tuesday of November pursuant to the provisions of this Ordinance.

SECTION 29. PHASING IN NEW DISTRICT ELECTION PROCEDURES

Section 29 of the Election Ordinance as previously amended, which contained procedures for phasing in election changes for five years as a result of the July 19, 2008 Karuk Constitutional Amendment, is hereby deleted because it is now obsolete.

CERTIFICATION

The undersigned Tribal Chairperson of the Karuk Tribe 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 19th day of May, 2016, was duly adopted by a vote of 7 AYES, 0 NOES, 1 ABSTAIN.

This Election Ordinance amends the most recently amended Election Ordinance adopted on March 24. 2011. The Tribal Council is comprised of 9 members of which 8 (a quorum) voted.

Russell Attebery, Tribal Chairperson

6/2/16
Date