

ORDINANCE 34

HOPI TRIBAL ELECTION ORDINANCE

ADOPTED: August, 1996

TABLE OF CONTENTS

1.	Purpose	1
2.	Definitions	1
3.	Election Board	2
	(1) Establishment and Composition	3
	(2) Qualifications and Terms of Members	3
	(3) Election Board Officers	4
	(4) Meetings	4
	(5) Quorum	4
	(6) By-Laws	4
	(7) Removal or Resignation	5
	(8) Election Policies and Procedures Handbook	5
	(9) Compensation	5
	(10) Election Board Budget	5
4.	Other Election Bodies/Persons	6
	(1) Chairman and Vice-Chairman	6
	(2) Tribal Secretary	6
	(3) Tribal Registrar	7
	(4) Precinct Committee	8
	(5) Precinct Officers	8
	(6) Hopi Rangers	9
	(7) Canvass Watchers	
5.	Declaring Candidacy for Office	9
	(1) Eligibility	10
	(2) Filing Procedures	
6.	Voter Eligibility	10
	(1) Voter Eligibility	
7.	Voter Registration	10
	(1) Voter Registration Application	11
	(2) Register of Voters	11
	(3) Precinct List	
8.	Absentee Ballots	12
	(1) Eligibility	12
	(2) Request for Absentee Ballot	12
	(3) Applicant File Maintained by Registrar	13
	(4) Voting at Precinct	

9.	Election Procedures	
(1)	Commencement	13
(2)	Notice of Election	15
(3)	Election Materials	16
(4)	Election	18
(5)	Electioneering and Loitering	21
(6)	Closing of Polls	21
(7)	Absentee Votes	21
(8)	Canvass of Election Results	22
(9)	Recounts	24
(10)	Contest of Election Proceeds	25
(11)	Official Certification of Election Results	25
(12)	Records	25
10.	Criminal Offenses	
(1)	Maximum Penalty	26
(2)	Specific Offenses	26
11.	Miscellaneous Matters	
(1)	Amendments	27
(2)	Severability	27
(3)	Appeals	27
(4)	Applicability	27
(5)	Effective Date of Ordinance	

ORDINANCE NO. 34

HOPI ELECTION ORDINANCE

1. PURPOSE

The intent and purpose of this ordinance is to establish procedures for fair elections for Chairman and Vice-Chairman of the Hopi Tribal Council and for Tribal Referendum Elections, and to insure the secrecy and sanctity of the Ballot.

The regulations and procedures contained in this ordinance shall be administered in such a way as to accomplish this purpose and intent.

2. DEFINITIONS

Adult: In accordance with the Hopi Constitution and By-Laws concerning Tribal Elections, persons Eighteen (18) years of age or older.

Alternate: A person designated to act in full capacity for any election board member when such member may not be able to fully perform his duties and responsibility during the period of the election or term of office.

General Election: The final election by which the Chairman and Vice-Chairman are voted into office.

Hopi Language Fluency: A person is fluent in the Hopi Language when he/she can get a point across in the Hopi language.

Hopi Reservation: Land Management District No. 6; the lands in the former Joint Use Area of the 1882 Executive Order reservation partitioned to the Hopi Tribe; the village of Moenkopi and the surrounding range and farms lands used or occupied by the Hopi Indians; plus all lands in the reservation created by the Act of June 14, 1934 (48 Stat., 960) in which the Hopi Tribe is determined to have any joint or exclusive interest and all lands said reservation area which may be partitioned to the Hopi Tribe.

Lived On: Shall mean that a person maintains his/her primary residence on the Hopi Reservation.

) Precinct: A geographic area within the Hopi Reservation designated by the election board that is associated with a single polling place.

Precinct Marshal: An officer appointed by the election board with the responsibility to enforce the procedures outlined in this ordinance for his precinct.

Precinct Register: The official list of eligible voters within a precinct.

Primary Election: The election held prior to a general election for the purpose of determining two candidates for each office of the Chairman and Vice-Chairman.

Referendum Election: A vote of the people to determine tribal acceptance of legislation which is proposed or has already been enacted by the Hopi Tribal Council.

Rejected Ballot: A ballot which is marked such that the choice of the voter cannot be determined.

Spoiled Ballot: A ballot which is returned to the precinct officer by the voter because it is flawed.

3. ELECTION BOARD

(1) ESTABLISHMENT AND COMPOSITION

A. An Election Board is hereby established as an independent and separate entity from other governmental offices, boards, committees or agencies of the Hopi Tribal Government for the purposes of conducting fair and impartial elections pursuant to the terms of this Ordinance.

B. The Election Board shall be composed of five (5) regular members and three (3) alternate members appointed by the Hopi Tribal Council. Alternate members of the Election Board shall be assigned positions one (1) two (2) and three (3) by the Tribal Council at the time of their appointments. Whenever a regular member of the Election Board is unable to serve, either for reasons described in this Ordinance or for personal reasons, the Chairman of the Election Board shall call on an alternate member of the Board to serve in the regular member's position. The Chairman of the Election Board shall call upon alternate members of the Election Board to serve in the order of their assignment. When an alternate is called he/she will serve until the

Primary/General Election is completed.

(2) QUALIFICATIONS AND TERMS OF MEMBERS

- A. A member of the Election Board must be at least eighteen (18) years of age or older, an enrolled member of the Hopi Tribe or eligible for membership in the Hopi Tribe, able to speak Hopi fluently, and must not be a member of the Hopi Tribal Council or a personal staff employee of the incumbent Chairman or Vice-Chairman. No more than two individuals from the same village may serve as regular members of the Election Board at the same time.
- B. Members of the Election Board shall serve for terms of five (5) years commencing on the effective dates of their appointments by the Tribal Council.
- C. An alternate member called upon to replace a regular member for a particular activity shall serve until the regular member is able to resume his or her participation. When an alternate member is called upon to permanently replace a regular member, the alternate member shall serve out that regular member's term of appointment.
- D. If any member of the immediate family of an Election Board member declares his or her candidacy for office in an upcoming election, that Election Board member shall, if presently serving, be automatically replaced by an alternate until that election is completed. For the purposes of this section, the term "immediate family" means a person's spouse, parents, grandparents, children, aunts, uncles, nieces and nephews.

(3) ELECTION BOARD OFFICERS

A. Chairman.

(i) Appointment. The Election Board shall annually select from among its members a Chairman.

(ii) Duties. The Chairman shall have the following duties:

- a. To preside over all meetings of the Election Board;

- b. To vote on issues only in case of a tie;
- c. To approve hourly compensation vouchers for members of the Board.

B. Vice Chairman.

The Election Board shall annually select from among its members a Vice Chairman who shall have the duty and authority to preside over meetings of the Board when the Chairman is absent. When presiding over a meeting, the Vice Chairman shall vote only in the case of a tie.

(4) MEETINGS

- A. Regular Meetings. Regular Meetings of the Election Board may be held once a month, at a time and place to be determined by the Board in its By-Laws.
- B. Special Meetings. Special meetings may be called by the Chairman or by a notice signed by three (3) board members, provided notice is given to all Board members at least four (4) days before the meeting; by mail or two (2) days before the meeting by telephone or personal contact. During non-election years, the Election Board members may not receive compensation for more than one special meeting each month.

(5) QUORUM

Three (3) members of the Board shall constitute a quorum for the transaction of business.

(6) BY-LAWS

The Election Board shall develop by-laws, consistent with the terms of this Ordinance, governing the internal procedures of the Board. Such by-laws shall become effective when approved by resolution of the Hopi Tribal Council.

(7) REMOVAL OR RESIGNATION

- A. A member of the Election Board may be removed from the Board for serious neglect of duty (such as unexcused absence from three (3) or more meetings, repeated failure to perform tasks properly assigned to the member, attending any Board function while under the influence of

alcohol or a controlled substance, or failing to attend a Board function because of intoxication) by a majority vote of the Tribal Council, after the member has been given at least ten (10) days notice of the charges against him/her and an opportunity to defend himself before the Council.

- B. A member of the Election Board who wishes to resign from the Board shall submit a letter of resignation to the Tribal Council, through the Tribal Secretary. If a letter of resignation does not specify an effective date, it shall be considered effective as of 5:00 p.m., on the date it is received by the Tribal Secretary. The Tribal Secretary shall provide copies of the letter of resignation to the Chairman of the Election Board, the Tribal Registrar, and the Tribal Council.

(8) ELECTION POLICIES AND PROCEDURES HANDBOOK

The Election Board shall promulgate an Election Policies and Procedures Handbook specifying the details about how Tribal elections will be conducted. In the event of a conflict between the Election Policies and Procedures Handbook and this Ordinance, the terms of this Ordinance shall govern.

(9) COMPENSATION

- A. Election Board members shall, subject to the availability of funds, be compensated per hour for attendance at Election Board meetings at a rate to be determined by resolution of the Tribal Council.
- B. Compensation shall be paid to other persons who are selected by the Election Board to assist in carrying out elections pursuant to this Ordinance, at rates to be determined by the Board.

(10) ELECTION BOARD BUDGET

The operations of the Election Board authorized by the terms of this Ordinance, including the costs of conducting primary, general, and referendum elections, shall be funded by an annual budget from the General Fund of the Hopi Tribe. The Election Board's proposed annual budget shall be submitted as part of the annual budgeting process implemented by the Tribal Council. No person who has declared his or her candidacy for Chairman or Vice-Chairman for an upcoming primary or general election shall participate in

any official actions that would result in the raising or lowering of the total annual budget proposed by the Election Board.

4. OTHER ELECTION BODIES/PERSONS

(1) CHAIRMAN AND VICE-CHAIRMAN

- A. Selection: Elected to office by popular vote of Hopi Tribal members.
- B. Duties: To receive petitions from candidates for office.

(2) TRIBAL SECRETARY

- A. Selection: The Tribal Secretary is appointed by the Tribal Council.
- B. Duties: To receive petitions from candidates for office. To post names of qualified candidates for both the primary and general election in a public place in each village at least ten days prior to the election.

(3) TRIBAL REGISTRAR

- A. Appointment: The Tribal Registrar shall be appointed for a term of six (6) years by the Tribal Council.
- B. Duties:
 - 1. To maintain and update the Register of Voters and Precinct lists as provided for in this Ordinance.
 - 2. To distribute and receive applications for voter registration.
 - 3. To handle the day-to-day administration of the Election Board office.
 - 4. To provide technical assistance to the Election Board in reviewing and updating the Election Policies and Procedures Handbook, in selecting appropriate methods and forms for balloting, and in other areas, as needed.
 - 5. To implement voter education programs authorized by the Election Board to help improve voter participation and to answer questions about Tribal, State, and Federal Elections.
 - 6. To serve as an ex-officio member of the Election Board.
 - 7. To prepare and update an "Election Policies and Procedures Handbook", subject to approval by the Board, to be used as a

guide for election officials;

8. To develop an voter education program to help improve voter participation and to address questions about Tribal, State, and Federal Elections;
9. To research and investigate methods available for conducting elections (such electronic voting machines or computerized processes) and to prepare recommendations for the Board;
10. To provide orientations to new Board members regarding the Tribal Election Process; and
11. To perform other duties as authorized by the terms of this Ordinance.

C. Employment Status and Compensation:

The Tribal Registrar shall have the status of an appointed employee of the Hopi Tribe, pursuant to the Tribe's Personnel Policies and Procedures. The salary for the Tribal Registrar shall be determined by resolution of the Tribal Council. A person appointed to the position of Tribal Registrar may be removed for cause by the Tribal Council after a hearing before the Council (the Registrar shall be given notice ten (10) days prior to the hearing of the proposed grounds for removal).

(4) PRECINCT COMMITTEE

- A. Composition: Each precinct committee shall be composed of a minimum of three (3) adult members of the Hopi Tribe at each precinct designated by the Election Board.
- B. Term: The term of the precinct Committee workers shall begin three weeks before the election and expire one week following the election for which they were appointed.
- C. Duties of Precinct Committee.
 1. To be present at their designated polling place for the time the ballots and ballot box are delivered until the time that the polls close.
 2. To be present at the canvass of election results until the results

from their precinct have been canvassed.

3. To observe, note, and report any irregularities in election proceedings.

4. To perform other duties prescribed by the Election Board.

(5) PRECINCT OFFICERS

A. Appointment: The members of the Election Board shall appoint a judge, clerk(s) and marshal for each polling place from among the members of the precinct committee. At least one (1) officer from each precinct committee must be able to speak Hopi fluently.

B. Duties:

1. Judge:

- * To act as a precinct registrar.
- * To serve as Chairman of the precinct committee.
- * To supervise the conduct of elections at the precinct.

2. Clerk:

- * To review precinct list for accuracy.
- * To mark spoiled ballots.
- * To provide voters with ballots.

3. Marshal:

- * To maintain order at the precinct.
- * To enforce the prohibition against electioneering within fifty (50) feet of the polling place.
- * To escort board members carrying ballot boxes to the canvass headquarters.

(6) HOPI RANGERS

A. The Chief Ranger shall assign sufficient Rangers on Election Day to perform the following duties:

B. Duties:

1. Escort Board members and ballot boxes to all on-reservation polling places at 7:00 a.m., on Election Day.
2. Report to all on-reservation polling places at 7:00 p.m., on

Election Day and observe the closing of the polls and then escort the precinct official and ballot boxes to canvass headquarters.

3. At least two (2) Rangers shall be present at all times during the initial canvass of the ballots.

(7) CANVASS WATCHERS

- A. Selection: Each candidate may select no more than two canvass watchers to observe the counting of the ballots. The Election Board shall select two canvass watchers for each side of each issue on a referendum election. Canvass watchers shall be persons other than the candidate competing for office.
- B. Duties: To observe, note and report any irregularities in the counting of ballots to the Chairman of the Election Board.

5. DECLARING CANDIDACY FOR OFFICE

(1) ELIGIBILITY

- A. Constitutional requirements: In accordance with Article IV, Section 9 "The Chairman and Vice-Chairman shall each serve for a term of four years. Candidates for the Office of Chairman and Vice-Chairman shall be members of the Hopi Tribe, twenty-five (25) years of age or older and must be able to speak the Hopi Language fluently. Each candidate for either of said offices must also have lived on the Hopi Reservation for not less than two years immediately preceding his announcement of such candidacy".
- B. Ruling on Qualification of Candidates: The Election Board shall rule upon the qualification of candidates according to the provisions of the Tribal Constitution and By-Laws as stated in 1(A) above. The Election Board shall interview each candidate prior to making its ruling. The burden of proof shall be on the candidate to provide sufficient evidence that he or she meets the qualifications. The Election Board shall notify the candidate of its ruling within 24 hours of the interview.

- C. Employment Prior to Election: All candidates entered in the General Election, except an incumbent Chairman or Vice-Chairman, who are employed by the Tribal Government shall be required to take leave of absence from such employment not less than two weeks prior to the general election. The winning candidates shall be required to resign from any full time private or public employment; and public elected office prior to assuming office.

(2) FILING PROCEDURES.

In accordance with Article IV, Section 10; Candidates for the Office of Chairman and Vice-Chairman may declare their candidacy by filing with the Tribal Secretary or Tribal Chairman or Vice-Chairman a petition signed by at least ten adult members of the Tribe at least 15 days before the date set for the election. Within twenty-four (24) hours of the receipt of a petition, the officer receiving the petition shall forward a copy of the petition to the Chairman of the Election Board.

6. VOTER ELIGIBILITY

(1) VOTER ELIGIBILITY

- A. Eligibility: To be eligible to vote a person shall:

Hopi: Be a member or eligible for membership in the Hopi Tribe as set forth in Article II of the Constitution and By-Laws of the Hopi Tribe; and

Age: Be eighteen (18) years of age or older on election day.

- B. Ruling on Qualification of Voters.

The Election Board shall have the authority to determine any claim as to the right of the person, listed or not listed on the "Register of Voters", to vote as prescribed in this ordinance.

7. VOTER REGISTRATION

(1) VOTER REGISTRATION APPLICATION

- A. Application: Voters may make application to the Registrar for addition of their name to the Register of Voters. Such application shall be in

writing on a form provided by the Registrar.

- B. Eligibility Determination: The Registrar shall notify the applicant in writing within thirty (30) days whether or not he is eligible to vote. An adverse decision of the Registrar regarding voter eligibility may be appealed to the Election Board at its next regular meeting.

(2) REGISTER OF VOTERS

- A. PREPARATION: The Registrar shall prepare and maintain the Register of Voters. The Register of Voters shall be presented to the Election Board by the Registrar thirty (30) calendar days prior to any scheduled election.

- B. CORRECTION BY ELECTION BOARD: The Election Board shall ensure through review that the Register of Voters is accurate, and

1. Remove the names of deceased persons.
2. Correct names of persons whose names have been misspelled or legally changed.
3. Remove names of persons who are determined not to be eligible for membership according to Article II of the Constitution and By-Laws of the Hopi Tribe.

C. RECORDS:

1. The official Register of Voters shall be contained in a binder designated as "Register of Voters". Names shall be arranged alphabetically and the Registrar shall include the date of birth, current address, and assigned precinct with each name.
2. A duplicate "Register of Voters" shall be provided to the Tribal Secretary, who shall maintain it as a central file.
3. The Register of Voters shall be available for public inspection during normal business hours.

(3) PRECINCT LISTS

- A. PREPARATION: The Registrar, using the Register of Voters, shall prepare a Precinct Voter List for each precinct. The Registrar shall present the precinct voter list to the Election Board fifteen (15) calendar

days prior to any scheduled election.

- B. CORRECTIONS BY ELECTION BOARD: The Election Board shall ensure through review that the Precinct Voter Lists are accurate.
- C. ABSENTEE BALLOT ADJUSTMENT: Following the close of the time to request an absentee ballot, the Registrar shall mark the Precinct Voter Lists indicating all voters who have been mailed or given an absentee ballot.
- D. ISSUED TO PRECINCT: The Precinct Voter List shall be issued, by the Election Board, to the precinct judges at the same time as the ballot box, ballots and other polling materials are issued.

8. ABSENTEE BALLOTING

- (1) ELIGIBILITY To be eligible for an absentee ballot, a person must expect to be absent from the vicinity of his polling place for any reason including illness, disability, or participation in religious ceremonies; or physically reside outside the boundaries of the Hopi Reservation.

- (2) REQUEST FOR ABSENTEE BALLOT

- A. Request by Mail or Telephone: Not less than thirty (30) days proceeding an election, a voter may request for an application for an absentee ballot to the Registrar by telephone or mail. Upon the application blank provided by the Election Board, the applicant shall sign the application and return the original and duplicate to the Registrar of the Tribe.
- B. Request In Person: Individuals may appear in person before the Registrar to request absentee ballot up to three (3) working days prior to the date of the election.

- (3) APPLICANT FILE MAINTAINED BY REGISTRAR

The Registrar shall file all applications received with the date of receipt stamped thereon. A log of all telephone requests shall be made. The file shall show the name and address of each person to whom an absentee ballot was mailed, including the date of mailing.

(4) VOTING AT PRECINCT

If a person who was given an absentee ballot decides to vote at his precinct polling place, that person shall personally surrender his absentee ballot before he is permitted to vote.

9. ELECTION PROCEDURES

(1) COMMENCEMENT

This Section describes how elections are initiated.

A. Primary and General Elections: Primary and general elections occur once every four years. The Constitution provides as follows:

1. Article IV, Section 11. A primary election shall be held on the first Wednesday in November in every fourth year thereafter, provided that, no primary election shall be held in the years when there shall be no more than two candidates for either the offices of Chairman and Vice-Chairman. The two candidates in a primary election receiving the highest number of votes for each of said offices of Chairman and Vice-Chairman shall have their names entered in the final election. In the event there are not more than two candidates for either of such offices these candidates with no more than one competing candidate shall have their name entered in the final election without the necessity of a primary election.

2. Article IV, Section 12. The general election shall be held on the third Wednesday in November 1969 and on the third Wednesday in November in every fourth year thereafter.

B. Referendum Election:

1. Call for a referendum: Upon petition of at least thirty (30) percent of the then registered voters of the Tribe, or upon resolution of the Tribal Council, an enacted or proposed ordinance or resolution of the Tribal Council shall be submitted to a popular referendum vote. The vote in a referendum

election shall be used by the Tribal Council as an advisory indication of tribal sentiment to assist in deciding whether or not an ordinance or resolution should remain in effect or be replaced or modified, or should be enacted if not already in effect.

2. Referendum by Petition:

A. Form of Petitions: All petitions shall contain the full printed name and signature, address, date and voting precinct for all persons signing the petition. All signatories of a petition must be registered voters. Petition forms shall be available from the Tribal Secretary. The statement of the matter to be voted upon shall be identically stated on each page. Signatures shall be on the face page of the petition only.

3. Submission of Petitions: Referendum petitions shall be submitted in a group to the Secretary of the Tribal Council who shall submit the petitions to the Election Board for review and certification.

4. Review of Petitions: The Election Board shall review and rule upon the validity of referendum petitions. A petition page which fails to state in full the matter upon which a referendum election is sought shall be declared totally invalid. An individual signature may be declared invalid without invalidating the remainder of the petition. A signature may be declared invalid if such signature is not accompanied by the required information or is not the signature of registered voter. No signature shall be valid which is more than six (6) months old at the time the petition is submitted to the Secretary of the Tribal Council.

5. Certification of Petition for Calling of Elections: The Election Board shall within ten (10) days from the date of submission of

petition, certify the number of valid signatures supporting a proposed referendum proposition. The Tribal Secretary shall certify to the Election Board, the number of registered voters of the Tribe at the time the petitions is submitted.

The Election Board shall determine whether or not sufficient valid signatures support a referendum proposition. If sufficient valid signatures exist the Election Board shall certify the petition and hold a referendum election on the proposition within sixty (60) days.

If sufficient valid signatures are not found to exist, the Election Board, shall within ten (10) days from the date of submission, notify the petitioner of the number of signatures required and an additional two weeks shall be allowed to obtain the required signatures.

After the required number of signatures have been obtained, the Election Board shall notify the petitioner of its decision. Such notification shall also be announced in a local newspaper and posted in public places throughout the Hopi Reservation.

C. Scheduling a Referendum Election:

1. Referendum Election Voting: Referendum Election initiated by majority vote of the Tribal Council shall be conducted by the Election Board within sixty (60) days following the adoption of a resolution calling for such election, or at such later date stated in the resolution. The resolution of the Tribal Council shall specify the issue(s) to be presented to the voters.

(2) NOTICE OF ELECTION

- A. Publication and Posting: Publication and posting of notices shall be made by the Election Board at least sixty (60) days before the date of the General Election, or at least thirty (30) days before the date of a tribal referendum. All notices shall contain the date, place and purpose

of each election and shall be posted at the Tribal Headquarters, at the polling places, local post offices, and at various other public places in each precinct. Each local newspaper that provides useful coverage of Indian Communities shall be furnished a copy of the notice for carrying as a public service announcement.

- B. Notice to Non-Residents: As long as the non-resident absentee voter's registration remains current, he shall be notified by mail of the calling of elections, the issue and/or offices to be voted on, and shall be advised of the proper manner of requesting an absentee ballot. It shall be the duty of each non-resident voter to provide a current mailing address to the Election Board.

(3) ELECTION MATERIALS

A. Regular Form of Balloting.

1. The ballot shall be prepared by the Election Board and it shall be numbered consecutively and printed with a stub so perforated that the ballot will be easily detached therefrom. All ballots shall be upon paper of such thickness as will render it impossible to look at the back of the ballot and tell for whom it is marked.
2. Statement for Spoiled Ballots: Upon the stub shall be printed these words "if for any reason the ballot is spoiled or not executed, the clerk shall write "spoiled" in this space," Leaving sufficient space for the word "spoiled".
3. Arrangement of Names on Ballot: The order of names which appear on the ballots for the election of a chairman and vice-chairman shall be determined by a random drawing conducted by the Election Board. The drawing shall be open to the public.
4. Numbering System for Ballots: At the upper right hand corner of the stub of each ballot shall be printed or stamped, by a consecutive numbering machine, prefixed with an abbreviation for the polling place beginning with the number "1" and

continued in consecutive order under each stub for that polling place.

5. Number of Ballots: Ballots shall be supplied by the Election Board in sufficient quantity to ensure that each voter whose name appears on the "register of voters" for that polling place may receive a ballot.

B. Preparation of Materials.

At the direction of the Election Board the registrar shall arrange for all election supplies, including the printing of all ballots and other reproduction of tally lists or lists of registered voters and shall arrange for the delivery of the same to the Chairman of the Election Board before the opening of the polls. Ballots and lists of registered voters shall be prepared ten (10) days before election day.

C. Alternative Forms of Balloting.

1. In lieu of the form of the ballot prescribed by this section, the Election Board may choose to utilize an alternative mechanical, electrical, or digital balloting process that meets the criteria outlined in Paragraph 2.
2. Any alternative form of balloting chosen by the Election Board must:
 - a. Allow for the consecutive numbering of individual ballots;
 - b. Protect the secrecy of individual votes;
 - c. Allow for the marking of the ballots as "Spoiled";
 - d. Allow for the arrangement of names pursuant to the random drawing by the Election Board;
 - e. Allow for canvassing by precinct that can be verified by a manual re-count; and
 - f. Be maintained as a physical record for at least two (2) years.

3. The Tribal Council shall, at least sixty (60) days prior to the

election, by motion, approve or disapprove of an alternative form of balloting chosen by the Election Board. If the Tribal Council disapproves of the alternative form of balloting then this Election Board shall use the regular form of balloting.

(4) ELECTION

- A. Inspection of Ballot Boxes: On the day of election, before balloting begins, the Election Board shall open and inspect the ballot box to determine that it is empty. The ballot box shall then be locked until time to count the ballots. The absentee ballot box shall be locked by the Election Board on the date the first absentee ballots are issued or mailed. Keys to ballot boxes shall be placed in sealed, signed and dated envelopes at the time the boxes are locked. A duplicate set of election lock file cabinet and ballot box keys shall be placed in a bank safe deposit box.
- B. Delivery and Receipt for Ballots: The Chairman of the Election Board shall cause to be delivered to the Judge of each polling place the printed blank ballots and other election materials including ballot boxes, each with a lock and fitted with one opening and no more, of sufficient size to admit a single folded ballot. The original keys shall be retained by the Chairman of the Election Board. The Judge of each polling place shall count all ballots delivered to him and shall receipt for the ballots and all election materials received from the Chairman of the Election Board or his authorized representative, and shall be responsible for an account of all ballots and other Election Board as provided in Section 8A, Paragraph 5 of this Ordinance.
- C. Opening of Polls: The Judge of each polling place shall open the polls at 7:00 a.m.
- D. Persons Allowed in Polling Place: The following persons shall be allowed admittance to the polling place:
- * Election Board Members;
 - * Precinct Committee Members;

- * The Registrar and Deputy Registrar;
- * Tribal Rangers assigned to assist in the election;
- * The registered voters who have not cast their vote.

E. Procedures for Voting.

1. Checking Registration: Each voter, upon presenting himself to vote shall announce to the polling official his name and address. Any voter who signs with an "X" or thumb print shall have his mark witnessed by two election officials. Each voter shall sign the poll book with an ink pen before he receives a ballot. The election official shall then determine if the voter's name appears on the official precinct list for that precinct, and that he has not received an absentee ballot for the pending election.
 - a. If the voter's name is on the precinct list, then the precinct judge shall check the "Absentee Voter List",
 - (i) If the voter's name is not on that list, the precinct judge shall allow the voter to vote.
 - (ii) If the voter's name is on that list, the precinct judge shall ask the voter to surrender their absentee ballot. If the voter surrenders their absentee ballot, the precinct judge shall allow the voter to vote. If the voter does not surrender their absentee ballot, the precinct judge shall not give the voter a ballot nor permit them to vote.
 - b. If the voter's name is not on the "Precinct List", the precinct judge shall check the "Register of Voters. If the voter's name is on the "Master Register Voter List", the precinct judge shall contact the voter's precinct and inform them that the voter is voting out of their precinct. If the voter has previously voted in another precinct, the precinct judge shall inform the voter that they may not vote again. If the voter has not previously voted, the

precinct judge shall allow the voter to vote.

- c. If the voters name is not on the "Register of Voters List", the precinct judge shall check the master enrollment list. If the voter is on the Master Enrollment List, and the voter presents a drivers license, birth certificate, or other proof that he or she is at least eighteen (18) years of age or older, then the precinct judge shall call the election headquarters and inform them that an enrolled nonregistered voter is voting, and allow the voter to vote. If the voter is not on the enrollment list, or cannot show that he or she is eighteen (18) years of age or older, then the precinct judge shall allow the voter to cast a questioned ballot.

2. Inability to Mark Ballot: When any voter presents himself for a ballot and states that he, because of physical disability or infirmity is unable to mark his ballot, one of the election officials shall give the voter assistance as he needs, but in all instances the voter shall state the way he wishes to vote, and in no instance shall an election official by word, action or expression attempt to influence the voter as to how he should vote. To insure sanctity of the ballot an oath shall be given to the election official assisting the voter.
3. Marking of Ballot: Space shall be provided in each polling book for the signature of any election official required to assist a voter in completing a ballot.
4. Receipt of Ballot: Upon receipt of a ballot, the voter shall retire to one of the private voting booths and therein mark his ballot in secrecy, except as noted in the previous section. Only one person shall occupy a voting booth at one time. The voter shall mark his ballot using the instrument provided by election officials. The mark, to be valid must be identifiable with the

appropriate square or place on the ballot for which it is intended. After the ballot is so marked, the voter in the presence of the polling official shall detach and retain any identifying number on the ballot, fold the ballot so that the printed sides are completely concealed and deposit the folded ballot in the ballot box.

5. Spoiled Ballots: Should any voter spoil his ballot, he shall fold and return it in the presence of the election officials. The election officials shall then provide such 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 shall not write the name of the voter upon the stub of the duplicate ballot, but shall write instead the words, "SPOILED", and shall deposit the ballot in the ballot box.

(5) ELECTIONEERING AND LOITERING

No person shall be allowed to electioneer within 50 feet of the building where and when the election is in progress. Neither will any loitering be permitted in the polling place during voting hours. It shall be the duty of the election officials at the polling place to obtain such assistance as may be required to maintain order about the building during the progress of the election.

(6) CLOSING OF POLLS

The Judge of the polling place shall close the polls at 7:00 p.m. Any voters who are present at the polling place at 7:00 p.m. shall be allowed to cast their ballots.

(7) ABSENTEE VOTES

Absentee ballots returned by mail shall remain in a locked ballot box at the post office until 5:00 p.m. on election day at which time the Chairman and one member of the Election Board shall return the ballot box to Tribal Headquarters. The ballot box shall remain locked until the Election Board is ready to tally all the votes. To be counted, absentee ballots shall be received by the Election Board no later than the time the polls close on election day.

Absentee ballots received in person from other than the person to whom the absentee ballot was issued shall be rejected.

(8) CANVASS OF ELECTION RESULTS

- A. Collection of Ballot Boxes: Judge and Marshal shall deliver the ballot box to the Election Board immediately after voting activities are completed.
- B. Persons Present at Counting: The public may be present at the counting of the ballots.
- C. Rules for Counting Ballots:
 - 1. Poll Watchers: No watcher shall in any way interfere with or hinder the election officials in exercising their responsibility. If interference occurs the Election Board Chairman shall call for a suspension in the count until the individual responsible for the interference are excused or removed from the room. Duplicate counts by poll watchers will not be allowed.
 - 2. Regular Ballots: After the polls have closed, the Chairman of the Election Board in the presence of the Election Board and any poll watcher shall unlock the ballot box(s) containing the executed ballots. The list of those signing in to vote during the election day, will be counted and the number of executed ballots will be counted to ascertain that the number of those signing in to vote conforms with the number of executed ballots. The election officials shall then count the ballots cast in the following manner. As the ballots are opened, the Chairman of the Election Board, or the Vice Chairman shall verbally announce the choice or choices indicated on the regular ballot and record such information on tally sheets provided for such purpose. Upon completion of the tally the board shall note on their tally sheet the number of votes cast. If the Tribal Council has approved the use of an alternative form of Balloting then the election officials shall count the ballots, by precinct, using the

device approved.

3. Absentee Ballots.

A. Preparation for Counting Absentee Ballots: After the count has been completed of those ballots cast in person; the Chairman of the Election Board in the presence of the other Election Board members and any poll watchers, shall unlock the absentee ballot box. The list of those who have voted by absentee ballot shall be compared with the envelopes in the ballots boxes to confirm that the ballots have been returned in accordance with absentee voting regulations set forth in this ordinance. Each member of the Election Board shall initial the envelope in which a ballot is improperly returned. It will remain unopened and shall be marked "SPOILED", it shall be sealed and preserved along with other executed ballots at the end of the count.

Upon completion of the review of the envelopes, the outer envelopes shall be opened and the inner envelopes containing the ballot removed.

B. Counting Absentee Ballots: When everything is in readiness, the election officials shall then count the absentee ballots in the same manner as the ballots previously counted of those voters who have voted in person in the election.

C. Improperly Marked Ballots: Should a portion of a ballot be improperly marked, it shall not exclude from the tally the part which is correctly executed. Any ballot on which the intent of the voter cannot be determined shall be preserved and filed with ballots submitted to the Election Board for safe keeping with the notation "REJECTED" placed on the face of the ballot.

- D. Uncertified Announcement of Results: As soon as possible but no later than 5:00 p.m. three days immediately following the election an uncertified statement shall be issued and posted to announce the election results as soon as possible following completion of the canvass of the election.

(9) RECOUNTS

- A. Ties in Candidate Elections: In the event that either two candidates are tied for the lead at the end of the tally then the Election Board shall conduct a recount of the ballot cast in the contest. Should a tie exist at the completion of the recount, the Election Board shall conduct a special election.
- B. Ties in Referendums: In the event that the yes votes and no votes of a referendum proposition are tied for the lead at the end of the tally, then the Election Board shall conduct a recount of the ballots cast in the contest. Should a tie exist at the completion of the recount, the Election Board shall conduct a special election for the referendum proposition.
- C. Request for Recount: Any qualified voter of the tribe may, at any time before 12:00 noon or the 6th immediately following the election, file with the Election Board a request for a recount of the ballots. The request shall specify the candidate or position on behalf of which the request is being filed.

The request for a recount must be in writing, signed and must be accompanied by a recount fee in the amount of \$150.00.

Upon the receipt of the request for recount and the recount fee, the Election Board shall proceed to conduct a recount of the votes in the challenged contest. No challenge shall be considered that is not made within the time provided for that purpose. All recount must be completed within seven (7) days immediately following the election.

If the candidate or proposition on behalf of which the request is

filed is then determined the winner at the end of the recount, the requestor shall have the full recount fee returned to him.

If the recount does not change the election results with respect to the candidate or position on behalf of which the request was filed, the requestor forfeits the recount fee.

(10)

CONTEST OF ELECTION PROCEEDINGS

Any qualified voter may within six (6) days immediately following the day of election, file with the Election Board a protest or challenge concerning any inconsistencies with this ordinance. Such protest or challenge shall be made in writing and signed by the protestor. The Election Board will respond in writing to such proper protest or challenge within seven (7) days after the filing of the protest.

(11) OFFICIAL CERTIFICATION OF ELECTION RESULTS

The Election Board shall post an official certification of the election result within seven (7) days immediately following the election. Copies of the certification will be mailed to each candidate in the election, the Hopi Tribal Council and the Hopi Agency Bureau of Indian Affairs.

(12) RECORDS

When canvass of election results has been completed, all marked and unmarked ballots shall be retained by the Election Board, and shall have the ballots sealed and locked in a file cabinet. All marked and unmarked ballots shall be kept in the locked file cabinet for a period of two years after which time the ballots shall be available for inspection under the supervision of the Election Board.

The Election Board shall be responsible for seeing that files on each election are maintained on a permanent basis, and include the following material from each election:

- A. Election notices posted and placed in newspaper.
- B. List of places where election notices were posted and list of newspapers where advertisements were placed.
- C. Candidacy papers and reports from the Election Board as to qualifications of candidates.
- D. A sample ballot.
- E. The certificate of the election.

- F. The voter registration list.
- G. Outer envelopes used in absentee voting.
- H. Executed ballots.

All of the above listed documents with the exception of 6 and 4 shall remain in the files permanently. At no time shall an original document be permanently removed from the files. Any registered voter may request and receive copies of items A, B, C, D, E. The voter registration list shall be available for inspection by registered voters.

At the end of two years from the date of certification of an election, executed ballots and outer envelopes from that election shall be destroyed by the Election Board Chairman in the presence of at least two (2) other members of the Election Board.

10. CRIMINAL OFFENSES

(1) MAXIMUM PENALTY

Any person convicted of an offense under this ordinance shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the tribal jail for not more than six months, or both.

(2) SPECIFIC OFFENSES

It shall be an offense for any person acting on his own behalf or on behalf of another including any business entity or other organization, to:

- A. Pay, give or offer to pay, or give money, property, services or other valuable consideration to any person for the purpose of influencing the vote of any person.
- B. Use force or violence, or the threat of force or violence, for the purpose of influencing or attempting to influence the vote of any person.
- C. Take any action or threaten to take any action, whether lawful or not, either to prevent any person from voting or as reprisal for voting in a particular way.
- D. Take or threaten to take any of the foregoing action for the purpose of influencing the manner in which an election official, registrar or assistant, or polling place worker, performs his or her duties.

- E. Solicit, accept or offer to accept any money, property, service or other valuable consideration for voting in a particular way; for influencing another to vote in a particular way or not to vote; to offer money or influence an election official involved in the conduct of an election or of the registration process; for failure to honestly perform the duties of the office.
- F. Bet, wager or share or take an interest in a bet or wager upon any contingency whatever arising out of an election.
- G. Act contrary to the manner prescribed by law when fulfilling the obligations and duties of an election official.

11. MISCELLANEOUS MATTERS

(1) AMENDMENTS

This ordinance may be amended by resolution of the Hopi Tribal Council.

(2) SEVERABILITY

If any portion of this ordinance shall be ruled invalid by a court of competent jurisdiction, that portion shall cease to operative, but the remainder of this ordinance shall continue in full force and effect.

(3) APPEALS

Any decision of the Election Board may be appealed to the Hopi Tribal Court within thirty (30) days of such decision.

(4) APPLICABILITY

Offenses stated herein shall apply to any election called under this ordinance.

(5) EFFECTIVE DATE OF ORDINANCE

This ordinance shall be effective upon approval of the Secretary of the Interior or his authorized representative.

HOPI TRIBAL COUNCIL
RESOLUTION
H-127-96

WHEREAS, ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, of the Constitution and By-Laws of the Hopi Tribe establishes the basic criteria, deadlines and procedures for conducting referendum elections and elections for the Chairman and Vice Chairman of the Hopi Tribe; and

WHEREAS, The Hopi Tribal Council has previously enacted, and from time to time amended, a Hopi Election Ordinance (Ordinance No. 34) to establish the detailed processes and procedures for conducting tribal elections; and

WHEREAS, The Hopi Tribal Council recognizes the need to make further revisions to the Hopi Election Ordinance to clarify the terms of the ordinance, to reflect constitutional amendments and court decisions, and to provide a more efficient and effective election process.

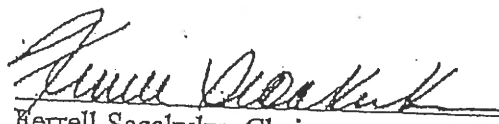
NOW THEREFORE BE IT RESOLVED that the Hopi Tribal Council hereby adopts and enacts the attached revised "Hopi Election Ordinance" (Ordinance No. 34).

BE IT FINALLY RESOLVED that this revised Hopi Election Ordinance supersedes and replaces all prior enactments of the Hopi Tribal Council that are inconsistent with its provisions.


HOPI TRIBAL COUNCIL
RESOLUTION
H-127-96

CERTIFICATION

The foregoing resolution was duly adopted by the Hopi Tribal Council on August 21, 1996, at a meeting at which a quorum was present with a vote of 14 in favor, 1 opposed, 0 abstaining (Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by SECTION 1 (a) of ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936; and approved by the Secretary of Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said resolution is effective as of the date of adoption and does not require Secretarial approval.


Ferrell Secakuku, Chairman
Hopi Tribal Council

ATTEST:


Mary A. Felter, Tribal Secretary
Hopi Tribal Council