

## Title 3 ELECTIONS

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**Authority:** Pursuant to its authority under Article [IV](#), Section [5](#) of the Constitution of the Yurok Tribe, as certified on November 24, 1993, the Yurok Tribal Council hereby enacts the ordinance codified in this title prescribing election procedures for Tribal elections.

### Chapter 3.05 GENERAL PROVISIONS

Sections:

- 3.05.010**    **Short title.**
- 3.05.020**    **Findings.**
- 3.05.030**    **Purpose.**
- 3.05.040**    **Scope.**
- 3.05.050**    **Amendment and restatement.**
- 3.05.060**    **Definitions.**

#### **3.05.010    Short title.**

The ordinance codified in this title shall be referred to as the “Yurok Tribe Election Ordinance.” [Ord. 56 § 4001, amended, 5/9/2019; Ord. 42 § 4001, adopted, 3/4/2015.]

### **3.05.020 Findings.**

The Tribal Council finds and declares as follows:

- (a) This title is established by the Yurok Tribal Council under the authority delegated to it by Article [IV](#), Section [5\(f\)](#) of the Constitution, which states “The Yurok Tribal Council shall by ordinance prescribe election procedures for Tribal Elections. The Yurok Tribal Council shall by ordinance establish an Election Board whose members shall be appointed by the Chairperson with the advice and consent of the Yurok Tribal Council.”
- (b) This title shall remain in effect for the purpose of conducting Tribal elections as authorized in Article [IV](#), Section [5](#) of the Constitution.
- (c) All appointments to the Election Board shall abide by the Council's conflict of interest policies. [Ord. 56 § 4002, amended, 5/9/2019; Ord. 42 § 4002, adopted, 3/4/2015.]

### **3.05.030 Purpose.**

The Tribe amends and restates the amended election code in order to:

- (a) Establish procedures for fair elections; and
- (b) Ensure the secrecy and sanctity of the ballot. [Ord. 56 § 4003, amended, 5/9/2019; Ord. 42 § 4003, adopted, 3/4/2015.]

### **3.05.040 Scope.**

This title shall govern the management, administration, conduct, and contestation of all Tribal elections, the conduct of those involved in the election process, and voting by Tribal members in Tribal elections. This title shall be administered in such a way that substantial compliance is deemed adequate. [Ord. 56 § 4004, amended, 5/9/2019; Ord. 42 § 4004, adopted, 3/4/2015.]

### **3.05.050 Amendment and restatement.**

The amended election code is hereby amended and restated and Council adopts this amended and restated ordinance in its entirety as the Yurok Tribe election code. [Ord. 56 § 4008, amended, 5/9/2019; Ord. 42 § 4008, adopted, 3/4/2015.]

### **3.05.060 Definitions.**

“Absentee voter” means any eligible voter who requests an absentee ballot in accordance with the procedures set forth in this title.

“Amended election code” means the election ordinance of the Yurok Tribe originally adopted on July 20, 1994, amended on August 26, 1998, amended on May 30, 2002, and amended July 9, 2004, and in effect immediately preceding the effective date of this amendment and restatement.

“Constitution” means the Constitution of the Yurok Tribe as certified on November 24, 1993.

“Council” or “Tribal Council” means the Yurok Tribal Council, a nine-member governing body established by Article [III](#) of the Constitution.

“District” means a Council district specified in Article [III](#), Section [2](#) of the Constitution.

“Election Board” or “Board” means the Election Board established pursuant to YTC [3.10.010](#).

“Election Director” means the Director of the Elections and Enrollment Department.

“Election notice” means the official notice that an election will be held.

“Eligible voter” or “registered voter” means, in accordance with Article [III](#), Section [4](#) of the Constitution, a Yurok Tribal member who will be at least 18 years of age on the date of the primary or special election, and who has registered to vote.

“Initiative” means a legislative measure proposed by a petition signed by at least 20 percent of the eligible voters as required by Article [XI](#), Section [1](#) of the Constitution.

“Majority” means more than half of the votes (50 percent plus one vote) cast during an election.

“Measure” means a proposed legislative act or course of action.

“Moral turpitude” means conduct that is contrary to justice, honesty, or morality or so extreme a departure from ordinary Yurok standards of honesty, good morals, justice or ethics as to be shocking to the moral sense of Yurok people. Moral turpitude shall include, but shall not be limited to, the following:

- (1) An individual who cannot hold regalia;
- (2) Fraud;
- (3) Embezzlement;
- (4) Extortion;
- (5) Theft;
- (6) Bribery;
- (7) Receiving stolen goods knowing they are stolen;
- (8) Perjury;
- (9) Child abuse, including physical or sexual abuse;

- (10) Contributing to the delinquency of a minor, including sexual relations with a minor, sexual exploitation of a minor, production or trafficking of child pornography, or serving or providing illegal drugs or alcohol;
- (11) Assault with an intent to kill, commit serious bodily harm, or rape or with a dangerous weapon;
- (12) Arson;
- (13) Rape;
- (14) Murder;
- (15) Felony conviction for domestic abuse;
- (16) Intentional manufacture, use, or distribution of a controlled substance or drug trafficking; and
- (17) Aiding or abetting in the commission of, or attempting to commit, a crime involving moral turpitude.

"Petition" means a voter-initiated proposal for a legislative measure, recall of an elected official, or amendment to the Constitution.

"Polling place" means a location where voting takes place.

"Polling official" means an Election Board member and any additional appointees serving at the polls on election day.

"Primary" or "primary election" means an election to be conducted the second Wednesday in October of each year for each Council office for which the term is set to expire that year, and may also be referred to as the annual election.

"Recall election" means the election to be held to consider the recall of an elected official.

"Referendum" means a legislative measure approved by the Yurok Tribal Council and referred to the Tribal voting membership pursuant to Article [XI](#), Section [2](#) of the Constitution.

"Register of voters" means the official master list of registered voters for an election.

"Registrar" means the Chairperson of the Election Board, or their designee.

"Residence" means the principal place where one physically resides.

"Run-off" or "run-off election" means the election to be held, if necessary, within 45 days of the primary election certification when no candidate for office receives a majority of the votes cast for the office.

"Special election" means any election other than the primary election and including an election to be held to resolve a tie, conduct a referendum, conduct a recall of an elected official, fill a vacant Council position, or amend the Constitution.

"Tribal member" means a duly enrolled member of the Yurok Tribe listed on the Yurok Tribal membership roll.

“Tribal voting membership” means all eligible voters. [Ord. 56 § 4010, amended, 5/9/2019; Ord. 42 § 4010, adopted, 3/4/2015.]

## Chapter 3.10

### ELECTION BOARD

Sections:

- 3.10.010 Election Board.**
- 3.10.020 Election Board official duties.**
- 3.10.030 Amendments to election code.**
- 3.10.040 Internal procedure of Election Board.**
- 3.10.050 Oath of office – Election Board.**
- 3.10.060 Election budget.**
- 3.10.070 Election records.**
- 3.10.080 Submission to the Election Board.**
- 3.10.090 Forms.**

#### **3.10.010 Election Board.**

The Yurok Tribal Council shall establish an Election Board pursuant to Article [IV](#), Section [5\(f\)](#) of the Constitution of the Yurok Tribe.

The Board shall be responsible for screening candidates, calling and conducting elections, settling any election disputes, certifying election results, establishing and overseeing the registration and petition process, and installing successful candidates. The Board Chairperson shall administer the oath of office.

The Board shall abide by the internal procedures of the Election Board, as set forth in this chapter. Members of the Board shall receive reimbursement for expenses related to their specific responsibilities. The Board will levy and collect filing fees from candidates and such other fees as specified in this chapter. Members of the Board may be removed by a two-thirds affirmative vote of the Council in accordance with Article [IV](#), Section [5](#) of the Constitution. [Ord. 56 § 4101, amended, 5/9/2019; Ord. 42 § 4101, adopted, 3/4/2015.]

#### **3.10.020 Election Board official duties.**

The Election Board shall, pursuant to the Constitution of the Yurok Tribe, have overall responsibility for the conduct of the elections authorized by Article [III](#) of the Constitution. These duties shall include, but not be limited to, the following:

- (a) *Publication of Election Notice.* All election notices shall contain the date, time, polling places, and purpose of each election and shall be posted at the polling places, and at various other public places throughout the area served by the established polling place. The publication of the election notice shall be not less than 45 days before the date of any election of members to the Tribal Council, and shall be made at the direction of the Chairperson of the Election Board. Each local newspaper, radio, and TV station that provides useful coverage to Indian communities shall be furnished a copy of the election notice for carrying as a public service announcement.
- (b) *Selection of the Election Board Officials.* The members of the Election Board shall appoint a Chairperson and a Vice-Chairperson from within their membership, and, if necessary, such additional appointees from the Tribal membership as may be required for conducting an election. If any member of the immediate family (spouse, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, sister, sister-in-law, brother, brother-in-law, grandmother, grandfather, aunt, uncle, niece, nephew or first cousin) of an Election Board member is an approved candidate for office, such Election Board member shall automatically be replaced by an alternate recommended by the Election Board and approved by the Yurok Tribal Council until such election is concluded.
- (c) *Election Supplies.* Election staff will arrange for all election supplies including the printing of all ballots, tally lists, and lists of eligible registered voters and shall arrange for the delivery of the same to the polling officials before the opening of the polls.
- (d) *Ruling on Qualifications of Candidates.* The Election Board shall have the final authority to rule upon the qualifications of the candidates, including those qualifications identified in Article [III](#), Sections [5](#) through [7](#) of the Constitution and in this chapter, and to certify the candidacy. [Ord. 56 § 4102, amended, 5/9/2019; Ord. 42 § 4102, adopted, 3/4/2015.]

### **3.10.030 Amendments to election code.**

The Election Board may recommend amendments to this title to the Council by a majority vote of a quorum at any duly noticed meeting of the Election Board. [Ord. 56 § 4103, amended, 5/9/2019; Ord. 42 § 4103, adopted, 3/4/2015.]

### **3.10.040 Internal procedure of Election Board.**

The Election Board shall have the final authority to determine any claim as to the right of any person, listed or not listed on the register of voters, to vote as prescribed in this chapter.

- (a) *Quorum.* A quorum of the Election Board shall consist of four members.
- (b) *Meetings.* Meetings may be called at any time upon proper notification to all Board members by the Chairperson or by the request of a majority of the Board to the Chairperson. In the event the Chairperson fails to call a meeting as requested, any four members of the Board may convene a meeting upon proper notification to the other Board members. All meetings of the Election Board shall be open to the members of the Yurok Tribe.

The Election Board shall provide an opportunity for Tribal member comment at each Election Board meeting. The Election Board may meet in executive session to discuss confidential matters.

(c) *Notification.* Proper notification shall be at least four days preceding the meeting by mail or two days preceding the meeting by telephone. The Chairperson may waive the notification period as he or she may determine necessary; provided, that the Chairperson has made a good faith effort to notify all Board members. [Ord. 56 § 4104, amended, 5/9/2019; Ord. 42 § 4104, adopted, 3/4/2015.]

### **3.10.050 Oath of office – Election Board.**

Each Tribal member appointed to the Election Board shall take an oath of office prior to assuming the duties of such position, by which oath they shall pledge themselves to support and defend the Tribe's Constitution. In accordance with Article [VIII](#) of the Constitution, the Chairperson of the Tribal Council shall administer the following oath for each Board member:

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will uphold and defend the Constitution, sovereignty and traditions of the Yurok Tribe, and I will perform the duties of my office with honesty and fidelity.

I further swear (or affirm) that I will devote my best efforts to help the Yurok Tribe achieve its objectives as stated in the Preamble of its Constitution.

[Ord. 56 § 4105, amended, 5/9/2019; Ord. 42 § 4105, adopted, 3/4/2015.]

### **3.10.060 Election budget.**

The Election Director shall request that a specified amount be budgeted by the Yurok Tribal Council for the election activities, under a separate line item. The funds budgeted shall be utilized in accordance with all Tribal financial plans of operation for conducting Tribal elections in accordance with this chapter for primary elections and run-off elections, recall elections, and any other special elections. [Ord. 56 § 4106, amended, 5/9/2019; Ord. 42 § 4106, adopted, 3/4/2015.]

### **3.10.070 Election records.**

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 notice posted and placed in newspapers;
- (b) Candidacy papers and qualifications of candidates;

- (c) Sample ballot;
- (d) Unofficial election results and official certification of election;
- (e) Voter registration list;
- (f) Outer ID envelopes used in absentee voting; and
- (g) Executed ballots.

All of the materials identified in this section, with the exception of subsections [\(f\)](#) and [\(g\)](#) of this section, must remain in the files permanently. At no time will an original document be permanently removed from the files. Any registered voter may request and receive copies of items identified in subsections [\(a\)](#), [\(c\)](#), and [\(d\)](#) of this section at no cost. At the end of 90 days from the date of certification of an election, executed ballots and outer envelopes from that election shall be destroyed by the Chairperson in the presence of the other members of the Election Board. [Ord. 56 § 4107, amended, 5/9/2019; Ord. 42 § 4107, adopted, 3/4/2015.]

### **3.10.080 Submission to the Election Board.**

Except where noted, all documents required under this chapter will be submitted to the Election Board and shall either be delivered in person or by mail to the main Tribal office. [Ord. 56 § 4108, amended, 5/9/2019; Ord. 42 § 4108, adopted, 3/4/2015.]

### **3.10.090 Forms.**

The Election Board has authority to specify and approve forms in implementing the provisions of this chapter, including but not limited to the following:

- (a) Official ballot;
- (b) Voter registration form;
- (c) Candidate's declaration of candidacy for district seat;
- (d) Candidate's declaration of candidacy for Chairperson or Vice-Chairperson;
- (e) Nominating petition;
- (f) Request for absentee ballot;
- (g) Absentee ballot envelope; and
- (h) Optional petition form. [Ord. 56 § 4109, amended, 5/9/2019; Ord. 42 § 4109, adopted, 3/4/2015.]



## Chapter 3.15

### VOTER REGISTRATION AND VOTING LISTS

#### Sections:

- 3.15.010 Registrar.**
- 3.15.020 Registration record.**
- 3.15.030 How to register as a voter.**
- 3.15.040 Registration.**
- 3.15.050 Preparation and posting list of registered voters.**
- 3.15.060 Registration after change of address.**

#### **3.15.010 Registrar.**

The Chairperson of the Election Board shall be the official registrar. The registrar shall have custody of registration records and materials assigned to the registrar. The Election Director will be the secondary registrar and Election Department staff will be deputy registrars. [Ord. 56 § 4201, amended, 5/9/2019; Ord. 42 § 4201, adopted, 3/4/2015.]

#### **3.15.020 Registration record.**

The official voter registration shall be contained in binders designated as the register of voters, arranged alphabetically and designed to record all necessary information that shall be maintained by the Election Department staff. [Ord. 56 § 4202, amended, 5/9/2019; Ord. 42 § 4202, adopted, 3/4/2015.]

#### **3.15.030 How to register as a voter.**

Any member of the Yurok Tribe, who will be at least 18 years of age on the date of the primary election or special election, may register to vote either in person or by mail with the designated registrar. Official voter registration forms will be available at the Tribal offices or by mail. Such forms must be completed and filed with the registrar. [Ord. 56 § 4203, amended, 5/9/2019; Ord. 42 § 4203, adopted, 3/4/2015.]

#### **3.15.040 Registration.**

In accordance with the Constitution Article [III](#), Section [4](#) and in order to be considered an eligible voter, a Tribal member shall register in one of the seven districts according to the following requirements:

- (a) Each eligible voter who is a resident of a district shall register in that district.

- (b) Each eligible voter who is not a resident within a district shall choose to register in the North, South, or East District.
- (c) Those eligible voters who are temporarily not residing within their voting district will be allowed to vote in the district in which they are registered, if the eligible voter is currently:
- (1) Attending school;
  - (2) Incarcerated; or
  - (3) In the armed services.
- (d) A Tribal member who will be 18 years old by the next primary or special election shall be eligible to register to vote.
- (e) Each potential voter must register to vote at least 45 days prior to the primary or special election in order to qualify as an eligible voter in the primary or special election, except as otherwise specified in YTC [3.15.060](#). [Ord. 56 § 4204, amended, 5/9/2019; Ord. 42 § 4204, adopted, 3/4/2015.]

### **3.15.050 Preparation and posting list of registered voters.**

The Election Director and election staff shall prepare a list of all eligible voters. At least 10 days prior to each election, the Chairperson of the Election Board shall have polling officials post said list at the polling places. After the certification of candidates, a list of names only of the eligible voters of a district shall be available for candidates for the district in which they are a candidate. Only candidates for Chairperson and Vice-Chairperson shall be eligible to receive lists of names of all eligible voters. [Ord. 56 § 4205, amended, 5/9/2019; Ord. 42 § 4205, adopted, 3/4/2015.]

### **3.15.060 Registration after change of address.**

In accordance with the Constitution Article [III](#), Section [4](#), an eligible voter who moves into or out of a district must register to vote in his or her new district of residence at least 90 days before the next regularly scheduled primary election. [Ord. 56 § 4206, amended, 5/9/2019; Ord. 42 § 4206, adopted, 3/4/2015.]

## **Chapter 3.20**

### **ELECTION OF TRIBAL COUNCIL MEMBERS**

Sections:

- [3.20.010](#) General qualifications for Tribal Council candidates.**
- [3.20.020](#) Nomination procedure.**
- [3.20.030](#) Procedure for review and determination of candidacy qualifications.**

### **3.20.040 Posting lists of qualified candidates and mailing of sample ballots.**

#### **3.20.010 General qualifications for Tribal Council candidates.**

Any Tribal member may announce their candidacy for Chairperson, Vice-Chairperson, or a specific district seat on the Tribal Council. The Election Board shall review the candidacy and certify the candidacy if the following qualifications are met:

(a) *Disclosure of Conviction for Fraud or Moral Turpitude.* In accordance with Article [III](#), Section [5\(a\)](#) of the Constitution, no person who is a candidate for or elected to any Tribal office, or is to be appointed by the Yurok Council to any position of trust shall ever have been convicted of gross misconduct, been terminated from employment with the Tribe for theft, fraud, embezzlement, or have been convicted of a crime requiring registration as a sex offender and/or have been convicted or exonerated due to successful affirmative defense to murder.

No person who is a candidate for or elected to any Tribal office, or is to be or has been appointed by the Yurok Council to any position of trust shall, at the time of candidacy, election or appointment, have been convicted of any violent felony or crime of moral turpitude within 10 years of the date of election or appointment, and every candidate for election or appointment to any Tribal office or position who ever has been convicted, or found not guilty due to an affirmative defense except self-defense, of any felony or crime of moral turpitude shall, upon announcement of his/her candidacy or application for appointment, fully disclose to the Yurok Council the fact and date of each such conviction, the court in which convicted, the sentence imposed and the place and manner in which the sentence was served or otherwise discharged.

Each candidate for elected or appointed office shall be subject to a criminal background check.

(1) An individual who cannot hold regalia shall not run for office. A candidate shall attest eligibility to hold regalia to the Election Board.

(b) *Disclosure of Charges of Fraud or Moral Turpitude.* In accordance with Article [III](#), Section [5\(b\)](#) of the Constitution, any person who, upon or subsequent to announcing his or her candidacy for election to any Tribal office, is formally charged with, but not yet convicted of, any crime of violence or moral turpitude, shall disclose to the Election Board the fact of such prosecution upon becoming aware of the pending legal action.

(c) *Failure to Disclose.* In accordance with Article [III](#), Section [5\(c\)](#) of the Constitution, any person required to make a disclosure of a conviction or prosecution and who fails to do so upon announcing his or her candidacy may be barred or removed from the office or appointed position for which the person was a candidate when the required disclosure was not made.

(d) *Tribal Chairperson and Vice-Chairperson.* In accordance with Article [III](#), Section [6](#) of the Constitution, a candidate for Chairperson or Vice-Chairperson must be a Tribal member at least 30 years of age upon election, and must actually reside and maintain their principal residence within 60 miles of the Tribal Ancestral Territory for at least one year immediately prior to election and remain in residence throughout the term of office.

(e) *District Council Members.* A candidate for a District Council member must be a Tribal member of at least 25 years of age upon election, must be registered with and actually reside and maintain their principal residence within the district 30 days immediately prior to election, and must remain an actual resident of the district throughout the term of office. [Ord. 56 § 4301, amended, 5/9/2019; Ord. 42 § 4301, adopted, 3/4/2015.]

### **3.20.020 Nomination procedure.**

Candidates shall file in person for a specific position by submitting to the Election Board a nominating petition pursuant to this section signed by not less than five registered voters. Nominating petitions must meet the following requirements:

- (a) Nomination petitions for district seats must be signed by registered voters who are residents of the respective districts.
- (b) A registered voter may sign only one petition per office or measure.
- (c) Nomination petitions shall be filed by the potential candidate with the registrar of the Election Board.
- (d) Nomination petition information shall be typewritten and furnished to each candidate when they receive their candidacy papers and after the candidate pays a nonrefundable candidacy filing fee equal to the cost of the required background check.
- (e) No candidate may submit a nomination petition for more than one office per election.
- (f) The deadline for filing nomination petitions shall not be less than 45 days prior to the primary election.
- (g) All prospective candidates must receive and file candidacy nomination papers in person. Candidacy nomination papers submitted in any other manner will not be accepted. [Ord. 56 § 4302, amended, 5/9/2019; Ord. 42 § 4302, adopted, 3/4/2015.]

### **3.20.030 Procedure for review and determination of candidacy qualifications.**

The Election Board may take such steps deemed necessary to determine a candidate's qualifications. If the Election Board determines that a person is not qualified to become a candidate, the individual affected shall immediately be notified by phone or email along with a hard copy of the letter mailed. Such letter will give reason for the disqualification. Within 24 hours of receipt of notification of disqualification under this chapter, such candidate may request, in writing by email or letter, a hearing before the Board to contest the Board's decision. Such hearing shall be held within 48 hours of receipt of request. The Board will render its decision within 24 hours of the hearing.

The candidacy decision of the Election Board shall be final. After the completion of final determination of candidacy qualification, the Election Board shall act to approve the sample ballot for the impending election. Said

ballot shall list all approved candidates to be voted on in the primary election. Any candidate who withdraws from the election must do so in writing at least 10 days prior to the sample ballot being sent to voters. [Ord. 56 § 4303, amended, 5/9/2019; Ord. 42 § 4303, adopted, 3/4/2015.]

### **3.20.040 Posting lists of qualified candidates and mailing of sample ballots.**

Upon completion of review and determination of candidacy qualifications, the Election Board shall post in public areas in each of the seven districts and other places designated by the Election Board a list of the names of all candidates who have met the qualifications and have been certified as candidates for the position for which they have filed.

The posting shall be posted in high traffic areas in each district.

Such lists shall be posted no less than 10 days prior to the election date specified by the Election Board. The Election Board shall attach to the sample ballots brief candidate's statements of not more than 250 words when such information has been provided by the candidates. [Ord. 56 § 4304, amended, 5/9/2019; Ord. 42 § 4304, adopted, 3/4/2015.]

## **Chapter 3.25 BALLOTS AND ABSENTEE VOTING**

Sections:

- 3.25.010 Methods of voting.**
- 3.25.020 Number of ballots.**
- 3.25.030 Candidate ballot order.**
- 3.25.040 Receipt of delivery for ballots.**
- 3.25.050 Basis for providing absentee ballots.**
- 3.25.060 Notification.**
- 3.25.070 Proper address.**
- 3.25.080 Manner of requesting and issuing absentee ballots.**
- 3.25.090 Execution and return of absentee ballots by mail.**
- 3.25.100 Execution and return of absentee ballots at the polls.**

### **3.25.010 Methods of voting.**

Two methods of voting may be used for elections:

- (a) Voting at polling stations; and

(b) Voting by absentee ballots. [Ord. 56 § 4401, amended, 5/9/2019; Ord. 42 § 4401, adopted, 3/4/2015.]

### **3.25.020 Number of ballots.**

Ballots shall be supplied by the Election Board in sufficient quantity to assure that each voter whose name appears in the register of voters receives a ballot. [Ord. 56 § 4402, amended, 5/9/2019; Ord. 42 § 4402, adopted, 3/4/2015.]

### **3.25.030 Candidate ballot order.**

The names of candidates on the ballot shall be arranged in alphabetical order by last name. The alphabetical order shall apply throughout the entire last name of a candidate. If the last name of two or more candidates is the same, then the alphabetical order shall apply to their first names. [Ord. 56 § 4403, amended, 5/9/2019; Ord. 42 § 4403, adopted, 3/4/2015.]

### **3.25.040 Receipt of delivery for ballots.**

The registrar of the Election Board shall direct staff to cause to be delivered to the polling place printed blank ballots and other election material, including a ballot box with a locking device and fitted with one opening of not more than sufficient size to admit a single folded ballot. The Election Board members shall count all ballots delivered and shall be responsible for an accounting of all ballots and other election materials until turned over to the registrar for custody in accordance with YTC [3.15.010](#). [Ord. 56 § 4404, amended, 5/9/2019; Ord. 42 § 4404, adopted, 3/4/2015.]

### **3.25.050 Basis for providing absentee ballots.**

Absentee ballots shall be available upon written request by an eligible voter when such request is made by the prescribed deadline. An eligible voter may request an absentee ballot for each election or permanently for all future elections. [Ord. 56 § 4405, amended, 5/9/2019; Ord. 42 § 4405, adopted, 3/4/2015.]

### **3.25.060 Notification.**

All eligible voters will be notified by mail at the address on file with the Election Board of upcoming elections and the procedures for registering, the issue(s) and/or candidates to be voted on, the method of voting, and instructions for requesting absentee ballots. All registered voters shall be provided a sample ballot of the issue(s) and/or candidates to be voted on that will advise them on the method of voting and the procedure for requesting an absentee ballot. [Ord. 56 § 4406, amended, 5/9/2019; Ord. 42 § 4406, adopted, 3/4/2015.]

### **3.25.070 Proper address.**

It shall be the duty of the eligible voter to provide a current mailing and residence address to the Election Board. The Election Board shall inform Tribal members of the need for current addresses on official election documents. [Ord. 56 § 4407, amended, 5/9/2019; Ord. 42 § 4407, adopted, 3/4/2015.]

### **3.25.080 Manner of requesting and issuing absentee ballots.**

(a) *By Mail.* Requests for absentee ballots by mail shall be received not less than 14 business days before election day to allow sufficient time for ballots to be mailed to the voter and returned by the date of election.

(b) *By Visiting Tribal Offices.* Absentee ballots may be requested by visiting the main Tribal office in Klamath no later than 5:00 p.m. the day before election day and must be returned by mail or at the polls in time to be counted on the date of the election. All requests must be made in writing by the eligible voter. Absentee ballots will not be issued after the designated date. [Ord. 56 § 4408, amended, 5/9/2019; Ord. 42 § 4408, adopted, 3/4/2015.]

### **3.25.090 Execution and return of absentee ballots by mail.**

The eligible voter shall mark the absentee ballot and enclose it in the pre-addressed absentee ballot return envelope on which the voter must sign their name and the return envelope placed in the U.S. mail.

All mailed absentee ballots will be received through the pre-addressed post office box or dropping off at Election Department at the Main Tribal Office in Klamath, California. Two election staff will pick up absentee ballots from the U.S. post office box at least two days per week. Absentee ballots will be logged in, but not opened. Once the absentee ballot is logged in, the election staff will verify voter signatures and then place in the locked ballot box until counting begins on election night. The absentee ballot box shall remain locked until opened for the purpose of counting ballots according to the procedure for counting ballots as established in this title. [Ord. 56 § 4409, amended, 5/9/2019; Ord. 42 § 4409, adopted, 3/4/2015.]

### **3.25.100 Execution and return of absentee ballots at the polls.**

The eligible voter shall mark the absentee ballot and enclose it in the pre-addressed absentee ballot return envelope on which the voter must sign their name and the return envelope placed in the polling place ballot box. The completed absentee ballot can be dropped off early by any person at the Main Tribal Office in Klamath, or on the day of the election at any open polling place, not just the polling place for the eligible voter's district.

All absentee ballots received at a polling place will be bundled for review by the polling official at the close of polls. Absentee ballots received at polling places shall be counted according to the procedure for counting ballots as established in this title. [Ord. 56 § 4410, amended, 5/9/2019; Ord. 42 § 4410, adopted, 3/4/2015.]

## Chapter 3.30

### ELECTIONS

#### Sections:

- 3.30.010 Voting by ballot.**
- 3.30.020 Election hours.**
- 3.30.030 Primary election.**
- 3.30.040 Election for unopposed candidate.**
- 3.30.050 Run-off election.**
- 3.30.060 Special run-off election.**
- 3.30.070 Special election in event of contest.**
- 3.30.080 Special election for recall and filling of vacancies.**
- 3.30.090 Primary election for initiative.**
- 3.30.100 Special election for referendum.**
- 3.30.110 Amendments to the Constitution.**

#### **3.30.010 Voting by ballot.**

In accordance with Article [III](#), Sections [8](#) and [9](#) of the Constitution of the Yurok Tribe, all voting in elections shall be by secret ballot. Absentee ballots shall be available upon written request by mail by an eligible voter, or by the eligible voter visiting and requesting one at the main Tribal office, and mailed by the Election Board in a timely manner to such voters. [Ord. 56 § 4501, amended, 5/9/2019; Ord. 42 § 4501, adopted, 3/4/2015.]

#### **3.30.020 Election hours.**

All elections shall be held between the hours of 8:00 a.m. and 7:00 p.m. Any person waiting in line to vote at closing time will be permitted to vote, but those presenting themselves after 7:00 p.m. will not be permitted to vote. [Ord. 56 § 4502, amended, 5/9/2019; Ord. 42 § 4502, adopted, 3/4/2015.]

#### **3.30.030 Primary election.**

The primary election shall be conducted the second Wednesday in October for the Yurok Tribal Council. Candidates who receive a majority of the ballots cast for office shall be elected. The primary election may also include votes on initiatives and referendums in accordance with this chapter. [Ord. 56 § 4503, amended, 5/9/2019; Ord. 42 § 4503, adopted, 3/4/2015.]



### **3.30.040 Election for unopposed candidate.**

If a candidate is running unopposed for any office, the election for that candidate may be conducted solely by absentee ballot. [Ord. 56 § 4504, amended, 5/9/2019; Ord. 42 § 4504, adopted, 3/4/2015.]

### **3.30.050 Run-off election.**

In accordance with Article [III](#), Section [9](#) of the Constitution, when positions remain unfilled after the primary election, a run-off election shall be conducted within 45 days of the primary election certification and in November following the primary election. Voting shall be by secret ballot. The run-off election shall be between the two candidates receiving the most votes in the primary election. The candidate receiving the most votes in the run-off election for each position shall be elected. [Ord. 56 § 4505, amended, 5/9/2019; Ord. 42 § 4505, adopted, 3/4/2015.]

### **3.30.060 Special run-off election.**

If no candidate is determined to be the winning candidate in a primary or run-off election, and the Election Board is unable to determine by the votes cast which are the two top candidates, a special run-off election shall be held and will include the candidates necessary to include the top two candidates and any other candidates receiving the same number of votes as either of the top two candidates. A special run-off election shall be immediately noticed and shall be held not more than 45 days from the date of the run-off election certification. [Ord. 56 § 4506, amended, 5/9/2019; Ord. 42 § 4506, adopted, 3/4/2015.]

### **3.30.070 Special election in event of contest.**

In the event of a contest that is upheld by the Election Board, a special election shall be held no later than 45 days after the previous election certification. The special election may be held by absentee ballot. All other provisions of this title, as deemed appropriate by the Election Board, shall apply. [Ord. 56 § 4507, amended, 5/9/2019; Ord. 42 § 4507, adopted, 3/4/2015.]

### **3.30.080 Special election for recall and filling of vacancies.**

(a) *Recall Petition.* In accordance with Article [X](#), Section [2](#) of the Constitution, upon written petition of at least 30 percent of the Tribal voting membership, presented to and verified by the Election Board, a special election shall be called to consider the recall of an elected official. In the case of a Yurok Tribal Council member serving from a district, the petition requirement shall be at least 30 percent of the eligible voters from the district represented by the Council member. A \$250.00 nonrefundable filing fee is required by the petitioner.

- (b) *Special Election.* A special election shall be called by the Election Board to consider the recall of the elected official named in the petition. The election shall be held within 60 days from the date the petition is verified; provided, that any petition submitted within four months of the next primary election shall be placed on the ballot of the primary election.
- (c) *Recall of Elected Official.* The position occupied by the official named in the recall petition shall be declared vacant if at least two-thirds of those voting support the recall. For the recall of the Chairperson or Vice-Chairperson, the entire Tribal voting membership shall be eligible to participate in the special election. For the recall of a district Council member, only eligible voters registered in that district shall be eligible to participate in the special election.
- (d) *Filling Vacancy Due to Recall.* A vacancy due to a recall shall be filled in the following manner:
- (1) *Vacancy during First Year.* If the vacancy occurs during the first year of the term to which the elected official was elected, the Yurok Tribal Council shall fill the vacancy for the unexpired portion of that term by appointing the candidate who received the next highest number of votes in said election, if that candidate received at least 30 percent of the total votes cast.
  - (2) *Special Election to Fill Vacancy.* If the elected official to be replaced was unopposed in said election, or if the candidate receiving the next highest number of votes did not receive at least 30 percent of the total votes cast for that office, or if the vacancy occurs during the second year of the term, the vacancy shall be filled by a special election called and conducted pursuant to Article [III](#), Section [10](#) of the Constitution.
  - (3) *Vacancy during Last Year of Term.* A vacancy which occurs less than one year prior to the expiration of the term shall not be filled until the next regularly scheduled election.
- (e) *Frequency of Recall Elections.* No more than one recall election shall be held in any one calendar year with respect to any specific Tribal official. [Ord. 56 § 4508, amended, 5/9/2019; Ord. 42 § 4508, adopted, 3/4/2015.]

### **3.30.090 Primary election for initiative.**

In accordance with Article [XI](#), Section [1](#) of the Constitution, an eligible voter shall have the right to propose any legislative measure by initiative placed on the ballot at a primary election. If approved by a majority of those participating in the election, the petition shall be in full force and effect immediately upon certification of the election results by the Election Board. [Ord. 56 § 4509, amended, 5/9/2019; Ord. 42 § 4509, adopted, 3/4/2015.]

### **3.30.100 Special election for referendum.**

In accordance with Article [XI](#), Section [2](#) of the Constitution, the Yurok Tribal Council by approval of at least five members may refer any legislative measure to the Tribal voting membership by directing at least 30 days in advance that said measure be placed on the ballot at the next primary election or by calling for a special election. All other provisions of this election code, as deemed appropriate by the Election Board, shall apply. If approved by

a majority of those participating in the election, the measure shall be in full force and effect immediately upon certification of the Election Board. [Ord. 56 § 4510, amended, 5/9/2019; Ord. 42 § 4510, adopted, 3/4/2015.]

### **3.30.110 Amendments to the Constitution.**

In accordance with Article [XII](#), Section [1](#) of the Constitution, an amendment to the Constitution may be proposed by the Yurok Tribal Council or by petition of an eligible voter. An amendment proposed by the Yurok Tribal Council shall require at least five affirmative votes.

In accordance with Article [XII](#), Section [2](#) of the Constitution, an amendment must be adopted by not less than two-thirds of those voting and shall be effective upon certification of the election results by the Election Board.

An amendment may be placed on the ballot at a primary election or by calling for a special election. [Ord. 56 § 4511, amended, 5/9/2019; Ord. 42 § 4511, adopted, 3/4/2015.]

## **Chapter 3.35**

### **PETITION REQUIREMENTS AND PROCEDURES**

Sections:

- 3.35.010 Petition.**
- 3.35.020 Filing of petition.**
- 3.35.030 Initiative petition.**
- 3.35.040 Recall petition.**
- 3.35.050 Amendment petition.**
- 3.35.060 Required signatures.**
- 3.35.070 Sponsor.**
- 3.35.080 Purpose and measure.**
- 3.35.090 Verification.**
- 3.35.100 Forms.**
- 3.35.110 Optional procedure before circulation of petition.**
- 3.35.120 Circulation of petition.**
- 3.35.130 Review of petition.**
- 3.35.140 Certification of petition.**
- 3.35.150 Presentation of measure to Tribal Council.**
- 3.35.160 Date of election of measure.**
- 3.35.170 Adoption of measure.**
- 3.35.180 Effective date of measure.**

### **3.35.010 Petition.**

An eligible voter may file a petition for an initiative, recall of an elected official, or amendment to the Constitution. The petition must meet the requirements of this chapter. Upon the receipt and certification of the petition, an election will be held on the proposed measure, recall, or amendment to the Constitution in accordance with the procedures set forth in this chapter. [Ord. 56 § 4601, amended, 5/9/2019; Ord. 42 § 4601, adopted, 3/4/2015.]

### **3.35.020 Filing of petition.**

Petitions shall be filed by the sponsor with the Election Board by mail or hand delivered to the Election Board. The day the petition is actually filed shall control in computing time. [Ord. 56 § 4602, amended, 5/9/2019; Ord. 42 § 4602, adopted, 3/4/2015.]

### **3.35.030 Initiative petition.**

In accordance with Article [XI](#), Section [1](#) of the Constitution, a petition for an initiative must be filed with the Election Board at least 60 days prior to the next primary election, at which time it shall be placed on the ballot. An initiative petition must have verified signatures of at least 20 percent of eligible voters. [Ord. 56 § 4603, amended, 5/9/2019; Ord. 42 § 4603, adopted, 3/4/2015.]

### **3.35.040 Recall petition.**

In accordance with Article [X](#), Section [2](#) of the Constitution, a recall petition submitted within four months of the next primary election shall be placed on the ballot of the annual election; otherwise, a special election shall be held within 60 days from the date the petition is verified. A recall petition must have verified signatures of at least 30 percent of eligible voters. [Ord. 56 § 4604, amended, 5/9/2019; Ord. 42 § 4604, adopted, 3/4/2015.]

### **3.35.050 Amendment petition.**

In accordance with Article [XII](#), Section [1](#) of the Constitution, a petition for amendment of the Constitution must meet the following requirements:

- (a) Satisfy petition requirements and procedures detailed in this chapter;
- (b) Be submitted to the Election Board with notification to the Council;
- (c) Contain the entire text of the amendment; and
- (d) Be signed by not less than 20 percent of the Tribal voting membership. [Ord. 56 § 4605, amended, 5/9/2019; Ord. 42 § 4605, adopted, 3/4/2015.]

### **3.35.060 Required signatures.**

A petition must have verified signatures of the required percentage of eligible voters at the time the petition is filed with the Election Board.

The name of each signer must be printed and the signature must be in ink. The date of signing must be noted. Signers must be eligible voters. [Ord. 56 § 4606, amended, 5/9/2019; Ord. 42 § 4606, adopted, 3/4/2015.]

### **3.35.070 Sponsor.**

Each petition must have at least one sponsor, with whom all correspondence and communication with the Election Board shall take place. A sponsor must be an eligible voter, and his or her name and address must appear on each petition signature page. The sponsor's telephone number may be on each signature page, but is not required. [Ord. 56 § 4607, amended, 5/9/2019; Ord. 42 § 4607, adopted, 3/4/2015.]

### **3.35.080 Purpose and measure.**

Each petition signature page must meet the following requirements:

(a) *Initiative or Amendment Petition.* A petition for an initiative or amendment to the Constitution must contain the statement that "THE PURPOSE OF THIS PETITION IS TO HAVE AN ELECTION ON \_\_\_\_\_" followed by a summary of the measure proposed and the current legislation or Constitutional section to be amended, if any. Each petition signature page must have attached to it a complete copy of the proposed initiative or amendment.

(b) *Recall Petition.* A petition for recall of an elected official must contain the statement that "THE PURPOSE OF THIS PETITION IS TO HAVE AN ELECTION TO RECALL \_\_\_\_\_" followed by the name of the elected official that is the subject of the recall and that official's elected position.

Copies of the signed petitions, with names and addresses, will be made public and are considered public documents available to a Tribal member upon request. [Ord. 56 § 4608, amended, 5/9/2019; Ord. 42 § 4608, adopted, 3/4/2015.]

### **3.35.090 Verification.**

On the back of each petition signature page shall be a statement, signed by the Tribal member who circulated that page, stating that he or she is a Tribal member registered to vote, that he or she circulated the signature page with a complete copy of the measure attached, and that all of the signatories are eligible voters and the signatures on the page are true and authentic to the best of his or her knowledge. [Ord. 56 § 4609, amended, 5/9/2019; Ord. 42 § 4609, adopted, 3/4/2015.]

### **3.35.100 Forms.**

The Election Board may issue a suggested form of petition for use by Tribal members, but any petition which meets the requirements of this chapter shall be sufficient for filing with the Election Board. [Ord. 56 § 4610, amended, 5/9/2019; Ord. 42 § 4610, adopted, 3/4/2015.]

### **3.35.110 Optional procedure before circulation of petition.**

No initiative or petition will be certified by the Election Board unless it meets all the requirements of this chapter. Therefore, although not required, sponsors may at their option submit their proposed petition to the Election Board prior to circulation so that errors as to form or constitutionality may be identified in advance. The Election Board may promptly assist the petitioner in correcting any errors as to form. The Election Board may also forward a copy of the petition and measure to the Tribal Attorney for opinion in accordance with YTC [3.35.130](#). Such an opinion with supporting reasons shall be supplied to the sponsor by the Election Board. [Ord. 56 § 4611, amended, 5/9/2019; Ord. 42 § 4611, adopted, 3/4/2015.]

### **3.35.120 Circulation of petition.**

Petitions may be circulated only by eligible voters. Persons asked to sign the petition must be given sufficient opportunity to read the summary of the measure and the attached complete copy of the measure, and must be advised that they must be an eligible voter in order to sign. [Ord. 56 § 4612, amended, 5/9/2019; Ord. 42 § 4612, adopted, 3/4/2015.]

### **3.35.130 Review of petition.**

Prior to certification of a petition, the Election Board shall forward a copy of the proposed or referred measure to the Tribal Attorney for review. At the request of the Election Board, the Tribal Attorney may review the petition and measure solely for the purpose of determining whether it meets form requirements under this chapter and would be valid under the Constitution if adopted. If requested by the Election Board, the Tribal Attorney shall issue an opinion on the form and constitutionality of the measure within one week of receiving it, along with supporting reasons for that opinion. The petitioner is responsible for the clarity and content of the petition and measure. [Ord. 56 § 4613, amended, 5/9/2019; Ord. 42 § 4613, adopted, 3/4/2015.]

### **3.35.140 Certification of petition.**

The Election Board shall review the petition for compliance with all the requirements set forth in this chapter. The Election Board shall verify the number and genuineness of the signatures and the voting qualifications of the signers. If there are sufficient valid signatures, the Tribal Attorney opinion issued in accordance with YTC [3.35.130](#) has determined that the petition and measure are valid as to form and constitutionality, and the other

requirements of this chapter are met, then the Election Board shall certify the petition. If the number of signatures is found to be insufficient or invalid, or if the measure is not valid as to form or constitutionality, or if the other requirements of this chapter are not met, then the Election Board shall return the petition to its sponsor with the reasons for its finding and shall also advise the Tribal Council of its action and the reasons. [Ord. 56 § 4614, amended, 5/9/2019; Ord. 42 § 4614, adopted, 3/4/2015.]

### **3.35.150 Presentation of measure to Tribal Council.**

Upon certification of the petition, the Election Board shall present the petition to the Tribal Council at its next regular meeting. The Tribal Council may at its discretion consider any measure contained in the petition, refer the measure to the Tribal Attorney for an opinion as to content, or adopt the measure. In the event that the Tribal Council adopts the measure, no special election will be held. [Ord. 56 § 4615, amended, 5/9/2019; Ord. 42 § 4615, adopted, 3/4/2015.]

### **3.35.160 Date of election of measure.**

In the event that the Tribal Council does not adopt the measure contained in the petition and presented under this chapter, the measure shall be placed on the ballot for the next primary election, or at a special election called by the Tribal Council, whichever comes first. Any special election shall be held in the same manner as provided for in this title. [Ord. 56 § 4616, amended, 5/9/2019; Ord. 42 § 4616, adopted, 3/4/2015.]

### **3.35.170 Adoption of measure.**

With the exception of an amendment to the Constitution and the recall of an elected official, both of which require a two-thirds majority of those voting, a simple majority of those voting shall be required for the adoption of any measure.

In the event that there are conflicting measures placed upon the ballot, the ballot shall state that the voter may vote for as many measures as he or she chooses. In the event that more than one measure receives a majority of the votes cast, the measure receiving the greatest number shall prevail. If no measure receives a majority vote, none shall be adopted and no further election shall be held without full compliance with the requirements of this title. [Ord. 56 § 4617, amended, 5/9/2019; Ord. 42 § 4617, adopted, 3/4/2015.]

### **3.35.180 Effective date of measure.**

Unless a measure submitted to the voting membership specifies a specific date of effect, any measure adopted by the voting membership shall become effective upon certification of the election results by the Election Board. [Ord. 56 § 4618, amended, 5/9/2019; Ord. 42 § 4618, adopted, 3/4/2015.]

## Chapter 3.40

### POLLING

#### Sections:

- 3.40.010 Electioneering and loitering.**
- 3.40.020 Polling officials.**
- 3.40.030 Alternate for polling officials.**
- 3.40.040 Duties of polling officials.**
- 3.40.050 Responsibilities of the voter at the polling place.**
- 3.40.060 Poll watchers.**
- 3.40.070 Handling of special circumstances.**
- 3.40.080 District tally of ballots at polls.**
- 3.40.090 Security, time, and transport of district ballot boxes.**
- 3.40.100 Counting ballots.**
- 3.40.110 Handling of absentee ballots.**
- 3.40.120 Improperly marked ballots.**

#### **3.40.010 Electioneering and loitering.**

No person shall be allowed to electioneer within 100 feet of the building where the election is in progress. No loitering will be permitted in and around the polling places during voting hours. It shall be the duty of the polling 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. [Ord. 56 § 4701, amended, 5/9/2019; Ord. 42 § 4701, adopted, 3/4/2015.]

#### **3.40.020 Polling officials.**

It shall be the duty of the Board Chairperson, or the Board Vice-Chairperson in the absence of the Chairperson, to see that the balloting and the canvassing of the election returns are carried out in the manner prescribed in this chapter.

The Board Chairperson shall also be responsible for designating other polling officials, including an Inspector/Judge and Clerk for each polling place. The individuals designated to serve in these positions must be Election Board members or eligible voters. [Ord. 56 § 4702, amended, 5/9/2019; Ord. 42 § 4702, adopted, 3/4/2015.]



### **3.40.030 Alternate for polling officials.**

Should any polling official become ill or have an unforeseen emergency arise, the Board Chairperson or election staff shall be notified immediately so that an alternate may assume the responsibilities of the vacated position. [Ord. 56 § 4703, amended, 5/9/2019; Ord. 42 § 4703, adopted, 3/4/2015.]

### **3.40.040 Duties of polling officials.**

(a) *Responsibilities.* The Board Chairperson shall be responsible for all arrangements necessary to conduct an election. The Board Chairperson shall be responsible for securing ballots and other election materials necessary to conduct voting in each district. Only the official register of voters will be kept or maintained until the election results are certified by the Board. No separate handwritten list which will jeopardize the sanctity of the ballot shall be kept by any member of the Election Board or designated polling official.

(b) *Private Booths for Voting.* The Election Board and polling officials shall provide sufficient private booths for the voters to mark their ballots in secrecy.

(c) *Number of Polling Officials.* There will be three polling officials for each polling place and at least two of the polling officials shall be present at all times at the designated polling places on election day to permit voting to begin when the polls open. Two polling officials shall also be present until the polls close, all ballots have been counted, the tally properly recorded, and the ballot boxes and the ballots turned over for delivery as provided in this chapter.

(d) *Locking of Ballot Box.* Before the voting begins, the polling officials shall open and inspect the ballot box to determine that it is empty. The ballot box shall then be locked and shall remain locked until the district tally of ballots has been completed by the polling officials as outlined in YTC [3.40.080](#) and [3.40.090](#). Once the district tally has been completed, the ballot boxes will be locked. Keys to the ballot boxes shall be placed in a sealed, signed, and dated envelope, and the envelope inserted into the ballot box. A duplicate set of keys to the election file cabinet and ballot box keys shall remain in the custody of the Board Chairperson. [Ord. 56 § 4704, amended, 5/9/2019; Ord. 42 § 4704, adopted, 3/4/2015.]

### **3.40.050 Responsibilities of the voter at the polling place.**

(a) *Signature of Voter.* After opening of the polling place, each voter upon presenting themselves to vote shall announce to the polling officials their name and physical address and must then sign their name and address in the official signatures register prepared especially for the subject election. Any voter who signs with "X" or a thumbprint shall have their mark witnessed by the signature of two polling officials.

(b) *Absentee/Challenged Ballot.* In the event a voter appears at the polls to vote, and finds that their name does not appear on the official register of voters, the polling officials shall inform the individual of that fact. If the individual insists on voting, the polling official shall issue a challenged ballot to that individual. Polling officials shall check the register of voters to determine whether a voter has received an absentee ballot for the pending election.

If the voter has been issued an absentee ballot, the polling official shall inform the individual of that fact. If the individual insists on voting, the polling official shall issue a challenged ballot to that individual. A voter may submit his or her completed absentee voter ballot to polling officials rather than submitting a challenged ballot.

(c) *Marking of Ballot.* Upon receipt of a ballot and official envelope, the voter shall retire to one of the private voting booths and therein mark their ballot in secrecy. Only one voter shall occupy a voting booth at one time with the exception of children or a person needing assistance. The mark, to be valid, must be identifiable within the appropriate square or place on the ballot for which it is intended. After the ballot is so marked, the voter shall insert the ballot into the envelope so that the printed sides are completely concealed and then deposit the envelope in the ballot box.

(d) *Physical Disability of Voter.* When any voter presents themselves for a ballot and states that they, because of physical disability or infirmity, are unable to mark the ballot, it shall be the duty of the official to give the voter such assistance as needed. In all instances, the voter must state the way they wish to vote, and in no instance shall a polling official by word, action, or expression attempt to influence or suggest to the voter as to how the voter should vote. Assistance shall be given in private and all persons other than election officials shall be kept sufficiently distant so that they will not hear or know how this voter voted. Any voter who needs an interpreter shall furnish their own interpreter. [Ord. 56 § 4705, amended, 5/9/2019; Ord. 42 § 4705, adopted, 3/4/2015.]

### **3.40.060 Poll watchers.**

(a) *Number of Poll Watchers.* Each candidate for a position on the Tribal Council is entitled to choose one person to observe on his or her behalf at each polling place. The candidate may also choose one person to observe, other than himself or herself, at the election headquarters.

(b) *Interference Prohibited.* No poll watcher shall in any way interfere with or hinder the polling officials in exercising their responsibility. If interference occurs, the Board Chairperson or polling official shall call for an immediate suspension in election activities until the individual or individuals responsible are removed from the room. [Ord. 56 § 4706, amended, 5/9/2019; Ord. 42 § 4706, adopted, 3/4/2015.]

### **3.40.070 Handling of special circumstances.**

(a) *Spoiled Ballot.* Should any voter spoil a ballot in their effort to vote, the voter shall fold and return the ballot to the polling officials, and the polling officials shall have the voter place the spoiled ballot in an envelope marked "spoiled ballot." The polling officials will then place the spoiled ballot into a large specially marked envelope for all "spoiled ballots." The polling officials will then issue a new ballot and envelope to the voter.

(b) *Write-In Votes.* Write-in votes are not allowed and will be considered improperly marked ballots.

(c) *Challenged Ballot.* A challenged ballot shall be counted only if it is determined by the Election Board that the ballot should be declared valid. This determination shall be made during the procedure for counting ballots described in this chapter. In the event that an absentee ballot has been cast, the challenged ballot will not be

counted. If a person, not listed on the register of voters, is determined to have met all the requirements for inclusion but has been erroneously left out of the register of voters, the challenged ballot will be counted. [Ord. 56 § 4707, amended, 5/9/2019; Ord. 42 § 4707, adopted, 3/4/2015.]

### **3.40.080 District tally of ballots at polls.**

- (a) The district polling officials will count and record the number of ballots cast as soon as the polls close.
- (b) The doors shall be locked and only district polling officials, poll watchers, and security officers shall be present while the ballot boxes are unlocked and the contents are being tallied. No interruptions, such as telephone calls or visitors, shall be tolerated.
- (c) The number of signatures on the official signatures register will be counted and should equal the total number of executed ballots. Once the numbers of signatures and ballots have been verified, tally sheets shall be accurately filled out and signed by the district polling officials, and shall include the following:
  - (1) Total number of ballots cast;
  - (2) Total number of spoiled ballots;
  - (3) Total number of challenged ballots, if any;
  - (4) Total number of unused ballots;
  - (5) Total number of unused envelopes;
  - (6) Total number of absentee ballots received, if any; and
  - (7) Explanation, if needed, of any discrepancy in the tally. [Ord. 56 § 4708, amended, 5/9/2019; Ord. 42 § 4708, adopted, 3/4/2015.]

### **3.40.090 Security, time, and transport of district ballot boxes.**

- (a) *Security of Ballot Box.* Upon completion of the tally, the District Inspector/Judge shall lock the ballot box, with the ballots and the signed tally sheet locked inside. Keys to the ballot boxes shall be placed in a sealed, signed, and dated envelope and the envelope inserted into the ballot box.
- (b) *Time of Transport.* The ballot boxes shall be transported between 7:00 p.m. and 10:00 p.m.
- (c) *Transport of Box.* The Inspector/Judge of each district shall escort, with the assigned security officer, the locked ballot box and hand-carried time sheet information back to the election headquarters and deliver them to the Election Board. [Ord. 56 § 4709, amended, 5/9/2019; Ord. 42 § 4709, adopted, 3/4/2015.]

### **3.40.100 Counting ballots.**

- (a) *Presence of Poll Officials.* The Board Chairperson shall verify that all polling officials are at election headquarters and that all ballot boxes and tally sheets are correct. Upon verification that all Election Board members are present, the counting of ballots can begin.
- (b) *Opening of Locked Ballot Box.* The Election Director and/or election staff, in the presence of the Election Board, other polling officials and any designated poll watchers, shall unlock the ballot boxes containing the executed ballots and election materials.
- (c) *Order of Count.* District polling officials shall not count or record the ballots for their own district. After the ballot boxes are opened, the ballots generally shall be counted and recorded in the following order:
- (1) North District;
  - (2) Orick District;
  - (3) Pecwan District;
  - (4) East District;
  - (5) Requa District;
  - (6) South District; and
  - (7) Weitchpec District.
- (d) *Tally of Ballots.* The Election Board shall record vote tally information on tally sheets or electronic tabulating machines provided for such purpose. Upon completion of the tally, the Board members shall note on the tally sheets, or print out results from an electronic tabulator, the number of votes cast by those voting in person.
- (e) *Poll Watchers during Count.* Poll watchers shall not be seated at the Election Board table when the count is taking place. They must remain a distance of at least 10 feet from this table.
- (f) *Anyone May Observe Count.* All attendees must adhere to all rules of conduct and not interfere with or hinder the polling officials in exercising their responsibility. If interference occurs, the Board Chairperson shall call for an immediate suspension in election activities until the individual or individuals responsible are removed from the room. [Ord. 56 § 4710, amended, 5/9/2019; Ord. 42 § 4710, adopted, 3/4/2015.]

### **3.40.110 Handling of absentee ballots.**

- (a) *Time of Pick-Up of Absentee Ballot Box.* Absentee ballots will be picked up from the designated post office at least two days per week, along with a final pick-up at the close of business at the post office on the day of the election as provided in YTC [3.25.080](#).

(b) *Opening of Locked Ballot Box.* After the absentee ballots have been picked up from the U.S. post office and returned to the election headquarters. The election staff will review the signature on the registration forms of those who have voted by absentee ballot shall be compared to the envelope in the ballot boxes to confirm that the ballots have been returned in accordance with absentee voter regulations and contact the voter if there is a correctable error. Should any envelope reviewed not conform with the regulations set forth in this title, a second review by the Election Board will be made, and should any envelope reviewed by the Election Board not conform with the regulations set forth in this title, it will remain unopened and shall be marked "spoiled." Each member of the Election Board shall initial the envelope in which the ballot is improperly returned. Those envelopes marked "spoiled" shall be sealed and preserved along with other executed ballots at the end of the count.

(c) *Opening of Ballots.* Upon completion of the review of the envelopes from the polling locations, return envelopes shall be opened. The return envelope from those ballots determined to have been properly returned shall at this point be set aside until after the count, at which time they will be placed in the election file cabinet with other materials from the election. [Ord. 56 § 4711, amended, 5/9/2019; Ord. 42 § 4711, adopted, 3/4/2015.]

### **3.40.120 Improperly marked ballots.**

All write-in votes and any ballot on which the intent of the voter cannot be determined shall be preserved and filed with ballots submitted to the Board Chairperson for safekeeping. A notation shall be placed on the face of each ballot indicating that it was improperly marked and not counted. [Ord. 56 § 4712, amended, 5/9/2019; Ord. 42 § 4712, adopted, 3/4/2015.]

## **Chapter 3.45 ELECTION RESULTS**

Sections:

- 3.45.010 Primary election results.**
- 3.45.020 Run-off election results.**
- 3.45.030 Special procedure for handling tie votes.**
- 3.45.040 Announcement of preliminary results.**
- 3.45.050 Official certification of election results.**
- 3.45.060 Notification and installation of successful candidates.**
- 3.45.070 Oath of office – Tribal Council.**

### **3.45.010 Primary election results.**

In the event that, at the completion of the canvas of the primary election results as prescribed in this chapter, the tally reveals that no candidate has received a majority of votes cast in that contest, the candidates receiving the

two highest number of votes cast shall be candidates at the ensuing run-off election. [Ord. 56 § 4801, amended, 5/9/2019; Ord. 42 § 4801, adopted, 3/4/2015.]

### **3.45.020 Run-off election results.**

In the run-off election, the candidate receiving the highest number of votes cast shall be determined to be the winning candidate. In the event that, at the completion of the canvas of the run-off election results, the tally reveals a tie for the contested seat, the Election Board shall recount. [Ord. 56 § 4802, amended, 5/9/2019; Ord. 42 § 4802, adopted, 3/4/2015.]

### **3.45.030 Special procedure for handling tie votes.**

If, in a run-off election, the candidates each receive an equal number of votes, the determination of who will be the winning candidate will be resolved in a manner acceptable to all candidates, if they are able to agree without another election. If the candidates are unable to agree upon a method, the outcome will be determined in their presence by a coin toss made by the Board Chairperson. [Ord. 56 § 4803, amended, 5/9/2019; Ord. 42 § 4803, adopted, 3/4/2015.]

### **3.45.040 Announcement of preliminary results.**

Preliminary results shall be issued within 24 hours of election day. [Ord. 56 § 4804, amended, 5/9/2019; Ord. 42 § 4804, adopted, 3/4/2015.]

### **3.45.050 Official certification of election results.**

The Election Board shall post an official certification of the election results no later than 14 days immediately following the election certification. The Election Board may extend this deadline for a period not to exceed 30 days from the election certification for the purpose of resolving all valid contests in accordance with Chapter [3.50](#) YTC. Copies of the certification will be mailed to the Council, the U.S. Bureau of Indian Affairs, and each person who was a candidate in the election.

When canvas of election results has been resolved, all marked and unmarked ballots will be turned over to the Board Chairperson who, with the assistance of the other members of the Election Board, will destroy all unmarked ballots. All marked ballots will be sealed and locked in a file cabinet, available for inspection by only the Election Board, until the Election Board has posted the official certification of the election results, and after which all marked ballots will be destroyed by the Election Board in accordance with YTC [3.10.070](#). [Ord. 56 § 4805, amended, 5/9/2019; Ord. 42 § 4805, adopted, 3/4/2015.]

### **3.45.060 Notification and installation of successful candidates.**

Successful candidates shall immediately be notified by mail and/or email, and telephone, if possible, that they will be installed in office upon certification of the election by the Election Board. Installation of any candidate for a particular position may be postponed, however, until any dispute over the election for that position has been resolved. [Ord. 56 § 4806, amended, 5/9/2019; Ord. 42 § 4806, adopted, 3/4/2015.]

### **3.45.070 Oath of office – Tribal Council.**

Each successful candidate approved to the Yurok Tribal Council shall take an oath of office prior to assuming the duties of such position, by which oath they shall pledge themselves to support and defend the Constitution of the Yurok Tribe. In accordance with Article [VIII](#) of the Constitution, the Board Chairperson shall administer the following oath of office:

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will uphold and defend the Constitution, sovereignty and traditions of the Yurok Tribe, and I will perform the duties of my office with honesty and fidelity.

I further swear (or affirm) that I will devote my best efforts to help the Yurok Tribe achieve its objectives as stated in the Preamble of its Constitution.

[Ord. 56 § 4807, amended, 5/9/2019; Ord. 42 § 4807, adopted, 3/4/2015.]

## **Chapter 3.50 CONTESTED ELECTIONS**

Sections:

- 3.50.010 Grounds for contest.**
- 3.50.020 Written statement to contest.**
- 3.50.030 Deadline and fee for contest.**
- 3.50.040 Review of contest.**
- 3.50.050 Contest hearing.**

### **3.50.010 Grounds for contest.**

An eligible voter may contest any election or election results for any of the following alleged grounds:

- (a) A member of the Election Board is guilty of misconduct;

- (b) A candidate has given any eligible voter or member of the Election Board any bribe or reward for the purpose of procuring their election;
  - (c) Illegal votes were cast;
  - (d) The Election Board, in conducting the election or canvassing the returns, made errors sufficient to change the results of the election;
  - (e) There was an error in the vote counting or summation of ballot counts;
  - (f) A sufficient number of votes was illegal, fraudulent, forged, or otherwise improper, and that counting such votes changed the results of the election;
  - (g) Due to mistakes, errors, or misconduct, the votes were incorrectly counted sufficient to change the results.
- [Ord. 56 § 4901, amended, 5/9/2019; Ord. 42 § 4901, adopted, 3/4/2015.]

### **3.50.020 Written statement to contest.**

An eligible voter contesting an election under this chapter shall file a written statement with the Election Board stating:

- (a) His or her name and address;
- (b) The name of the candidate and his or her office for the contested election; and
- (c) Particular grounds for the contest.

If a contestant's written statement does allege a ground specified under YTC [3.50.010](#), the contest shall be declared invalid. [Ord. 56 § 4902, amended, 5/9/2019; Ord. 42 § 4902, adopted, 3/4/2015.]

### **3.50.030 Deadline and fee for contest.**

A written statement contesting an election and fee must be delivered to the Election Board within 48 hours of the posting of the preliminary election results or, if on a weekend, no later than 5:00 p.m. the next business day. All contests, including a recount of votes, shall be accompanied by a nonrefundable fee of \$250.00, and in the event that the contest was found valid and the outcome changed the results of the election the fee would be refunded to the petitioner. [Ord. 56 § 4903, amended, 5/9/2019; Ord. 42 § 4903, adopted, 3/4/2015.]

### **3.50.040 Review of contest.**

Upon receipt of contestant's valid written statement and fee, the Election Board shall review the allegation and may conduct a recount of the votes for the particular office, investigate the matter, or conduct a hearing. All



candidates shall be contacted regarding the contest. All candidates shall be provided with notice and a copy of a contestant's written statement and notice of any hearing to be convened.

When any election is contested on the ground of misconduct of the Election Board, or any member thereof, the election shall not be annulled or set aside upon any proof thereof, unless the misconduct was such that it changes the result of the election. An election shall not be set aside due to illegal votes, unless it appears that the number of illegal votes changes the results of the election.

All contests shall be resolved prior to posting the official certification of election results. In all cases, the decision of the Election Board shall be final. [Ord. 56 § 4904, amended, 5/9/2019; Ord. 42 § 4904, adopted, 3/4/2015.]

### **3.50.050 Contest hearing.**

If the Election Board conducts a hearing during its review of a contest, the contestant and any respondent may present evidence. For purposes of the hearing, the respondent shall be any person against whom misconduct is alleged, or a candidate who stands to lose his or her election should the election results change due to the contest. The hearing shall ensure minimum standards of due process are met, including:

- (a) Providing notice to the contestant and any respondent;
- (b) Permitting brief opening and closing arguments by the contestant and respondent;
- (c) The presentation of relevant documentary or testimonial evidence by the contestant and respondent;
- (d) The ability of the respondent to confront and cross-examine any adverse witnesses; and
- (e) Any written decisions are based on a preponderance of the evidence; and
- (f) The contestant and respondent are provided a copy of the Board's written decision prior to official certification of election results. [Ord. 56 § 4905, amended, 5/9/2019; Ord. 42 § 4905, adopted, 3/4/2015.]

**The Yurok Tribal Code is current through Ordinance 74, passed August 26, 2021.**

Disclaimer: The Office of the Tribal Attorney has the official version of the Yurok Tribal Code. Users should contact the Office of the Tribal Attorney for ordinances passed subsequent to the ordinance cited here.

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