

## CHAPTER 8-3 ELECTIONS

### GENERAL PROVISIONS

#### 8-3-1

##### Authority

This Chapter is established by the Colville Business Council under authority contained in Article III, Section 2, of the Constitution and By-Laws of the Confederated Tribes of the Colville Reservation, including the amendments thereto.

(Amended 2/6/97, Resolution 1997-72)  
(Certified 2/20/97)

#### 8-3-2

##### Purpose

Purpose and intent of this Chapter is to establish and define written procedures for the administration of fair tribal elections.

#### 8-3-3

##### Definitions

(a) "Active Voter" means an enrolled member of the Colville Confederated Tribes who has voted in the previous years' election.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(b) "Business Council" means the Colville Business Council, a 14 member governing body established by the Constitution and By-Laws of the Confederated Tribes of the Colville Reservation.

(c) "Candidate" means any tribal member who has satisfied the requirements for candidacy, as provided for in Article II, Section 6 of the Constitution and By-Laws.

(Amended 1/10/02, Resolution 2002-13)

(d) "Certification of votes" means the official tallied results of all poll votes and absentee ballots approved by the Election Committee.

(Amended 1/10/02, Resolution 2002-11)

(e) "Closely related" means:

- (1) Grandparent
- (2) Parent
- (3) Spouse/significant other
- (4) Daughter
- (5) Son
- (6) Brother
- (7) Sister
- (8) Aunt
- (9) Uncle
- (10) Niece
- (11) Nephew

(Amended 2/6/97, Resolution 1997-74)  
(Certified 2/20/97)

(Amended 1/9/03, Resolution 2003-6)  
(Certified 1/10/03)

(f) "Confidentiality Agreement" is the document signed by all candidates who receives voter registration information, whereby they agree not to share or distribute any of the voter information they receive.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(g) "Constitution" means the Constitution and By-Laws having been proposed and duly ratified by the Indians of the Confederated Tribes of the Colville Reservation on February 26, 1938, including amendments.

(Amended 2/20/97, Resolution 1997-91)

(h) "Election Committee" means a committee composed of one seated council member from each district, provided that he is not up for re-election this calendar year, and providing that the Election Committee is approved by majority vote of a quorum of the Colville Business Council.

(Amended 2/6/97, Resolution 1997-74)

(Certified 2/20/97)  
(Amended 2/7/02, Resolution 2002-54)  
(Certified 2/12/02)

(i) “Election Coordinator” means the Tribal employee responsible for planning, directing, and carrying out the administrative duties and responsibilities associated with all tribal elections, in accordance with the Election Code and Tribal Constitution.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(j) “Election day” means the day established by the approved schedule of events to hold the primary election or the general election.

(Amended 1/10/02, Resolution 2002-7)

(k) “Election Staff” means the Executive Director or his designee, the Election Coordinator, and an Election Clerk(s).

(Amended 2/5/98, Resolution 1998-108)  
(Amended 2/6/97, Resolution 1997-74)  
(Certified 2/20/97)  
(Amended 2/7/02, Resolution 2002-55)  
(Certified 2/12/02)

(l) “Eligible voter” means an enrolled member of the Colville Confederated Tribes, who will be at least 18 years of age as of Election Day.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(m) “Enforcement officer” means any tribal police officer or natural resource officer.

(Amended 2/20/97, Resolution 1997-91)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(n) “Him/he” is intended to be gender neutral and should be understood to include the meaning of she/her.

(Amended 1/10/02, Resolution 2002-8)

(o) “Incumbent” means current Councilperson seeking re-election.

(Amended 1/10/02, Resolution 2002-14)

(p) “Indoctrination” means verbal and written orientation instructions provided to the District Election Board by Election Staff and the Election Committee.

(Amended 1/10/02, Resolution 2002-12)

(q) “Interpreter” means an individual identified by the eligible voter to provide assistance casting their vote at the polls, as mentioned in section 8-3-100(j).

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(r) “Opener/ Ballot Counter” means a Tribal Employee or Tribal Member volunteer who assists with the Certification of Votes by opening and counting ballots.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(s) “Physically reside” means bodily residing in a primary home residence in accordance with Article II, Section 6 of the Constitution and By-Laws. Physically reside shall not include merely ‘maintaining a residence.’

(Amended 2/20/97, Resolution 1997-90)  
(Amended 1/10/02, Resolution 2002-9)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(t) “Polling place” means the location approved by the Election Committee where balloting takes place.

(Amended 2/6/97, Resolution 1997-74)  
(Certified 2/20/97)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(u) “Proof of residence” includes documents provided to demonstrate the requirements of physical

residence, acceptable documents include Driver's License/State Identification, utility bill, or mortgage / rental agreement. An Affidavit will be accepted to establish proof of residency as required by 8-3-60.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(v) "Quorum" for purposes of the Election Committee, a quorum requires 3 members.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(w) "Registration" means all enrolled tribal members, 18 years of age and older are considered automatically registered for tribal election purposes.

(x) "Schedule of events" means the official notice of election to include applicable times/dates of events.

(y) "Signature" includes, for those persons unable to write, a thumbprint and/or his "X," providing two witnesses affix their signature.

(z) "Special Election" means an election outside of the primary and general election, to address a vacancy on the Colville Business Council. *See* 8-3-108

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(aa) "Spoiled vote" means an error or mistake on a ballot by an eligible voter who requests the ballot be invalidated.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(bb) "Superintendent" means the superintendent or designee of the Colville Indian Agency, Bureau of Indian Affairs (BIA).

(Amended 1/10/02, Resolution 2002-10)

(cc) "Tribal entities" means tribal programs that operate under the Confederated Tribes and shall include profit and non-profit organization enterprises owned and/or controlled by the Confederated Tribes of the Colville Reservation.

(Amended 1/10/02, Resolution 2002-15)

(dd) "Tribes" means the Confederated Tribes of the Colville Reservation.

(Amended 2/20/97, Resolution 1997-91)

(ee) "Voting district" means the general geographic area surrounding the Inchelium, Keller, Nespelem and Omak communities. The boundaries of each Reservation district shall be specifically delineated in an official voting district map approved by the Election Committee. Voting districts shall also include adjacent off-reservation areas.

The off-reservation voting district communities may not be used to establish candidate residency. District map available, upon request through the election office or district community centers.

(Amended 2/6/97, Resolution 1997-74)

(Certified 2/20/97)

(Amended 1/10/02, Resolution 2002-16)

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

## **ELECTION OFFICIALS**

### **8-3-30**

#### **Election Committee**

(a) The Election Committee shall, pursuant to Article III, Section 2, of the Constitution and By-Laws, have overall responsibility to determine the rules and regulations governing all tribal elections, provided such rules and regulations shall be subject to approval by the Colville Business Council.

(Amended 12/17/98, Resolution 1998-911)

(Certified 12/22/98)  
(Amended 2/6/97, Resolution 1997-73)  
(Certified 2/20/97)  
(Amended 1/10/02, Resolution 2002-17)

(b) In the event that a candidate is closely related to an Election Committee member, the alternate Election Committee member will be used. The Election Committee shall identify a minimum of four alternate committee members on the date which the schedule of events is approved.

(Amended 2/6/97, Resolution 1997-73)  
(Certified 2/20/97)  
(Amended 1/10/02, Resolution 2002-18)

(c) The Election Committee shall consist of one seated council member from each district.

(Amended 2/6/97, Resolution 1997-73)  
(Certified 2/20/97)  
(Amended 2/7/02, Resolution 2002-56)

(d) The Election Committee members shall not be up for re-election during the election year.

(Amended 2/6/97, Resolution 1997-73)  
(Certified 2/20/97)  
(Amended 1/10/02, Resolution 2002-19)

(e) The Colville Business Council Executive Committee shall not be recognized as ex-officio Election Committee members.

(Amended 2/6/97, Resolution 1997-73)  
(Certified 2/20/97)  
(Amended 1/10/02, Resolution 2002-20)

(f) Three members shall constitute a quorum.

(Amended 2/6/97, Resolution 1997-73)  
(Certified 2/20/97)  
(Amended 1/10/02, Resolution 2002-21)

(g) Alternates to the Election Committee must be an enrolled Colville tribal member who is an active voter. The Colville Business Council shall select one alternate for each district.

(Approved 2/7/02, Resolution 2002-57)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

### **8-3-31 Election Staff**

(a) The Election Staff shall consist of the Executive Director or his designee, the Election Coordinator and an Election Clerk(s).

(Amended 2/5/98, Resolution 1998-108)  
(Amended 2/6/97, Resolution 1997-75)  
(Certified 2/20/97)  
(Amended 2/7/02, Resolution 2002-58)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(b) The Executive Director or his designee, Election Coordinator and Election Clerk shall be the only persons authorized to receive, from the U.S. Post Office, election correspondence, and the postmaster shall be so notified.

(Amended 2/5/98, Resolution 1998-108)  
(Amended 2/6/97, Resolution 1997-75)  
(Amended 2/7/02, Resolution 2002-59)

(c) The Election Staff shall be allowed to handle and process election material as set forth herein.

(Amended 2/7/02, Resolution 2002-60)

(d) The Election Coordinator shall be responsible for the proper administering of the election and shall provide adequate security of the ballots.

(Amended 2/6/97, Resolution 1997-75)

(e) Election Staff may be required to work overtime as necessary.

(f) The Election Staff shall notify the Executive Director in the event that a staff member is closely

related to a candidate. The Executive Director shall replace the staff member.

(Approved 2/7/02, Resolution 2002-61)  
(Amended 1/9/03, Resolution 2003-8)  
(Certified 1/10/03)

**8-3-32 District Election Board Member**

- (a) There shall be a District Election Board for each district.
- (b) The District Election Board members and alternates shall be appointed and approved by the Election Committee and shall be active voters from that district.
- (c) District Election Board members shall not be closely related to candidates from their district.  
(Amended 2/7/02, Resolution 2002-69)
- (d) It is desired that at least one District Election Board member speak the native language.  
(Amended 12/17/98, Resolution 1998-917)  
(Certified 12/22/98)
- (e) Preference in selection shall be given to persons who have served as District Election Board members in prior elections, and to those who can visibly identify eligible voters from that district. Rotation of District Election Board members will occur every year beginning in May. The previous years' alternate will become a bona fide District Election Board member of his respective voting district. District Election Board members rotate and are replaced at the end of their third year.  
(Amended 11/1/90, Resolution 1990-599)  
(Corrected 7/30/01)  
(Amended 2/7/02, Resolution 2002-70)
- (f) The District Election Board shall consist of a Chairperson, two judges, Sergeant-At-Arms and an alternate for each district. It is recommended that each prospective Chairperson have at least 3 years' experience as an Election Board Member. The Chairperson will be appointed by secret ballot from the prospective District Election Board members on orientation day before the primary and general election.  
(Amended 2/20/97, Resolution 1997-92)  
(Amended 2/7/02, Resolution 2002-62)
- (g) The Chairperson is to arrive at the specified polling place on or before 7:30 a.m. on the day of election. The Chairperson shall be responsible for:
  - (1) Attending Orientation;
  - (2) Ensuring that each District Election Board member and alternate is at the specified polling place on or before 7:30 a.m.;
  - (3) Setting up the polling place and providing security of the ballot box, timesheets and ballots;
  - (4) After the count has been completed, he shall secure the poll ballots and one copy of the unofficial certification of poll votes into the locked ballot box and escort the ballot box back to the Lucy Covington Government Building located in Nespelem, WA after the polls close;
  - (5) Hand carrying one (1) copy of the unofficial certification of poll votes, signed by the District Election Board members, time sheets and the ballot box to the Election Staff in the main tribal building; and
  - (6) Attend each poll certification, the Monday after the Primary and General poll voting.  
(Amended 2/20/97, Resolution 1997-93)  
(Amended 2/7/02, Resolution 2002-63)
- (h) The Sergeant-At-Arms shall be responsible for:
  - (1) Attending Orientation;
  - (2) Maintaining order and calling upon the enforcement officers, when it is considered necessary, for assistance;

(3) Assisting with setting-up and clean-up of polling place; and

(4) Arriving at the specified polling place on or before 7:30 a.m. on the day of election.

(Amended 2/20/97, Resolution 1997-94)

(Amended 2/7/02, Resolution 2002-64)

(i) Judge number one is responsible for:

(1) Attending Orientation;

(2) Assisting the Chairperson with the distribution of ballots, identifying voters, verifying signatures of voters, voters' eligibility and checking contested ballots by:

(A) Checking the voters list to see if individuals received an absentee ballot;

(B) Checking to see if the voter is a new voter; or

(C) Checking to see if the voter is from that established district.

(3) Assisting with setting-up and clean-up of polling place; and

(4) Arriving at the specified polling place on or before 7:30 a.m. on the day of election.

(Amended 2/20/97, Resolution 1997-95)

(Amended 2/7/02, Resolution 2002-65)

(j) The number two Judge is responsible for:

(1) Attending orientation;

(2) Securing the ballot box;

(3) Ensuring that each ballot is accounted for and that the voter has deposited his ballot into the ballot box;

(4) Assisting with setting-up and clean-up of polling place;

(5) Arriving at the specified polling place on or before 7:30 a.m. on the day of election; and,

(6) Assisting the handicapped and disabled within the polling place site.

(Amended 2/20/97, Resolution 1997-96)

(Amended 2/7/02, Resolution 2002-66)

(k) The Alternate is responsible for:

(1) Attending Orientation;

(2) Arriving at the specified polling place on or before 7:30 a.m. on the day of election in case one of the selected District Election Board members is not available.

(Amended 2/20/97, Resolution 1997-97)

(Amended 2/7/02, Resolution 2002-67)

(A) If needed, moving into the unavailable District Election Board member's position and assuming those responsibilities; or

(B) If all District Election Board members are present, the alternate will receive four hours of show-up time.

(l) In the event a District Election Board Member does not appear at the specified polling place on the day of election, the Election Coordinator may fill any vacant position.

(m) Should any infraction be committed by any District Election Board members, it shall be grounds for immediate removal. Infractions include, but are not limited to:

- (1) Not attending orientation;
- (2) Tampering with tribal election ballots;
- (3) Tampering in any way with the election process;
- (4) Disclosing to voters confidential information regarding candidates;
- (5) Late arrival to orientation and polling place;
- (6) Attempting to influence or obstruct a voter from casting their vote;
- (7) Being disrespectful to voters, election staff, and/or fellow workers;
- (8) Being under the influence of drugs or alcohol; or,
- (9) Failure to follow the ballot handling process

(Amended 2/20/97, Resolution 1997-99)  
(Amended 2/7/02, Resolution 2002-72)  
(Deleted original section 8-3-32(l) per resolution 2002-71)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

**8-3-33 Enforcement Officers**

- (a) An enforcement officer shall be assigned to the vicinity of each polling place on Election Day.  
(Amended 2/20/97, Resolution 1997-100)  
(Amended 2/7/02, Resolution 2002-73)
- (b) The assigned enforcement officer shall accompany the District Election Board Chairperson back to the Lucy Covington Government Building located in Nespelem, WA with the locked ballot box after the polls have been closed and the votes have been counted and certified by the District Election Board members.

(Amended 2/20/97, Resolution 1997-100)  
(Amended 2/7/02, Resolution 2002-74)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

**ELIGIBILITY**

**8-3-60 Candidates for Council Positions**

- (a) Any enrolled member of the Confederated Tribes of the Colville Reservation, qualified under the provisions of Article II, Section 6, of the Constitution may announce his candidacy for the Colville Business Council within the district of his residency by filing a signed petition with the Election Staff  
(Amended 2/20/97, Resolution 1997-101)  
(Amended 2/7/02, Resolution 2002-75)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)
- (b) A candidate must physically reside in the district in which he has filed for candidacy for not less than one (1) year prior to the date of the primary election. The candidate shall have the burden to establish that he meets the physical residency requirements. The Election Committee shall decide all issues related to candidate residency and such decision shall be final.

(Amended 2/20/97, Resolution 1997-102)  
(Amended 2/7/02, Resolution 2002-76)

(c) Candidates cannot be a member of the tribal Election Staff.

(Amended 2/20/97, Resolution 1997-103)  
(Amended 2/7/02, Resolution 2002-80)

(d) All challenges related to a candidates' residency within a district shall be resolved utilizing Geographical Information System (GIS).

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

**8-3-61**      **Eligible Voters**

(a) Enrolled members of the Colville Tribes who are eighteen (18) years of age on the day of primary election and/or general election are eligible to vote.

(Amended 2/7/02, Resolution 2002-82)

(b) Eligible voters, voting for the first time may vote in the district of their choosing. A first time voter's actual vote will establish voting district for future elections.

(Amended 2/7/02, Resolution 2002-83)

(c) Eligible voters who have voted in prior elections must cast their ballot in the district that they most recently voted in, except as provided for in section 8-3-62.

(Amended 2/7/02, Resolution 2002-84)

**8-3-62**      **Change of Voting District**

(a) Eligible voters who have moved and have physically resided in a different district for a period of six (6) months preceding the next general election may request that their voting district be changed to the district in which they currently reside. Only one change may occur within the six (6) month period.

(Amended 2/20/97, Resolution 1997-104)  
(Amended 2/7/02, Resolution 2002-81)

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(b) Off-reservation voters who wish to change their established voting district must request in writing a change of voting district form. An off-reservation voter's request will require a six (6) month waiting period from the date upon which the request form was returned. Only one change may occur within the six (6) month period.

(Amended 2/20/97, Resolution 1997-104)  
(Amended 2/7/02, Resolution 2002-85)

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(c) The Election Committee will rule on all requests for change of voting district and that decision shall be final.

(Amended 2/20/97, Resolution 1997-104)  
(Section 8-3-62(d) Amended 2/20/97, Resolution 1997-105)  
(Section 8-3-62(d) Repealed 2/7/02, Resolution 2002-86)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

**ELECTION PROCEDURES**

**8-3-90**      **Petitions**

(a) No person will be allowed to receive an official petition form before or after the dates specified in the schedule of events.

(Amended 2/7/02, Resolution 2002-87)

(b) A prospective candidate must apply in person to receive an official petition for candidacy, and sign for it.

(Amended 2/7/02, Resolution 2002-88)

(c) Petitions shall be numbered serially and only one official petition per candidate shall be issued. Candidates may make copies of their petition.

(Amended 2/7/02, Resolution 2002-89)  
(Amended 2/7/02, Resolution 2002-90)  
(Amended 1/9/03, Resolution 2003-9, Certified 1/10/03)



(f) In the event an issued official petition is lost or destroyed, that number will be null and void and a new number shall be issued.

(Amended 2/7/02, Resolution 2002-91)

(g) A candidate is required to sign an affidavit that states he understands the approved schedule of events and a confidentiality agreement prior to being issued an official petition.

(Amended 2/25/93, Resolution 1993-67)

(Amended 2/21/91, Resolution 1991-67)

(Amended 2/7/02, Resolution 2002-92)

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(h) A candidate is required to deliver his own official petition into the hands of the Election Staff according to the approved schedule of events. The Election Staff will verify with the candidate the following:

- (1) The position they are filing for; and
- (2) The spelling of the name.

(i) The candidate will acknowledge information to be true and correct on the official petition. The Election Staff will date and time stamp the official petition. Once the official petition has been processed it will not be returned to the candidate for any reason. The Election Staff will bring the petition to the Election Committee for certification.

(Amended 2/20/97, Resolution 1997-106)

(Amended 2/25/93, Resolution 1993-67)

(Amended 2/21/91, Resolution 1991-47)

(Amended 2/7/02, Resolution 2002-93)

(j) The election office clock is the official election clock and will be used for the approved schedule of events. Petitions will not be accepted after the date and time stated on the approved schedule of events.

(Amended 2/20/97, Resolution 1997-107)

(Amended 2/25/93, Resolution 1993-67)

(Amended 2/7/02, Resolution 2002-94)

### **8-3-91 Schedule of Events**

(a) The annual schedule of events must be approved by the Colville Business Council by Tribal Resolution. The approved schedule of events shall be published in the Tribal Tribune immediately following the approved scheduled of events and posted in all tribal entities, BIA, IHS and approved U.S. Post Offices. No election code amendments shall be made following the approval of the schedule of events, or until completion of the general election. The election process will begin upon approval of the schedule of events.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(b) The approved schedule of events shall contain the following information:

- (1) Opening date for filing an official petition;
- (2) Closing date for filing an official petition;
- (3) Deadline for withdrawing official petitions;
- (4) Certification of candidates;
- (5) District Election Board orientation;
- (6) Date of primary election;
- (7) Date of general election;
- (8) Identification of Polling places for each District;
- (9) Date of poll vote certification for primary election;
- (10) Date of absentee ballot certification for primary election;
- (11) Date of poll vote certification for general election;
- (12) Date of absentee ballot certification for general election; and,
- (13) Date of oath of office.

(Section 8-3-91(c) Repealed, Resolution 2002-97)

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

### **8-3-92 Address Labels and Candidate Material**

(a) The Election Staff shall prepare the following material for distribution to candidates:

- (1) Eligible eighteen (18) year old labels;
- (2) Voters by district labels;
- (3) At a candidate's request, the never voted labels may be provided;
- (4) A copy of this Chapter; and,
- (5) A copy of the CBC Drug Testing Policy

(Amended 1/11/07, Codified 1/11/07, Resolution 2007-019)

(b) The labels shall be prepared from the Tribal Election and/or Enrollment records for certified candidates at their cost. Labels are (computer) printed, gummed address labels, of eligible constituents, from their respective districts. Once payment is received, the district labels may be sent by certified mail, return receipt requested or the candidate may pick up his individual district labels from the Election Office on the Thursday, before 3:00 p.m., following the certification of candidates. If the candidate fails to contact the election office, before the above mentioned date and time, the labels will be sent by certified mail, return receipt requested.

(Amended 2/5/98, Resolution 1998-107)

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(c) No lists other than specified in section 8-3-92(a) shall be issued to candidates.

(Section 8-2-92 Amended 2/7/02, Resolution 2002-98)

### **8-3-93 Absentee Ballots**

(a) Eligible voters shall be allowed to vote via absentee ballot.

(b) Eligible voters may request an 'Automatic Absentee' form. This will allow for a single absentee request to remain in effect for future elections, unless a voter asks to be removed as an absentee voter.

(Resolution 2015-108)

(c) Certified candidates will be allowed to solicit absentee voting by mailing out pre-printed materials.

(d) Eligible voters may utilize preprinted post cards to request an absentee ballot or any other written and signed request (e.g.: letters, Tribal Tribune notice).

(e) Special arrangements will be made at the Nespelem U.S. Post Office to handle the election correspondence and only the Election Staff, as specified in 8-3-31 (b), are authorized to receive election materials from the Nespelem U.S. Post Office. Accordingly, all pre-printed absentee ballot request cards shall be addressed to the:

Colville Confederated Tribes  
Election Coordinator  
P.O. Box 1150  
Nespelem, WA 99155

(Amended 2/20/97, Resolution 1997-108)

(Amended 2/7/13, Resolution 2013-76, Certified 2/19/13)

(f) All requests for absentee ballots will be accompanied by a written, signed form and must be delivered in person or by U.S. mail by the individual requesting the absentee ballot.

(Amended 11/1/90, Resolution 1990-597)

(Certified 12/7/90)

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(g) The Election Staff will maintain a chronological listing of all absentee ballot requests and balloting materials that have been sent or received.

(h) Persons voting for the first time may vote in any district of their choosing. Election Staff will honor and process only the first request, thereby insuring that persons are allowed to vote only once and only in one district.

(i) All received absentee ballots and absentee ballot requests will be date stamped and

initialed by the Election Staff. Any returned absentee ballot that does not bear a U.S. postmark, will be presented to the Election Committee (noting the date it was received) for a decision to validate or to invalidate it. For any returned absentee ballot that bears more than one valid U.S. postmark, the earlier U.S. postmark will be counted.

(Amended 2/20/97, Resolution 1997-108)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(j) In the event an eligible voter indicates in writing that his absentee ballot was lost or destroyed, a new one may be issued providing that the necessary precautions are taken by the Election Staff to ensure that only one ballot is returned/counted.

(k) All returned absentee ballots must be postmarked no later than the date of the election day, and must bear the written signature of the voter on the outside envelope (*See* 8-3-93(1)).

(Amended 12/22/98, Resolution 1998-914)  
(Amended 11/1/90, Resolution 1990-598)  
(Certified 12/7/90)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(l) A returned absentee ballot that does not bear the signature of the voter on the outer envelope will be invalid.

(Amended 2/20/97, Resolution 1997-120)

(m) Eligible voters select only one candidate for council position number one and only one candidate for council position number two from the Inchelium, Nespelem, and Omak districts, and only one candidate from the Keller district.

(Amended 2/20/97, Resolution 1997-108)

(n) Writing or marks on ballots that are inconsistent with the authorized voting instructions will be processed pursuant to Section 8-3-105 (a) (21) and 8-3-105 (b) (2) and will not count if they contain the printed or signed name of the voter.

(Amended 2/7/91, Resolution 1991-24)  
(Corrected 7/30/01)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(o) The Election Coordinator shall be responsible for the printing and safeguarding of all ballots.

(p) Absentee ballots shall be identical to poll ballots.

(q) Walk-in absentee voting will not be allowed at the Elections Office.

(r) All absentee ballots must be returned via U.S. mail or at any polling site.

(i) Color coded boxes will be provided for all Districts at the poll sites for absentee ballot collection.

(Section 8-3-93 Amended 2/7/02, Resolution 2002-99)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

## **8-3-94** **Ballots**

(a) Only official ballots shall be used in voting.

(b) Ballots shall be color-coded. Districts will be identified as follows:

- (1) Nespelem - Green;
- (2) Inchelium - Blue;
- (3) Omak - Pink; and,
- (4) Keller - Yellow.

(c) The candidates' names shall appear on the ballots in alphabetical order, except that the incumbents'

names shall appear first.

(d) The names and spelling used shall be the same as printed on the candidates' petition.

(e) Each ballot from each district shall have a tear-off serial number. The tear-off serial numbers are to be used in insuring proper accountability only, and shall be removed prior to voting/mailing of absentee ballots to the voter.

(f) Sample ballots shall be posted in the community centers, Tribal, BIA, IHS buildings; Nespelem, Omak, Inchelium and Keller Post Offices.

(g) Sample ballots shall not be provided to the candidates by Election Staff.

(h) Write-in voting for candidates shall not be allowed and shall not be counted.

(Section 8-3-94 Amended 2/7/02, Resolution 2002-100)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

### **8-3-95 Campaigning**

(a) Posting and distribution of campaign materials will not be allowed in any tribal entities, BIA or IHS buildings. This includes the distribution of campaign leaflets and flyers on vehicles located at tribal entities.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(b) Campaign materials are the responsibility of the candidate and do not carry the express endorsement or rejection of the Colville Confederated Tribes, the Colville Business Council, or employees of the Tribes.

(c) Candidates will bear the full financial responsibility for their own campaigns.

(d) Candidates will be allowed to provide for private transportation of voters to the polls.

(e) No campaigning will be allowed within 200 feet of the polling places during elections.

(f) A candidate from the Nespelem, Omak or Inchelium districts may select a running-mate for his campaign, where one candidate runs for position #1 and the other for position #2.

(g) Council members and Employees of the Colville Confederated Tribes, tribal entities, BIA or IHS are prohibited from campaigning during assigned working hours.

(h) Signs and stickers attached to vehicles located at tribal entities are allowed and are not considered campaigning during working hours.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(i) Expenditures by candidates for their campaigns from tribal entities, tribal government, BIA or IHS funds will not be allowed.

(j) It shall be the responsibility of the candidate to remove all signs, posters, and all other campaign materials within one (1) week following the certification of a primary, a general or a special election.  
*See 8-3-96*

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(k) Using tribal facilities or resources to promote one's candidacy, or attempting or publicly offering the use of tribal facilities or resources to promote one's candidacy, is prohibited, except for public candidate forums held in Tribal community centers and the exception outlined in 8-3-95 (l)

(Amended 01/19/12, Resolution 2012-45)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(l) The Planning Department is authorized to offer printing services to certified candidates running for the Colville Business Council. A price list must be established to ensure all candidates are charged equally.

**8-3-96 Campaign Violations – Complaint Process**

(a) If the Election Committee or Staff receives a signed complaint in writing alleging that a certified candidate has violated any of the campaign rules set forth in 8-3-95 above, the Election Committee will use the process set forth in subparts (1) through (12) below to determine whether a violation has occurred, and if so what penalty shall be assessed. The purpose of this process is to provide due process and consistent treatment for candidates and other interested parties, define the responsibilities of candidates, and further paramount tribal government interests in resolving complaints in a consistent and orderly fashion, and in providing efficiency, certainty, and finality to the elections process.

(1) All written notices to a candidate required under this section shall be mailed to the candidate via certified mail, return receipt requested, regular mail and by email, at the addresses provided by the candidate in the certification process. The Committee and Staff shall be entitled to rely on this address, and it shall be the responsibility of the candidate to provide any change of address and to check his or her mail. A candidate's failure to respond within the deadlines set forth in any notices sent in this manner shall be deemed a waiver of any rights set forth in the notice or in the subsection on which the notice is based.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(2) A signed, written complaint with supporting documents shall be filed with the Election Staff at the Election Office during normal business hours, and the Staff shall stamp the complaint with the date of filing at the time it is filed, and immediately forward copies to the Election Committee.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(3) Election Staff shall conduct a review and investigation of any properly filed complaint and determines if any violation has occurred. If there are no supporting documents submitted at the same time as the written complaint, the complaint will be dismissed. If the complaint is dismissed, Election staff shall notify all parties involved in the manner set forth in subsection (1) above and provide the Committee a summary of the basis for their dismissal.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(4) Within three (3) business days after the date of filing of a complaint, Staff shall provide written notice, in the manner set forth in subpart (1), to the candidate who is the subject of the complaint (hereinafter referred to as the respondent). The notice shall provide the respondent with a copy of the complaint, and an opportunity to respond to the complaint in writing. The respondent's written response must be submitted to the Committee within five (5) business days of the mailing of the notice.

(5) The notice required in subpart (4) shall also provide the respondent an opportunity to appear at a hearing of the Election Committee, in order to present evidence and make argument regarding the allegations in the complaint. The hearing shall take place no sooner than seven (7) business days and no later than ten (10) business days after the mailing of the notice.

(6) A respondent's request to reschedule a hearing must be in writing and submitted no later than three (3) business days after the mailing of the notice to the respondent required in subpart (4). The request must provide a compelling reason for the rescheduling; inconvenience, lack of time to prepare, or other commitments are not sufficient grounds. The committee's decision whether to grant rescheduling shall be in writing and issued not less than two (2) business days before the initially scheduled hearing date; the Committee's decision shall be final as to the date of a hearing. A respondent's failure to attend a hearing that has been scheduled as provided in subparts (4) through (6) shall be deemed a waiver of the right to participate at the hearing.

(7) The Election Staff shall submit to the Committee a summary of its findings regarding the allegations in the complaint, no later than two (2) business days prior to the hearing on the complaint. A copy of the findings shall also be provided to respondent at this time.

(8) At the time set for the hearing, the Election Committee shall review the findings of the Staff and any written submission of the respondent. If the respondent appears at the hearing, he or she shall have an opportunity to respond to the allegations and the findings of the Staff. The proceedings shall be recorded whether or not respondent appears.

(9) The Committee will determine whether a violation occurred, and if so, assess an appropriate fine and any additional appropriate penalty. The Committee's decision shall be in writing and shall be served on the respondent and complainant in the manner provided in subpart (1). The Committee may assess a fine in the range of \$100.00 to \$500.00 per violation found, the amount of the fine dependent on the severity of the violation. Failure to pay the fine or make payment arrangements to pay the fine within 30 days of issuance, will result in ineligibility for the next election. If the Committee makes a specific finding that the violations are aggravated in nature or are repeat violations, or involve an intent to deceive the Committee or Staff, the Committee shall disqualify the respondent from the current election.

(10) The Committee shall submit to the Colville Business Council copies of any and all of its decisions which find that a violation has been committed, so that in any case where a candidate who committed a violation is elected to office, the Council may consider whether to take further action under its constitutional authority over the conduct of its members; this requirement to forward decisions to the Council is distinct from the process referred to in subpart (11) below, under which a respondent may petition the Council for review of a Committee decision, and is not intended to trigger any obligation under the Constitution for the Council to review the Committee's decision.

(11) The Committee's determination as described in subpart (9) above shall be final, and notwithstanding any other provision of tribal law, the Tribal Court shall have no jurisdiction over any cause of action arising there from, except that pursuant to Article I, Section 4 of the By-Laws of the Tribes, the notice of decision shall inform the respondent that he or she may petition the Colville Business Council for review within five (5) business days of the mailing of the decision. Failure to petition the Business Council within five (5) business days shall be deemed a waiver of the right to petition, and the Council shall summarily dismiss any untimely petition. The Petition shall be filed at the Election Office in the manner set forth in subpart (2) above; the Election Staff shall date-stamp the petition and promptly forward it to the Chairman of the Business Council.

(12) The Business Council will review any petition timely filed by a respondent under subpart (11). If the Council's review determines that the respondent failed to comply with any of the deadlines for responding to a complaint with the Election Board, such that the respondent is deemed to have waived the right to participate in the process, the Colville Business Council shall summarily dismiss the petition. If the respondent is found not to have waived the right to participate, the Business Council Chairman shall call a special meeting of the Business Council, for purpose of conducting a brief hearing on the matter of the petition, to be held no later than fourteen (14) business days after filing of the petition. The Council's decision shall be final, and notwithstanding any other provision of tribal law, the Tribal Court shall have no jurisdiction over any cause of action arising there from.

(Amended 2/20/97, Resolution 1997-109)  
(Section 8-3-95 Amended 2/7/02, Resolution 2002-101)  
(Section 8-3-95 Amended 2/6/03, Resolution 2003-64)

**8-3-97**

**Election Board Member Inventory Box**

(a) Inventory boxes shall be prepared in advance and shall contain, but are not limited to include the following materials:

- |     |   |
|-----|---|
| 1.  | Flags with stands and toppers x2                      |
| 2.  | Pens and highlighters x8                              |
| 3.  | Notebook Tablet                                       |
| 4.  | Scotch tape   |
| 5.  | Rubber bands  |
| 6.  | Zip ties x8   |
| 7.  | Paper clips   |
| 8.  | Locking bag with keys                                 |
| 9.  | Election Code   |
| 10. | Constitution and By Laws                              |
| 11. | Time sheets (board members) x 4                       |
| 12. | Time sheet (chairperson) x 1                          |
| 13. | Sign in Book  |
| 14. | Inspectors Book                                       |
| 15. | Tally Sheets x 5                                      |
| 16. | Enrollment list                                       |
| 17. | Absentee list   |
| 18. | Certification of Poll Votes                           |
| 19. | White Contested Envelopes X100                        |
| 20. | Brown Ballot Envelopes X100                           |
| 21. | Badges  |
| 22. | Rulers x2   |
| 23. | Calculator  |
| 24. | Ballots <u>beginning#</u> <u>Ending#</u>              |
| 25. | Silver metal ballot box (for transporting of ballots) |
| 26. | Ballot drop box                                       |

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(b) Prepared inventory boxes shall be inventoried by the Election Staff and District Election Board Chairperson the day before election day. Ballot boxes shall then be issued to the Chairperson of the District Election Boards, along with one set of keys which will be locked/sealed after the District Election Board members' certification of the poll votes.

(Amended 2/20/97, Resolution 1997-110)  
(Amended 12/17/98, Resolution 1998-913, Certified 12/22/98)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(c) Returned locked and sealed ballot boxes will remain in a locked space until the Election Committee and the BIA Superintendent of the Colville Indian agency re-count the poll votes and the official certification of poll votes.

(Amended 2/20/97, Resolution 1997-110)  
(Amended 12/17/98, Resolution 1998-912, Certified 12/22/98)  
(Section 8-3-96 Amended 2/7/02, Resolution 2002-102)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

**8-3-98**

**Indoctrination of the District Election Board Members**

(a) The District Election Board members will be indoctrinated by the Election Staff and/or Election Committee, the morning, prior to Election Day.

(Amended 2/20/97, Resolution 1997-111)

(b) The indoctrination shall include the following:

- (1) Review materials in inventory boxes;
- (2) Instructions on processing of wages, mileage, meal stipend and timesheets;
- (3) Review of the Election Chapter of the Law and Order Code;
- (4) Process for contested ballots;
- (5) Name and phone number of assigned tribal police officer;
- (6) Use of eligible voter list;
- (7) Voters lists to include:
  - (A) Eligible voters who have established a voting district;
  - (B) Eighteen (18) year olds;
  - (C) Eligible voters who have never voted; and,

- (D) Voters requesting absentee ballots.
- (8) Procedures for certification of poll vote;
- (9) "Interpreter" will not have access to pen, pencil or other marking device while assisting voter;
- (10) Use of poll book and tally sheet;
- (11) Display of U.S. and tribal flag;

(Amended 2/20/97, Resolution 1997-111)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

- (12) Instruction for alternates;
- (13) Arrangement to set up/use polling places; and,
- (14) Other pertinent information.

(Section 8-3-97 Amended 2/7/02, Resolution 2002-103)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

**8-3-99 Primary Election Preceding General Election**

(a) A primary election shall be held at least four weeks before the general election. A primary election will be held in the Nespelem, Inchelium and Omak districts only if there are more than two certified candidates for each numbered position (from those districts) and in the Keller district only if there are more than two certified candidates from that district.

(Amended 1/23/84, Resolution 1984-38)  
(Amended 1/17/91, Resolution 1991-16)  
(Certified 10/21/91)

(b) In the primary election for each voting district, the two candidates receiving the most votes in each numbered position in Nespelem, Inchelium and Omak districts shall qualify as candidates for the general election, and the two candidates receiving the most votes in the Keller district shall qualify as candidates for the general election. In the event of a tie between candidates in the primary election, for a vacant general election ballot position, those candidates will advance to the general election, even if the number of candidates for that general election, exceeds two for each position in the Nespelem, Inchelium and Omak districts, or exceeds two for the Keller district.

(Amended 1/23/84, Resolution 1984-38)  
(Amended 1/17/91, Resolution 1991-16)  
(Certified 10/21/91)

(c) Only candidates qualifying for the general election via the primary election shall appear on the final election ballot.

(d) The certification of the primary election shall be the same as the certification of general election where such certification procedures are applicable and relevant in section 8-3-105.

(Section 8-3-98 Amended 2/7/02, Resolution 2002-104)

**8-3-100 Election Day Procedures**

(a) Indoctrination by the District Election Board Chairpersons.

(Amended 2/20/97, Resolution 1997-112)

(b) Election Staff shall be in the Tribal Office no later than 7:30 a.m.

(Amended 2/21/85, Resolution 1985-73)  
(Certified 3/26/85)

(c) The Election Coordinator shall notify the District Election Board Chairpersons of any additional absentee ballot requests.

(d) The District Election Board members, including alternates, shall arrive at their designated polling place no later than 7:30 a.m.

(e) The District Election Board members shall prepare the polling place to include display of U.S. flag, setting up tables, booths, ballot box, poll and tally sheet.

(f) Polling places will open at 8:00 a.m.

(g) Eligible voters must be visibly identified by a District Election Board member or show valid identification and be listed as an eligible voter from that district.



(h) The ballots of all persons who are voting for the first time shall be treated as contested ballots to insure that first time voters vote only once and in one district.

(i) Allow orderly, secret voting to proceed.

(j) Allow an interpreter, at the request of the eligible voter, to assist with casting their vote.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(k) Allow eligible voters to cast their vote and where there is doubt, allow the voter to cast a contested vote (i.e. allow him to vote and seal his vote in an envelope with the District Election Board writing the voter's name and the reason for contesting the vote, on the outside envelope).

(l) Any voter who was sent an absentee ballot, and for whatever reason state that they have not voted in this election, will be allowed to cast a contested vote.

(m) Sergeant-At-Arms will maintain order and call upon the enforcement officer when it is considered necessary for assistance.

(n) District Election Board members may take coffee, smoke, and lunch breaks providing that they remain in the polling place if "workload" permits.

(o) No activity other than elections will be allowed in the assigned polling places.

(Amended 2/20/97, Resolution 1997-112)

(p) District Election Board members will not divulge any election information except through official channels.

(q) Polls close at 8:00 p.m.

(r) Persons waiting in line to vote at 8:00 p.m. will be allowed to vote.

(s) Doors shall be locked and only District Election Board members and enforcement officers shall be present while vote count is being certified, and no interruptions shall be tolerated (i.e. phone calls, visitors).

(Amended 2/20/97, Resolution 1997-112)

(t) Certification sheets shall be accurately filled out and signed and shall include the following:

- (1) Total number of ballots cast;
- (2) Number of spoiled votes;
- (3) Number of contested votes;
- (4) Number of valid votes each candidate received;
- (5) Number of "No Vote" cast ballots;
- (6) Starting ballot # and ending ballot #; and
- (7) Number of absentee dropped off at the polls.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(u) District Election Board members must sign the certification of poll vote results.

(v) The District Election Board Chairperson will verbally relay and fax a copy of the certified results to the Election Staff.

(Amended 2/21/85, Resolution 1985-73)  
(Certified 3/26/85)

(w) The District Election Board Chairperson is responsible to secure the ballot box with a copy of the poll vote results, ballots and their assigned keys locked inside.

(x) The District Election Chairperson and the enforcement officer must escort the secured locked ballot box and hand carry the original certification of poll votes to the Election Staff located in the main tribal building.

(y) The Election Coordinator is responsible the following:

- (1) Make periodic calls to each polling place throughout the day to check status;
- (2) Preparing and distributing the certified results; and,
- (3) Locking and securing all ballot boxes.

(Amended 2/21/85, Resolution 1985-73)

(Certified 3/26/85)

(Section 8-3-99(x) Amended 2/21/85, Resolution 1985-73)

(Certified 3/26/85)

(Section 8-3-99 Amended 2/7/02, Resolution 2002-105)

### **8-3-101 Certification of Poll Votes**

(a) The District Election Board members will verify and certify the results of the poll votes for their district.

(b) The Election Coordinator will prepare the poll vote results for the Election Committee and the BIA Superintendent to officially sign and approve the written statement of the results.

(Amended 2/20/97, Resolution 1997-115)

(c) The certification of poll vote results will take place on the first business day following the election.

(d) The certified poll votes will remain separate from the absentee ballots until the certification of official returns is complete.

(Section 8-3-100 Amended 2/7/02, Resolution 2002-106)

### **8-3-102 Contested Ballots**

(a) During the count, the following categories shall be deemed contested ballots:

- (1) Eligible eighteen (18) year olds voting for the first time;
- (2) Eligible voters who are voting at a polling place and who have already requested an absentee ballot;
- (3) Eligible voters with a name change not listed on the poll book;
- (4) All ballots containing markings that are not in accordance with voting instructions, (which shall be processed pursuant to section 8-3-104);
- (5) All ballots where the eligibility of the voter could not previously be determined;
- (6) All other ballots determined by the Election Staff to be contested.

(b) The contested ballots will be placed in an envelope. The voter's tribal ID number and the reason for contesting the ballot will be written on the outside sealed envelope.

(c) The Election Committee will determine which contested ballots are valid or invalid the first Thursday following the poll place votes as stated in section 8-3-105(b) and will be recorded accordingly.

(Amended 12/22/98, Resolution 1998-910)

(d) Contested ballots declared invalid will remain sealed.

(Section 8-3-101 Amended 2/7/02, Resolution 2002-107)

### **8-3-103 Grievance Procedures**

(a) An election grievance concerns the manner in which the Colville Tribes administers and conducts any election. Only documented, written, signed statements filed with the Election Office will cause an election grievance to be acted upon by the Election Coordinator or the Election Committee. The Election Coordinator will receive and decide all minor (misspelling, addresses, and procedural) grievances within eight (8) working hours of receipt.

(Amended 2/21/85, Resolution 1985-73)

(Certified 3/26/85)

(b) Any grievant not satisfied with the decision of the Election Coordinator may appeal in writing to the Election Committee within eight (8) working hours of receiving the Election Coordinator's decision by filing a written appeal with the Election Office.

(c) The Election Committee will use the procedures in this section to determine the disposition of all minor election grievances that are appealed from the Election Coordinator and all other grievances concerning the election, except those which use the procedures set forth in section 8-3-96. Except as provided in Article I, Section 4 of the Colville Tribal By-Laws, all decisions of the Election Committee are final.

(Amended 2/20/97, Resolution 1997-114)  
(Deleted 2/20/97, Resolution 1997-113)  
(Amended 1/9/03, Resolution 2003-10)  
(Certified 1/10/03)

(d) All grievances which may affect the final vote count of the primary, general, or special elections that were not resolved prior to the commencement of the certification process must be properly presented to the Election Staff, the Election Committee and the BIA Superintendent prior to the official certification of the results. Grievances affecting poll votes must be received not later than one (1) hour prior to commencement of the official certification process for poll votes, and grievances affecting absentee votes must be received not later than one (1) hour prior to the commencement of the official certification process for absentee votes. Grievances filed after the certification process has commenced will not be considered.

(Amended 2/20/97, Resolution 1997-114)  
(Section 8-3-102 Amended 2/7/02, Resolution 2002-108)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(e) The Election Committee may hold a hearing on any timely filed election grievance. In the event a hearing is held, it will be for the purpose of determining the facts of any grievance, and the Committee may request any person with relevant information to testify before it. All candidates who may be affected by the grievance shall have a right to attend any such hearing, and may appear in person or by proxy. Candidates shall be given notice of such a hearing by phone call to the candidate's listed number or contact, and by mail if time allows. It is the responsibility of each candidate to provide the Election Coordinator with the candidate's current address and telephone number.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(f) Any grievance which will not affect the final vote count may be addressed by the Election Committee at any time, including after the date of the election.

(g) All grievances presented to the Committee will be listed by the Election Staff and published in the Tribal Tribune immediately following the primary and general election.

(Approved 1/9/03, Resolution 2003-7)  
(Certified 1/10/03)  
(Section 8-3-102(a) through (g) Amended 2/ 6/03, Resolution 2003-65)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

#### **8-3-104 Certification of Absentee Votes**

The Election Staff, Election Committee, the BIA Superintendent and designated staff shall count and certify the results of the absentee votes and shall immediately provide the Election Staff with a signed written statement of the results of the absentee and poll vote count.

(Amended 2/20/97, Resolution 1997-116)  
(Section 8-3-103 Amended 2/7/02, Resolution 2002-109)

#### **8-3-105 Certification Procedures**

(a) The Election Committee and the BIA Superintendent shall ensure that proper procedure is followed including the following:

(Amended 12/22/98, Resolution 1998-909)

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

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

(4) Insure that no one participating in the certification process is closely related to a Candidate.  
*See 8-3-3 (e).*

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(4) Any district may be chosen by the Election Committee to be counted first or second or third or

last;

(Deleted 2/20/97, Resolution 1997-117)  
(Amended 12/22/98, Resolution 1998-908)

(5) Contested votes will be ruled upon first and only the approved ballots (yet unopened) will be placed with the unopened absentee ballots;

(6) Those ballots that are declared invalid by the Election Committee will be returned to the Election Coordinator (immediately) for disposition and will remain unopened;

(Amended 12/22/98, Resolution 1998-907)  
(Amended 2/21/85, Resolution 1985-73)  
(Certified 3/26/85)

(7) The returned absentee ballot envelopes and the contested ballot envelopes will be counted to ensure the total number of envelopes match the number indicated by election records;

(8) After counting the envelopes the Election Staff will open the outer envelopes and remove and shuffle the inner envelopes.

(9) Insure that each envelope contains only one ballot. Where envelopes contain more than one ballot, those ballots will be invalidated. (Note: By this time inner envelopes and ballots have already lost their identity);

(Amended 1/23/84, Resolution 1984-38)

(10) Outer envelopes that do not contain the inner (ballot) envelope will be set aside until instruction is received from the Election Committee. The inner (ballot) envelopes will be counted and shuffled to lose identity.

(11) Inner (ballot) envelopes are opened and ballots are removed.

(12) Ballots are unfolded (face down) and counted.

(Amended 2/20/97, Resolution 1997-118)

(13) All ballots are given to an Election Staff member who will assist with reading names of the candidate who received the votes.

(Amended 2/20/97, Resolution 1997-118)

(14) A person designated by the Election Committee will sit adjacent to the Election Staff member to verify the correct names are called.

(15) Each candidates' first, last, middle or nick-name will be read clearly to avoid confusion of names that may sound the same.

(Amended 12/22/98, Resolution 1998-906)

(16) The Election Committee will designate a tally person to visibly keep "tally" on the chalkboard placing a "tick mark" each time the candidate's name has been called.

(Amended 2/20/97, Resolution 1997-118)  
(Amended 12/22/98, Resolution 1998-905)

(17) The tally person will call out "tally" each time a candidate receives a fifth mark or multiple thereof. Tally will also be kept by the Election Committee and the BIA Superintendent.

(Amended 12/22/98, Resolution 1998-904)

(18) An Election Committee member, Election Staff, or the BIA Superintendent (or designee) may request a tally check, that the count be slower or a recount of the total tally.

(19) Periodic pauses will be taken in the count to allow persons involved to remain alert and ready, and to ensure that all persons agree to the chalkboard count.

(Amended 12/22/98, Resolution 1998-903)

(20) A different vote count by any of the Election Committee members or the BIA Superintendent (or designee) will cause the ballots to be recounted, with the exception that the count shall proceed if a majority of the individuals in attendance agree to the tally count.

(21) Ballots that contain markings or writings other than or in addition to those authorized by the voting instructions shall be counted. Only when the markings or writings make the voters' intention unclear will the ballot be contested and reviewed by the Election Committee for validation or invalidation. Ballots containing the name of the voter will also be invalidated. Each Election Committee member shall audibly vote on each ballot in question.

(Amended 12/22/98, Resolution 1998-901)  
(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(22) After the last ballot has been counted, the tally will be checked and only if each Election Committee member and the BIA Superintendent agree on the tally will those results be certified.

(23) The same procedure shall be observed by the Election Committee for all districts.

(Amended 2/21/85, Resolution 1985-73)  
(Certified 3/26/85)

(24) If a vote count difference of three (3) votes or less occurs between a candidate receiving the most votes and any other candidate, an immediate recount of both valid poll and valid absentee ballots is mandatory. The candidate who received fewer votes may decline, in writing, to the recount.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(25) The candidate receiving the most votes for position number one or for position number two in the Nespelem, Inchelium and Omak Districts will be elected. The candidate receiving the most votes in Keller will be elected.

(Amended 1/17/91, Resolution 1991-16)  
(Certified 10/21/91)

(26) In the event a tie between candidates for a position occurs, a run-off election for the position, between only those persons receiving a tie vote, will be held within thirty (30) days. The Candidates may agree, in writing, to conduct a coin flip to determine the successful candidate.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

(27) The certification forms shall immediately be filled out and signed by a quorum of the Election Committee members and the BIA Superintendent;

(Amended 12/22/98, Resolution 1998-900)

(28) Copies of the certified results will be made for distribution and posting and one copy will be provided to the Tribal Tribune to be placed on page one of the next edition.

(29) The Election Committee Chairperson will notify the news media of certified results.

(Amended 2/20/97, Resolution 1997-118)

(b) All contested ballots shall be presented to the Election Committee in accordance with the certification procedure, as follows:

(1) The Election Committee shall determine by audible vote, the validity of each contested ballot. In order for a contested ballot to be deemed valid, a majority of the committee members present must vote in favor of validation.

(2) In determining whether to validate ballots containing marks that are not in conformity with the written voting instructions the committee members shall vote to validate such ballots only when they find that the voter's marking of the ballot clearly and unambiguously indicates the intent of the voter. See 8-3-105 (a)(21).

(3) All ballots containing markings indicating a vote for more than one candidate in a single position shall be invalidated.

(4) All ballots containing the signature or printed name of the voter shall be invalidated.

(5) The Election Committee shall rule on all contested ballots prior to final certification of the election.

(Section 8-3-104 Amended 2/7/02, Resolution 2002-110)

### **8-3-106 Oath of Office**

(a) The council-elect shall be officially sworn in and seated in the Colville Business Council on the second Thursday in July.

(b) The following Oath of Office shall be administered by the BIA Superintendent of the Colville Indian Agency:

I \_\_\_\_\_, do solemnly swear and affirm that as an elected representative of the Confederated Tribes of the Colville Reservation and in performing the duties I am about to assume as a member of the Colville Business Council, I recognize and respect and will uphold and defend the Constitution of the Confederated Tribes of the Colville Reservation and to the extent applicable the United States Constitution; that I will work for the best interests of the Confederated Tribes and its members in all matters at all times without prejudice and partiality; that I am bound by and will follow the Council Code of Professional Responsibility and that at all times my conduct will comport with the standards of conduct and behavior befitting a tribal leader as set forth in the Council Code.

(Amended 3/7/96, Resolution 1996-104)  
(Certified 11/20/00)

### **8-3-107 Forms Used in Tribal Election**

Forms used in a Tribal Election include, but are not limited to:

- (a) Schedule of events;
- (b) Petition sign-out sheet;
- (c) Petition;
- (d) Certification of candidates;
- (e) Absentee ballot request;
- (f) Candidates' furnished postcard;
- (g) Tribal Tribune absentee request;
- (h) Individual letters;
- (i) Official ballot;
- (j) Sample ballot;
- (k) Change of district request;
- (l) Instruction to voters;
- (m) Inner brown (ballot) envelope;
- (n) Outer white (ballot) envelope;
- (o) Mailing envelope;
- (p) 3x5 card for alphabetical listing of absentee voters;
- (q) Inventory of ballot boxes;
- (r) Time/mileage sheets for District Election Board;
- (s) District Election Board certification of poll vote;
- (t) Election Committee certification of poll vote;

(Amended 12/17/98, Resolution 1998-899)

(u) Election Committee/Superintendent certification of election;

(Amended 12/17/98, Resolution 1998-898)

(v) Listing voters by district and year.

(Chapter 8-3 Adopted 2/17/81, Resolution 1981-133)  
(Revised 2/6/84)

### **8-3-108 Special Elections**

(a) When a position on the Colville Business Council is declared vacant pursuant to Article IV, Section 1, of the Constitution and By-Laws, appointment of a member to fill the unexpired term shall be determined as follows:

(1) For unexpired terms of eight (8) months or less, the district affected will choose a member to fill the position and the Colville Business Council shall adopt that recommendation through a duly authorized Tribal Resolution.

(i) The affected District may choose to keep the position vacant until the next regularly scheduled election and the Colville Business Council shall adopt that recommendation through a duly authorized Tribal Resolution.

(2) For unexpired terms of more than eight (8) months, a Special Election shall be conducted.

(i) The Special Election will be conducted according to this Chapter, with the exception that only one (1) (as opposed to both a primary and general) election/vote will occur.

(b) The appointed member must meet all of the eligibility requirements outlined in the Constitution and By-Laws, this Chapter, and any duly authorized Tribal Resolution.

(Amended 1/25/2024, Resolution 2024-67, Certified 1/29/2024)

