

TRIBAL COUNCIL ACT 2.2

**AN ACT RELATING TO
SNOQUALMIE TRIBAL ELECTIONS**

BE IT ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL

SECTION 1.0 - TITLE AND CODIFICATION

This Chapter shall be known as the Snoqualmie Tribal Elections Act and codified as Title 2, Chapter 2 of the Snoqualmie Tribal Code.

SECTION 2.0 - STATUTORY AUTHORIZATION

The aboriginal and inherent sovereign power of the Snoqualmie Indian Tribe is vested in the Snoqualmie Tribal Council. The Snoqualmie Tribal Council has the authority to safeguard and promote the peace, safety, moral, and general welfare of the members of the Tribe by regulating the behavior of all persons within the jurisdiction of the Tribe, and to provide for the enactment and enforcement of the laws of the Tribe. The Snoqualmie Tribal Council has the authority to develop election procedures in accordance with the Snoqualmie Tribal Constitution, Article VI, Section 3.

SECTION 3.0 - PURPOSE AND FINDINGS OF FACT

The purpose of this Chapter is to establish fair and uniform policies and procedures for the conduct and management of Tribal elections.

The Snoqualmie Tribal Council finds as a matter of tribal public policy that the objectives of this act are to ensure that all Snoqualmie Tribal elections are:

- (a) Fair;
- (b) Impartially conducted;
- (c) Carried out in conformity with the Tribal Constitution and the Snoqualmie Tribal Code.

SECTION 4.0 - DEFINITIONS

AFFILIATED means closely associated with, connected to, or related to another.

GENERAL COUNCIL means the General Council of the Snoqualmie Indian Tribe, as described in Article III of the Snoqualmie Tribal Constitution.

TRIBAL COUNCIL means the Snoqualmie Tribal Council, the governing body of the Snoqualmie Indian Tribe.

TRIBAL MEMBER means an enrolled member of the Snoqualmie Indian Tribe.

SECTION 5.0 - DUTIES OF THE SECRETARY OF TRIBAL AFFAIRS; ELECTION COMMITTEE

- (a) As provided in Article IX, Section 1(a) of the Snoqualmie Tribal Constitution, the Secretary of Tribal Affairs is responsible for the administration of Tribal elections pursuant to the Snoqualmie Tribal Constitution and this Chapter.
- (b) At least 30 days prior to the annual election, the Secretary of Tribal Affairs shall recommend four (4) persons to the Tribal Council to form an Election Committee to assist the Secretary of Tribal Affairs with the conduct and management of the annual election. The Secretary of Tribal Affairs shall serve as the Chairperson of the Election Committee. At least two (2) of the Committee members recommended shall be non-Tribal members. The remaining members of the committee may be comprised of Tribal members. Members of the election may not be affiliated with any candidate seeking office.

SECTION 6.0 - ELIGIBILITY TO VOTE

- (a) All persons voting in any Snoqualmie Tribal election must be validly enrolled Tribal members according to the official enrollment records of the Tribe and be 18 years of age or older at the time of the election. Every voter must present a Tribal enrollment card that establishes their identity before being permitted to vote.
- (b) It is the responsibility of the member to obtain the proper identification in advance of elections in order to participate in elections after the proper enrollment process with the Tribal Enrollment Department and Tribal Council is complete.

SECTION 7.0 - TRIBAL MEMBERS PROHIBITED FROM VOTING

- (a) Tribal members who are less than eighteen (18) years old as of the date of an election may not vote. Tribal members who have been banished by the tribe may not vote or hold tribal office unless there is conclusive evidence, such as through documentation issued by the Tribal Council or the Enrollment Officer, that the Tribal member has been re-enrolled or that their banishment has been lifted.
- (b) Adopted members of the Tribe that do not meet the one-eighth (1/8th) blood quantum requirement may only vote after completing a five-year probationary

period from the time the adoption is certified by the Tribal Council and only if voting rights were specifically granted by the Tribe in the adoption process. If the adoption is silent or unclear, then it is presumed that the adoptee cannot vote.

SECTION 8.0 - TRIBAL MEMBERS ELIGIBLE TO HOLD OFFICE

- (a) All Tribal members desiring to be a candidate for elected office must be validly enrolled Tribal members according to the official enrollment records of the Tribe and be twenty-one (21) years of age as of the date of the election to serve as a member of the Tribal Council. No more than two related persons residing in the same household may be elected to serve on the Tribal Council during the same year.
- (b) In order to run for the office of Chairperson or as a member of the Tribal Council, a candidate must be a validly enrolled member of the Snoqualmie Indian Tribe for at least three (3) full calendar years, be twenty-one (21) years of age at the time of the election, be of good moral character and not be banished by the tribe.
- (c) In order to run for Chairperson, an individual must have served at least one (1) full term on the Tribal Council in his/her lifetime.
- (d) Only those members that meet the one-eighth (1/8) blood quantum requirement may hold elected office. No honorary or adopted members may ever hold elected office.
- (e) A person may not hold elected office, even if he/she meets the other eligibility requirements if the person has been convicted of a felony under state law within seven (7) years of the date of the Election.

SECTION 9.0 - ANNUAL MEETING OF THE GENERAL COUNCIL; ELECTION

The annual meeting of the General Council shall be held in May and usually on the second Saturday in May. The purpose of the annual General Council meeting shall be to elect or recall the members of the Tribal Council and to declare the will of the Snoqualmie Indian Tribe on issues placed before the General Council as reflected in the official meeting agenda prepared by the Tribal Secretary or by persons raising issues from the floor at the annual meeting. Elected officials may not be recalled from the floor in accordance with the Snoqualmie Tribal Constitution, Article VII, Section 3.

SECTION 10.0 - INITIATIVE AND REFERENDUM ELECTIONS

- (a) Tribal members may propose a resolution or ordinance at a General Council meeting, by an initiative petition signed by at least fifty (50) eligible voters enrolled in the Snoqualmie Indian Tribe. Within thirty (30) days from the

receipt of said petition, the Chairperson of the Tribal Council shall call a special meeting of eligible voters to vote on the resolution or ordinance. A majority vote of the eligible voters attending the meeting shall determine whether the initiative shall go into effect, provided that fifty (50) or more of the eligible voters shall vote on the proposed resolution or ordinance.

- (b) Within thirty (30) days of the receipt of an initiative petition of fifty (50) or more of the eligible voters submitted in accordance with paragraph (a) of this section, the Chairperson shall call a special meeting of the eligible voters, to consider whether any initiative petition or other action shall thereafter remain in effect. A majority vote of the eligible voters attending the meeting shall determine whether the initiative shall go into effect, provided that fifty (50) or more eligible voters shall vote on such an initiative petition.
- (c) Within thirty (30) days of the receipt of a petition of fifty (50) or more of the eligible voters, or at the written request of the majority of the members of the Tribal Council, the Chairperson shall call a special meeting of the eligible voters, to consider issues concerning Non-Trust Land and Assets in excess of 2 million dollars. Any proposed resolution or ordinance or other action shall thereafter remain in effect, provided that fifty (50) or more eligible voters shall vote and two-thirds (2/3) of Tribal members present at the special meeting approve the referendum.
- (d) Initiative and Referendum Petitions must be presented in a form consistent with Annexes A and B, respectively, to this Chapter.

SECTION 11.0 - AMENDMENT OR REVISION OF THE SNOQUALMIE TRIBAL CONSTITUTION

- (a) The Snoqualmie Tribal Constitution may be amended or revised by a two-thirds (2/3) vote of the eligible voters of the Tribe present and voting at an election called specifically for that purpose, provided that at least fifty (50) eligible voters shall vote in the election. The Tribal Constitution as amended shall always be displayed officially as a whole document at the time and place of the election called for this purpose.
- (b) A Petition for Amendment must be presented in a form consistent with Annex C to this Act.

SECTION 12.0 - TRIBAL COUNCIL VACANCIES

If a member of the Tribal Council or other officer dies, resigns, or is removed from office due to neglect of duty, gross malfeasance or gross misconduct or any other reason provided for in this Chapter, the Tribal Council shall declare the position vacant and shall appoint a new member to serve until the next regular election. Any new member

appointed pursuant to this section must meet the eligibility requirements set forth in Section 8.0 of this Chapter.

SECTION 13.0 - REMOVAL AND RECALL FROM OFFICE

- (a) The Tribal Council may expel any Council member for neglect of duty, gross malfeasance or gross misconduct. The Council member who is the subject of an expulsion action must be furnished notice of the charges, together with advance notice of a hearing before the Tribal Council, which must be at least thirty (30) days prior to the hearing date. At the hearing, an accused must be given an opportunity to answer the charges and confront witnesses against him or her at the hearing held for that purpose. The expulsion hearing date may be continued from time to time for good cause shown at the discretion of the Tribal Council.
- (b) At least seven-ninths (7/9) of the members of the Tribal Council must vote in favor of expulsion to validate the expulsion. The Chairperson shall be permitted to vote. The vote shall be held within thirty (30) days of the furnishing of written notice of the hearing pursuant to paragraph (1) of this section. The position shall be filled in the same manner as provided in section 12.0 of this Chapter.
- (c) A Council member who has been removed from office shall have the right, within thirty (30) days of the vote for removal, to file an appeal to the General Council. In the event of such an appeal, the Tribal Council shall promptly call a special meeting of the General Council, at which special meeting, it shall be decided whether the removed officer shall be permanently removed. Failure to obtain a quorum of the General Membership at such a special meeting shall be considered affirmation of removal of any officer.
- (d) In the event a Council member or officer misses three (3) or more consecutively scheduled meetings without good cause, the Tribal Council may replace such member for neglect of duty. Positions shall be filled by the Tribal Council until the next regular scheduled General Membership meeting in accordance with section 12.0 of this Chapter, whereupon, the General Membership shall affirm the selection of the Tribal Council or fill the position with another candidate.
- (e) Upon a petition of at least one-third (1/3) of the eligible voters of the Snoqualmie Indian Tribe, it shall be the duty of the Tribal Council to call a special meeting of the General Council to consider the recall of a member or members of the Council named in such petition. If a majority of those voting at the meeting vote in favor a recall from office, the office shall be declared vacant and an election shall be held to fill the vacancy in accordance with this Chapter. No recall petition may be submitted within six (6) months after the election of the member named in the petition.

SECTION 14.0 - CANDIDATE DECLARATION TO RUN FOR OFFICE

- (a) Ninety (90) days prior, but no later than forty-five (45) days prior to the annual meeting of the General Council, a potential candidate for election as a member of the Council or for the office of Chairperson shall declare their intent to run for office by filing a written declaration of candidacy with the Secretary of Tribal Affairs.
- (b) The declaration of candidacy for Tribal office may be satisfied by completing a form to be furnished by the Secretary of Tribal Affairs or simply by submitting a letter saying substantially the following: Notice of intent to run for the office of [Tribal Chairman/Tribal Council member], followed by a typed or printed name, original signature and date.
- (c) The Secretary of Tribal Affairs shall transmit the list of candidates to the eligible voters of the Snoqualmie membership as part of the notice of the annual meeting of the General Council.
- (d) In order to be an eligible candidate, a prospective candidate must also be physically present at the actual election for the office for which the candidate is running to accept the nomination.

SECTION 15.0 - NOMINATIONS

- (a) Upon the call of the person presiding over the annual meeting of the General Council, nominations for each office may be made from the floor by eligible Tribal voters in good standing. Only candidates that have properly filed a written declaration of candidacy with the Secretary of Tribal Affairs pursuant to Section 14.0 may be nominated. All nominations require a second to be validly made. Nominations for the office of Chairperson shall be taken first followed by Tribal Council seats, Elders, Chiefs and Sub-Chiefs.
- (b) The Nominations may not be closed unless or until the presiding officer at the Annual Meeting specifically asks if there are any additional nominations from the list of eligible candidates. If all the eligible candidates have been nominated, then nominations are automatically closed. When the nominations are officially closed, the presiding officer at the annual meeting shall direct the Secretary of Tribal Affairs to read the nominees for each office.

SECTION 16.0 - QUORUM REQUIREMENT FOR ANNUAL MEETING OF THE GENERAL COUNCIL

The annual meeting of the General Council may proceed as an official meeting only if a quorum of fifty (50) tribal members in good standing who are eligible to vote is present. The person presiding over the annual meeting shall first determine on the record that a

quorum is present before making a declaration that the called meeting is official for the purpose called.

SECTION 17.0 - TABULATION OF VOTES

- (a) Ballots will be collected by the Secretary of Tribal Affairs and the Election Committee. The presiding officer in the meeting will make an announcement prior to closing the voting giving one final opportunity for eligible voting members to submit ballots.
- (b) The Election Committee will count the Votes by having one member read the names on the ballots out loud, one member verifying the names read, one member tabulating the votes on a tablet posted on the wall of the meeting hall and one member collecting the ballot after it has been counted and placing it in an envelope to be sealed with the final vote tally at the conclusion of the tabulation process.

SECTION 18.0 - CERTIFICATION OF ELECTION

- (a) After the Tabulation of Votes, the Secretary of Tribal Affairs must certify the election by formally informing the presiding officer at the Annual Meeting of the Results. The Secretary of Tribal Affairs then seals the Tabulation and associated work papers with the actual ballots cast for record keeping with the Office of the Secretary of Tribal Affairs.
- (b) The Presiding Officer Announces the Results to the Membership at the Annual Meeting.
- (c) Any eligible voting member present at the Annual General Membership Meeting that votes in an Election has seventy-two (72) hours from the time of the announcement of the Results by the presiding Officer to challenge the results or the manner in which the Elections were conducted. All Election challenges shall be in writing, submitted to the Office of the Secretary of Tribal Affairs, and received before the seventy-two (72) hour deadline.

SECTION 19.0 – OATH OF OFFICE

- (a) Upon certification of the Election, the elected persons must take the Oath of Office administered by the Head Chief, or the Presiding Officer in the absence of the Head Chief.
- (b) The Oath of Office for elected Snoqualmie Tribal Officials shall be as follows:

I do solemnly swear to uphold the traditions and customs and laws of the Snoqualmie Indian Tribe; to honor our ancestors and Elders and to work for the betterment of the health, safety and general welfare of the Snoqualmie Tribal Community.

- (c) Upon taking the Oath of Office, a thirty day transition period commences and the elected person officially assumes Office thirty days from the Date of the Oath. This provision is designed to assure an orderly transition of power and continuity of government for the Snoqualmie Indian Tribe.

SECTION 20.0 – CONFIDENTIALITY

Given the sensitive nature of the business that is conducted at the Tribal Council table on behalf of the Snoqualmie Indian Tribe, each elected person is required to sign a Confidentiality Agreement in the form appended to the Act labeled Annex “D.”

ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 10TH DAY OF JANUARY, 2008 IN SESSION DULY MET, WITH 7 FOR, 0 AGAINST, AND 0 ABSTAINING. TRIBAL COUNCIL ACT 01-2008A.

AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 29TH DAY OF MAY, 2008 IN SESSION DULY MET, WITH 7 FOR, 0 AGAINST, AND 0 ABSTAINING. RESOLUTION NO. 57-08.

AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 2ND DAY OF APRIL, 2009 IN SESSION DULY MET. RESOLUTION NO. 69-09.

CODIFIED BY THE SECRETARY OF TRIBAL AFFAIRS ON THE 3rd DAY OF April 2009.



SECRETARY OF TRIBAL AFFAIRS 4-3-09