

ORDINANCE NO. 00-03

BE IT ENACTED by the Tribal Council of the Colorado River Indian Tribes that Article 2, Chapter 3, of the Government Code of the Colorado River Indian Tribes is hereby amended to include Section 2-302 Certification of Candidates, effective on the date of approval. The entirety of Article 2 of the Government Code is as follows:

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ARTICLE 2  
ELECTIONS

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## GOVERNMENT CODE

## ARTICLE 2

## ELECTIONS

[NOTE: Except as otherwise noted, the provisions of Article 2 of the Government Code were enacted on August 23, 1988 by Ordinance No. 88-2; September 4, 1992, Ord. No. 92-4; August 26, 1994, Ord. No. 94-3, and July 27, 2000, Ord. No. 00-3; August 23, 2006, Ord. No.06-03, as amended.]

## CHAPTER 1. GENERAL PROVISIONS

## Section 2-101. Election Board.

a. The Tribal Council shall appoint an Election Board every two years as a standing board, no later than 25 days before the next Tribal Election. The Board shall consist of sixnine members. The Council shall appoint new Board members as vacancies occur.

b. The Election Board shall be responsible for conducting all Tribal elections in accordance with the Tribal Constitution and By-laws and with the Tribal Government and Law and Order Codes.

c. Board members must be at least 18 years of age and be qualified electors of the Tribes. Board members may not circulate nomination, referendum or recall petitions; may not be a candidate for or hold any elective office; and may not have a parent, spouse, sibling or child who campaigns for or holds any elective office.

d. Of the sixnine appointed Board members, the Tribal Council shall designate one District Judge, one District Clerk, and one District Teller; and one Election Worker for each of the two Reservation election districts, plus one Community Outreach Clerk.

e. The Tribal Council shall determine the amount of compensation to which Board members, alternates, and election workers are entitled.

f. The Tribal Council shall appoint at least sixthree alternates, any of whom may be selected by the Tribal Council to replace a Board member who has a conflict as outlined in paragraph c above. The Tribal Secretary may appoint an alternate to temporarily serve in the place of a Board members who is are temporarily unable to serve due to illness, family emergency or other conflict. On Election Day, anytwo of these alternates who do not have a conflict of interest may be selected by the Election Board Secretary to serve as election workers, performing such duties as Board members assign to them. For the time that they serve, election workers shall be entitled to compensation at the same rate as Board members.

g. In the event that the Tribal Secretary's position is at issue in an election or the Tribal Secretary has a parent, spouse, sibling or child who is campaigning for any elective office or commenced a referendum or recall petition, the Tribal Chairman shall appoint an official to act in the Secretary's place for all matters pertaining to that election. If the Chairman's position also is at issue, the Vice Chairman shall make the appointment. When such an official has been appointed, every reference to the Secretary in this Section shall refer instead to that official.

[As amended August 26, 1994, Ord. No. 94-3]

## CHAPTER 2. CANDIDATES

## Section 2-201. Nomination of Candidates.

a. Any Tribal member, otherwise eligible to be a candidate for election to the Tribal Council or the office of Tribal Chairman or Vice-Chairman under Article VIII of the Constitution and Bylaws, wishing to become a candidate for election must file his/her name, at least thirty (30) days prior to the election, with the Enrollment Department on an official nomination petition signed by at least ten (10) members of the Tribe over the age of eighteen (18).

b. The Enrollment Department shall check each petition for completeness and accuracy and present any nomination petitions received to the Chairman, Vice-Chairman or Secretary within thirty (30) days of the election. All accurate and complete petitions shall be certified by the Tribal Council at a specially called meeting. Council's decision concerning certification of petitions shall be final.

## CHAPTER 3. ELECTIONS

## Section 2-301. Conduct of Elections.

a. Every Tribal election, including recall, referendum, runoff, and other special elections, shall be conducted in accordance with this Section.

b. Each voter shall be entitled to cast one vote for each vacant position and office, and shall be permitted to cast such vote in private. Voting by proxy, power of attorney, or other assignment is not permitted.

c. There shall be two (2) polling places. The polling place for District 1 shall be the Tribal Administration Center, where voters residing North of Burns Road shall vote. The polling place for District 2 shall be the Valley Head Start School, where voters residing South of Burns Road shall vote. ~~The Election Board shall erect signs~~ Signs shall be erected to indicate the location of the polling places.

d. The polls shall be open from 6 a.m. to 6 p.m. Any voter in line by 6 p.m. shall be entitled to cast his/her vote. Election workers and Board members who leave the immediate vicinity of the polling places to which they are assigned while the polls are open shall not be allowed to return.

e. Ballot boxes shall be placed at each polling place and kept locked throughout the voting.

f. Electioneering shall not be permitted within a two hundred foot (200') radius of the polling place.

g. The Tribal Secretary shall prepare the ballots which shall include the names of all eligible candidates whose petitions were certified pursuant to Section 2-302. ~~In the event that the Secretary is a candidate for election, the Tribal Chairman shall appoint an official to act in his place for all matters related to the election.~~

h. Ballots which are spoiled shall be so marked, signed by each Election Board member

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at the District where the spoilage occurred, deposited in the ballot box and returned to the Tribal Administration Center upon completion of voting.

i. Unused ballots shall be sealed in an envelope marked "UNUSED" and returned to the Tribal Administration Center by the District Judge along with the ballot boxes upon completion of voting.

j. Upon completion of voting, the District 2 Judge accompanied by a Tribal Police officer shall transport the ballot boxes and any unused ballots to the Tribal Administration Center. When all ballot boxes have been transported to the Tribal Administration Center, the Election Board in the presence of the Tribal Secretary shall count any unused ballots and the marked ballots and prepare the official count.

k. Upon completion of the official count, the Election Board shall place the ballots, the Eligible Voters' Lists, unused ballots and any other election materials in the ballot boxes which shall be given to the custody of the Tribal Chief of Police or his/her -designee.

[As amended September 4, 19 92, Ord. No. 92-4; August 26, 1994, Ord. No. 94-3, and July 27, 2000, Ord. No. 00-3, as amended.]

Section 2-302 Certification of Candidates

a. Prior to being declared a candidate for any elective office or being appointed to any office, the individual must meet the minimum qualifications set forth in ARTICLE VIII, of the Constitution, and comply with the procedural requirements of ARTICLE V, SECTION 3, of the Constitution.

b. Any incumbent member of the tribal council who accepts nomination as a candidate or election to the office of chairman or vice-chairman shall comply with the requirements set forth in ARTICLE V, SECTION 4, of the Constitution, PROVIDED that said incumbent makes a written declaration of his or her decision to vacate his or her current office to run for the office of chairman or vice-chairman to the Tribal Council on or before sixty (60) days prior to the date of the scheduled election.

(1) All written declarations announcing an incumbent's decision to run for the office of chairman or vice-chairman shall state the following:

In accordance with ARTICLE V, SECTION 4, of the Constitution, I, \_\_\_\_\_, for the purpose of having my name placed on the Official Ballot as a candidate for \_\_\_\_\_ of the Colorado River Indian Tribes, hereby vacate my elected office as a member of Tribal Council, effective on the date of installation in office of those candidates elected at that scheduled election. I will not be a candidate for any elected office except \_\_\_\_\_ during the \_\_\_\_\_ election year.

The written declaration submitted by an incumbent pursuant to this subsection shall be printed on a standardized form provided by the tribal enrollment office. A declaration submitted by an incumbent on a non-standardized form shall not be transmitted to Tribal Council for certification review under subsection (d) of Section 2-302.

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c. A candidate for elective office, including incumbents running for the office of chairman or vice-chairman, shall file for only one (1) office.

d. Once the Tribal Secretary has received verification from tribal enrollment that the petitions filed by a candidate for elective office comply with the requirements of ARTICLE V, SECTION 3, of the Constitution, Tribal Council shall convene a special meeting within 24 hours to certify the official nomination petitions and declaration of candidacy of each individual candidate.

e. Tribal Council shall make its certification determination with or without the individual candidate(s) being in attendance at the special meeting convened pursuant to subsection (d) of Section 2-302. The certification decision of Tribal Council is final and non-appealable.

[As amended, July 27, 2000, by Ord. No. 00-03.]

### CHAPTER 4. ELIGIBILITY

#### Section 2-401. Voters

~~a. a-~~ An eligible voter is any enrolled member of the Colorado River Indian Tribes who has attained the age of eighteen ~~shall have the right to vote, provided that he is registered to vote in the current election, and provided further that he and~~ has not been declared incompetent by any Tribal, Federal, or State Court.

b. A registered voter is any eligible voter who has registered to vote by either filling out and submitting a registration form to the Enrollment Department in advance of the election or registers on the date of the election as indicated in section c below. An eligible voter may register at any time. A registered voter is only required to register once and registration is valid for the life of the voter except when the voter becomes ineligible to vote due to relinquishment or declaration of incompetency. Any registered voter shall have the right to vote in any election.

~~cb.~~ The Tribal Council shall certify the Eligible Voters' List at least 60 days prior to any regularly scheduled election, and at least 30 days prior to any special election. Eligible voters may register to vote by signing after their name on the Eligible Voters' List prepared by the Enrollment Department. The Eligible Voter list must also indicate those voters who are registered.

~~de.~~ Any Tribal member who is eligible to vote whose name does not appear on the Eligible Voters' List may appeal to the ~~District Judge Tribal Secretary~~ to have his/her name placed on the Eligible Voters' List. The ~~District Judge Tribal Secretary~~ may certify and place any eligible voter's name on the Eligible Voters' List at any time up until the completion of voting.

~~ed.~~ Tribal members who are residents of the Reservation and will be unable, for any reason, to be at the polls to vote on the day of the election and are otherwise eligible may vote in any election by absentee ballot, provided that they apply to the Election Board (through the Enrollment Department) at least three weeks before the election. Nonresident Tribal members may vote in Tribal elections by voting at the polls or by absentee ballot as provided above.

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fe. Before every Tribal election, the Enrollment Department shall mail to all eligible nonresident Tribal members a notice of election, containing all the questions to be decided in the election and instructions on obtaining and casting an absentee ballot and a registration form to those eligible voters who are not registered. The notice of election shall be mailed sufficiently in advance of the election to allow nonresidents to obtain and cast absentee ballots.

gf. Absentee ballots must be received by the Election Board by close of the polls 5:00 p.m. on the day of the election in order to be counted.

hg. Eligible Registered voters who reside on the Reservation and are unable to travel to a polling place because of illness, disability or incapacitation, may vote by casting their ballot with the Election Worker Tribal Enrollment Secretary on the day of the election. The Election Worker Enrollment Secretary shall be accompanied by a Tribal police officer and Enrollment Secretary to the place where such person is and shall place the voter, or Election Worker if assistance is requested, shall place the marked ballot in an envelope, seal the envelope, and turn the same over to the Judge in District 1, who shall place the envelope in the ballot box. The voter's name shall be checked on the Eligible Voters' List by the Election Worker Enrollment Secretary who shall place his/her initials next to the name checked.

ih. Eligible Registered voters incarcerated in the Tribal jail may vote by casting their ballot with the Election Worker Tribal Enrollment Secretary on the day of the election. The Election Worker Enrollment Secretary shall be accompanied by a Tribal police officer and Enrollment Secretary to the Tribal jail and the voter, or Election Worker if assistance is requested, shall place any the marked ballots each in an envelope, seal the envelopes, and turn the same over to the Judge in District 1, who shall place any envelopes in the ballot box. The voters' names shall be checked on the Eligible Voters' List by the Election Worker Enrollment Secretary who shall place his/her initials next to the name checked.

[As amended August 26, 1994, Ord. No. 94-3]

## CHAPTER 5. CERTIFICATION, DISPUTES

### Section 2-501. Certification.

a. The Tribal Council, in an open meeting to take place at 9:00 a.m. on the first regular business day after the Tribal election, shall receive from the District Judges the official count of the election returns. The official count shall be read aloud.

b. After the official count has been read aloud, the Chairman or acting Chairman shall ask those in attendance whether there is any dispute, protest or grievance about the conduct of the election.

c. If no protest is registered, the Tribal Council shall then certify the returns and declare elected those with the highest number of votes. In the event of a tie for the highest number of votes, a special runoff election shall be held between the candidates receiving the highest number of votes. The special runoff election date shall be set in accordance with Article V, Section 6 of the Constitution.

d. If a protest is registered, the Council shall consider the protest, make a decision, and take any action it deems appropriate, including certifying the returns and declaring the winners.

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The Council shall make a decision on every timely registered protest before certifying the election but within five days after the official count is read aloud, and its decision shall be final.

[As amended August 26, 1994, Ord. No. 94-3]

### CHAPTER 6. RECALL

#### Section 2-601. Commencement of Recall.

a. Subject to the provisions of this chapter, any eligible voter of the Tribes may initiate recall proceedings by asking the Tribal Enrollment Department for an official recall ~~petition~~ form.

b. Upon receiving a request for an official recall ~~petition~~ form, the Enrollment Department shall immediately verify that the prospective applicant is an eligible voter. Immediately thereafter, the Enrollment Department shall provide the prospective applicant with a recall ~~petition~~ form ~~application~~. The prospective applicant must return the recall form within ten (10) business days or the recall form will be deemed void and the prospective applicant will be required to renew their request.

c. 1. The recall ~~petition~~ form ~~application~~ shall require the applicant to set forth his/her name and address, the name of the subject(s) of the recall effort, and the text of the general statement required by Section 2-601(d).

2. The recall ~~petition~~ form ~~application~~ shall contain the text of Tribal Constitution Article IX, Section 3, the text of Tribal Government Code Section 2-601(d), and a declaration of the actual number of valid petition signatures required to obtain a special recall election.

3. The recall form application shall not be accepted unless it contains a signed statement that the applicant intends to circulate and submit a recall petition.

d. 1. Every applicant for a recall ~~petition~~ form shall include with his/her recall form application a general statement of not more than 200 words stating the reason(s) for the proposed recall. Once the recall form application is accepted, the statement shall be printed on the recall petition forms. If the petition drive results in a special election, the statement shall be printed on the ballot.

2. Within ten days after the Enrollment Department's acceptance of the recall form application, the subject(s) of the proposed recall may file with the Enrollment Department an answer of not more than 200 words defending his/her official conduct. If the answer is filed timely, it shall be printed on the petition forms and on the ballot in the same manner as the statement of the proponent. A subject's failure to file an answer timely shall be considered a waiver of the subject's right to have his/her answer printed.

3. The statement and answer are intended solely for the information of the voters. No insufficiency in the form or substance thereof shall affect the validity of the election proceedings.

e. Once the recall application form has been completed properly and submitted, the Enrollment Department shall immediately accept the recall form application, note the date of

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acceptance on the recall form application, and issue the recall effort an official number which shall be printed on the recall ~~petition~~ forms. The Enrollment Department shall maintain a record of all recall efforts and their numbers.

f. 1. Immediately after accepting an recall form application, the Enrollment Department shall notify the Tribal Council by memorandum that a recall ~~petition~~ form application has been accepted. A copy of the recall form application shall accompany the memorandum.

2. At the same time, the Enrollment Department shall transmit to the subject(s) of the recall effort a copy of the recall form application, and a memorandum setting forth the subject's right to submit timely and have printed on the recall petition and resultant ballot a statement of up to 200 words in answer to the statement of the proponents, as set forth in Section 2-601(d). The memorandum shall also state that if the subject does not file a written statement timely, he/she will be deemed to have waived his/her right to respond.

g. 1. Immediately after receiving a written statement from the subject as provided in Section 2-601(d), but not more than 14 days after accepting a recall ~~petition~~ form application, the Enrollment Department shall generate recall petitions ~~forms~~ conforming to the provisions of Section 2-602.

2. The Enrollment Department shall generate a sufficient number of recall petitions forms to accommodate the number of signatures required to obtain a recall election, and it shall deliver these forms to the applicant without charge not later than 21 days after accepting the recall form application.

3. After receiving the forms from the Enrollment Department, petition proponents may circulate these recall petition forms, or photocopy and circulate blank recall petitions forms at their own expense. Signatures collected on photocopied forms shall ~~not~~ be deemed ~~invalid~~. ~~because they do not appear on the original recall petition forms supplied by the Enrollment Department.~~

4. Immediately after delivering the recall petitions forms to the petition proponent(s), the Enrollment Department shall deliver a copy of the recall petitions form to each member of the Council, accompanied by a memorandum setting forth the number of signatures necessary for a recall election and the last day for turning in the recall petitions.

5. Once each member of the Council has received a copy of the recall petitions, the Enrollment Department shall conspicuously post at least two copies of the recall petitions, clearly marked "DO NOT SIGN" in the signature area. At least one of these copies shall be posted in the Tribal Administration Building, and at least one more shall be posted in one other public place on the Reservation.

[As amended August 26, 1994, Ord. No. 94-3]

Section 2-602. Recall Petitions: Form and Contents.

a. Every recall petition shall contain each of the following:

1. A title at the top of the page, in large bold type and capital letters, which reads:

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"PETITION TO CALL A SPECIAL ELECTION FOR THE RECALL OF [SUBJECT'S NAME, TITLE] OF THE COLORADO RIVER TRIBAL COUNCIL."

2. A statement immediately below the title, in bold type, which reads: "We, the qualified electors of the Colorado River Indian Tribes, demand a special election to determine whether [subject's name, title] shall continue to serve on the Colorado River Tribal Council."

3. A statement in bold type immediately below the aforementioned demand which reads: "The grounds for this demand are as follows:"

4. The text of the proponents' statement from the petition application, immediately following the aforementioned statement.

5. A statement in bold type immediately below the text of the proponents' statement, which reads: "[subject's name, title] replies as follows:"

6. The text of the subject's reply, if one has been filed timely.

7. A statement, in bold type and capital letters, which reads: "ONLY QUALIFIED VOTERS OF THE COLORADO RIVER INDIAN TRIBES MAY SIGN THIS PETITION. DO NOT LEAVE ANY COLUMNS BLANK."

8. Numbered rows with columns for each signatory's signature, printed name, enrollment number or other identification number to verify enrollment status, and the date he/she signed.

9. A place at the bottom for the circulator to print his/her name, list the dates between which the signatures on the petition were collected, and sign, swearing that he/she is a qualified elector of the Tribes; that he/she circulated the petition personally; that he/she saw each signature being written; that each signature is genuine to the best of his/her knowledge and belief.

10. The petition effort's official number, as required in Tribal Government Code §2-601(e).

**b.** The existence of technical defects in distributed recall petitions shall not constitute grounds for invalidating signatures gathered thereon unless the defect reasonably could cause confusion among signatories about the petition's official number, the grounds of the petition, the contents of the subject's reply, or the identity of the subject.

[As amended August 26, 1994, Ord. No. 94-3]

Section 2-603. Rules for Circulating Recall Petitions; Time; Number of Signatures Required.

- a. Only eligible voters of the Tribes may circulate recall petitions.
- b. Neither Tribal Council Members, members of the present Tribal Election Board, nor employees of the Enrollment Department may circulate recall petitions.

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c. Any person who knowingly gives or receives money or any other thing of value for signing a recall petition, excluding payments made to a person for circulating such petition, is guilty of a criminal offense. Signatures obtained in violation of this section are invalid. The penalty for an offense of this section shall be consistent with the maximum penalties under the offense of Bribery within the Colorado River Indian Tribes Law & Order Code.

d. 1. All recall petitions containing signatures must be returned to the Enrollment Department for verification no later than 60 days after the date the Enrollment Department accepted the original recall form application. Recall petitions received after the time limit has expired will not be considered, but will nevertheless be retained by the Enrollment Department.

2. When recall petitions are returned to the Enrollment Department, the Department shall immediately stamp them with the date on which they are received, and shall verify whether they have been received within the statutory time limit for circulation before examining them any further.

3. As soon thereafter as is feasible, the Enrollment Department shall examine the recall petitions timely returned, to determine whether, taken together, they have been signed by the requisite number of eligible voters and are otherwise valid.

4. If the recall petitions have been signed by a sufficient number of eligible voters, and are otherwise valid, the Enrollment Department shall immediately transmit the petitions to the Tribal Council with a report verifying their sufficiency and validity. The Enrollment Department shall record the date on which the petitions and its report were received by the Council.

5. If the recall petitions are not sufficient to warrant the calling of a special election, the Enrollment Department shall issue a report to this effect to the Council, and shall ~~deliver~~transmit the recall petitions to the Council.

6. Whether the recall petitions are sufficient or not, the Enrollment Department shall keep ~~the original copies of them~~ on file, along with a copy of the report the Department issued to the Council about their sufficiency.

e. When the Tribal Council has received recall petitions ~~delivered~~transmitted from the Enrollment Department, verified by the Department to have been signed by the requisite number of eligible voters, it shall call ~~a meeting a special recall election to be held~~ within 30 days after its receipt of the recall petitions pursuant to Article IX Section 3 to set the date of the recall election. The date of the election must be set not less than sixty days after the call of the special recall election pursuant to Article V Section 6, as provided in the Tribal Constitution and no later than 75— days. Article IX Section 3 of the Constitution is interpreted to mean the timeframe within which Council must meet to set the recall election. Article V Section 6 is the timeframe the election must be set once Council meets to set the recall election.

f. When the Tribal Council has received recall petitions ~~delivered~~transmitted from the Enrollment Department that the Department has not verified as sufficient, it shall not be required to call a special recall election. It shall, however, make the Enrollment Department's report a part of the Council's official minutes, and it shall retain the original recall petitions for examination by interested Tribal members.

[As amended August 26, 1994, Ord. No. 94-3]

Section 2-604. Special Recall Election.

a. The special recall election shall be conducted in accordance with Tribal Government Code § 2-301.

b. The ballot used in the special recall election shall contain the text of the statements of the petition proponents and of the subject(s) as those statements appeared on the petition forms.

c. The ballot shall pose one question for each subject of the recall, shall appear beneath the aforementioned statements, and shall be phrased as follows:

"Shall [name of subject] be recalled (removed) from the position of [title of position]?"

d. If a majority of those voting in the special recall election approve of the recall, the Tribal Council shall declare the subject's office to be vacant and shall proceed in the usual special election manner to fill the vacancy.

[As amended August 26, 1994, Ord. No. 94-3]

**CHAPTER 7. REFERENDUM**

Section 2-701. Commencement of Referendum.

a. Subject to the provisions of this chapter and Article X of the Tribal Constitution, any eligible voter of the Tribes may initiate referendum proceedings by asking the Tribal Enrollment Department for an official referendum petition form.

b. All referendum proceedings initiated pursuant to subsection a of this section shall be commenced within thirty (30) calendar days of final tribal council action on a resolution or within sixty (60) calendar days of final tribal council action on an ordinance. Referendum proceedings commenced after 5:00 P.M. on the final day of the time limitations set forth in this paragraph shall be invalid and shall not result in a referendum being called. If the final day of the time limitations set forth in this paragraph falls on a Saturday, Sunday or legal holiday, the final day shall become the next business day ~~that is not a Saturday, Sunday or legal holiday~~.

c. As provided in Article X of the Tribal Constitution, the Tribal Council may submit any enacted or proposed ordinance or resolution to popular referendum upon the request of a majority of Council members present at a valid meeting. See Section 2-703(e) for the required timeframes for setting the election date on the popular referendum.

de. Upon receiving a request for an official referendum ~~petition form application~~, the Enrollment Department shall immediately verify that the prospective applicant is an eligible voter. Immediately thereafter, the Enrollment Department shall provide the prospective applicant with a referendum ~~referendum petition form application~~. The prospective applicant must return the recall form within ten (10) business days or the recall form will be deemed void and the prospective applicant will be required to renew their request.

ed. 1. The referendum ~~petition~~-form application shall require the applicant to set forth his/her name and address, the text of the proposed resolution or ordinance to be referred to the voters, and the date on which the final tribal council action took place on the ordinance or resolution.

2. The referendum ~~petition~~-form application shall contain the text of Tribal Constitution Article X and a declaration of the actual number of valid petition signatures required to obtain a referendum election.

3. The application shall not be accepted unless it contains a signed statement that the applicant intends to circulate and submit a referendum petition.

3. Once the referendum application-form has been completed properly and submitted, the Enrollment Department shall immediately accept the form application, note the date of acceptance on the form application, and issue the referendum effort an official number which shall be printed on the referendum ~~petition~~-forms. The Enrollment Department shall maintain a record of all referendum efforts and their numbers.

fe. Immediately after accepting an application, the Enrollment Department shall notify the Tribal Council by memorandum that a referendum ~~petition~~-form application has been accepted. A copy of the form application shall accompany the memorandum.

gf. 1. Not more than 14 days after accepting a referendum ~~petition~~-form application the Enrollment Department shall generate referendum ~~petitions~~-forms conforming to the provisions of Section 2-702.

2. The Enrollment Department shall generate a sufficient number of petition forms to accommodate the number of signatures required to obtain a referendum election, and it shall deliver these referendum petitions forms to the applicant without charge not later than 21 days after accepting the referendum form application.

3. After receiving the referendum petition forms from the Enrollment Department, petition proponents may circulate these referendum petitions forms, or photocopy and circulate the blank referendum petitions at their own expense. Signatures collected on photocopied petitions shall be deemed valid.

~~forms at their own expense. Signatures collected on photocopied petition forms shall not be deemed invalid because they do not appear on the original referendum petition forms supplied by the Enrollment Department.~~

~~3-4.~~ Immediately after delivering the referendum petitions forms to the petition proponent(s), the Enrollment Department shall deliver a copy of the referendum petition form to each member of the Council, accompanied by a memorandum setting forth the number of signatures necessary for a referendum election and the last day for turning in the referendum petitions.

~~3-5.~~ Once each member of the Council has received a copy of the referendum petitions, the Enrollment Department shall conspicuously post at least two copies of the referendum petitions, clearly marked "DO NOT SIGN" in the signature area. At least one of

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these copies shall be posted in the Tribal Administration Building, and at least one more shall be posted in one other public place on the Reservation.

h.g. For purposes of this section, "final tribal council action" means the date on which the tribal council votes to approve or reject a proposed resolution or ordinance or votes to approve or reject an amendment to a proposed resolution or ordinance.

[As amended August 26, 1994, Ord. No. 94-3; August 23, 2006, Ord. 06-03]

### Section 2-702. Referendum Petitions: Form and Contents.

a. Every referendum petition shall contain each of the following:

1. A title at the top of the page, in large bold type and capital letters, which reads: "PETITION TO CALL A REFERENDUM."

2. A statement immediately below the title, in bold type, which reads: "We, the qualified electors of the Colorado River Indian Tribes, respectfully demand that the following [proposed or existing] [resolution or ordinance] be submitted to popular referendum."

3. The text of the proposed or existing resolution or ordinance at issue.

4. A statement, in bold type and capital letters, which reads: "ONLY QUALIFIED VOTERS OF THE COLORADO RIVER INDIAN TRIBES MAY SIGN THIS PETITION. DO NOT LEAVE ANY COLUMNS BLANK."

5. Numbered rows with columns for each signatory's signature, printed name, enrollment number, and the date he/she signed.

6. A place at the bottom for the circulator to print his/her name, list the dates between which the signatures on the petition were collected, and sign, swearing that he/she is a qualified elector of the Tribes; that he/she circulated the petition personally; that he/she saw each signature being written; that each signature is genuine to the best of his/her knowledge and belief.

7. The petition effort's official number, as required in Tribal Government Code §2-701(e).

b. The existence of technical defects in distributed petitions shall not constitute grounds for invalidating signatures gathered thereon unless the defect reasonably could cause confusion among signatories about the petition's official number, or the substance of the resolution or ordinance at issue.

[As amended August 26, 1994, Ord. No. 94-3]

### Section 2-703. Rules for Circulating Referendum Petitions; Time; Number of Signatures Required.

a. Only eligible voters of the Tribes may circulate referendum petitions.

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b. Neither Tribal Council Members, members of the present Tribal Election Board, nor employees of the Enrollment Department may circulate referendum petitions.

c. —Any person who knowingly gives or receives money or any other thing of value for signing a referendum petition, excluding payments made to a person for circulating such petition, is guilty of a criminal offense. Signatures obtained in violation of this section are invalid. The penalty for an offense of this section shall be consistent with the maximum penalties under the offense of Bribery within the Colorado River Indian Tribes Law & Order Code.

d. 1. All referendum petitions containing signatures must be returned to the Enrollment Department for verification no later than 60 days after the date the Enrollment Department accepted the original referendum form application. Petitions received after the time limit has expired will not be considered, but will nevertheless be retained by the Enrollment Department.

2. When referendum petitions are returned to the Enrollment Department, the Department shall immediately stamp them with the date on which they are received, and shall verify whether they have been received within the statutory time limit for circulation before examining them any further.

3. As soon thereafter as is feasible, the Enrollment Department shall examine the referendum petitions timely returned, to determine whether, taken together, they have been signed by the requisite number of eligible voters and are otherwise valid.

4. If the referendum petitions have been signed by a sufficient number of eligible voters, and are otherwise valid, the Enrollment Department shall immediately ~~deliver~~transmit the referendum petitions to the Tribal Council with a report verifying their sufficiency and validity. The Enrollment Department shall record the date on which the referendum petitions and its report were received by the Council.

5. If the referendum petitions are not sufficient to warrant the calling of a special election, the Enrollment Department shall issue a report to this effect to the Council, and shall ~~deliver~~transmit the petitions to the Council.

6. Whether the petitions are sufficient or not, the Enrollment Department shall keep ~~the original copies of them~~ on file, along with a copy of the report the Department issued to the Council about their sufficiency.

e. —When the Tribal Council has received referendum petitions ~~delivered~~transmitted from the Enrollment Department, verified by the Department to have been signed by the requisite number of eligible voters, it shall call a meeting to set the date to submit to popular referendum to be held within 30 days after its receipt of the referendum petitions in accordance with Article X of the Constitution. The date of the popular referendum must be set not less than sixty days after the meeting called to submit the petition to popular referendum pursuant to Article V Section 6 and no later than 75—days. Article X of the Constitution is interpreted to mean the timeframe within which Council must meet to set the date to submit the petition to popular referendum. Article V Section 6 is the timeframe the election must be set once Council meets to set the popular referendum.

f. When the Tribal Council has received referendum petitions ~~delivered~~<sup>transmitted</sup> from the Enrollment Department that the Department has not verified as sufficient, it shall not be required to call a referendum. It shall, however, make the Enrollment Department's report a part of the Council's official minutes, and it shall retain the original referendum petitions for examination by interested tribal members.

[As amended August 26, 1994, Ord. No. 94-3]

Section 2-704. Special Referendum Election.

a. The special referendum election shall be conducted in accordance with Tribal Government Code §2-301.

b. The ballot shall pose one question, which shall be phrased as follows:

"Shall the following [resolution or ordinance] be [adopted or rescinded]?"

The text of the ordinance or resolution at issue shall immediately follow the ballot question.

c. If a majority of those voting on the referendum approve of it, the Tribal Council shall be bound by the result, and shall act to implement it, provided that at least 30 percent of the registered voters of the Tribes have voted on the referendum.

[As amended August 26, 1994, Ord. No. 94-3]

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## CERTIFICATION

The foregoing ordinance was enacted on July 27, 2000, duly approved by a vote of 5 for, and 0 against, 0 abstaining, by the Tribal Council of the Colorado River Indian Tribes, pursuant to authority vested in it by Article VI of the Constitution of the Tribes, ratified by the Tribes on March 1, 1975, and approved by the Secretary of the Interior on May 29, 1975, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984). This ordinance is effective on the date of its adoption.

COLORADO RIVER INDIAN TRIBES

COLORADO RIVER TRIBAL COUNCIL

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Daniel Eddy, Jr.  
Chairman, Tribal Council

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LaWanda Laffoon  
Secretary, Tribal Council