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GOVERNMENT CODE

ARTICLE 1

MEMBERSHIP

(NOTE: Except as otherwise noted, the provisions of Article 1 of the Government Code were enacted on July 8, 1983 by Section 2 of Ordinance No. 83-4.)

CHAPTER 1. GENERAL PROVISIONS

Section 1-101. Definitions.

(A) "Burden of Proof" means (1) the job of persuading someone that something is true, or not true; and, (2) the job of producing evidence.

(B) "Enrollment Committee" means the committee established by the Tribal Council with the authority to make decisions on enrollment matters as more particularly set forth in this Article.

(C) "Enrollment Department" means those persons employed by the Colorado River Indian Tribes who are responsible for the maintenance of an Enrollment Office.

(D) "Member" means a person whose name appears on the certified membership roll of the Colorado River Indian Tribes.

(E) "Petitioner" means a person who seeks a review of an enrollment decision.

(F) "Quorum" means all members of the Enrollment Committee.

(G) "Relinquishment" means the voluntary, total withdrawal from membership in an Indian tribe, including the Colorado River Indian Tribes.

(H) "Sponsor" means a person who has filed an application for enrollment on behalf of another person.

(I) "Tribal Council" means the Tribal Council of the Colorado River Indian Tribes.

Section 1-102. Notice.

(A) Any notice to any person which is required to be or may be given under the provisions of this Article shall be given in writing by certified mail, return receipt requested. Service of such notice shall be deemed effected five (5) days after deposit in the United States mail.

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(B) In the event a return receipt is not signed and returned within ten (10) days after mailing, or if returned in such a manner as to indicate that the person entitled to receive notice may no longer reside at the address stated, the Enrollment Department shall use its best efforts to determine the address or location of said person and give actual notice as may be appropriate.

(C) Any person giving notice under this Section shall execute a proof of service certifying in writing as to each notice, the date, place, method of delivery and upon whom it was made.

(D) Nothing contained in this Section shall in any way operate to change or be deemed to affect the time limitations hereafter set forth in this Article.

Section 1-103. Right to Counsel.

Any applicant for enrollment or any person affected by an enrollment decision shall have, at all stages of the decision making process, the right to representation by legal or other counsel at their own expense.

Section 1-104. Failure to Appear at Hearing.

Failure of a petitioner or other affected person to appear at a duly scheduled hearing shall in no way affect the power of the Tribal Council to conduct said hearing. Such failure shall be deemed to be a waiver of the right of personal appearance and the Tribal Council shall conduct the hearing and issue a final decision based on the record and evidence properly presented.

Section 1-105. Confidentiality.

(A) The Tribal Council, Enrollment Committee and Enrollment Department shall maintain the highest degree of confidentiality and integrity of all enrollment information as is consistent with full performance of all duties and responsibilities prescribed by this Article.

(B) All meetings of the Enrollment Committee shall be closed to the public.

(C) All computer enrollment programs shall be restricted and access shall be by the Enrollment Department only.

(D) An alphabetical listing with enrollment numbers may be made available for access by other departments upon written permission granted by the Tribal Council. All requests shall be submitted in writing to the Enrollment Committee, shall clearly set forth the uses to which the listing will be put and shall justify the need for primary access. The Enrollment Committee shall make a written recommendation thereon to the Tribal Council concerning each request.

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CHAPTER 2. MEMBERSHIP

Section 1-201. Membership Criteria.

The membership of the Colorado River Indian Tribes shall consist of those persons specified in Article II, Section 1, of the Constitution of the Colorado River Indian Tribes.

Section 1-202. Tribal Membership Roll.

(A) A Tribal membership roll shall be maintained containing the names of all enrolled members of the Colorado River Indian Tribes, arranged in alphabetical order. The roll shall also indicate each members enrollment number, sex, date of birth, degree of Indian blood, and a column for remarks indicating date of enrollment, the name and base roll of the person's parents and any other pertinent information.

(B) The Tribal Council shall cause the Tribal membership roll to be kept current and shall semi-annually certify the roll. The names of all persons who are deceased and all persons who have relinquished in writing their membership in the Colorado River Indian Tribes or any other tribe shall be noted on the roll, and the names of all persons whose applications for enrollment have been approved by the Tribal Council shall be added to the roll.

(C) In accordance with Article II, Section 1.a. of the Constitution of the Colorado River Indian Tribes, corrections may be made to the official base roll subject to the approval of the Secretary of the Interior. Errors apparent on the record of the current membership roll shall not require Secretarial approval for correction.

(D) The Tribal Council shall furnish the Superintendent of the Colorado River Agency with a copy of any resolutions indicating approval or rejection of applicants for enrollment.

CHAPTER 3. ENROLLMENT COMMITTEE; ENROLLMENT DEPARTMENT

Section 1-301. Appointment of Enrollment Committee.

The Tribal Council shall by resolution establish an Enrollment Committee, appoint members and a Chairman for the committee, and make such additional provisions concerning committee structure and function as are appropriate, consistent with this Article.

Section 1-302. Powers and Duties of Enrollment Committee.

(A) The Enrollment Committee shall have the authority to review all enrollment matters, including, but not limited to, eligibility for membership, dual enrollment and disenrollment.

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(B) The Enrollment Committee shall render a written decision based on all information gained during the course of committee investigation in each enrollment matter presented for review.

(C) All enrollment matters which have been reviewed and decided by the Enrollment Committee shall be presented without undue delay to the Tribal Council.

(D) The Chairman of the Enrollment Committee shall be responsible for presentation of all enrollment matters to the Tribal Council.

Section 1-303. Powers and Duties of Enrollment Department.

(A) The Enrollment Department shall review, research and make written recommendations to the Enrollment Committee on the eligibility of applicants for membership or other enrollment matters. Recommendations concerning eligibility shall be based solely upon the criteria contained in Section 1-201 of this Article.

(B) Recommendations made by the Enrollment Department shall be based on documents provided by the applicant or member and such other information as may be obtained by the Department in the normal course of inquiry concerning enrollment matters.

(C) The Enrollment Department shall be responsible for handling all written and oral communications relating to enrollment matters.

(D) The Enrollment Department shall be responsible for the maintenance of all enrollment records.

(E) The Enrollment Department shall be available to lend appropriate assistance in all enrollment matters.

CHAPTER 4. APPLICATION FOR ENROLLMENT

Section 1-401. Application Form; Filing.

(A) Application for enrollment as a member of the Colorado River Indian Tribes shall be filed with the Enrollment Department in writing on a form approved by the Tribal Council.

(B) Application for enrollment may be made by any person on his or her own behalf or may be made by a sponsor on behalf of the following:

- (1) a minor;
- (2) a deceased person;

(3) an incapacitated, incompetent or other person otherwise in need of assistance;

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(4) a member of the Armed Services or other service of the United States Government who is stationed outside the Continental United States;

(5) any person by a member of his or her immediate family.

Section 1-402. Application Identification Number and Date.

Upon receipt of an enrollment application, the Enrollment Department shall record the date of receipt and assign such application an identification number.

CHAPTER 5. PROCESSING OF APPLICATION

Section 1-501. Review by Enrollment Department.

(A) The Enrollment Department shall review each enrollment application, and shall, as appropriate, research, interview, and request in writing from the applicant any additional information deemed pertinent in establishing the enrollee's eligibility for membership. An applicant shall have the burden of coming forward with evidence supporting eligibility.

(B) The Department shall, based upon its review, make a written recommendation concerning the eligibility of the applicant for enrollment, citing the reasons therefor.

(C) All applications received by the Enrollment Department and the Department's recommendation thereon shall be presented to the Enrollment Committee at the next regularly scheduled Enrollment Committee meeting after receipt of the application. An application received less than thirty (30) days prior to a regularly scheduled meeting may be presented at the next subsequent regularly scheduled meeting.

Section 1-502. Review by Enrollment Committee.

(A) The Enrollment Committee shall review all applications and recommendations received from the Enrollment Department and shall render a written decision on the eligibility of each applicant for enrollment.

(B) Decisions on eligibility shall be made only upon a quorum of the Committee being present and voting.

(C) When reviewing applications, the Enrollment Committee shall permit the applicant to appear before the Committee and may request that any person, including the applicant, appear before the Committee for the purpose of providing additional information pertinent to the eligibility decision.

(D) The Committee may, at its discretion, allow any interested individual to appear before it to present any information that person believes pertinent.

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Section 1-503. Compilations to be Prepared by Enrollment Committee; Notice to Applicant.

(A) The Enrollment Committee Chairman, with the assistance of the Enrollment Department shall compile two (2) lists, one specifying each applicant who was determined eligible for membership by the Committee; the other specifying each applicant who was determined ineligible for membership by the Committee. The Committee Chairman shall without undue delay transmit each list to the Tribal Council in the form of proposed resolutions and shall make available to the Tribal Council all application files.

(B) Notice of the Committee's decision on eligibility shall be given to the applicant within three (3) working days of the date of the decision. The notice shall be on a form approved by the Tribal Council and shall state, at minimum, the decision of the Committee, the basis for the decision, the fact that the Tribal Council makes the final determination of eligibility and that the applicant will be given reasonable opportunity to have a hearing before the Tribal Council.

Section 1-504. Action by Tribal Council.

(A) The Tribal Council shall review and consider the proposed resolutions and files presented by the Chairman of the Enrollment Committee. The Council shall approve or disapprove an application for enrollment by acting upon the proposed resolutions presented by the Chairman of the Enrollment Committee.

(B) The decision to approve or disapprove an application for enrollment shall be subject to review as set forth in Chapter 8 of this Article.

Section 1-505. Notice to Applicant.

(A) Each applicant approved for enrollment by the Tribal Council shall be given written notice, on a form to be approved by the Tribal Council, indicating such approval, the authority for enrollment, the resolution number and date of adoption.

(B) Upon determination by the Tribal Council that an applicant is not eligible for membership, the applicant shall be given written notice on a form to be approved by the Tribal Council, that he failed to meet the Constitutional requirements for membership. The notice shall further advise the applicant of the review procedures set forth in Chapter 8 of this Article.

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Section 1-506. Publication and Posting.

Each resolution passed by the Tribal Council concerning the enrollment status of named individuals shall be published in a newspaper of general circulation on the Colorado River Indian Reservation at least once (1) during the fifteen (15) day period following the date of passage of the resolution. The Enrollment Department shall certify to the Tribal Council the publication date and contents of the notice. Each such resolution shall be posted in various conspicuous locations throughout the Reservation. Said posting shall be made within five (5) days following date of passage of the resolution and shall be certified to the Tribal Council by the Police Department.

CHAPTER 6. DUAL ENROLLMENT

Section 1-601. Dual Enrollment Prohibited.

Names of persons enrolled as members of other tribes, bands or groups of Indians shall not be included on the Tribal membership roll.

Section 1-602. Notice of Dual Enrollment; Request for Relinquishment.

(A) Any person found to be enrolled with the Colorado River Indian Tribes and any other tribe shall be notified in writing of such dual enrollment.

(B) Any person found to be dually enrolled shall be allowed sixty (60) days from the effective date of notice of dual enrollment to furnish the Enrollment Committee with satisfactory proof of relinquishment or initiation of relinquishment of membership with any tribe other than the Colorado River Indian Tribes. Failure to furnish such proof within the allowed sixty (60) days will result in initiation of disenrollment proceedings pursuant to Chapter 7 of this Article.

(C) Any person found to be enrolled with the Colorado River Indian Tribes and any other tribe shall be immediately suspended from the membership roll of the Colorado River Indian Tribes pending final resolution of the dual enrollment issue. While suspended from the membership roll under this Section, no person shall be entitled to any privilege, right, interest, or claim based on membership in the Colorado River Indian Tribes.

CHAPTER 7. REMOVAL FROM MEMBERSHIP

Section 1-701. Removal.

Any person may voluntarily or involuntarily have his or her name removed from the membership roll of the Colorado River Indian Tribes.

Section 1-702. Relinquishment.

(A) Any person may voluntarily have his or her name removed from the membership roll of the Colorado River Indian Tribes by relinquishing membership in the Colorado River Indian Tribes.

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(B) Relinquishment of membership shall be accomplished by submitting to the Enrollment Department either:

(1) a written statement evidencing an intent to no longer retain membership in the Colorado River Indian Tribes; or

(2) a statement of relinquishment on a form to be approved by the Tribal Council.

(C) Requests for relinquishment of membership shall be processed in the manner specified for enrollment applications in Chapter 5 of this Article.

Section 1-703. Effect of Relinquishment; Finality.

Once accepted by resolution of the Tribal Council, relinquishment of membership in the Colorado River Indian Tribes shall be total and irrevocable. No right of review shall exist.

Section 1-704. Disenrollment.

(A) Any person may involuntarily have his or her name removed from the membership roll of the Colorado River Indian Tribes by disenrollment in accordance with the provisions of this Chapter.

(B) All disenrollment actions shall be brought by the Enrollment Committee and may be commenced by request of any Tribal member or on the initiative of the Enrollment Department.

Section 1-705. Grounds for Disenrollment.

The grounds for disenrollment shall be:

(1) Dual enrollment as proscribed by Section 1.a. of Article II of the Constitution of the Colorado River Indian Tribes.

(2) Enrollment based on false information, a forged document, or administrative error.

Section 1-706. Notice of Disenrollment.

Any person who is the subject of a disenrollment action shall be notified of the pendency of such action and the facts alleged to support the action.

Section 1-707. Disenrollment Hearing.

A hearing before the Tribal Council shall be conducted in any disenrollment action.

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Section 1-708. Scheduling of Disenrollment Hearing.

(A) The notice required by Section 1-706 shall specify a hearing date and time not less than twenty (20) nor more than fifty (50) days after mailing of the notice unless the notice is mailed to an address outside the Continental United States, in which case the hearing date shall be set not less than fifty (50) nor more than sixty-five (65) days from the date of mailing.

(B) The Tribal Council or Tribal Chairman may reschedule a hearing upon a showing that circumstances exist which require an extension of time. Requests for extension of time shall be made to the Enrollment Department which shall immediately refer them to the Tribal Council or Tribal Chairman. The Tribal Council or Tribal Chairman shall respond in writing to the request for extension of time within three (3) days of receipt of the request by the Enrollment Department.

Section 1-709. Conduct of Hearing; Burden of Proof.

(A) At the disenrollment hearing, the person who is the subject of the action shall have the right to present evidence, to be heard on his or her own behalf and to examine witnesses.

(B) The Tribal Council shall consider any matter or information relevant and material to the circumstances alleged to be grounds for disenrollment.

(C) The burden of proving grounds for disenrollment shall be on the party who initiated the disenrollment proceeding.

Section 1-710. Decision of Tribal Council.

(A) The Tribal Council shall consider the record and evidence presented at the hearing and shall by resolution decide the question of disenrollment.

(B) A decision on disenrollment shall be subject to review as set forth in Chapter 8 of this Article.

(C) The person that is the subject of a disenrollment action shall be notified of the disenrollment decision within three (3) working days after it is rendered.

CHAPTER 8. REVIEW OF THE TRIBAL COUNCIL

Section 1-801. Right of Review.

Any affected or interested party shall be entitled to a review hearing before the Tribal Council with respect to any enrollment decision made by the Tribal Council, excluding acceptance of relinquishment.

Section 1-802. Scheduling of Review Hearing.

(A) Each Notice of Rejection required to be served in accordance with Chapter 5 of this Article, shall specify a date and time for a review hearing before the Tribal Council on the issue of the applicant's eligibility for membership. The review hearing shall be conducted not less than twenty (20) nor more than fifty (50) days after the Notice of Rejection is mailed, unless the Notice of Rejection is mailed to an address outside the Continental United States, in which case the hearing shall be set not less than fifty (50) nor more than sixty-five (65) days from the date of mailing.

(B) Any person entitled to review of an enrollment decision, for which no review hearing date and time has been specified, may file with the Enrollment Department a written request for a review hearing on that decision. No hearing shall be set and the person shall be deemed to have waived any right to review of the enrollment decision unless the written request is received by the Enrollment Department no later than thirty (30) days after the date of mailing of notification of the decision, or not later than sixty (60) days after the date of the mailing, if the notification is mailed outside the Continental United States. Upon the timely filing of a written request, the Enrollment Department shall notify the Enrollment Committee and the Tribal Council. The Tribal Council shall conduct a review hearing not less than twenty (20) nor more than fifty (50) days after the date the request is received by the Enrollment Department. Notice of such hearing shall be served upon the petitioner, not less than ten (10) days prior to the hearing date.

(C) The Tribal Council or Tribal Chairman may reschedule a review hearing upon a showing that circumstances exist which require an extension of time. Request for extension of time shall be directed to the Enrollment Department, who shall immediately refer them to the Tribal Council or the Tribal Chairman. The Tribal Council or Tribal Chairman shall respond in writing to the request for extension of time within three (3) days of receipt of the request by the Enrollment Department.

Section 1-803. Supporting Statements and Data.

(A) Each petitioner, other than the person who is the subject of an action, shall be required to specify in writing the reasons for challenge of an enrollment decision and shall submit all data in support thereof. Such written statement and supporting data shall be submitted to the Enrollment Department no later than ten (10) days prior to the hearing date set.

(B) The Enrollment Department shall serve notice upon all affected parties of the filing of such written statement and supporting data and shall further advise of the availability of these materials for examination at the Enrollment Department.

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Section 1-804. Review Record.

(A) Upon the setting of a time and date for a review hearing, the Enrollment Committee shall transmit to the Tribal Council copies of the complete record pertaining to the enrollment decision.

(B) Review shall be limited to the record established and a petitioner shall not be allowed to submit any additional evidence or testimony unless such is newly discovered evidence which by due diligence could not have been discovered earlier or is being presented by a petitioner who had no opportunity to participate in the action prior to review.

Section 1-805. Burden of Proof.

(A) In any action challenging an eligibility or other enrollment decision, the burden of proof shall be on the petitioner.

(B) In any action challenging a decision of the Tribal Council to disenroll, the burden of proof shall be upon the Colorado River Indian Tribes.

Section 1-806. Decision of Tribal Council.

(A) In reaching a decision, the Tribal Council shall consider the record presented, such additional evidence that is deemed admissible and any oral presentation or argument made.

(B) If evidence presented for the first time on review forms a basis for the decision reached, the Tribal Council shall so state.

(C) The decision of the Tribal Council on review shall be final and conclusive.

(D) The petitioner and affected parties shall be notified of the review decision within three (3) working days after it is rendered.

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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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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 no later than 25 days before the next Tribal Election. The Board shall consist of nine 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 nine appointed Board members, the Tribal Council shall designate one District Judge, one District Clerk, 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 are entitled.

f. The Tribal Council shall appoint at least three alternates, any of whom may be selected by the Tribal Secretary to serve in the place of Board members who are temporarily unable to serve. On Election Day, two of these alternates may be selected by the 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, 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 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 indicating 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 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 at the District where the spoilage occurred, deposited in the ballot box and returned to the Tribal Administration Center upon completion of voting.

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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 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.

[As amended September 4, 1992, 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.

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. 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 has not been declared incompetent by any Tribal, Federal, or State Court.

b. 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.

c. Any Tribal member who is eligible to vote whose name does not appear on the Eligible Voters' List may appeal to the Tribal Secretary to have his name placed on the Eligible Voters' List. The 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.

d. Tribal members who are residents of the Reservation 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.

e. Before every Tribal election, the Enrollment Department shall mail to all 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. The notice of election shall be mailed sufficiently in advance of the election to allow nonresidents to obtain and cast absentee ballots.

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

g. 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 Tribal Enrollment Secretary on the day of the election. The Enrollment Secretary shall be accompanied by a Tribal police officer to the place where such person is and 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 Enrollment Secretary who shall place his initials next to the name checked.

h. Registered voters incarcerated in the Tribal jail may vote by casting their ballot with the Tribal Enrollment Secretary on the day of the election. The Enrollment Secretary shall be accompanied by a Tribal police officer to the Tribal jail and shall place any 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 Enrollment Secretary who shall

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place his 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.

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. 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.

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 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 application a general statement of not more than 200 words stating the reason(s) for the proposed recall. Once the 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 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 application form has been completed properly and submitted, the Enrollment Department shall immediately accept the application, note the date of acceptance on the 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 application, the Enrollment Department shall notify the Tribal Council by memorandum that a recall petition form application has been accepted. A copy of the 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 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 6-201(d), but not more than 14 days after accepting a recall petition form application, the Enrollment Department shall generate recall petition forms conforming to the provisions of Section 2-602.

2. The Enrollment Department shall generate a sufficient number of 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 application.

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

4. Immediately after delivering the petition forms to the petition proponent(s), the Enrollment Department shall deliver a copy of the 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 petitions.

5. Once each member of the Council has received a copy of the petition, the Enrollment

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Department shall conspicuously post at least two copies of the petition, 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: "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, 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 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 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.
- 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.
- d.
 1. All 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 application. 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 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 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 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 transmit the petitions to the Council.
 6. Whether the petitions are sufficient or not, the Enrollment Department shall keep 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 petitions transmitted from the Enrollment Department, verified by the Department to have been signed by the requisite number of eligible voters, it shall call a special recall election to be held within 30 days after its receipt of the petitions, as provided in the Tribal Constitution.
- f. When the Tribal Council has received petitions 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 petitions for examination by interested Tribal members.

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

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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 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 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.

c. 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 petition form application.

d. 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 application form has been completed properly and submitted, the Enrollment Department shall immediately accept the application, note the date of acceptance on the 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.

e. 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 application shall accompany the memorandum.

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

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

3. After receiving the forms from the Enrollment Department, petition proponents may circulate these forms, or photocopy and circulate blank petition.

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

5. Immediately after delivering the petition forms to the petition proponent(s), the Enrollment Department shall deliver a copy of the 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 petitions.

6. Once each member of the Council has received a copy of the petition, the Enrollment Department shall conspicuously post at least two copies of the petition, 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.

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:

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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 Petitions: Time; Number of Signatures Required.

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

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.

d. 1. All 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 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 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 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 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 transmit the petitions to the Council.

6. Whether the petitions are sufficient or not, the Enrollment Department shall keep 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 petitions transmitted from the Enrollment Department, verified by the Department to have been signed by the requisite number of eligible voters, it shall call a referendum to be held within 30 days after its receipt of the petitions.

f. When the Tribal Council has received petitions transmitted 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 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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