

**SALT RIVER PIMA-MARICOPA  
INDIAN COMMUNITY**  
10005 East Osborn Road  
Scottsdale, Arizona 85256

ORDINANCE NUMBER: SRO-481-2016

**TO ENACT AN AMENDED AND RESTATED SALT RIVER PIMA-MARICOPA INDIAN  
COMMUNITY ELECTION ORDINANCE TO INCORPORATE TECHNICAL  
AMENDMENTS FOR THE PURPOSES OF CLARIFYING AND IMPROVING THE  
COMMUNITY'S ELECTION PROCESS.**

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**Sec. 3-1. Purpose and scope.**

- (a) Purpose. The purpose of this chapter is to ensure that all Community elections are conducted and carried out in an accurate and fair manner pursuant to the requirements of the Community's Constitution.
- (b) Scope. This chapter shall apply to all Community elections, except those elections that pertain to candidates or initiatives/referendums involving the federal or state governments or BIA Secretarial Elections.

**Sec. 3-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business days means Monday through Friday, excluding weekends and council approved holidays.

Campaign or campaigning is an action or a series of actions designed to influence an election and includes the displaying of campaign posters, signs or other campaign materials, distribution of campaign materials, food or other items, and solicitation of votes for or against any person, political party, or position.

Community means the Salt River Pima-Maricopa Indian Community.

Days means calendar days, including weekends and council approved holidays.

Electioneering means a demonstration of express support for or opposition to a candidate or ballot measure which appears on a ballot, including the use of any candidate or political party's name or ballot measure's name.

Fraud means unlawful or otherwise improper conduct committed in an election, including but not limited to fraudulent voting such as voting twice, voting under another's name, or similar dishonest conduct.

Home district only applies to nonresident voters, and is the place of origin, lineage, ancestry and/or that place which a voter considers to be their residence if the voter physically resides outside the boundaries of the Community.

Immediate family shall mean a parent, sibling, spouse, or child.

Legal name means a person's first and last name as it appears on the official Community membership records.

Measure means a valid recall petition, initiative petition or referendum that has been qualified to be placed on the ballot.

Official list of registered voters means the list of voters that has been certified by majority vote of the election board as meeting the Community's Constitution and Community Code of Ordinances requirements to vote in a Community election.

Preliminary certification of the election means the initial approval of the election results, pending the 24 hour challenged period. The election results are not final until after the 24 hour challenge period has run and there was no challenge filed.

Physically reside means that an eligible candidate must have continuously lived within the boundaries of the Community or the relevant district within the Community for the required length of time, and temporary absence from the Community for purposes of employment, education, military service, illness or physical disability shall not otherwise affect the residency status of a candidate.

Recused or recusal means when an election board member temporarily removes themselves from an election board activity or entire election cycle to avoid a conflict of interests or potential conflict of interest. Once an election board member recuses themselves, they no longer have an official role for that election activity or election cycle, and a recused board member shall not attend, participate or influence the election board for that activity or election.

### **Sec. 3-3. Election board.**

Pursuant to Article VI, Section 1 of the Community's Constitution, the Community Council enacts this chapter to provide for the appointment of the election board to ensure that Community elections are impartially, fairly and accurately conducted.

- (1) Powers of the board. The election board shall have the power and authority to:
  - a. Conduct and carry out all Community elections;
  - b. Certify that the nominated candidates, voters and elections meet all the requirements of the Community Constitution and Community Code of Ordinances;
  - c. Maintain a certified voters' list for each district;
  - d. Certify the ballot box or the automated election machine, whichever is appropriate;
  - e. To enter into, make and perform contracts with any person or entity to aid in carrying out elections;
  - f. To hear and make determinations in regards to candidate, voter and election challenges;
  - g. To adopt regulations and policies reasonably necessary to carry out the provisions of this chapter; and

- h. Take any action necessary and reasonable to ensure a fair and accurate Community election process consistent with the Community Constitution and in the best interest of the Community.
- (2) Term, compensation and quorum.
- a. Election board members shall be appointed by the council for a period of four year terms effective on the date of his or her appointment, and the terms of such board members shall be staggered.
  - b. Each election board member shall serve until his or her replacement has been appointed by the Community Council.
  - c. The election board shall recommend to the Community Council, and the Community Council shall temporarily appoint alternates to the election board and/or additional election day clerks when it is necessary to fill a temporary election board vacancy or because of expected high voter turnout on election day. All alternates appointed to the election board must meet the following criteria:
    - 1. Be an enrolled Community members;
    - 2. Not a candidate for office; and
    - 3. Not have a conflict-of-interest (as prescribed in this chapter) with any of the candidates running for office.
  - d. Election board members shall be compensated at a rate prescribed by the Community Council.
  - e. A quorum of the Election Board shall consist of five (5) election board members.
- (3) Composition and qualifications.
- a. The standing, unified election board shall consist of nine members which are the following: one judge for each district, two clerks for each district, one marshal for each district, and the council secretary who shall serve as the election coordinator.
    - 1. The election coordinator shall not be a voting member of the election board.
    - 2. The voting members of the election board shall by majority vote determine who will serve as chair and vice-chair of the standing, unified election board.
  - b. All election board members shall be enrolled Community members.
  - c. No candidate for office shall be eligible for appointment on the election board.
  - d. All election board members, except for the marshals and the election coordinator, shall be residents of the district for which they serve.
- (4) Responsibilities of election board members. Each election board member shall be responsible for the conduct of Community elections to ensure a fair and accurate election process.
- (5) Duties of individual election board members.
- a. Judge.

1. The judge of each electoral district shall serve as the chairperson of their district's election board.
  2. The judge of each electoral district shall maintain the official list of registered voters for that district.
  3. The judge shall be responsible for the receipt of the ballots and ballot box for each district before the election, for their safekeeping during the election, and for their delivery to the Community Council after the tally.
  4. The judge shall also supervise the tallying of the votes for each district.
  5. Any other responsibilities as may be prescribed in the election board by-laws.
- b. Clerks.
1. The clerks shall inspect the voters' Community identification card, supervise each voter's signature on the registered voter list, and check off the names of the voters on the registered voter list. If a person's name does not appear on the official list of registered voters, then the clerk shall inform the judge of the situation and the judge will make a determination of the person's eligibility to vote.
  2. The clerks shall also supervise the tallying of the votes, and assist in the verification of the final tally.
  3. Each clerk shall maintain a separate registered voter list and a separate tally, and the judge shall frequently cross-check their work to ensure accuracy.
  4. Any other responsibilities as may be prescribed in the election board by-laws.
- c. Marshal.
1. The marshal shall maintain order at the polls and enforce the election laws.
  2. The marshal shall have the power of a tribal peace officer within the 150-foot limit restriction prescribed in section 3-6(e) from the opening of the polls until the council issues its preliminary certification of the election results.
  3. Any other responsibilities as may be prescribed in the election board by-laws.
- (6) Code of ethics, temporary removal, removal and resignation.
- a. Code of ethics. Election board members shall act with candor, good faith, objectivity and neutrality when carrying out their responsibilities and obligations pursuant to the Community Constitution and this chapter of the Community Code of Ordinances.
  - b. Code of conduct. Election board members (who are not recused) shall maintain their objectivity during the election cycle and shall not:
    1. sign a recall or initiative petition;
    2. attend a nomination meeting, unless they are there for official election board responsibilities;

3. attend or participate in candidate forums; and
  4. attend or participate in candidate dinners, rallies, dances or anything related to a candidate or other campaign events.
- b. Temporary removal.
1. Voluntary recusal. If an election board member determines that a conflict of interest or potential conflict of interest exists, then he or she may choose to voluntarily recuse themselves from participating in, being assigned responsibilities related to or voting on any matter that is associated or related to the conflict of interest or potential conflict of interest.
  2. Mandatory recusal. If a nominee for any Community election is an immediate family member of an election board member or if a majority of the members of the election board determine there is conflict of interest between an election board member and a nominee or ballot measure, then the election board member shall be temporarily removed from participating in all election board activities for the remaining term of this specific election.
  3. Council imposed recusal. If a majority of council members determine that a conflict of interest or a potential conflict of interest exists regarding an election board member and a candidate or ballot measure, then the election board member shall be temporarily removed from the election board for a period of time prescribed by the Community Council.
- c. Permanent removal. The Community Council shall have the authority to remove an election board member by a majority vote of the Community Council for the following reasons:
1. Ineligible. An election board member shall be removed for any act or omission that would prevent him or her from being eligible to be appointed to the election board.
  2. Misconduct. An election board member may be removed for misconduct or unethical behavior, including but not limited to the following, committing a violation of confidentiality or participating in an election where there is a conflict of interest, or upon conviction of a felony in any jurisdiction while serving on the election board.
  3. Not in the best interest. An election board member may be removed for conduct and behavior that is not in the best interest of the Community.
  4. Resignation. Resignation of an election board member or alternate shall be made in writing and delivered to the election coordinator or the Community Council. If the resignation letter is provided to the election coordinator, the election coordinator shall provide written notification to the Community Council at the next regularly scheduled council meeting.

#### **Sec. 3-4. Voters.**

- (a) Qualifications of voters and certification of official list of registered voters.

- (1) Qualifications of voters. Any enrolled Community member who meets the following criteria shall be considered registered to vote and eligible to vote in any Community election:
    - a. Is at least 18 years of age on or before the date set for an election;
    - b. Is a resident of an electoral district for at least one year or a nonresident of the district but eligible to vote pursuant to subsection (a)(3) of this section;
    - c. Is not a prisoner in any jail or in prison on the date of the election; and
    - d. Has not been declared by a court of competent jurisdiction to be incompetent.
  - (2) Official list of registered voters.
    - a. All voters must provide any address changes to the office of membership services 15 days before an election.
    - b. The office of membership services shall provide the registered voter list to the election board at least seven days before each election so that the election board may review, amend and certify the official list of registered voters.
    - c. The official list of registered voters shall be in such form as may be prescribed from time-to-time by the election board.
  - (3) Nonresident voters. Any enrolled Community member, who meets all other voter eligibility requirements and whose primary residence is located outside the boundaries of the Community, may vote in any election governed by this chapter.
    - a. Nonresident voters shall vote in the district which they declare to be their home district.
    - b. Nonresident voters may only declare one home district.
    - c. Nonresident voters shall declare their home district in writing with the office of membership services.
    - d. Once a nonresident voter declares their home district, the non-resident voter shall only have voting privileges in their declared home district. The only time a voter's home district is changed is if the voter moves within the boundaries of the Community and is no longer a nonresident voter.
  - (4) Certification of voters. The board certifies the official list of registered voters to ensure that all voters meet the requirements of Community Constitution.
    - a. The office of membership services generates the list of eligible voters, and once this list is reviewed and certified by the election board, it becomes the official list of registered voters for that particular election.
    - b. On the day of the election, the election board for each district has the authority to address voter eligibility disputes.
- (b) Nonresident absentee voter.
- (1) Notice to nonresident voters. The election coordinator/Community secretary shall give notice of each election to eligible voters who do not reside within the Community.

- a. Notice will be given by a letter mailed to the nonresident eligible voters at the addresses shown on the official list of registered voters.
  - b. The letter will advise nonresident eligible voters of the date of the election and the procedure for voting by absentee ballot.
  - c. Unless the election is a run-off or special election, notices to nonresident eligible voters required by this section shall be mailed at least 21 days before the date of the election. Reasonable notice shall be provided to nonresident eligible voters for run-off and special elections.
- (2) Requests for absentee ballots. A nonresident eligible voter may request an absentee ballot from the election coordinator/Council secretary by telephone, mail or facsimile. The nonresident shall vote in his or her home district elections.
- (3) Standing nonresident absentee ballot list. A nonresident may request to be placed on the standing absentee ballot list and they will always be sent an absentee ballot to all their home district elections. In order to be removed from the standing nonresident absentee ballot list, the voter must send a written request to the election coordinator requesting removal from this list.
- (4) Nonresident absentee voter. The voting process for a nonresident who is voting by absentee ballot is as follows:
- a. The envelope containing the ballot must be signed by the nonresident and it must state the nonresident's enrollment number, date of birth, and home district.
  - b. The envelope must be returned by mail or personal delivery to the election coordinator/Community secretary by the close of business of the day prior to the election or it may be hand delivered by the voter to a polling site on the day of the election during the polling hours.
- (c) Resident absentee voter. An eligible voter who is a resident of the Community and who intends to be absent from the Community on the date of the election may vote by absentee ballot in the manner prescribed for nonresidents in subsection (b) of this section. Notices to residents regarding voting by absentee ballot will be published in the newspaper, the Community's intranet and digital signage 14 calendar days before the date of the election.
- (d) Home voting by disabled Community members within a 25 mile radius. An eligible voter who is unable to vote because they are bedridden, disabled or severely ill may make a request to the election coordinator/council secretary, at least three business days before the date of the election, to vote at home or at any care center within a 25 mile radius of the Community. The election board shall render any necessary assistance to the disabled person seeking to vote in accordance with this provision. Notwithstanding this provision, the election board, through the action of the election board chair, may make emergency accommodations when a Community member experiences a medical emergency and is physically unable to come to the polls on election day and also unable to provide notice within three business days of the election.

### Sec. 3-5. Candidates.

- (a) Eligibility. Any person who meets the following criteria pursuant to Article IV, Sections 2 and 3 of the Community's Constitution shall be eligible to be a candidate for the offices of president, vice-president or council.
  - (1) President and vice-president. An eligible candidate for either the office of the president or vice-president shall meet the following criteria:
    - a. An enrolled member of the Community;
    - b. Registered to vote in Community elections;
    - c. Physically residing in the Community for at least one year immediately preceding the election; and
    - d. At least 25 years of age.
  - (2) Council members. An eligible candidate for the office of council member shall be:
    - a. An enrolled member of the Community;
    - b. Registered to vote in Community elections;
    - c. Physically residing in the Community for at least one year immediately preceding the election;
    - d. Physically residing in the district for which they are running at least six months immediately preceding the election; and
    - e. At least 25 years of age.
- (b) Candidate nomination process.
  - (1) Nominating chairperson. The election board shall appoint a nominating chairperson for each district of the Community. The nominating chairperson has the authority to:
    - a. Open and adjourn the nomination meeting; and
    - b. To conduct the nomination meeting in a fair and objective manner.
  - (2) Nominating meetings for president and vice-president. At least 20 days before nominations of candidates for council members are made, a meeting shall be held to hear nominations of the offices of president and vice-president.
    - a. A person who is nominating a candidate for the office of president or vice-president must be present at the nomination meeting.
    - b. A person who is nominating a candidate for the office of president or vice-president must be a registered voter of the Community.
  - (3) Nominating meetings for council. At least 31 days before the general election, the nominating chairperson for each district shall call a separate district meeting to secure nominees for the office of Community Council.
    - a. A person who is nominating a candidate for the office of Community Council member must be present at the nomination meeting.

- b. A person who is nominating a candidate for the office of Community Council member must be a registered voter of the Community.
  - c. A person who nominates a candidate for office of Community Council member must be either a resident of the particular district that they are providing nominations for or their home district must be the same as the district in which the candidate is nominated to represent.
- (4) Acceptance and declination of nomination. Each person nominated for an office shall accept or decline their nomination on the form prescribed by the election board.
- a. Each nominee shall indicate on the form whether the nominee accepts or declines the nomination, and within two business days after the nominating meeting, return the form to the district nominating chairperson, or the election coordinator/council secretary.
  - b. Nominees shall only accept the nomination for one elected office during an election cycle.
  - c. Failure to return or file the form within the time in subsection (b)(4)(a) of this section shall be a conclusive determination that the nominee declines the nomination.
  - d. When accepting the nomination, a nominee shall provide the election board with their legal name as listed on the official Community's membership records.
  - e. When accepting the nomination, the candidates shall also agree in writing to follow all Community political signage laws and remove their campaign signs within seven (7) business days of the relevant election, or pay a \$200 fee, including the assignment of \$200 from their next per capita distribution to the government to pay for the removal of such signs. The election board will administer this provision.
- (5) Candidate employed by the Community government and its departments, divisions and enterprises. All candidates, except for those who are the sitting president, vice-president, council members and chief judge are required to take at least a two-week leave of absence from their employment with the Community government and its departments, divisions or enterprises. This two-week leave of absence shall occur during the two weeks immediately preceding the primary and general election for the office that the candidate is running for.
- (c) Certification of candidates.
- (1) Certification meeting. The election board shall certifying nominees as candidates for the official ballot of the Community.
- a. Certification meetings for the Community Council nominees shall be separate from meetings for the president and vice-president nominees, and shall each take place within five business days after the respective nomination meetings.
  - b. At least two days before each certification meeting, notice of the time and place of the meetings shall be posted in the lobby of the Lehi Community building, the Community Two Waters Administrative Complex, and the Community's intranet and digital signage.

- c. Certification of candidates shall be determined by the election board based upon the qualifications of the candidates as provided in Article IV, Sections 2 and 3 of the Community's Constitution.
- (2) Nominee's burden. When accepting a nomination, it is the nominees burden to establish that they meet the requirements of Article IV, Sections 2 and 3 of the Community's Constitution and upon the request of the election board all nominees shall provide the election board with the following information:
  - a. Proof of residency. For example, utility bills, telephone bills and water bills in the candidate's name with a street address listed that documents that the nominee meets the residency requirements of this chapter and the Community Constitution.
  - b. Proof of age. Valid driver's license, Community identification card, or birth certificate.
  - c. Proof of enrollment. Valid Community identification card.
- (2) Certification appeal to council. Within two days of the certification meeting, any nominee not certified by the election board to be a candidate for the office of the president, vice-president or Community Council may file an appeal to the Community Council requesting a hearing regarding their certification status.
  - a. Within two days after a nominee has filed an appeal with the council secretary, the Community Council shall hold a hearing and determine whether or not to uphold the determination of the election board.
  - b. The hearing shall be open to the public.
- (d) Write-in candidates.
  - (1) Generally, ballots in Community elections shall provide space for voters to write-in the names of a candidate qualified to run for Community office according to the requirements of Article IV, Sections 2 and 3 of the Community Constitution.
  - (2) Write-in votes for any write-in candidate qualified to hold the office shall be counted as if the name had been placed on the ballot. A valid write-in vote must provide the candidate's legal name, be legibly written on the ballot and marked in the correct manner indicating the vote for a write-in candidate.
  - (3) If a write-in candidate gathers enough votes to become elected to office, within 48 hours of the election, the election board shall hold a certification meeting, providing reasonable public notice of the meeting. At this meeting, the candidate shall meet their burden to satisfy the relevant requirements of Article IV, Sections 2 and 3 of the Community's Constitution.
  - (4) Only after being certified as meeting the requirements of Article IV, Sections 2 and 3 of the Community's Constitution by the election board may a write-in candidate be declared the winner of an election by the Community Council.

- (5) For the positions of president, vice-president and council member, write-in candidates are only eligible during a primary election, unless a primary election was not held or if a candidate is running unopposed.
- (6) For the position of chief judge, write-in candidates are not authorized due to the requirements of section 4-33.

### **Sec. 3-6. Conduct of elections.**

#### **(a) Primary elections.**

- (1) Primary election for offices of the president and vice-president. On the first Tuesday of August during election years when the positions of the president and vice-president are being elected, a primary election shall be held if there are more than two certified candidates running for the office of either the president or the vice-president.
  - a. If there are only two certified candidates running for the office of the president or vice-president, respectively, then there shall be no primary election for that specific office.
  - b. At the primary election, the method of voting and canvassing of ballots shall be made in the same manner as provided for in this article.
  - c. Once the council has certified the election results and the challenge period is over, the two persons having the largest number of votes for the office of the president and/or the vice-president shall be entitled to have their name placed on the official ballot at the ensuing general election.
  - d. Primary elections are not held when there is a special election to fill the Office of the president or vice-president.
  - e. If there is a tied vote among more than two candidates, and one of the candidate's names would be eliminated because of this tied vote, then all the names of the tied candidates shall appear on the general ballot.
- (2) Primary election for offices of council members. On the first Tuesday of August during election years when positions for council members are being elected, a primary election shall be held if any of the requirements in subsection (a) of this section are met.
  - a. Holding of primary election.
    - i. If there is one council member seat that will be elected during a general election, then the two persons having the largest numbers of votes for that office shall have their name placed on the official ballot of the next general election.
    - ii. If there are two council member seats that will be elected during a general election, then the four persons having the largest number of votes for that office shall have their name placed on the official ballot of the next general election.
    - iii. If there are three council member seats that will be elected during a general election, then the five persons having the largest number of votes for that office shall have their name placed on the official ballot of the next general election.

- iv. If there are four council member seats that will be elected during a general election, then the six persons having the largest number of votes for that office shall have their name placed on the official ballot of the next general election.
  - v. If there are five or more council member seats that will be elected during a general election, then the eight persons having the largest number of votes for that office shall have their name placed on the official ballot of the next general election.
- b. No primary election held.
    - i. If the number of certified candidates running for the office of council member meet or are under the amount listed in subsection (a) of this section, then there shall be no primary election for that specific office or election cycle.
    - ii. Primary elections are not held when there is a special election to fill the office of a council member.
  - c. Tied vote. If there is a tied vote among two or more candidates in the primary election and one of the candidate's names would be eliminated because of this tie, then all the names of the tied candidates shall appear on the general ballot.
  - d. Conduct of the election. At the primary election, the method of voting and canvassing of ballots shall be made in the same manner as provided for in this article.
- (3) Candidate withdrawal or unable to participate in general election. If a candidate who received the necessary amount of votes in the primary election to be placed on the ballot in the general election withdraws or is unable to run for office in the general election, then the candidate with the next highest votes will be placed on the ballot for the general election for that elected office. The general election for that office shall be held no earlier than 30 days and no later than 60 days from the date that Council is notified of the withdrawal at a regular Council meeting.
- (b) General election. General elections for purposes of electing the president, vice-president, council members and chief judge shall be held on the first Tuesday in September in each even numbered year. The conduct of such elections shall be governed by this chapter.
  - (c) Polling places. The council shall designate one polling place within each district, as provided in Article V of the Community's Constitution, where the election shall be held. At least 15 days before each election, notice of the polling locations shall be posted in the Community's newspaper, intranet and digital signage.
  - (d) Hours of voting. For any election called pursuant to the Community's Constitution, the polls shall open at each polling place on the day of election at 6:00 a.m. and close at 6:00 p.m. Any voter who at the moment of closing is in line waiting to vote will be allowed to cast his or her ballot.
  - (e) Seventy-five foot limit ("campaign free zone") and 150-foot limit ("designated campaign area").
    - (1) Campaign free zone; 75 foot limit. To preserve the integrity of the voting process, prevent voter intimidation and election fraud, no electioneering or campaigning shall be allowed within 75 feet of the entry way of the polling site as determined by the Marshall.

- a. The election board shall place notices identifying the 75-foot limit at each polling place.
  - b. No persons except election board members, election staff and persons actually voting shall be allowed to remain within 75-feet of any polling place.
  - c. No campaign posters, signs or other campaign literature may be displayed on or inside any polling place or within the 75-foot limit.
- (2) Designated campaign area outside the 75 foot limit and within the 150 foot limit. The election board shall place notices identifying a 150-foot area surrounding the polling place. There shall be no electioneering or campaigning within 150-feet of the polling place, unless it occurs within the election board's designated campaign area.
- a. For every election, the election board shall designate a designated campaign area at each polling place that is outside the 75-foot limit but within the 150-foot limit.
  - b. The designated campaign area is for candidates or sponsors of an initiative or referendum to campaign at by providing food, campaign literature or other items to voters and supporters. The candidate or sponsors may set up a table(s) with chairs, tent(s), and/or a food stand(s) within their assigned area.
  - c. The designated campaign area shall be placed in a manner so as not to create a public safety hazard, jeopardize the integrity of the voting process or block voters from the polling place.
    - i. At least seven days before each election, the election coordinator/council secretary shall provide notice of the designated campaign designation area to certified candidates via mail and shall also post notice of each designated campaign area at each polling place, provided that the area may be relocated due to emergency weather conditions or public safety concerns.
    - ii. The election board may establish a system to assign the location and size of the space for each candidate or sponsor of an initiative or referendum who is campaigning within the designated campaign area.
    - iii. No part of this section shall apply to private property within the 150 foot limit.
- (3) Election marshals are authorized to act as tribal peace officers within the 150 foot limit for purposes of enforcing election laws and maintaining order at the polls.
- (f) Ballots.
- (1) The election coordinator shall oversee the preparing of any election ballot governed by this chapter.
  - (2) Election ballots shall be pre-numbered consecutively, beginning with No. 1; and the form and contents of each ballot shall be as follows:
    - a. Designation, if the ballot is an absentee ballot;
    - b. The name of the district;
    - c. The list of the offices or issues to be voted on in the following order (if applicable) president, vice-president, council members for each district, chief judge of the court, and any measure;

- d. The list of the names of the certified candidates in alphabetical order by the candidate's legal last name (accompanied by an official photograph, if available), segregated by the various offices listed above;
  - e. The candidates legal name will appear on the ballot, and at the candidate's request, their middle name or middle initial may also be listed on the ballot with their legal name;
  - f. There will be no candidate "nicknames" or "also known as ("a.k.a.")" names on the ballot;
  - g. Space where write-in candidates may be included on the ballot (if applicable); and
  - h. If the election is a recall, initiative or referendum election, then the ballot shall contain the initiative or referendum language that the voters are being asked to vote "yes" or "no" to.
- (g) Method of voting.
- (1) Upon entering the polls, each voter shall give his or her legal name, place of residence and Community identification card to the clerk who is in charge of the signature roster.
  - (2) A clerk shall ascertain if the name of the voter appears on the official list of registered voters for that district, and the voter shall sign his or her name on the signature roster to acknowledge receipt of the ballot.
  - (3) The judge shall hand the voter a ballot.
  - (4) In elections where there are two or more council members to be elected, the voter shall have the option of voting for only one of the candidates. It shall not be necessary for the voter to vote for the exact number of council members to be elected into office.
  - (5) If the voter desires to cast a write-in ballot, then the voter may write the name of the person of their choosing on the blank lines printed on the ballot (if that office is eligible for write-in candidates).
- (h) Spoiled ballots.
- (1) If the election board cannot determine from the ballot what the intent of the voter is and the voter incorrectly indicates whom or what his or her vote was, then the vote for that office or measure shall be deemed spoiled. If the voter properly indicated their vote for other offices or measures on the same ballot, those votes will be considered valid.
  - (2) If a voter accidentally spoils the entire ballot, the voter shall present the spoiled ballot to the judge who shall place the spoiled ballot in an envelope clearly marked "SPOILED".
  - (3) Immediately after being presented to the judge, the election board shall review the spoiled ballot and certify by signature that the ballot is spoiled.
- (i) Unused ballots. Ballots that remain unused at the end of the voting shall be accounted for and placed in the ballot box and mark unused.
- (j) The tally. At the close of the voting, the judge shall supervise the electronic or hand count of the ballots. At the end of the tally, the judge shall place the pile of counted ballots, spoiled ballots and unused ballots into the designated container.

- (k) Rejected ballots. A ballot for a particular office or the ballot in its entirety shall be rejected if the election board, during the tally, is unable to determine from the ballot a choice of the voter.
- (l) Abstract. At the end of the tally, the election board shall determine the total vote cast for each candidate, referendum or initiative. Together with the number of rejected and spoiled ballots, the results shall be tabulated and certified by each election board member signing his or her name thereto. The judge shall read aloud the abstract to the public, and thereafter shall deliver the abstracts and tally sheets to the Community Council.
- (m) Witnesses. The tallying of the vote shall be open to public observation; however, the public shall remain at a reasonable distance from the judge, clerks and the ballot box, and the public must remain quiet and in no way interfere with the orderly tallying. If order cannot be maintained, the judge shall halt the tallying until such time as order has been restored.

**Sec. 3-7. Canvass.**

- (a) Method. The Community Council, assembled in open meeting on the night of an election, shall receive from the judge of each district election board the tally sheets and the abstract of the vote for that district. The Community Council shall by majority vote certify the preliminary election results, pending any appeals or challenges related to the entire election or a particular office or measure.
- (b) Automatic recount. If an abstract shows that the highest votes cast for two or more candidates or a ballot measure is tied or if the highest vote is larger than the next highest vote less than one percent of the total votes cast for that office, there shall be an automatic recount.
  - (1) The Community Council shall oversee the recounting of the ballots cast, including spoiled and rejected ballots.
  - (2) The Community Council shall reject any ballots for an office in which the Community Council is unable to determine the choice or intent of the voter.
  - (3) A new abstract shall be prepared and read aloud to the public.
- (c) Contesting the tally. When the abstract is read aloud at an open meeting of the Community Council, each candidate for office or official sponsor of a Measure shall have an opportunity to contest the vote for that office.
  - (1) If a vote is contested, the Community Council shall examine only the rejected ballots for that office, and add the votes of any improperly rejected ballots to the votes of the corresponding abstract.
  - (2) A new abstract shall be prepared and read aloud.
  - (3) The abstract prepared from this recount shall be final.
- (d) Preliminary certification of the election and declaration of the election. The Community Council shall certify the election results.
  - (1) The declaration of the election results shall be automatically final, 24 hours from the time of the Community Council's preliminary certification, unless there was a properly submitted election challenge.

- (2) Council members who ran for office in the election may vote to preliminarily certify the election results as they are only acting to certify the determinations and results calculated and overseen by the independent election board.
- (e) Election challenge. Any eligible candidate may challenge the results of an election within 24 hours of the Community Council preliminary certification of the election results. In the context of an initiative or referendum election, only the petitioner who applied for the initiative petition or referendum measure may challenge the results of the election pursuant to the requirements of this subsection.
- (1) Any challenge of the election results must be filed first with the election board, within 24 hours, excluding weekends and holidays, of the Community Council's preliminary certification of the election results.
  - (2) An election challenge is the process of protesting and then alleging that the election results were affected by irregularities or misconduct that impeached the fairness of the results of the election.
  - (3) After receipt of a properly filed election challenge, the election board, shall hold a hearing and issue a decision in regards to the election challenge within 48 hours, excluding weekends and holidays, of the filing of the election challenge with the election board unless the election results challenge pertains to allegations against the actions of the entire election board. If the complaint is against the actions of the entire election board, then the challenger shall proceed directly to the Community Council. All other allegations challenging the results of an election must first be raised with the election board.
    - a. The person who is filing the election challenge shall file a written statement providing the basis for the election challenge. This statement shall include any documentation or evidence that the person would like the election board to consider.
    - b. If the challenge pertains to the actions of a candidate or another person or entity, the candidate, person or entity shall be provided notice of the allegations made against them and also the opportunity to provide testimony and evidence in their own behalf.
    - c. The hearing shall be informal and the formal rules of evidence shall not apply.
    - d. If there is more than one election challenge, the election board may consolidate those challenges at their election board's discretion.
    - e. The election board shall make best efforts to provide public notice of this hearing.
    - f. It shall be the burden of the candidate challenging the election results to prove by clear and convincing evidence that the irregularities or misconduct in the election affected the results of the election or impeached the fairness of the results of the election. When considering the appeal, the election board shall be guided by the following principles:
      1. Election results are presumed to be regular and proper;

2. Irregularities or misconduct in an election which does not tend to affect the result or impeach the fairness of the result of the election will not be considered;
  3. Elections will not be set aside unless the facts definitely show fraud in the election process and/or that there was not a fair election; and
  4. The election board's decision shall include detailed findings of fact, the basis of their decision and the actual decision.
- (4) The election board's decision in regards to a challenge of the election results may be appealed to the Community Council, or if the complaint is against the entire election board, the Community Council may hear the matter directly.
- a. Any appeal of an election challenge decision of the election board shall be filed with the council within 24 hours, excluding weekends and holidays, of when the decision by the election board's decision was provided to the challenger; or if the matter pertains to a complaint against the entire election board member, the challenger shall file a complaint within 24 hours, excluding weekend and holidays of when the preliminary certification of the election was made by the council.
  - b. After receipt of a properly filed election challenge, the Community Council, shall hold a hearing and issue a decision in regards to the election challenge within 48 hours, excluding weekends and holidays, of when the election challenge was filed with the Community Council.
  - c. If the allegations underlying the election challenge pertain to the actions of a candidate, person or entity, that candidate, person or entity shall be provided notice of the allegations made against then and also the opportunity to provide testimony and evidence in their behalf.
  - d. The Community Council shall give deference to the election board's decision, if applicable.
  - e. It shall be the burden of the challenger to prove by clear and convincing evidence that irregularities or misconduct in the election affected the results of the election or impeached the fairness of the results of the election.
  - f. When considering the appeal, the Community Council shall be guided by the following principles:
    - i. Election results are presumed to be regular and proper;
    - ii. Irregularities or misconduct in an election which does not tend to affect the result or impeach the fairness of the result of the election will not be considered; and
    - iii. Elections will not be set aside unless the facts definitely show fraud in the election process and/or that there was not a fair election.
- (f) Hearing of allegations of fraud by Community court.
1. Jurisdiction. The Community court shall have jurisdiction only to hear an allegation of election fraud.

2. Timeframes. Any allegation of election fraud that is ultimately appealed to the Community court within 24 hours of when the Community Council's decision was provided to the challenger by the Community Council. Any allegation of election fraud must be heard and decided within 72 hours, excluding weekends and holidays, of when the complaint alleging election fraud was filed in the Community court.
3. Priority. Upon the filing of a complaint alleging fraud in a Community election, the chief judge or in the case of a conflict of interest, the most senior judge of the Community's court shall immediately assign the case and ensure that the Community court meets the timeframe requirements of this chapter.
4. Exhaustion of administrative remedies. All allegations of fraud must first be heard and a decision issued by the election board, if relevant, and the Community Council; and these administrative remedies must be exhausted before filing a complaint before the Community court. Before the Community court can overrule the determination of the Community Council of the results of an election, the Community court must determine by clear and convincing evidence, that the election fraud decisively affected and changed the election and the Community Council hearing results.
5. Appeal. The Community's court of appeals is the only authority that may hear an appeal regarding an allegation of election fraud. Any appeal filed before the Community's court of appeals must be filed within 48 hours of when the Community's court order was served on the parties, or if the Community court has not issued an order within the required 72 hours, excluding weekends and holidays.

## **ARTICLE II. RUN-OFF AND SPECIAL ELECTIONS**

Secs. 3-33—3-47. Reserved.

### **Sec. 3-48. Run-off election.**

If the abstract shows that the vote cast for or against a measure, or for or against two or more candidates in a general election is tied, a run-off election shall be held not more than 30 days after the election.

- (1) A person elected in a run-off election shall be installed in office at the time of the inauguration pursuant to Article VI(2) of the Community's Constitution, unless that is not possible and then such person shall be installed in office within ten days of the date in which the election results became final.
- (2) The run-off election shall be governed by the procedures of this chapter.

Secs. 3-49—3-64. Reserved.

### **Sec. 3-65. Special election.**

If a person elected into office fails to meet the qualifications of a candidate for office, or an elected office becomes vacant, the Community Council will issue a call for a special election. In addition a call for an initiative, referendum or recall election shall also be considered a special election.

- (1) Timeframes related to sections 3-4, 3-5, and 3-6 may be shortened provided that there is sufficient public notice to meet the timeframe requirements for special elections.
- (2) For a vacant office, any special election shall be to fill the remainder of the term left by the vacancy of that office.
  - a. A special election called for because of a vacancy shall be held within the timeframes prescribed by Article X, Section 1 of the Community's Constitution.
  - b. The persons elected in any special election shall be installed in office within ten days of the day in which the election results became final.
- (3) An initiative or referendum election shall also be governed by Article VIII of the Community's Constitution and section 3-11.
- (4) A recall election shall also be governed by Article IX, Section 2 of the Community's Constitution and pursuant to section 3-11.
- (5) A special election shall be governed by the procedures of this chapter.
- (6) A ballot measure that is successfully passed by a vote of the people shall be implemented by the Community Council as soon as reasonably possible.

### **Secs. 3-66—3-81. Reserved.**

## **ARTICLE III. POST ELECTION**

### **Sec. 3-82. Post election.**

- (a) Council members not employed by Community government or its divisions, departments and/or enterprises.
  - (1) No employee of a business, division or other enterprise owned by the Community may become or remain a member of the Community Council.
  - (2) If a member of the Community Council shall be employed by a business, division or other enterprise owned by the Community, and such person does not resign such employment within seven days of receiving written notice from the council president concerning the contents of this chapter, the president shall promptly declare that person's office on the Community Council vacant and a special election to fill such office shall be conducted.
- (b) Election records retention.

- (1) After the Community Council has certified the election results, the ballot boxes and other related official election records shall be impounded and delivered to the Salt River Police Department's Property and Evidence Bureau until the election challenge period is over, and once the election challenge period has expired, then the election records shall be transferred to the council secretary/election coordinator.
- (2) Unless otherwise governed by other federal or Community law, all Community election records shall be retained for a period of three years. After three years, only such records necessary for Community archival purposes shall be kept by the council secretary or the records archivist for the Community, and all other election records shall be destroyed.

**Secs. 3-83—3-100. Reserved.**

## **ARTICLE IV. INITIATIVE, REFERENDUM AND RECALL ELECTIONS**

### **Sec. 3-101. Call for special, initiative and referendum elections.**

- (a) The Community Council will issue a call for any election held pursuant to this section. The call of the election shall designate the date that the election will be held, the polling places for Districts No. 1 and No. 2, the period during which eligible voters may request absentee ballots, and such other information as the council deems appropriate. The Community Council may in its discretion amend the call of the election provided that notice of any amendment will be given in accordance with subsection (b) of this section.
- (b) The secretary of the Community shall give notice of the election by posting and publishing the call of the election within the Community. The Community secretary shall mail the notice to nonresident members within five business days after it is issued or within such other period of time as the council shall direct.

**Secs. 3-102—3-117. Reserved.**

### ***DIVISION 2. PETITIONS***

#### **Sec. 3-118. Required use.**

This division within this Community Code of Ordinances shall govern formal written requests to the Salt River Pima-Maricopa Indian Community (SRPMIC or Community) council for recall and initiative elections. No petitions for recall or initiative elections shall be heard by Community Council unless in compliance with this division within this Community Code of Ordinances.

#### **Sec. 3-119. Petitions for recall elections.**

- (a) Limitations on recall elections.

- (1) Time. A recall petition shall not be circulated against any elected official until he or she has held office for at least six months from the date of inauguration for his or her elected term of office.
  - (2) Frequency. After two recall petitions and elections, no further recall petition shall be filed against the same officer during the term for which he or she was elected unless, at the time of the application for a third or any other subsequent recall petition, the petitioners signing the petition first pays all expenses of the preceding recall election into the public treasure from which such election expenses were paid.
  - (3) Scope. A recall petition application and petition shall only be directed against one elected official. If an applicant desires to subject two or more elected officials to recall, the applicant must submit a separate application for each elected official.
- (b) Application for recall petition. A person or organization intending to file a recall petition shall, before causing the petition to be printed and circulated, file an application with the council secretary or his or her designee's office. The petition must be filed and signed by an enrolled member of the Community. If the petition is filed by an organization and then at least two enrolled members of the Community must sign and submit a recall petition as officers of the organization.
- (c) Form of application. The application shall be in no less than eight-point type, and on a form to be provided by the council secretary or his or her designee, and shall set forth the following:
- (1) The applicant's name or, if an organization, its names and the names and titles of its officers;
  - (2) The applicant's or organization's address;
  - (3) A statement of the applicant's intention to circulate and file a petition, and a statement of no more than 100 words naming the elected official and his or her office, why this elected official should be recalled, and identifying the electoral district from which the official was elected, except in the case of the president or vice president of the Community; and
  - (4) The signature of the person or, if an organization, the signature of two officers of the organization applying for the petition.
- (d) Receipt of application.
- (1) Normal business hours. The council secretary or his or her designee will receive applications for petitions during normal business hours.
  - (2) Date-stamp, time-stamp and serial numbers. On receipt of the application, the council secretary or his or her designee shall:
    - a. Date-stamp and time-stamp the application;
    - b. Assign an official serial number to the petition, which number shall appear in the lower right-hand corner of each side of each copy thereof; and
    - c. Issue that number to the applicant.

Numbers shall be assigned to the petitions by the council secretary or his or her designee in numerical sequence, and a record shall be maintained in his or her office of each application received and of the numbers assigned and issued to each applicant.

(3) Copy of ordinance section. The council secretary or his or her designee shall print and furnish to each applicant, at the time the application is submitted, a copy of the text of this division within this Community Code of Ordinances and any rules, policies or procedures adopted by the Community related to this division within this Community Code of Ordinances.

(e) Standard form of petition.

(1) Procedure. Within five business days of the receipt of the application, the council secretary or his or her designee shall produce a form for the petition.

(2) Contents of petition. This form of petition for a recall election shall contain the following:

a. The following caption and body:

Recall Petition
We, the eligible voters of electoral district _____ (or of the Salt River Pima-Maricopa Indian Community if recall is sought for the President or Vice President) from which _____ was elected, demand his or her recall from the office of _____ because he or she _____. Unless modified by this petition, his or her term ends on _____/_____/_____.

b. A statement that: "We, the undersigned members of the Salt River Pima-Maricopa Indian Community (SRPMIC), respectfully demand that the following recall question shall be submitted to the eligible voters of the SRPMIC, for their approval or rejection at a special election, and each for himself/herself says: 'I have personally signed this petition with my first and last names, as my name appears on the membership rolls of the SRPMIC. I have not signed any other petition for the same recall. I am an eligible voter of the SRPMIC.'"

- c. The following warning: "Warning. It is a criminal offense for any person to knowingly sign a recall petition with a name other than his or her own, except in a circumstance where he or she signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his or her own name because of physical infirmity, or to knowingly sign such petition when he or she is not an eligible voter."
- d. A statement that: "The SRPMIC government cannot guarantee the confidentiality or nondisclosure of the information that a person may provide on this recall petition."

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(3) Template. Each of the signature sheets shall follow the following format:

SRPMIC Enrollment Number	Name (first and last name printed)	Signature	Street Address, City, State and Zip Code	Telephone Number	Date Signed	Circulator Initial
(Fifteen lines for signatures which shall be numbered)						
			_____			
			_____			
			_____			
			_____			
			_____			
			_____			
			_____			
			_____			
			_____			
			_____			



so signing or the person circulating the petition shall write, in the appropriate spaces following the elector's address, the date on which the eligible voter signed the petition and the circulator shall also sign his or her initials after obtaining the eligible voter's required information.

(5) Signature sheets.

- a. Eligibility. Every eligible voter of the Community may sign a recall petition concerning any elected officer for whom he or she is legally entitled to vote.
- b. Attachments. In the case of the recall election, the signature sheets shall be attached at all times during circulation to a full and correct copy of the caption and body of the recall petition. The caption and body shall be in at least eight-point type.

(f) Filing.

(1) Generally. Signature sheets filed shall:

- a. Be in the form prescribed by law.
- b. Have printed in the lower right-hand corner, on each side of such sheet, the official serial number assigned to the petition by the council secretary or his or her designee.
- c. Be attached to a full and correct copy of the title and text of the measure proposed by the petition or to the caption and body of the recall petition.
- d. Be printed in at least eight-point type.
- e. Be printed in black ink on white legal-size pages.
- f. Have spaces for only 15 signatures per sheet.
- g. Blank signature sheets may be obtained from the council secretary or his or her designee.

(2) Receipt by council secretary or his or her designee. For the purposes of this division within this Community Code of Ordinances, a petition is filed by the applicant when the signature sheets are first filed with the council secretary or his or her designee.

- a. Applicant shall submit a written letter with the petition containing the following: the number of signature sheets, an estimate of the number of signatures submitted, and an explanation and identification of the petition sheet(s), which were provided to the applicant but not submitted for verification and certification purposes; at which time a receipt shall be immediately issued by the council secretary or his or her designee based on an estimate made to the council secretary or his or her designee of the purported number of sheets and signatures filed.
- b. After issuance of the receipt by the council secretary or his or her designee, no additional signature sheets in support of this petition shall be accepted by the council secretary or his or her designee.

(3) Handling. Petitions may be filed with the council secretary or his or her designee in numbered sections for convenience in handling.

(4) Number of signatures. Not more than 15 signatures on one sheet shall be counted.

- (5) Time limit. The council secretary or his or her designee shall not accept a petition after 185 days from the date in which the application for such petition was filed with the council secretary or his or her designee.
- (6) Processing of signature sheets.
  - a. Notice to officer and statement of defense in the case of a recall election. Upon the filing of the recall petition signature sheets, the council secretary or his or her designee shall, within 48 hours, excluding Saturdays, Sundays or other legal holidays, give written notice to the person against whom it is filed. The notice shall state that a recall petition has been filed and shall notify the person to whom it is addressed that the person has the right to prepare and have printed on the ballot a statement containing not more than 200 words defending the person's official conduct. If the person fails to deliver the defensive statement to the officer giving notice within ten days thereafter, the right to have a statement printed on the ballot shall be considered waived.
  - b. Copies and transmittal.
    1. Governmental copies. Upon issuance of the receipt for signature sheets for a recall petition, the council secretary or his or her designee shall immediately make two copies of all pages of signature sheets. One copy shall be kept in the secretary's office. The council secretary or his or her designee shall then deliver the original signature sheets and the second copy of the signature sheets to the office of membership services. The office of membership services shall use the second copy as a working copy, upon which he or she may annotate.
    2. Applicant copy. Applicant may request in writing that the council secretary or his or her designee make one copy of all pages submitted by the applicant.
    3. Public copies. If an enrolled Community member provides a written request to review the submitted petition, the council secretary shall provide a copy that has been redacted to provide only the names and signatures of the petitioners.
  - c. Verification.
    1. Original sheets. The original signature sheets shall not be marked upon, altered, damaged or destroyed by the council secretary or his or her designee or office of membership services.
    2. Verification Not Required. The verification process as described in this subsection (c) shall not be required when the submitted petition does not meet the minimum number of required signatures. The Council Secretary shall inform the applicant, the Community Development Department, the election board, the person who was the subject of the recall petition and the Council, in writing that the signatures submitted, and even if it is presumed that all submitted signatures were valid, were insufficient and therefore the verification process was not necessary.
    2. Disqualification. Within 15 days, excluding Saturdays, Sundays, and legal holidays, of the filing of a petition, signature sheets, and issuance of receipt, the

office of membership services together with the election board shall determine which signatures of individuals shall be disqualified for any of the following reasons:

- (i) No residence address or description of residence location is provided.
- (ii) No mailing address is provided.
- (iii) No date of signing is provided.
- (iv) The signature and printed name are illegible and the signer is otherwise unidentifiable.
- (v) The address provided is illegible or nonexistent.
- (vi) The individual was not at least 18 years of age or otherwise ineligible to vote on the date of signing the petition or affidavit.
- (vii) The signature was disqualified after comparison with the signature on file at the office of membership services.
- (viii) If a petitioner signed more than once, all but one otherwise valid signature shall be disqualified.
- (ix) Signatures in excess of the 15 signatures allowed per signature sheet.
- (x) Signatures obtained by a circulator who did not meet the requirements of this division within this Community Code of Ordinances.
- (xi) The individual was an eligible voter at the time of signing but was deceased or incarcerated at the time the signature sheets were filed.

d. Certification.

1. No later than the end of the 15-day period, the office of membership services together with the election board shall certify:
  - (i) The name of each individual, if any, whose signature was disqualified by the office of membership services and the election board together with the petition page and line number of the disqualified signature; and
  - (ii) The total number of signatures transmitted to the office of membership services and the election board for verification and the total number of signatures disqualified.
2. If the office of membership services and the election board determine that at least 50 signatures over the constitutionally required amount of signatures necessary to initiate a recall election have been certified, and that disqualification and certification of the remaining amount of signatures is not necessary to initiate the recall process, then the office of membership services and the election board may proceed without conducting the certification and verification process for the remaining signatures.

e. Return. During the same 15-day period of this section, the office of membership services shall return the originals and copies of signature sheets to the council secretary or his or her designee.

(7) Disposition of petitions.

- a. Insufficient number of signatures. If the actual number of signatures on the remaining sheets after disqualifications is less than the minimum number required by the Constitution, then the council secretary or his or her designee shall provide written notice to the petitioner and the Community Council that an insufficient number of petition signatures were filed, including any necessary justification as to the disqualified signatures, and that the petition is insufficient for purposes of a recall election.
- b. Sufficient number of signatures. If the actual number of signatures on the remaining sheets after subtraction of any disqualified signatures equals or exceeds the minimum number required by the Community Constitution, then within 48 hours, excluding Saturdays, Sundays, and other legal holidays, after return of the signature sheets and the certification of the office of membership services and election board, the council secretary or his or her designee shall:
  1. Notify the applicant. Notify the applicant of the amount of the signatures deemed valid (and also the number of signatures that were deemed invalid) and then inform the applicant that the number of signatures is equal to or in excess of the minimum required by the Community Constitution to call for a recall election.
  2. Return original signature sheet to applicant. Return the original signature sheets to the person or organization that submitted the recall application and petition.
  3. Notice to Community Council. Notify the Community Council that a sufficient number of signatures were filed and that the council is to take action in the manner provided by law.
    - (i) In the case of a recall petition, notify the officer against whom the recall petition was filed that a sufficient number of signatures was filed and that he or she has five days in which to tender a resignation if he or she so desires.
    - (ii) If the officer against whom a recall petition is filed desires to resign, the officer may do so by filing a written tender thereof with the council secretary or his or her designee within five days, excluding Saturdays, Sundays, and other legal holidays, after receipt of the written notice described in subsection (f)(7)b of this section. In such event, the person's resignation shall be accepted by the Community Council and the vacancy shall be filled as provided by law.
    - (iii) If the officer against whom a petition is filed does not resign, then the Community Council shall call a recall election as provided by law.

**Sec. 3-120. Petitions for initiative elections.**

- (a) Application for initiative petition. A person or organization intending to propose a new law, amendment to an existing law, or other initiative measure by initiative petition shall, before causing the petition to be printed and circulated, file an application with the council secretary or his or her designee's office. The petition must be filed and signed by an enrolled member of the Community. If the petition is filed by an organization and then at least two enrolled members of the Community must sign and submit an initiative petition as officers of the organization.
- (b) Form of application. The application shall be in no less than eight-point type, shall be on a form to be provided by the council secretary or his or her designee, and shall set forth the following:
  - (1) The applicant's name or, if an organization, its names and the names and titles of its officers;
  - (2) The applicant's or organization's address;
  - (3) A statement of the applicant's intention to circulate and file a petition;
  - (4) The text of the proposed measure and a description of no more than 100 words of the principal provisions of the proposed measure; and
  - (5) The signature of the person or the signature of at least two officers of the organization applying for the petition.
- (c) Receipt of application.
  - (1) Normal business hours. The council secretary or his or her designee will receive applications for petitions during normal business hours.
  - (2) Date-stamp, time-stamp and serial numbers. On receipt of the application, the council secretary or his or her designee shall:
    - a. Date-stamp and time-stamp the application;
    - b. Assign an official serial number to the petition, which number shall appear in the lower right-hand corner of each side of each copy thereof; and
    - c. Issue that number to the applicant.Numbers shall be assigned to the petitions by the council secretary or his or her designee in numerical sequence, and a record shall be maintained in his or her office of each application received and of the numbers assigned and issued to each applicant.
  - (3) Copy of ordinance section. The council secretary or his or her designee shall print and furnish to each applicant, at the time the application is submitted, a copy of the text of this division within this Community Code of Ordinances and any rules, policies or procedures adopted by the Community related to this division within this Community Code of Ordinances.
- (d) Standard form of petition.

- (1) Procedure. Within five business days of the receipt of the application, the council secretary or his or her designee shall produce a form for the petition. Within the five day period, the office of the general counsel shall review the text of the proposed initiative measure. This review shall be limited to the following: 1) consideration to errors in drafting of the measure, 2) confusing, conflicting or inconsistent provisions within the measure, 3) conflicts with the Community's Constitution or federal law, or 4) whether or not the proposed text addresses more than one subject matter.
  - a. The office of general counsel may prepare recommendations to improve the text of the measure.
  - b. The person or organization proposing the measure may accept, modify or reject any recommendations made of the office of the general counsel.
- (2) Substance.
  - a. Contents of initiative petition. This form of a petition for an initiative election shall contain the following which shall be based on the description provided by the applicant in the initiative application filed with the council secretary or his or her designee.
    1. The title of the proposed measure; and
    2. Text of the principal provisions of the proposed measure in no more than 100 words.
      - (i) A statement that: "This is only a description of the proposed measure, prepared by the sponsor of the measure. It need not include every provision in the measure. Before signing, make sure the title and text of the measure are attached. You have the right to read or examine the title and text before signing."
      - (ii) A statement that: "We, the undersigned members of the Salt River Pima-Maricopa Indian Community (SRPMIC), respectfully demand that the following proposed measure shall be submitted to the eligible voters of the SRPMIC, for their approval or rejection at an initiative election, and each for himself or herself says: 'I have personally signed this petition with my first and last names as they appear on the membership rolls of the SRPMIC. I have not signed any other signature sheets for this same petition. I am an eligible voter of the SRPMIC.'"
      - (iii) The following warning: "Warning. It is a criminal offense for any person to knowingly sign an initiative petition with a name other than his or her own, except in a circumstance where he or she signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his or her own name because of physical infirmity, or to knowingly sign such petition when he or she is not an eligible voter."
      - (iv) A statement that: "The SRPMIC government cannot guarantee the confidentiality or nondisclosure of the information that a person may provide on this initiative petition."

- b. One-subject rule. An initiative or referendum measure shall only pertain to one subject matter and the text of a measure that pertains to two or more subject matters may not be submitted to the voters or have the effect of law.
- c. Constitutional requirement. No initiative or referendum measure shall require that the Community Council or the Community government violate the Community Constitution.

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(3) Template. Each of the signature sheets shall follow the following format:

SRPMIC Enrollment Number	Name (first and last name printed)	Signature	Street Address, City, State and Zip Code	Telephone Number	Date Signed	Circulator Initial
(Fifteen lines for signatures which shall be numbered)						
_____						
_____						
_____						
_____						
_____						
_____						
_____						
_____						
_____						
_____						
_____						

_____					
_____					
_____					
_____					
<p>The validity of signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of the sheet.</p>					
					<p style="text-align: right;">Number</p> <p style="text-align: right;">_____</p>

\_\_\_\_\_

(4) Circulation.

- a. Duration for the collection of petition signatures. The petition must be submitted within 185 days (5 of these days allow for the Council Secretary to issue the correct form of the petition) from the date in which the applicant filed his application to receive a petition form from the Council Secretary.
- b. Eligibility. Each person circulating an initiative petition must be an eligible voter in the Community at all times during his or her circulation of a petition sheet. Signatures obtained by anyone who is not an eligible voter in the Community shall be void and shall not be counted in determining the legal sufficiency of the petition.
- b. Present at time of signing. Every eligible voter signing a petition shall do so in the presence of the person who is circulating the petition and who is to execute the affidavit of verification. At the time of signing, the eligible voter shall sign his or her first and last names as they appear on the membership rolls of the Community in the spaces provided and the eligible voter so signing or the person circulating the petition shall print his or her Community enrollment number, first and last names and write, in the appropriate spaces following the signature, the signer's residence address, giving street and number, and if he or she has no street address, a mailing address or a description of his or her residence location, and phone number. The eligible voter so signing or the person circulating the petition shall write, in the appropriate spaces following the elector's address, the date on which the eligible voter signed the petition and the circulator shall also sign his or her initials after obtaining the eligible voter's required information.

(5) Signature sheets.

- a. Eligibility. Every eligible voter of the Community may sign an initiative petition upon a measure upon which he or she is legally entitled to vote.
- b. Attachments. In the case of the initiative election, the signature sheets shall be attached at all times during circulation to a full and correct copy of the title and text of the measure proposed by the petition. The title and text shall be in at least eight-point type and shall include both the original and the amended text. The text shall indicate material deleted, if any, by printing the material with a line drawn through the center of the letters of the material and shall indicate material added or new material by printing the letters of the material in capital letters.

(e) Filing.

(1) Generally. Signature sheets filed shall meet the following criteria:

- a. Be in the form prescribed by law.
- b. Have printed in the lower right-hand corner, on each side of such sheet, the official serial number assigned to the petition by the council secretary or his or her designee.
- c. Be attached to a full and correct copy of the title and text of the measure proposed by the petition or to the caption and body of the recall petition.
- d. Be printed in at least eight-point type.
- e. Be printed in black ink on legal sized white pages.
- f. Have spaces for only 15 signatures per sheet.
- g. Blank signature sheets may be obtained from the council secretary or his or her designee.

(2) Receipt by council secretary or his or her designee. For the purposes of this division within this Community Code of Ordinances, a petition is filed by the applicant when the signature sheets are first filed with the council secretary or his or her designee.

- a. Applicant shall submit a written letter with the petition containing the following: the number of signature sheets, an estimate of the number of signatures submitted, and an explanation and identification of the petition sheet(s), which were provided to the applicant but not submitted for verification and certification purposes; at which time a receipt shall be immediately issued by the council secretary or his or her designee based on an estimate made to the council secretary or his or her designee of the purported number of sheets and signatures filed.
- b. After the issuance of the receipt by the council secretary or his or her designee, no additional signature sheets in support of this petition shall be accepted by the council secretary or his or her designee.

(3) Handling. Petitions may be filed with the council secretary or his or her designee in numbered sections for convenience in handling.

(4) Number of signatures. Not more than 15 signatures on one sheet shall be counted.

- (5) Time limit. The council secretary or his or her designee shall not accept a petition after 185 days from the date in which the application for such petition was filed with the council secretary or his or her designee.
- (6) Processing of signature sheets.
  - a. Copies and transmittal.
    1. Governmental copies. Upon issuance of the receipt for signature sheets for an initiative, the council secretary or his or her designee shall immediately make two copies of all pages of signature sheets. One copy shall be kept in the secretary's office. The council secretary or his or her designee shall then deliver the original signature sheets and the second copy of the signature sheets to the office of membership services. The office of membership services shall use the second copy as a working copy, upon which he or she may annotate.
    2. Applicant copy. Applicant may request in writing that the council secretary or his or her designee make one copy of all pages submitted by the applicant.
    3. Public copies. If an enrolled Community member provides a written request to review the submitted petition, the council secretary shall provide a copy that has been redacted to provide only the name and signature of the petitioners.
  - b. Verification.
    1. Original sheets. The original signature sheets shall not be marked upon, altered, damaged, or destroyed by the council secretary or his or her designee or office of membership services.
    2. Verification Not Required. The verification process as described in this subsection (c) shall not be required when the submitted petition does not meet the minimum number of required signatures. The Council Secretary shall inform the applicant, the Community Development Department, the election board, and the Council, in writing that the signatures submitted, and even if all the submitted signatures were presumed valid, were insufficient and therefore the verification process was not necessary.
2. Disqualification. Within 15 days, excluding Saturdays, Sundays, and legal holidays, of the filing of a petition, signature sheets, and issuance of receipt, the office of membership services together with the election board shall determine which signatures of individuals shall be disqualified for any of the following reasons:
  - (i) No residence address or description of residence location is provided.
  - (ii) No mailing address is provided.
  - (iii) No date of signing is provided.
  - (iv) The signature and printed name are illegible and the signer is otherwise unidentifiable.
  - (v) The address provided is illegible or nonexistent.

- (vi) The individual was not at least 18 years of age or otherwise ineligible to vote on the date of signing the petition or affidavit.
- (vii) The signature was disqualified after comparison with the signature on file at the office of membership services.
- (viii) If a petitioner signed more than once, all but one otherwise valid signature shall be disqualified.
- (ix) Signatures in excess of the 15 signatures allowed per signature sheet.
- (x) Signatures obtained by a circulator who did not meet the requirements of this division within this Community Code of Ordinances.
- (xi) The individual was an eligible voter at the time of signing but was deceased or incarcerated at the time the signature sheets were filed.

**Sec. 3-121. Certification.**

- (a) No later than the end of the 15-day period the office of membership services together with the election board shall certify:
  - (1) The name of each individual, if any, whose signature was disqualified by the office of membership services and the election board together with the petition page and line number of the disqualified signature; and
  - (2) The total number of signatures transmitted to the office of membership services and the election board for verification and the total number of signatures disqualified.
- (b) If the office of membership services and the election board determine that at least over 50 signatures over the constitutionally required amount of signatures necessary to initiate an initiative election has been certified, and that disqualification and certification of the remaining amount of signatures is not necessary to initiate the initiative process, then the office of membership services and the election board may proceed without conducting the certification and verification process for the remaining signatures.

**Sec. 3-122. Return.**

During the same 15-day period the office of membership services shall return the originals and copies of signature sheets to the council secretary or his or her designee.

**Sec. 3-123. Disposition of petitions.**

- (a) Insufficient number of signatures. If the actual number of signatures on the remaining sheets after disqualifications is less than the minimum number required by the Constitution, then the council secretary or his or her designee shall provide written notice to the petitioner and the Community Council that an insufficient number of signatures were filed, including any necessary justification as to the disqualification of signatures, and that the petition is insufficient for purposes of an initiative election.

(b) Sufficient number of signatures. If the actual number of signatures on the remaining sheets after subtraction of any disqualified signatures equals or exceeds the minimum number required by the Community Constitution, then within 48 hours, excluding Saturdays, Sundays, and other legal holidays, after return of the signature sheets and the certification of the office of membership services and the election board, the council secretary or his or her designee shall:

- (1) Notify the applicant. Notify the applicant of the amount of the signatures deemed valid (and also the number of signatures that were deemed invalid) and then inform the applicant that the number of signatures is equal to or in excess of the minimum required by the Community Constitution to place call for an initiative election.
- (2) Return the original signature sheets to the person or organization that submitted them.
- (3) Notify the Community Council that a sufficient number of signatures were filed and that the Community Council is to take action in the manner provided by law.

### **Sec. 3-124. Recordkeeping.**

- (a) Length of recordkeeping. The council secretary or his or her designee shall retain the official filed recall or initiative petition for at least 185 days after the applicant's filing of such signed petition unless it is required for an appeal or other court matter. After 185 days from filing of the official petition or upon conclusion of any court process which ever is later, the council secretary or his or her designee shall properly discard of the original petition unless federal or tribal law requires the archiving of such petition.
- (b) Availability of petition for appeals hearings. The official filed recall or initiative petition shall be made available for any appeal hearing filed pursuant to section 3-84 or any other court matter which requires the petitions.

### **Sec. 3-125. Recall and initiative petition appeals.**

- (a) Actions subject to appeal. The following reasons given by the office of membership services and the election board for the disqualification of an individual signing an initiative or a recall petition are subject to appeal:
  - (1) The individual was not an eligible voter on the date of signing the petition; or
  - (2) The signature was disqualified after comparison with the signature on the affidavit of registration.
- (b) Appeals procedure.
  - (1) Election board.
    - a. Any enrolled member of the Community may apply, within ten calendar days after disqualified of their signature under Section 3-125(a), to the election board for reconsideration of the action.
    - b. The election board, in its discretion, may hold a hearing to take evidence and hear oral arguments. If there is more than one appeal, the election board may consolidate

the hearings. The election board's decision shall include detailed findings of fact, the basis of its decision, and its decision.

- c. If the election board finds that the disputed action was improper, the election board shall reverse the action. The standard of review by the election board shall be clear and convincing.
- d. Within 72 hours of the application for reconsideration, the election board shall state, in writing, the grounds for its decision and provide this writing and the supporting documentation to the enrolled member of the Community who appealed the action.
- e. The appellant shall immediately be notified by certified mail, personal service or both of the decision reached by the election board.
- f. The decision of the election board is final.
- g. The election board shall also provide Council with notice of their decision.

### **Sec. 3-126. Penalties.**

#### **(a) Generally.**

- (1) Any person or officer who violates section 3-126(b)(1) and (b)(2) shall be guilty of a criminal offense and, upon conviction, shall be subject to penalty as defined in section 3-152(1) or (4).
- (2) Any person or officer who violates section 3-126(b)(3) or (b)(4) shall be guilty of a civil violation and, upon a court determination, shall be subject to penalty as defined in section 3-152(2) through (4).

#### **(b) Unlawful acts.**

- (1) Signing petition for profit. Anyone who knowingly gives or receives money or any other thing of value for signing an initiative or recall petition is guilty of an offense.
- (2) Coercion or intimidation with respect to petitions. A person who knowingly coerces any other person by menace or threat, or threatens any other person to the effect that the other person will or may be injured in his or her business, or discharged from employment, or that he or she will not be employed, to sign or subscribe, or to refrain from signing or subscribing his or her name to an initiative or recall petition, or, after signing or subscribing his or her name, to have his or her name taken therefrom, is guilty of an offense.
- (3) Signing name other than own. A person knowingly signing any name other than his or her own to an initiative or recall petition, except in a circumstance where he or she signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his or her own name because of physical infirmity, is guilty of an offense.
- (4) Ineligible voter. A person who intentionally signs an initiative or recall petition, knowing that at the time of signing an initiative or recall petition he or she is not an eligible voter of the Community, is guilty of an offense.

**Sec. 3-127. Applicability of this division within this Community Code of Ordinances.**

This division within this Community Code of Ordinances shall be applicable to all initiative and recall efforts initiated after the effective date of July 25, 2007.

**Secs. 3-128—3-141. Reserved.**

**ARTICLE V. VIOLATIONS OF ELECTION PROCESS**

**Sec. 3-142. Purpose.**

The purpose of this article is to uphold and ensure the fairness and integrity of the Community election process.

**Sec. 3-143. Non-Partisan Government.**

Non-partisan government. It is the public policy of the Community that government programs be administered in an unbiased manner and without favoritism for or against any political candidate, party or group in order to promote public confidence in government, governmental integrity and the efficient delivery of governmental services and to ensure that all employees are free from any express or implied requirement or any political or other pressure of any kind to engage or not engage in any political campaigning activity. Toward this end, any person or entity charged with the interpretation of this article shall take into account the policy of this article and shall construe any of its provisions accordingly.

**Sec. 3-144. Campaign costs.**

Candidates and their supporters shall provide for the expenses of their own campaigns and events.

**Sec. 3-145. Applicability.**

This article shall apply to all Community elections overseen by the Community election board.

(Code 1981, § 3-12(b); Code 2012, § 3-12(b); Ord. No. SRO-313-06, 6-28-2006; Ord. No. SRO-402-2012, § 3-12(b), 5-30-2012)

**Sec. 3-146. Candidate forum responsibility.**

Candidate forums are the responsibility of the Community relations departments and these forums are not under the management or oversight of the election board.

**Sec. 3-147. Permissible conduct.**

The following acts are not considered to be violations of this article:

- (1) Providing transportation to the voting polls for any voter;
- (2) Providing food, campaign literature or items of nominal value at a political rally or gathering on any date preceding election day, so long as the rally is open to the public;
- (3) Providing food, campaign literature or items of nominal value at a designated political campaign demonstration area on the day of an election so long as such food or literature is open to all and is not forced upon or denied to any person;
- (4) Making any campaign promise that does not conflict with section 3-121(d), or violate any law of the Community; or
- (5) Use of Community buildings to hold campaign meetings or rallies, in accordance with tribal building and administrative procedures.

**Sec. 3-148. Violation of election process.**

It is a civil offense for any individual or group of individuals to knowingly attempt to circumvent any Community election or voting rule, requirement, regulation, procedure or law as set forth in this Community Code of Ordinances, regulations and/or election board guidelines or procedures.

**Sec. 3-149. Violations by actions of candidates or issue supporters.**

- (a) Coercion of voter/supporter. It is a civil offense to use or to threaten force, or request another person to use or threaten force, in order to influence any person's vote in any election, to prevent any person from voting in any election or to influence a person to sign an initiative or recall petition.
- (b) False statements/misrepresentation. It is a civil offense to knowingly by act or omission provide election board officials with false information that is relied upon to certify a candidate's eligibility to be a candidate in the Community election process.
- (c) Interference with or corruption of election official. It is a civil offense for any person to offer or give a bribe to any member of the election board, or to influence or attempt to influence any such officers in the performance of their official duties by means of force or threats or promises of any nature.
- (d) Bribery of voter. It is a civil offense to give or promise money, position of employment, business opportunity, or any other thing of value that exceeds \$10.00 to any person to vote or refrain from voting at any Community election or to vote or refrain from voting for any particular candidate or issue at any Community election for any of the following reasons:

- (1) For the purpose of influencing a person's vote;
  - (2) With the intent that any part of the money or thing of value be used for bribery in connection with an election; or
  - (3) Knowingly giving or promising as reimbursement for money or thing of value expended in whole or in part for bribery at any Community election.
- (e) Intimidation of Community member employees by employer. It is a civil offense for any employer to:
- (1) Threaten any employee with dismissal from employment, reduction of pay, loss of seniority, transfer, or less favorable working conditions, for the purpose of influencing the employee to vote or refrain from voting for any particular person or issue, in any Community election; or
  - (2) Prohibit or attempt to prohibit, limit or restrict the political activities of any Community member employee beyond the scope of applicable Community administrative policies, law or regulations.

For the purposes of this article, the term "employee" means any person, association of persons or agent of such person or persons who acts in a supervisory capacity, including but not limited to Community government officials, Community enterprise officials, independent contractors, corporation officials, or other business officials operating within the SRPMIC boundary employing one or more Community members or engaging their services under contract.

- (f) Campaigning in and around the workplace during Community business hours, except for Community schools. It is a civil offense for any person to solicit votes, signatures, campaign contributions or participate in election campaigning activities within and directly outside of any Community government, division or enterprise building which serves as a workplace during the business hours of that particular government department, division or enterprise.
- (g) Use of Community property for election campaigning. It shall be a civil offense for any person to use Community property, including but not limited to Community photocopiers, fax machines, computers, vehicles, and other property to advocate for or against a Community election candidate or a Community initiative campaign.
- (h) Campaigning in and around Community school buildings and campus. It is a civil offense for a person to solicit votes, signatures, campaign contributions or participate in election campaigning activities in or around a Community education building or school campus unless they are participating at an official Community administered election forum. This provision does not apply to student council election activities or other official school activities.

**Sec. 3-150. Violations by action of election officers.**

It is a civil offense for any member of the Community election board to knowingly and willfully fail or neglect any duty under any part of this article in any manner prescribed by this article or to accept any money or other thing of value from any candidate or from anyone acting or purporting to act on behalf of any candidate.

**Sec. 3-151. Violations by voters.**

It shall be a civil offense:

- (1) For any person who does not possess the qualifications for voter eligibility to knowingly vote in a Community election.
- (2) For any person to vote more than once in any Community election.
- (3) For any voter to knowingly vote in any district except the district to which the person has been assigned or declared and is officially recorded with the Community enrollment office.
- (4) For any person who is a member of any other tribe other than or in addition to the Community to vote in a Community election.
- (5) For any person to tamper with or alter in any way any election ballots, voting machines, tallies, voting materials, or any other compilations of summaries, or totals of voting results by destroying, defacing, writing on, changing marks or totals on any such ballots or voting materials or results.

**Sec. 3-152. Penalties.**

Civil penalties. Any person who is found guilty of a provision in this article maybe fined an amount not to exceed \$5,000.00 per civil offense.

**Sec. 3-153. Reported incidents.**

Any alleged violations of this article must be reported to either the election board or the Community police department for investigation as soon as reasonably possible.

**Sec. 3-154. Violators prohibited from holding office.**

Any person who has been elected, upon having been found to violate a provision of this article, shall be immediately removed from his or her elected office pursuant to article IX, section 1 of the Community Constitution.

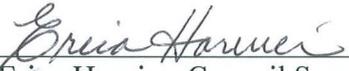
C E R T I F I C A T I O N

This Ordinance is hereby enacted pursuant to the authority contained in Article VII, Section 1 of the Constitution of the Salt River Pima-Maricopa Indian Community ratified by the Tribe, February 28, 1990, and approved by the Secretary of the Interior, March 19, 1990, and amended by the Tribe, February 27, 1996, and approved by the Secretary April 23, 1996, the foregoing Ordinance was adopted this 11<sup>th</sup> day of May, 2016, in a duly called meeting held by the Community Council in Salt River, Arizona at which a quorum of 9 members were present by a vote of 9 for; 0 opposed, 0 abstentions, and 0 excused.

**SALT RIVER PIMA-MARICOPA  
INDIAN COMMUNITY COUNCIL**

  
Delbert W. Ray, Sr., President

ATTEST:

  
Erica Harvier, Council Secretary

Approved as to Form by the  
Office of the General Counsel  
Theresa Rosier  
April 18, 2016  
