

TRIBAL COUNCIL ACT 2.5

**AN ACT RELATING TO AMENDMENTS OF THE
CONSTITUTION OF THE SNOQUALMIE TRIBE OF INDIANS
BE IT ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL**

SECTION 1.0 – TITLE AND CODIFICATION

This Chapter will be known as the Snoqualmie Tribal Constitutional Amendment Act and will be codified as Title 2, Chapter 5 of the Snoqualmie Tribal Code.

SECTION 2.0 – STATUTORY AUTHORIZATION

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

SECTION 3.0 – PURPOSE AND FINDINGS OF FACT

The purpose of this Chapter is to establish fair and uniform policies and procedures for the conduct and management of Amendments to the Constitution of the Snoqualmie Tribe of Indians. The Snoqualmie Tribal Council finds as a matter of tribal public policy that the objectives of this act are to ensure that all Constitutional Amendments are:

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

SECTION 4.0 – DEFINITIONS

In this Chapter, the following words and terms will have the following meanings, unless the context otherwise requires:

AMENDMENT means a change, revision, or addition to a law, in accordance with Article XVI of the Constitution.

CONSTITUTION means the Constitution of the Snoqualmie Tribe of Indians which was republished on the 28th day of September 2023, or the most current version of the Constitution as approved by the General Council and published.

CONSTITUTIONAL AMENDMENT COMMITTEE (“CAC” OR “COMMITTEE”) means a five-person committee duly appointed by the Snoqualmie Tribal Council in accordance with the Constitution and this Chapter. The CAC is further defined as outlined in Section 5.1 below.

CONSTITUTIONAL AMENDMENT BOARD means a five-person board duly appointed by the Snoqualmie Tribal Council in accordance with the Constitution and this Chapter. The Constitutional Amendment Board shall assist the Secretary of Tribal Affairs in conducting Constitutional Amendment votes, in accordance with the Constitution and this Chapter.

FOCUS FORUM means a gathering of adult enrolled Snoqualmie Tribal Members with the purpose of reading, reviewing, and discussing the Committee’s proposed Constitutional Amendment language. There is no official voting at Focus Forums.

GENERAL COUNCIL is defined as all members of the Snoqualmie Indian Tribe, age eighteen years and older.

IMMEDIATE FAMILY is defined as father, mother, son, daughter, husband, wife, partner, brother, sister, granddaughter, grandson, legal dependent, or any other person in a similar relationship living in the home of an official or employee.

INDEPENDENT THIRD-PARTY ADMINISTRATOR means a third-party independent business/organization contracted by the Snoqualmie Tribal Council to conduct voting in accordance with this Act under the supervision of the Secretary of Tribal Affairs or, in the Secretary's absence, the Deputy Secretary.

QUORUM is defined in accordance with Article III Section 3 (e) of the Constitution.

RATIFY means at a duly called General Council Meeting called for that purpose, the General Council shall vote on amendment(s) to the Constitution. If the amendment(s) receive two-thirds of votes in favor of the amendment, it is then ratified and becomes established as a part of the Constitution and takes effect immediately. If the amendment(s) receives less than a two-thirds vote, then the amendment(s) fails.

SECRETARY OF TRIBAL AFFAIRS is defined in accordance with Article IX of the Constitution of the Snoqualmie Tribe of Indians.

SNOQUALMIE INDIAN TRIBE (“TRIBE”) refers to the legal name of the federally recognized Tribe.

TRIBAL COUNCIL means the duly elected governing body of the Snoqualmie Indian Tribe.

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

SECTION 5.0 – ROLES AND RESPONSIBILITIES OF THE COMMITTEE, TRIBAL COUNCIL, GENERAL COUNCIL, AND LEGAL

5.1 – THE CONSTITUTIONAL AMENDMENT COMMITTEE

The Tribal Council will appoint a Constitutional Amendment Committee consisting of five (5) Tribal members who represent the five major families (one from each of the Davis-Monohan, Forgue-Louie, Kanim, Moses, and Zackuse families) and who are not presently members of the Tribal Council. The Committee has the responsibility of gathering and

processing suggestions from the General Council pertaining to potential Constitutional Amendments and providing proposed Constitutional Amendment language to the General Council for approval, while ensuring strict compliance with the provisions of the Constitution and this Chapter.

The Committee has been granted the authority, by a majority vote of the Tribal Council, to send correspondence directly to the General Council, without Tribal Council and/or the Secretary of Tribal Affairs approval. The Committee also has the authority to carry out all administrative duties for hosting Focus Forums of the General Council. The Committee shall, for record keeping purposes only, provide the Secretary of Tribal Affairs copies of all correspondence sent to the General Council, at the time of correspondence.

5.2 – THE SNOQUALMIE TRIBAL COUNCIL

Article VIII, Section 1(j) of the Constitution grants the Tribal Council the authority to enact and enforce the laws of the Tribe.

i. Duties of the Secretary of Tribal Affairs

As provided in Article IX, Section 1(a) of the Constitution, the Secretary of Tribal Affairs is responsible for the administration of Constitutional Amendment vote pursuant to the Constitution and this Chapter.

ii. Constitutional Amendment Board

At least 30 days prior to a Constitutional Amendment vote, the Secretary of Tribal Affairs shall recommend five (5) persons to the Tribal Council to form a Constitutional Amendment Board to assist the Secretary of Tribal Affairs with the conduct and management of the Constitutional Amendment vote. The Secretary of Tribal Affairs shall serve as the Chairperson of the Constitutional Amendment Board. At least two (2) of the Constitutional Amendment Board Members appointed shall be non-Tribal Members who are not the immediate family of any Tribal Members. The remaining Members of the Constitutional Amendment Board may be Tribal Members. The Constitutional Amendment Board shall be dissolved within 30 days of the Constitutional Amendment Vote.

iii. Independent Third-Party Administrator

The Secretary of Tribal Affairs may substitute, subject to Tribal Council approval, the Constitutional Amendment Board as outlined in Section 5.2 (ii) with an Independent Third-Party Administrator.

5.3 – THE SNOQUALMIE GENERAL COUNCIL

As outlined in Articles XVI and XVII of the Constitution, the General Council has the authority to amend and ratify the Constitution by a two-thirds majority vote.

5.4 – LEGAL OPINION AND RECOMMENDATIONS

At the sole discretion of the Tribal Council, legal counsel may be directed to review and provide recommendations for the Constitutional Amendment Proposal prior to the official vote.

SECTION 6.0 – AMENDMENTS TO THE CONSTITUTION

6.1 – INITIATION OF THE CONSTITUTIONAL AMENDMENT PROCESS

At the direction of the General Council, the Committee compiles questions, concerns, and recommendations regarding proposed amendments to the Constitution from members of the General Council. The Tribal Council shall serve the best interests of the General Council, when providing specific direction on Constitutional Amendments to the Committee.

6.2 – CONSTITUTIONAL AMENDMENT PROPOSALS

With consideration of General Council feedback, the Committee will produce proposal(s) of Constitutional Amendment language. At the Committee’s discretion, the Committee may host a series of Focus Forums to further the development of the proposed Constitutional Amendment language.

6.3 – CONSTITUTIONAL AMENDMENT VOTES

The Constitution may be amended or revised by a two-thirds (2/3) vote of eligible voters of the Tribe present and voting at a Special General Council Meeting called for that purpose, provided that at least ten percent (10%) of eligible voters shall vote in the meeting. At least thirty days prior to a Constitutional Amendment vote, the final proposal of Constitutional Amendment language shall be provided to the General Council. The final proposal shall be the exact verbiage the General Council considers in the Special General Council Meeting. The day of the vote, the Committee will present the final proposal to the General Council, prior to the opening of the official meeting.

SECTION 7.0 – ELIGIBILITY TO VOTE

- (a) Members of the General Council age 18 years or older, who are present at the appointed time and place of the meeting, shall be permitted to vote.
- (b) Every voter must present photo identification that establishes their identity before being permitted to vote. It is the responsibility of the Snoqualmie Tribal Member to obtain photo identification in advance of the meeting in order to vote.

SECTION 8.0 – QUORUM REQUIREMENT

A quorum for conducting business at any General Council Meeting shall be ten percent (10%) of the Tribal Members eligible to vote on the first day of each calendar year. The Snoqualmie Tribe Enrollment Department shall, on the first working day of each calendar year, make all calculations necessary to establish the number representing the ten percent (10%) of Tribal Members eligible to vote on the first working day of each calendar year

and immediately publish both the number and the method of calculation. The person presiding over the meeting shall first determine on the record that a quorum is present before making a declaration that the called meeting is official for the purpose called.

SECTION 9.0 – SECRET BALLOT VOTING

Voting must be conducted by secret ballot, which may be implemented:

- (a) By secret paper ballots distributed and collected by the Secretary of Tribal Affairs and the Constitutional Amendment Board; or
- (b) By the means and in the manner announced by an Independent Third-Party Administrator selected by the Secretary of Tribal Affairs to substitute for the Constitutional Amendment Board and conduct the vote, which may include, without limitation, electronic voting stations; or
- (c) By an electronic voting system selected by the Tribal Council and administered by the Secretary of Tribal Affairs and the Constitutional Amendment Board;
- (d) By vote-by-mail during times of a State of Emergency as declared by the Tribal Council as provided for in Section 10.0.

SECTION 10.0 – VOTE-BY-MAIL

- (a) Vote-by-mail (or absentee voting) shall only occur when a vote of the General Council is required but should not be held in person due to a State of Emergency as declared by the Tribal Council.
- (b) An Independent Third-Party Administrator may be retained by the Secretary of Tribal Affairs to conduct the vote in accordance with an agreement executed between the Third-Party Administrator and the Secretary of Tribal Affairs.
- (c) The Secretary of Tribal Affairs shall provide the Independent Third-Party Administrator with a list of all eligible voters and their known mailing addresses. The Independent Third-Party Administrator shall automatically mail to each eligible voter a ballot. Documents to be included with the ballot are as follows: (1) the ballot; (2) a statement for the voter to sign under penalty of perjury and date that they are eligible to vote and have voted only once; and (3) an inner envelope bearing on the outside the words “Absentee Ballot” and a specially assigned tracking number which is pre-addressed and self-stamped with pre-paid postage.
 - i. Eligible voters who are unable to sign the statement may have a person aged 18 years or older sign and date the statement on the person’s behalf.
- (d) The Independent Third-Party Administrator shall mail the ballot to eligible voters no later than twenty-one (21) days before the scheduled vote date. Eligible voters who do not receive their ballots by fourteen (14) days before the scheduled vote date must contact the Independent Third-Party Administrator to indicate that the ballot was lost to request a new ballot.
- (e) All ballots must be post-marked by 5 p.m. Pacific Time on the scheduled vote date.

- (f) Ballots will not be counted if any of the following occurs: (1) the ballot is not post-marked by the deadline; (2) the ballot statement is not signed; (3) the ballot statement is not dated; (4) the ballot envelope is open or appears to have been tampered with when it arrives; or (5) the ballot arrives after the date set for tabulation of votes. All such ballots shall be declared invalid.
- (g) The ballot envelopes will be collected and maintained by the Independent Third-Party Administrator in a secure place and manner, and not opened until the date and time set for the tabulation of votes.
- (h) The Independent Third-Party Administrator shall open the ballots and begin the tabulation of votes no sooner than five (5) business days after vote date to allow time for ballots to be delivered by U.S. Mail. When opening the ballots, the Independent Third-Party Administrator shall use the tracking number on each ballot envelope to maintain a log that shows which ballots were returned in order to establish a quorum. The Independent Third-Party Administrator shall not record the name of the voter or the vote in the log in order to ensure secret ballot voting. If a ballot is not counted in accordance with Section 10(e), the Independent Third-Party Administrator shall indicate that the ballot was not counted in the log.
- (i) The Independent Third-Party Administrator shall count votes by having one person read the vote, one person verify the vote, one person tabulate the votes, and one person to collect the ballot after it has been counted and to place it in an envelope to be sealed with the final vote tally at the conclusion of the tabulation process.
- (j) The Independent Third-Party Administrator will generate for the record a report displaying the individual, anonymized votes, as well as the aggregate vote count and will provide the report to the Secretary of Tribal Affairs as soon as possible. The Secretary of Tribal Affairs will announce the vote count on the Tribe's website, letter, and via social media as warranted by no later than 5 p.m. on the date set for tabulation of votes. The vote will then be certified in accordance with Section 11.
- (k) The Secretary shall maintain all ballots and envelopes through at least the conclusion of the vote challenge period in Section 14.

SECTION 11.0 – TABULATION OF VOTES

- (a) Ballots will be collected by the Secretary of Tribal Affairs and the Constitutional Amendment Board. The presiding officer in the meeting will make an announcement prior to closing the voting giving one final opportunity for eligible voting members to submit ballots.
- (b) In the event the Constitutional Amendment Board and paper ballots are used for the vote, the Constitutional Amendment Board as directed by the Secretary of Tribal Affairs distributes and collects the secret ballots. One member reads the names on the secret ballots out loud, one member verifies the name read, one member tabulates the votes, and

one member collects the secret ballot after it has been counted and places it in an envelope to be sealed with the final vote tally at the conclusion of the tabulation process.

- (c) In the event an Independent Third-Party Administrator is used for the vote, the Independent Third-Party Administrator shall announce the means and manner of tabulating votes.
- (d) In the event an electronic voting system administered by the Constitutional Amendment Board is used for the vote, the Constitutional Amendment Board; as directed by the Secretary of Tribal Affairs, will administer the voting software, and distribute and collect any components of the electronic voting system necessary for eligible voters to cast votes, which may include keypads or other items or information. When voting is closed, the Constitutional Amendment Board will display the aggregate vote counts. The Secretary of Tribal Affairs will then generate for the record a report displaying the individual, anonymized votes, as well as the aggregate vote counts.

Determining two-thirds vote according to Robert's Rules of Order: two-thirds vote requires two-thirds of those voting to approve an amendment by voting "yes". To determine the two-thirds vote, take the total number of votes cast, excluding those who choose to abstain, divide by three, and then multiply by two. If the actual vote count of "yes" reaches the number calculated by using the above method, then the amendment passes by a two-thirds majority. If the actual vote count of "yes" is less than the number calculated by using the above method, then the amendment fails.

SECTION 12.0 – CERTIFICATION OF AMENDMENTS

The Constitution shall be effective from the date of ratification when ratified by a two-thirds (2/3) vote of eligible voters of the Snoqualmie Indian Tribe present and voting at a called meeting of the General Council of all tribal members, provided that at least ten percent (10%) of eligible voters shall vote in the meeting.

- (a) After the tabulation of votes, the Secretary of Tribal Affairs must certify the vote by formally informing the presiding officer of the results. The Secretary of Tribal Affairs then seals the tabulation and associated work papers with the actual ballots cast, or with appropriate reports indicating the ballots cast if using an Independent Third-Party Administrator, for record keeping with the Office of the Secretary of Tribal Affairs. If using an electronic voting system; (1) an official report will be generated; (2) will be printed to be presented to the presiding officer; (3) signed and timestamped by the presiding officer; and (4) the report generated by the electronic voting system will be maintained in its original format.
- (b) The presiding officer announces the results to the General Council.

- (c) After the close of the 72-hour challenge window, as outline in Section 14.0 below, the seated Constitutional Amendment Board will generate a final report, which the Tribal Council shall approve, and will be mailed out to Tribal Members.

SECTION 13.0 – FAILED AMENDMENTS

A proposed amendment that fails to receive a two-thirds majority vote in favor may be further addressed by the Committee, especially where there is direction from the General Council and/or the Tribal Council to propose amended language for a future vote. When a proposed amendment fails, the Committee will collect information regarding reasons for not reaching the two-thirds majority vote and any suggested language for future votes.

SECTION 14.0 – CONSTITUTIONAL AMENDMENT VOTE CHALLENGES/DISPUTES

- (a) The results of a duly called Constitutional Amendment vote may not be challenged.
- (b) Any eligible voting member who participated by vote in the Constitutional Amendment Vote has seventy-two (72) hours from the time of the announcement of the results by the presiding officer to challenge only the manner in which the vote was conducted. Challenges must be submitted in writing to the Secretary of Tribal Affairs and must include the alleged conduct in question.
- (c) If a vote challenge is received by the Secretary of Tribal Affairs within the given timeframe, the challenge will be processed as follows: (1) if there is a seated Constitutional Amendment Board, the Constitutional Amendment Board shall review the challenge and provide a recommendation to the Council; or (2) if there is not a seated Constitutional Amendment Board, all vote shall be reviewed by the Tribal Council.
- (d) The Secretary of Tribal Affairs shall present any recommendation from the Constitutional Amendment Board or the challenge itself to the Tribal Council at the next regularly scheduled Tribal Council meeting. The Tribal Council shall be the final determinant on the validity of the challenge, and there is no appeal to Tribal Court. The Tribal Council will, by majority vote, decide whether to: (1) reject the challenge and validate the vote; or (2) conduct a new vote.

SECTION 15.0 – DISTRIBUTION OF THIS CHAPTER

To prevent confusion, the Snoqualmie Tribal Constitutional Amendment Act shall always be distributed as a current and conformed document. Such distribution shall not prohibit members or other authorized persons from examining the legislative history of this Chapter.

SECTION 16.0 – AMENDMENTS

The Tribal Council may amend this Chapter by a majority vote, provided a quorum is present. This Chapter supersedes and replaces any and all prior ordinances of the Tribe relating to the subject matter of this Chapter.

SECTION 17.0—NO WAIVER OF SOVEREIGN IMMUNITY

Nothing in this Chapter waives or may be interpreted to waive the sovereign immunity of the Tribe or any of its officers, employees, or agents acting within the scope of their authority.

ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 2ND DAY OF MAY, 2024 IN SESSSION DULY MET, WITH 5 FOR, 2 AGAINST, AND 0 ABSTAINING, TRIBAL COUNCIL ACT 2.5. RESOLUTION NO. 94-2024.

CODIFIED AS AMENDED BY THE TRIBAL SECRETARY ON THE 2ND DAY OF MAY, 2024.



TRIBAL SECRETARY, SHAUNA SHIPP-MARTINEZ