

## **TRIBAL COUNCIL ACT 2.2**

### **AN ACT RELATING TO SNOQUALMIE TRIBAL COUNCIL ELECTIONS**

#### **BE IT ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL**

#### **SECTION 1.0—TITLE AND CODIFICATION**

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

#### **SECTION 2.0—STATUTORY AUTHORIZATION**

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

#### **SECTION 3.0—PURPOSE AND FINDINGS OF FACT**

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

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

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

#### **SECTION 4.0—DEFINITIONS**

In this Chapter, unless the context otherwise requires:

**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.

**ELECTION** means a formal and organized choice by vote of a person for a Tribal Council position, according to Article IV of the Constitution.

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

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

**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 date 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.

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

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

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

#### **SECTION 5.0—DUTIES OF THE SECRETARY OF TRIBAL AFFAIRS; ELECTION BOARD**

- (a) As provided in Article IX, Section 1(a) of the Snoqualmie Tribal Constitution, the Secretary of Tribal Affairs is responsible for the administration of Tribal elections pursuant to the Snoqualmie Tribal Constitution and this Chapter.
- (b) At least 30 days prior to the annual Election, the Secretary of Tribal Affairs shall recommend five (5) persons to the Tribal Council to form an Election Board to assist the Secretary of Tribal Affairs with the conduct and management of the annual election. The Secretary of Tribal Affairs shall serve as the Chairperson of the Election Board. At least two (2) of the Election Board members recommended shall be non-Tribal members who are not the immediate family of any Tribal members. The remaining members of the Election Board may be Tribal members.
- (c) The Secretary of Tribal Affairs may substitute the Election Board as outlined in Section 5.0 (b) with an Independent Third-Party Elections Administrator.

#### **SECTION 6.0—ELIGIBILITY TO VOTE**

- (a) Members of the General Council age 18 years or older, who are present at the appointed time and place of elections, 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 Elections in order to vote.

#### **SECTION 7.0—TRIBAL MEMBERS ELIGIBLE TO HOLD OFFICE**

- (a) No person shall be a candidate for Tribal Council or Tribal Chairperson unless he or she has been a member of the Snoqualmie Indian Tribe for not less than five years and shall be at least twenty-one years of age at the time of the election.
- (b) All candidates for Chairperson must also have served at least one full term on Tribal Council in his/her lifetime.
- (c) All candidates must pass a background check and drug screening in order to run for office.
  - (i) To pass a background check means a candidate has not been convicted of any felony, or a misdemeanor involving controlled substances or dishonesty, in any Indian, State, or Federal Court, within seven (7) years of the date of election.
  - (ii) To pass a drug screening means a candidate must receive negative results for amphetamines, cocaine, opiates, phencyclidine (PCP), barbiturates, benzodiazepines, ethanol (alcohol), hydrocodone, MDMA, methadone, methaqualone, and propoxyphene; using current drug screening technologies.

Prior to the drug screening, all candidates must disclose a list of all medication recently taken and any medical conditions they have, which may be verified by a doctor. Failure to disclose this information prior to the drug screening may result in a false positive and may require retesting and/or medical documentation to be provided.

Retesting may occur in the instance that an insufficient sample cannot be collected during the original appointment.

- (d) No more than two related persons residing in the same household may be elected to serve on the Tribal Council during the same year.
- (c) No honorary or adopted members may ever hold elected office.

#### **SECTION 8.0—ANNUAL MEETING OF THE GENERAL COUNCIL; ELECTION**

The Annual Meeting of the General Council shall be held in May. The purpose of the Annual Meeting of the General Council shall be to elect members of the Tribal Council.

#### **SECTION 9.0- CANDIDATE DECLARATION TO RUN FOR OFFICE**

- (a) Before the Annual Meeting of the General Council, the Secretary of Tribal Affairs must send a Declaration of Intent to Run for Office form and background check authorization form shall be made available to Tribal Members. These forms must be made available no later than seventy-five (75) days before the election.
- (b) Tribal Members who intend to declare their candidacy for Tribal office must complete and submit the Declaration of Intent to Run for Office form and background check authorization form by submitting it to the Secretary of Tribal Affairs. The Declaration of Intent to Run for Office form and background check authorization form must be submitted to the Secretary at least forty-five (45) days before the election.
- (c) The Secretary of Tribal Affairs shall transmit the list of eligible candidates to the eligible voters of the Snoqualmie membership.
- (d) To be an eligible candidate, a prospective candidate must meet the eligibility requirements of the Tribal Constitution and this Chapter and must be physically present at the election for the office for which the candidate is running to accept the nomination.

#### **SECTION 10.0—NOMINATIONS**

- (a) The presiding officer may announce the list of candidates as published by the Secretary of Tribal Affairs and, with no objections, the list may be accepted, and nominations closed.
- (b) In the event of an objection, nominations for each office may be made from the floor by eligible Tribal voters, provided that only candidates that have properly filed a Declaration of Intent to Run for Office form and background check authorization form with the Secretary of Tribal Affairs pursuant to Section 9 may be nominated. All nominations require a second to be valid.
- (c) Nominations may not be closed unless or until the presiding officer at the Annual Meeting of the General Council specifically asks if there are any additional nominations from the list of eligible candidates. If all the eligible candidates have been nominated, then nominations are automatically closed.

#### **SECTION 11.0—QUORUM REQUIREMENT FOR A MEETING OF THE GENERAL COUNCIL**

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 12.0—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 Election Board;
- (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 Election Board and conduct the election, which may include, without limitation, electronic voting stations;
- (c) By an electronic voting system selected by the Tribal Council and administered by the Secretary of Tribal Affairs and the Election Board; or
- (d) By vote-by-mail during times of a State of Emergency as declared by the Tribal Council as provided for in Section 13.

## **SECTION 13.0—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 substitute for the Election Board and conduct the election in accordance with an agreement executed between the Third-Party Administrator and the Secretary of Tribal Affairs; or
- (c) The Secretary of Tribal Affairs 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 Secretary of Tribal Affairs 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 Secretary of Tribal Affairs 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 Secretary of Tribal Affairs' office in a secure place and manner, and not opened until the date and time set for the tabulation of votes.
- (h) The Secretary of Tribal Affairs 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 Secretary of Tribal Affairs 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 Secretary of Tribal Affairs 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 16(e), the Secretary of Tribal Affairs shall indicate that the ballot was not counted in the log.
- (i) The Secretary of Tribal Affairs 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 Secretary of Tribal Affairs will generate for the record a report displaying the individual, anonymized votes, as well as the aggregate vote count and 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 18.
- (k) The Secretary shall maintain all ballots and envelopes through at least the conclusion of the election challenge period in Section 19.

#### **SECTION 14.0—TABULATION OF VOTES**

- (a) Ballots will be collected by the Secretary of Tribal Affairs and the Election 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 Election Board and paper ballots are used for the election, the Election 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 Election, 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 Election Board is used for the election, the Election 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 Election 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.

- (e) In the event of a tie vote, a run-off election between the two tied candidates will be held immediately.

#### **SECTION 15.0—CERTIFICATION OF ELECTION**

- a) After the tabulation of votes, the Secretary of Tribal Affairs must certify the election by formally informing the presiding officer 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 Elections Administrator, for record keeping with the Office of the Secretary of Tribal Affairs.
- b) The presiding officer announces the results to the General Council.

#### **SECTION 16.0—ELECTION CHALLENGES/DISPUTES**

- (a) Any eligible voting member who participates by vote in the Tribal Council Election has seventy-two (72) hours from the time of the announcement of the results by the presiding officer to challenge the results or the manner in which the Elections were conducted. The challenges must be submitted in writing to the Secretary of Tribal Affairs.
- (b) If an election challenge is received by the Secretary of Tribal Affairs within the given timeframe, the following must proceed: (1) if there is a seated Election Board, the Election Board shall review the election challenge and provide a recommendation to the Tribal Council; or (2) if there is not a seated Election Board, all election challenges shall be reviewed by the Tribal Council.
- (c) The Secretary of Tribal Affairs shall present any recommendation from the Election Board 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 election challenges and whether to conduct a new election or to validate the election and proceed with the seating of the individuals elected by majority vote.
- (d) All newly elected Tribal Council Members must recuse themselves from the vote on election challenges.
- (e) Nothing in this Section shall apply to a Constitutional Amendment Election.

#### **SECTION 17.0—OATH OF OFFICE**

- (a) Upon certification of the Election, the elected persons must take the Oath of Office.

(b) The Oath of Office for elected Snoqualmie Tribal Officials shall be as follows:

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

(c) Upon taking the Oath of Office, the elected person(s) officially and immediately assumes their position and shall sign a Confidentiality Agreement.

(d) Any non-re-elected person(s) shall receive their Chairperson Stipend, Council Stipend or Alternate Stipend until the end of the month in which elections were held.

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

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

**FURTHER AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 2<sup>ND</sup> DAY OF APRIL, 2009 IN SESSION DULY MET. NO. 69-09.**

**FURTHER AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 15<sup>TH</sup> DAY OF JUNE, 2012 IN SESSION DULY MET WITH 7 FOR, 0 AGAINST, AND 0 ABSTAINING. RESOLUTION NO. 75-2012.**

**FURTHER AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 10<sup>TH</sup> DAY OF MAY, 2013 IN SESSION DULY MET WITH 7 FOR, 0 AGAINST, AND 0 ABSTAINING. RESOLUTION NO. 90-2013.**

**FURTHER AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 12<sup>TH</sup> DAY OF FEBRUARY, 2015 IN SESSION DULY MET WITH 7 FOR, 0 AGAINST, AND 0 ABSTAINING. RESOLUTION NO. 29-2015.**

**FURTHER AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 21<sup>ST</sup> DAY OF FEBRUARY, 2019 IN SESSION DULY MET WITH 5 FOR, 0 AGAINST, 1 ABSTAINING. RESOLUTION NO. 39-2019.**

**FURTHER AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 6<sup>TH</sup> DAY OF FEBRUARY, 2020 IN SESSION DULY MET WITH 5 FOR, 0 AGAINST, 2 ABSTAINING. RESOLUTION NO. 22-2020.**

**FURTHER AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 25<sup>TH</sup> DAY OF JUNE, 2020 IN SESSION DULY MET WITH 5 FOR, 2 AGAINST, AND 0 ABSTAINING. RESOLUTION NO. 122-2020.**



**FURTHER AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 5<sup>TH</sup> DAY OF AUGUST, 2021 IN A SESSION DULY MET WITH 7 FOR, 0 AGAINST, AND 2 ABSTAINING. RESOLUTION NO. 181-2021.**

**FURTHER AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 25<sup>TH</sup> DAY OF JANUARY, 2024 IN A SESSION DULY MET WITH 5 FOR, 0 AGAINST, AND 0 ABSTAINING. RESOLUTION NO. 17-2024.**

**CODIFIED AS AMENDED BY THE TRIBAL SECRETARY ON THE 25<sup>th</sup> DAY OF JANUARY, 2024.**

  
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TRIBAL SECRETARY, SHAUNA SHIPP-MARTINEZ