TITLE 7- ENROLLMENT, COMMITTEES, ELECTIONS AND REFERENDUMS

CHAPTER 7-3 ELECTIONS

GENERAL PROVISIONS

7-3-1 Purpose and Authority

The purpose of this Chapter 7-3 is to set forth the regulations and procedures applicable to all tribal government elections, including provisions for the process of conducting elections as required by CLUSI Const. Art. VIII, Sections 1 through 5.

7-3-2 Election Board

The Election Board is the body responsible for the conduct of all elections defined by this Chapter 7-3.

(a) Membership

(1) The Election Board shall be composed of either five (5) or seven (7) enrolled Tribal members. All appointees shall be at least eighteen (18) years of age as of the date of appointment to the Election Board.

(2) Tribal members may apply for membership on the Election Board by filling out a Letter of Interest form and providing it to the Chief Executive Officer. Letters of Interest forms will be kept on file for one (1) year from the date of submission.

(3) The Tribal Council shall make all appointments and removals from the Election Board, with the approval of Tribal Council.

(4) At the first meeting of the Election Board each calendar year, the Election Board shall elect from within its membership a Chairperson and a Vice Chairperson.

(b) Terms of service

(1) Election Board members serve a term of four (4) calendar years. At the discretion of the Tribal Council, an Election Board member may continue to serve after the expiration of the member's term until the member's position has been filled.

(2) The terms of incumbent Election Board members will be staggered per 7-5-5 section c of the General Committee Code 7-5.

(3) Election Board members must apply in order to be reappointed. Election Board members may not serve more than two consecutive terms, unless the Tribal Council concludes that circumstances warrant appointing a member for additional consecutive terms.

(4) At the conclusion of an Election Board member's service for whatever reason, the Election Board member shall deliver to the Election Board Chairperson all documents or other items in the Election Board member's possession that were obtained in connection with their service on the Election Board.

(c) Qualifications of Membership

In appointing Election Board members, the Tribal Council Chairperson may consider the following criteria, in addition to any other criteria the Tribal Council deems relevant: Whether the applicant

(1) Is an enrolled Tribal member;

(2) Demonstrates skills and ability relevant to the Election Board's work;

(3) Possesses relevant education, training, or work experience;

(4) Represents a particular constituency of the Tribes;

(5) Brings perspective or experience that will contribute to the work of the Election Board; and

(6) Demonstrates commitment to the Election Board's work through regular attendance at meetings and active participation.

(d) Duties and Responsibilities

(1) The Tribal Constitution states that the Election Board shall through ordinance: "Regulate campaign activities, election procedures, voting tabulations, and candidate certification. The board shall adopt regulations, which shall be effective upon ratification by the tribal council. Such regulations shall not be amended within sixty (60) days of any tribal council election." CLUSI Const. Art. VIII, Section 4(b).

(2) It is the duty and responsibility of the Election Board to ensure that the rules and regulations set forth in the CLUSITC Chapter 7-3 are complied with, and to immediately bring to the attention of Tribal Council, via electronic communication any non-compliance or election process challenges that the Election Board may need assistance with.

(e) Election Board Meetings

(1) The Election Board shall meet quarterly each year in the months of January, April, August and November, or more often if needed. During a Tribal Council Election Process, meetings will be required in February and March. All meetings shall be held during the first week of each month.

(2) At least one (1) Annual Meeting will be hosted by the Board to seek input from the General Membership.

(3) Prior to any election, the Election Board shall meet in a timely manner as often as is required to ensure that the process for any election meets deadlines, is done in an orderly manner and follows regulations.

(4) The Tribal Council may request the Election Board to meet at any time, with reasonable notice.

(5) The Election Board Chairperson or acting Chairperson may call an Election Board meeting.

(6) Election Board members shall attend all Election Board meetings unless they give reasonable written or verbal notice of the absence to the Election Board Chairperson prior to the meeting. More than three unexcused absences may be grounds for removal.

(7) The meetings of each Election Board meeting shall be recorded by the Election Clerk or a person designated by the Election Clerk; The written minutes shall be made available to Tribal Council. In addition, at the request of the Tribal Council Chairperson, the Election Board Chairperson or Vice Chairperson shall report to Tribal Council on its activities.

(f) Confidentiality Statement

Election Board members must sign a confidentiality statement in the form provided by the Tribes before they may take the oath of office.

(g) Oath of Office

Election Board members shall assume their duties and obligations under this Code upon written appointment by the Tribal Council. At the next scheduled Tribal Council meeting following the written appointment, the Tribal Chief shall administer a Ceremonial Oath of Office to each Election Board member. The Oath shall be as follows:

"I (name), do solemnly swear that I will uphold the Constitution and laws of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians of Oregon, that I will serve the Tribes to the best of my ability, that I will work for the entire membership of the Tribes, that I will carry out the directions of the Tribal Council, and that I will declare when a conflict of interest could affect the performance of my duties on behalf of the Tribes."

(h) Vacancies

(1) Any vacancy shall be filled by appointment by the Tribal Council by Resolution, for the duration for the unexpired term within sixty (60) days of the date the vacancy occurred.

(2) Vacancies occur upon expiration of an Election Board member's term, or when an Election Board member resigns for any reason, is removed or has unexcused absences from three (3) consecutive meetings.

(3) No changes to the current board shall be made during any Election process. In the event of an emergency and inability to have a quorum emergency appointment by the Tribal Council shall be made.

(i) Voting

(1) Each Election Board member shall have one (1) vote on each matter. The Election Clerk and/or office staff shall be available as advisors to the Election Board in a non-voting capacity, other individuals may be invited, upon the majority vote of the Election Board prior to any Election Board meeting to provide additional information or support as necessary.

(2) Election Board members must be present to vote. No proxies will be permitted. An Election Board member attending by telephone, video, internet connection or other means of live communication is considered present at the meeting.

(j) Quorum

A majority of the Election board members must be present to constitute a quorum. An Election Board member attending by telephone, video, internet connection, or other means of live communication is considered present at the meeting. Election Board action is valid only when a quorum exists.

(k) Conflicts of Interest

Election Board members will adhere to the same conflicts of interest policies as are applicable to the Tribal Council. Any Election Board member who chooses to participate as a candidate in any Election during their term must disclose and recuse themselves from all Board discussions or activity during the election process.

(l) Election Board Policies and Procedures

(1) In addition to any requirements contained in 7-3-2(a) through 7-32(k) above, the Election Board shall develop its own internal policies and procedures, including, but not limited to, conduct of meetings, recording of meeting minutes and defining authorities, duties and responsibilities of the Chairperson and Vice Chairperson. These shall be reviewed annually and submitted to Tribal Council as needed.
(2) Election Board policies and procedures may be incorporated into the Elections Code at any time upon Tribal Council approval.

(m) Volunteer Service

(1) Election Board members are not paid for their service. Participation is a voluntary contribution to the Tribes.
(2) Election Board members may be entitled to reimbursement for travel and per-diem payments specified by Tribal policy.

(n) Suspension and removal of Election Board members

(1) The Election Board, with a majority vote may make a recommendation to the Tribal Council to suspend any Election Board member from participating on the Election Board for good cause, immediately and without prior notice, until such time as the Tribal Council next meets to consider action on the matter.
(2) The Tribal Council may remove any Election Board member for good cause.
(3) "Good cause" for purposes of this Subsection 7-3-2(n) means: (a) violation of the CTCLUSI Constitution, this Chapter 7-3 or duly approved Election Board policies or procedures; (b) conviction of a felony or any crime involving dishonesty; (c) any act or omission constituting a conflict of interest or the appearance of a conflict of interest in the Tribes' election process; or (d) solicitation or acceptance of any gratuity, gift, favor or anything of monetary value from anyone who has an interest that may be substantially affected by the performance or nonperformance of Election Board duties.

ELECTIONS

7-3-3 Definitions

(a) "Duly Enrolled Member" – a person whose name appears on the official membership rolls of the Tribes or has been certified as a member by Tribal Council Resolution.

(b) "Eligible Voters" – Tribal members who are eighteen (18) years of age or older.

(c) "Registered Voters" – those Tribal members who have received a Signature Card as more specifically provided for in CLUSITC 7-3-8.

(d) "Regular Election" – those elections that are specifically provided for by the Tribal Constitution on a regular basis, such as the election of Tribal Council members.

(e) "Other Elections" – elections or measures requiring voting on recalls, Special Elections, initiatives, referendums and Constitutional amendments as provided for by the Tribal Constitution.

(f) "Statement of Candidacy" – Tribal member who has submitted a statement of candidacy that has decided to become a candidate in a Tribal Council Election.

(g) "Filed Statement of Candidacy" – a Statement of Candidacy that has been file-stamped received and accepted by the Election Clerk. The receipt of the Statement of Candidacy shall state, at a minimum, the name of the person accepting the statement; name, roll number and signature of the person presenting the statement; and date and time of the filing.

(h) "Shuffling of Positions" – the submission of a Statement of Candidacy for a specific position and upon learning of other filings for that same position, the withdrawal and resubmission of the Statement of Candidacy for another position.

(i) "Position Statement" – a statement by a Tribal member who has filed a Statement of Candidacy to participate in any Tribal Council Election process. This shall be on 8 ½ inch x 11 inch piece of paper, able to use both sides, to state your position, by written words or approved photos. The Election Board will approve each Position Statement prior to publication.

(j) "Visible Signs of Tampering" – a ballot or its envelope that has obvious signs of alteration, change or destruction of its integrity or secrecy.

(k) "Election Mailing" - a properly authorized and signed written position statement submitted by an individual Tribal Member that, complies with all

requirements for an Election Mailing as defined by this Code, does not contain language or messages that could be inflammatory, "name calling", potentially libelous, or potentially abusive, and that otherwise complies with Tribal law.

(l) "Election Mailing Author" - the individual Tribal Member that signs the Election Mailing Submission and signs the Request for Election Mailing Form.

(m) "Request for Election Mailing Form" - the form provided by the Enrollment Coordinator to initiate the process for an Election Mailing Submission. The Form must be signed and completed in full by the Mailing Author before a Election Mailing Submission can be processed. The Form will provide relevant information regarding the number of Tribal recipients determined to receive a Mailing and any associated.

(n) Candidate Forums – an option for any Tribal Council election candidate to participate in, with guidelines established by the Election Board for the General Council to meet the candidates and hold a question-and-answer session.

7-3-4 Members' Voting Rights

Article VIII, Section 1 of the Tribal Constitution states: "All duly enrolled members of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians who are eighteen (18) years or older on the date of an election shall have the right to vote in all tribal elections."

7-3-5 Voter List

(a) No later than ninety days (90) prior to any election, the Enrollment Clerk shall furnish to the Election Board a list of eligible voters, including dates of birth. The Enrollment Clerk shall also notify the Election Board of any subsequent additions to the rolls of eligible voters, also deletions, i.e., deaths or removals, or errors in the previous list timely, as they occur.

(b) A master list shall be kept by the Election Clerk and any Tribal Members can contact the Enrollment Department to verify their voter registration information

7-3-6 Appeals of Eligibility

Any Tribal member who has reason to believe they have not been properly made a registered voter or have any questions not answered by the Election Clerk may submit their concerns in writing to be addressed by the Election Board for the matter to be explored further.

7-3-7 Ballots

(a) The Tribal Constitution declares that all elections shall be by secret ballot and that mail voting may be established by ordinance. CLUSI Const. Art. VIII, Section 2(a). Mail voting is established as more specifically provided for in CLUSITC 7-3-25.

(b) All regular and special elections shall be conducted by mail, with provisions for secret ballots.

(c) The Tribal Constitution also provides that members shall have the right to vote by absentee ballot, which will be conducted in the same manner as the mail-in ballots.

7-3-8 Signature Cards

(a) Voter registration is required. If eligible voters wish to vote, a signature card bearing two (2) signatures of the voter must be on file with the Election Board before ballots are mailed out prior to an election, or before voting on Election Day at the Tribal Hall. The Election Board shall design the card and determine how the signatures shall be obtained. Signature cards are valid for a period of ten (10) years from the date of submission; a new signature cards shall be signed every ten (10) years but can be updated at any time. Any changes to the Signature Card must be approved by the Board.

(b) All persons eighteen (18) years of age or older will be furnished with a signature card in person or by mail, which must be signed as is stated in 7-3-8(a), and returned to the Election Clerk.

(c) Tribal members who will turn eighteen (18) thirty (30) days or less prior to an election may file a signature card prior to their eighteenth (18^{th}) birthday in order to meet registration deadlines.

(d) Upon a legal name change with the Enrollment Department, members must complete a new signature card including the new legal name to match your legal name on file. Your name must match the name we have on file in the ballot verification process.

7-3-9 Election Expenses

Each fiscal year, Tribal Council shall budget in the Elections budget sufficient funds to pay the cost of tabulating votes, printing ballots, purchasing envelopes, postage, and other expenses of conducting an election, including candidate forums. Non-Tribal members working on the election may have their expenses covered if approved by Tribal Council and not exceeding the budgeted amount.

[Sections 7-3-10 to 7-3-20 reserved for future expansion]

TRIBAL COUNCIL ELECTIONS

7-3-21 Election of Tribal Council and Tribal Chief Term of Office/Election Date

(a) Article VIII, Section 3, of the Tribal Constitution provides:

(1) Tribal Council positions shall be designated with the numbers one(1) through six (6). Each Tribal Council member shall be elected for a four (4) year term at the appropriate General Council meeting in the year in which his or her term expires. A system of staggered terms shall be created. Tribal Council positions 1, 3, and 5 shall be elected in odd-numbered years. Tribal Council positions 2, 4, and 6 shall be elected in even-numbered years.

(2) The Tribal Chief shall be elected for a ten (10) year term at the annual General Council meeting in April, beginning in 1990, and shall hold office until a successor is elected at the April General Council meeting in the year in which his term expires.

(b) Therefore, the Election Board must keep track each election year which positions are open for election and inform the Tribal membership accordingly.

(c) The Regular Election date is the second Sunday in April of an election year.

7-3-22 Public Notice of Upcoming Elections

(a) The Election Board must publish in the Tribal Newsletter and post at the Tribes' Administrative Building, Tribal Hall, Outreach Offices, on the Tribes' website and in the office of the Gaming Commission, a notice of upcoming regular Tribal Council elections. This shall be done no later than one hundred twenty (120) days prior to the scheduled date of a regular Tribal Council election.

(b) The Election Board shall post at the Tribes' Administrative Building, Tribal Hall, Outreach Offices, on the Tribes' website and in the office of the Gaming Commission a notice of an upcoming Special Election, as soon as practicable after the setting of a Special Election, and in no event later than fifteen (15) days before the scheduled election. If practicable, the Election Board shall publish a notice of an upcoming Special Election in the Tribal Newsletter in advance of the Special Election.

(c) This notice must list numbers of positions to be filled by the election and also the name of the incumbent in each position up for election. This shall be

done regardless of incumbent's announced intention not to run for re-election/election.

7-3-23 Candidate Eligibility

According to the Tribal Constitution (Article VIII, Section 4(a)), in order to be eligible for election to a Tribal Council position, candidates shall meet the following qualifications:

(a) Be a duly enrolled member of the Confederated Tribes;

(b) Be at least twenty-one (21) years of age; and

(c) Never have been previously removed from office for good cause after the date the Tribal Constitution was ratified. (May 23, 1987).

7-3-24 Candidacy Procedures

(a) Statements of Candidacy
  (1) Candidates shall file Statements of Candidacy no later than thirty (30) days before the scheduled date of the election. CLUSI Const. Art. VIII, Section 4(c).
  (2) Statements of Candidacy must be filed with the Election Board through the Election Clerk either by mail, hand delivered to the Tribal Administrative offices, or via email to the email address on the Election Notice provided. In order to verify timeliness of filing, a candidate shall receive a statement of receipt of said Statement of Candidacy from whoever receives the statement. The statement shall state, at a minimum, the name of the person accepting the statement, name, roll number and signature of the person presenting the statement, and date and time of the submission. A standard form shall be approved by the Board.
  (3) Each candidate shall indicate the position for which he or she is filing. Once a person has filed for a position, he or she will not be allowed to change positions or to withdraw and refile for the same election.

(b) Public Notices

a. Article VIII, Section 4(c) of the Tribal Constitution states: "A public list of candidates shall be published by the Election Board no later than twenty (20) days before the scheduled election date."

b. The Election Board must publish in the January issue of the Tribal Newsletter a notice of upcoming Tribal Council elections for that calendar year.

c. Each candidate shall indicate the position for which he or she is filing. No shuffling of positions will be allowed

(c) Position Statements

a. Each candidate will be given the opportunity to present a Position Statement for inclusion in the Tribal Newsletter if submitted by the Newsletter deadline and included in the ballot mailing to membership. Position statements shall not be longer than one (1) sheet of 8-1/2" by 11" paper printed on both sides, capable of being copied on a black and white copier. Position statements may be published in either the February, March or April issue, depending upon when the candidate filed and the candidate's preference. It will be stated in the Tribal Newsletter that the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians shall not be responsible for the accuracy of the candidates' position statements. Further, for any verification of uncertainties, candidates will be asked to furnish proof of their statement.
b. Photos in any Position Statement submission that include a person that is not an immediate family member must be accompanied with a photo release before the Election Board will consider the Position for approval.
c. To file for any position, other than the position of Chief, an already seated Tribal Council member must file for his/her position or resign from Tribal Council and then file for any other position.

(d) Write-in Candidates Not Allowed

No write-in candidate will be allowed. Any ballot containing a write-in candidate will be disqualified as to the position for which a write-in vote was made.

7-3-25 Voting Procedures

(a) Ballot Description

(1) Each ballot shall contain voting instructions on a separate sheet or on the reverse side of the ballot. The ballot shall also state that if the voting is done at the polling place rather than by mail ballot, an Election Board member will be available to give assistance in answering voting procedure questions. The Election Board may have included on the ballot other instructions deemed necessary or desirable.

(2) The official ballots shall be printed on white paper with black ink. Sample ballots shall be printed or copied onto colored paper, shall be clearly labeled "sample ballot", and shall not be counted if placed in the ballot box.

(3) Candidates shall be listed on the ballot in a staggered fashion, e.g. #1 on one ballot and #2 on another, etc. The instructions shall state that

each Registered Voter may vote for either one (1) or no candidate for each vacancy, and that any ballots marked with more than one (1) vote for any single position shall invalidate the whole ballot.

(4) Subjects of a recall vote shall be listed on the ballot in a staggered fashion, e.g. #1 on one ballot and #2 on another, etc.

(5) Ballots for initiatives, referenda and issues requiring General Council approval shall contain a statement of what the voter is deciding and shall be worded in such a manner that clearly allows for a choice of a “yes” or a “no” vote only. No misleading statements whatsoever will be accepted.

(b) Ballot Procedure

(1) All Registered Voters having Signature Cards on file shall be mailed a ballot after the closing date for filing but no later than fourteen (14) days prior to the scheduled election date. Mailed ballots received by the date the scheduled election is held shall be counted in the vote tabulation. The independent third party, as outlined in CLUSITC 7-3-25 (e)(1), will assist the Election Board on Election Day.

(2) The ballot shall be mailed out with an inner privacy envelope along with a pre stamped self - addressed return envelope. The voter shall mark their ballot and may place it in the inner privacy envelope and seal it. The inner envelope shall then be placed in the outer pre stamped self-addressed return envelope provided, and sealed. The voter shall sign the outer envelope on the designated line. It shall then be returned to the designated collection point in the return envelope. Ballots will not be opened until the day of the election. Outer envelopes must be intact.

(3) If any visible signs of tampering are noted, the ballot will be rejected. Upon receiving the mailed ballot, the Election Board, or its duly appointed representative, shall deposit the entire packet in the locked ballot box.

(4) During Election Day at the polling location any ballots delivered by the third party may be taken to a private room away from the general public, in the presence of at least two Election Board Members and begin to alphabetize. The Election Board will compare the signature on the outer envelope with the signature on file.

(5) A poll book shall be marked to show each ballot that has been received during the polling hours of the Election. At 4:00 p.m. on the day of the election all mail in ballots received will be marked at this time.

(6) In the event a Registered Voter loses or accidentally destroys a ballot before it can be submitted, a duplicate ballot will be provided. In order to prevent double voting by one voter, a list of Registered Voters shall be maintained in a poll book by the persons responsible for the tabulations, and as each ballot is submitted by mail by a voter, his/her name shall be so marked in the poll book as having voted. If the ballot is delivered by the Registered Voter to the polling place or completed at the polling place on Election Day, the voter shall sign his/her name in the poll book. In the event the person is unable to sign, an Election Board member, in the presence of at least one other Election Board member shall so note “unable to sign” in the poll book.

(7) When voting at the polling place, the Registered Voter shall sign the poll book. One Election Board member shall supervise the procedure by the independent third party.

(8) A ballot may be delivered by any designated method acceptable to the Registered Voter by 4:00 p.m. on the day of the election.

(9) If the Registered Voter completes a ballot at the polls, the voter shall fold the ballot, and in the presence of an Election Board member, deposit the ballot in the ballot box. An Election Board member shall at that time mark in the poll book this has been done.

(10) If a Registered Voter, voting in person, defaces or destroys a ballot, a new ballot may be issued to the voter (write-ins will not receive this privilege), with the correction noted in the poll book. The spoiled ballot shall be marked and kept in a secure place until certified as provided for in CLUSITC 7-3-25(i) and will then be destroyed.

(11) Only one ballot shall be accepted for each registered voter. A person may change their vote by contacting the Election Clerk. If a ballot was previously mailed in, it will be rejected if the same person voted in person on Election Day.

(12) The Election Clerk will disclose any Election irregularities reported prior to Election Day via email to the Election Board as soon as he or she becomes aware.

(13) A report will be generated for record keeping how many ballots were received and/or rejected following the certification of the vote. The Election Clerk will reach out and notice any member whos’ ballot was rejected and the reason why and offer corrective measures for the next Election.

(c) Poll Hours

The Election Day voting hours shall be from 12:00 p.m. to 4:00 p.m. The election shall be held at the Tribal Hall. No Campaign activity shall occur in the Tribal Hall or on the Reservation property during this time.

(d) Voter Tabulation Responsibilities

(1) Independent third parties are required to be used as official vote tabulators. Tribal Council shall provide for this and other incidental election costs in the annual General Fund budget. Independent third parties acceptable for this process include the County Election Board, certified public accounting firms, the Bureau of Indian Affairs, other civic-minded organizations or people with no current contractual or lease agreements in force with the tribal government except the contract to count the votes.

(2) Ballots managed by the Independ third party during the Election voting process, shall be kept protected under lock and key at a place they determine safe and free from public view before they are delivered to the polling place on Election Day.

(3) At the polling place, all ballots brought in person shall be kept secure, under lock and key, at all times.

(e) Counting the Votes

(1) After all ballots have been placed in the ballot box and an Election Board member has declared the polls closed, the ballot box shall be removed to a separate area which is closed to the public.

(2) After an independent third party has been selected to tabulate the votes, the Election Board Chairperson shall hand over to the person in charge of that group, the ballot box, key to the ballot box lock, poll book, and the signature card file. The Election Board members will observe the process of counting the ballots and assist as requested by the independent third party.

(f) Rejected/Invalid Ballots

A ballot shall be rejected or invalidated if: (1) it is unreadable due to spoilage; (2) it reflects an invalid signature in the poll book or on the ballot envelope; (3) it has a tampered outer envelope; and (4) it reflects a write-in. In the event that the signature on the outer envelope does not match the signature on file, the Election Board may at its discretion take reasonable steps to determine whether the signature is valid, taking into consideration that a person’s signature may change over time. The majority decision of the Election Board present on the validity of a ballot shall be final.

(g) Determination of Winners

In accordance with the Tribal Constitution, winners shall be chosen by a plurality of the votes cast for each position. Ties shall trigger a recount within ten (10) days and be decided by a coin flip conducted by the Tribal Chief. If the position of Tribal Chief is vacant, the Elections Board Chairperson will conduct the coin flip. The coin flip shall consist of a coin being tossed in the air and landing untouched on a smooth surface.

(h) Certification of the Vote

(1) After tabulation of the votes, an Election Board member shall announce the results and post same at the Tribes' Administrative Building, Tribal Hall, Outreach Offices, on the Tribes' website and in the office of the Gaming Commission. The notice shall be marked to state the vote is true and correct and signed by the Election Board Chairperson or designate and the head of the independent third-party tabulator group.

(2) According to the Tribal Constitution, certification of the vote shall occur within twenty-four (24) hours from the time of the election. CLUSI Const. Art. VIII, Section 2(c). The "time of the election" is hereby defined as the time the polls are officially closed.

(i) Election Challenges and Recounts

(1) Automatic Recounts. In any election, if the vote is within a margin of five (5) votes or less, the Election Board Chairperson and the independent third party shall recount for that position or matter automatically, regardless of whether a challenge is received.

(2) Recounts in Elections for Tribal Office or Recalls. Any candidate who is not declared a winner or any person who is recalled from tribal office may challenge the count by contacting the Election Board Chairperson within twenty (20) hours of the announcement of the voting results and presenting his or her reasons why the vote is being challenged. The Election Board shall decide in its sole discretion whether to conduct a recount that is not automatically required under this chapter.

(3) Recounts in Initiative, Referendum and Constitutional Amendment Elections. Any Registered Voter may challenge the count in an initiative, referendum or constitutional amendment election by contacting the Election Board Chairperson within twenty (20) hours of the announcement of the voting results and presenting his or her reasons why the vote is being challenged. The Election Board shall decide in its sole discretion whether to conduct a recount that is not automatically required under this chapter.

(4) Timing of Recounts. A recount for any reason must be completed prior to the time when an election must be certified under the Tribal Constitution or the Tribal Code.

(5) Observation of Recounts. The candidates or their designees for any position subject to a recount may observe the recount. For an initiative, referendum or constitutional amendment election, the Election Board shall allow at least one Registered Voter on each side of the matter to observe the recount. An observer may be excluded from continuing as an observer upon a determination by the Election Board that the observer is acting in a manner that impedes or is disruptive to the recount.

(6) Challenges to any Election. If at least five (5) Registered Voters sign and submit to the Election Board Chairperson within twenty (20) hours of the announcement of the voting results a petition describing violations of this chapter, violations of rules adopted by the Election Board or irregularities that could have affected the outcome of an election, the Election Board shall investigate the charges made in the petition. The Election Board shall rule on the petition within seven (7) days of the date of the election. If the Election Board determines that a violation of this chapter, a violation of Election Board rules or other irregularities did affect the results of the election, the Election Board shall schedule a second vote for the particular office or matter that was challenged, as provided in this Chapter 7-3 and any Election Board rules.

[Sections 7-3-26 to 7-3-40 reserved for future expansion]

OTHER ELECTIONS

7-3-41 Recalls, Special Elections, Initiatives, Referendums and Constitutional Amendments

The following provisions apply for CLUSITC 7-3-41 to 7-3-47.

(a) Recalls

A recall involves removal of member(s) of Tribal Council from office by a vote of the voting membership as provided for in by CLUSI Const. Art. X, Section 2.

(b) Special Elections

Special elections include, but are not limited to, an election required to:

(1) Fill the position of Tribal Chief “in the event of the death of the tribal chief, or any other action resulting in the office of tribal chief becoming

vacant....” CLUSI Const. Art. XI, Section 3. Special Elections to replace a Tribal Chief shall be subject to the remaining term of office.

(2) Fill all vacant Tribal Council positions “If the tribal chief is the sole remaining council member.” CLUSI Const. Art. IX, Section 1(d).

(3) Fill Tribal Council positions “If the entire tribal council shall become vacant through death, removal, recall or resignation, or is unable to function due to loss of a quorum....” CLUSI Const. Art. IX, Section 1(c).

(4) Obtain General Council approval before taking action on certain matters within the General Council authority. These matters are provided in CLUSI Const. Art. VI, Section 3:

(A) The termination or diminishment of the tribal reservation which is established pursuant to the Restoration Act, or the alienation of any trust land held on behalf of the Confederated Tribes;

(B) The diminishment, negotiation, or settlement of any hunting, fishing, or gathering rights possessed or claimed by the Confederated Tribes, including the settlement of any land claims involving the tribe’s aboriginal lands;

(C) The relinquishment of any tribal criminal or civil jurisdiction: Provided, That cooperative law enforcement agreements shall not be considered relinquishment.

(c) Initiatives

According to CLUSI Const. Art. XII, Section 1, “The general council shall exercise the power of initiative.”

(d) Referenda

According to CLUSI Const. Art. XII, Section 2, “The general council shall exercise the power of referendum on those issues or questions that are within the authority of the general council on those powers vested in the tribal council.”

(e) Constitutional Amendments

The authority for amending the Tribal Constitution is provided for in CLUSI Const. Art. XIII, Sections 1.

7-3-42 Common Voting Procedures for Other Elections

(a) Ballots

Other elections shall be by secret ballot and shall be conducted by mail in the same manner as general elections. Further, all eligible members of the General Council may vote at such elections.

(b) Voting Procedures

Except as specifically provided in CLUSITC 7-3-43 through 7-3-47, voting for all elections shall be conducted in the manner set out in CLUSITC 7-3-25.

7-3-43 Recall Voting Procedures

(a) Procedure for Putting a Recall on a Ballot

Upon written petition of at least one-third (1/3) of the voting membership of the Tribes, presented to and verified by the Election Board, a special election shall be called to consider the recall of the Tribal Council member(s) named in the petition. CLUSI Const. Art. X, Section 2.

(b) Recall Election Dates

A recall election "shall be held within thirty (30) days from the date the petition is verified: Provided, that any petition submitted within three (3) months of the next annual meeting of the general council shall be placed on the agenda of that meeting." CLUSI Const. Art. X, Section 2.

(c) Number of Votes Required to Validate a Recall

Pursuant to CLUSI Const. Art. X, Section 2, at least twenty-five percent (25%) of the voting membership must vote at a recall election for a recall to occur.

(d) Determination of Results

If the minimum number of required votes are cast, "the position(s) shall be declared vacant if at least two-thirds (2/3) of those members voting support the recall." CLUSI Const. Art. X, Section 2. The voting must be done for each position. The voting result for each Tribal Council member being recalled shall be determined independently of any other position being recalled at the same election.

7-3-44 Special Elections Voting Procedures

(a) Procedure for Putting a Special Election on a Ballot

(1) In the event that the Tribal Chief is the sole remaining Tribal Council member, the Tribal Chief shall call a special Tribal Council election within sixty (60) days. CLUSI Const. Art. IX, Section 1(d). The election shall be scheduled to be held no less than ninety (90) days from the date it is called.

(2) In the event that the entire Tribal Council shall become vacant or is unable to function due to a loss of a quorum, Tribal Council members shall be elected to fill the unexpired term of each Tribal Council position. Such election shall occur at a special meeting of the general council, the vote to be taken in the manner provided for in elections at the April General Council meeting. CLUSI Const. Art. IX, Section 1(c).

(3) In the event of the vacancy of the position of Tribal Chief, the Tribal Council shall schedule a special election within sixty (60) days. CLUSI Const. Art. XI, Section 3. The election shall be scheduled to be held no less than ninety (90) days from the date it is called.

(b) Special Election Dates

(1) A special election to fill a vacancy in the position of Tribal Chief shall be held in conjunction with a regular monthly meeting of the Tribal Council. CLUSI Const. Art. XI, Section 3.

(2) All other special elections shall be scheduled at the earliest convenient date, allowing for compliance with all timelines contained in CLUSITC 7-3-22(b) of this code.

(3) Election dates for initiatives and referenda shall be held within sixty (60) days of the validation of the petition.

(c) Number of Votes Required to Validate a Special Election Held Pursuant to CLUSI Const., Art. VI, Section 3(a)

In any election held to authorize the Tribal Council to take the actions listed below, in order to be valid, a minimum of thirty-five percent (35%) of the membership eligible to vote must cast ballots. The matter presented must be approved by three-fourths (3/4) of the ballots cast in order to carry.

(1) The termination or diminishment of the tribal reservation which is established pursuant to the Restoration Act, or the alienation of any trust land held on behalf of the Confederated Tribes.

(2) The diminishment, negotiation or settlement of any hunting, fishing or gathering rights possessed or claimed by the Confederated Tribes, including the settlement of any land claims involving the tribe’s aboriginal lands.

(3) The relinquishment of any tribal criminal or civil jurisdiction: Provided, that cooperative law enforcement agreements shall not be considered relinquishment.

7-3-45 Initiatives Voting Procedures

Upon receipt and verification by the Election Board of a petition signed by at least one-third (1/3) of those General Council members who are eligible to vote setting forth any proposed ordinance or resolution of the Tribal Council, such ordinance or resolution shall be submitted to a vote of the General Council at a regular or special election to be held within sixty (60) days of verification of the petition. The vote of two-thirds (2/3) of those actually voting, in an election where at least thirty (30) percent of the eligible membership of the General Council votes, shall decide the issue and the decision shall be conclusive and binding on the Tribal Council. Absentee ballots shall be included in such vote. CLUSI Const. Art. XII, Section 1.

7-3-46 Referendum Voting Procedures

Upon receipt and verification by the Election Board of a petition signed by at least one-third (1/3) of those General Council members who are eligible to vote, setting forth any proposed or previously enacted ordinance or resolution of the Tribal Council, such ordinance or resolution shall be submitted for reconsideration by the General Council in a regular or special election. Such election shall be scheduled within sixty (60) days of verification of the petition. The vote of two-thirds (2/3) of those voting, in an election where at least thirty (30) percent of the eligible membership of the General Council votes, shall be conclusive and binding on the Tribal Council. Absentee ballots shall be included in such vote. CLUSI Const. Art. XII, Section 2.

7-3-47 Constitutional Amendments Voting Procedures

Elections to address amendment of the Tribal Constitution shall be called and conducted by the Secretary of the Interior according to the procedures set forth in the Code of Federal Regulations, 25 CFR, parts 81 and 82. CLUSI Const. Art. XIII.

Election Mailings

7-3-48 No Unconditional Right to Election Mailing

Pursuant to policies and procedures adopted by the Tribes, Election Mailings may be submitted to authorized Tribal recipients, consistent with the discretionary approval of the Tribes, and the schedule and available resources of the Tribes and its personnel. No right exists to demand that an Election Mailing be distributed, that a particular message or word in an Election Mailing be distributed, or that a particular deadline for processing or mailing an Election Mailing must be met. Further, no appeal may be made to Tribal Court or otherwise, to a final decision of the Tribes to deny a particular Election Mailing.

7-3-49 Authorized Recipients of Election Mailings

(a) Election Mailings will be mailed only to current Tribal Members meeting age and all other requirements for Tribal voting rights that have not submitted to the Tribe a current request to “opt out” of receiving Tribal Mailings.

(b) Nothing contained in CLUSITC 7-1-151 to 7-1-153 shall be interpreted as granting or permitting a right to the identity of a mailing address for a particular Tribal Member.

7-3-50 Initiation of an Election Mailing Submission

(a) An individual Tribal Member may initiate the process for an Election Mailing Submission by completing, in full, a Request for an Election Mailing Form provided by the Enrollment Coordinator. This Form shall require a copy of the information to be mailed and the signature of the Election Mailing Author. The Election Mailing Author shall also agree to execute a Hold Harmless and Indemnification Agreement releasing the Tribe and its actors and agents from any and all damages or claims relating to the Election Mailing Submission by signing the form submission. Election mailing author shall be responsible for any damages or claims relating to the Election mailing.

(b) An Election Mailing Submission shall not be considered for processing if it does not contain the printed full name and signature of the Election Mailing Author.

(c) Election mailing author may request that materials be mailed, at the authors’ expense in the form of standard 8 ½ inch x 11-inch paper or half sheet or quarter page postcards.

(d) Election Mailing Author may also request mailing to specific portions of the Tribes voting population. Examples are specific areas such as only the five-county service area, Oregon only or whole Tribe, this will be communicated in the Request for Election Mailing Form.

(e) Election Mailing Submissions shall be approved if the Board determines, in its discretion, that the submission relates directly and exclusively to Tribal election candidates and contains no inflammatory language or message, contains no profanity or name calling, contains no potentially abusive or libelous communication, contains no commercial message, and otherwise complies with this Code and Tribal law. To the extent an Election Mailing Submission contains, in whole or part, any improper content as defined herein, the Submission shall be returned to the Election Mailing Author.

(f) The Election Board must approve all submission by majority. The Tribal Council reserves the right to review and reject any mailing for failure to comply with the provisions of this Section, or for previous abuse of the provisions of this Section. All submissions will be sent to both the Election board and Tribal Council excluding incumbents.

(g) The Enrollment Coordinator will facilitate the mailing of Election materials to Tribal Members as follows:

(1) The Tribal Member requesting the mailing of Election materials to Tribal Members may provide the Enrollment Coordinator with enough copies of the material to be distributed, in the sufficient number of unsealed envelopes, with first-class postage affixed, with no return address label. They may also request to pay for supplies from the Tribe and a cost list will be provided if requested. All costs shall be paid to the Tribe prior to mailing.

(2) The Enrollment Coordinator shall affix to the envelope of each Election Mailing, a stamp or label with a statement communicating at the "contents of the Mailing are a Tribal Election Mailing, that the Mailing is the sole opinion of the Election Mailing Author, and that the Tribes takes no responsibility nor opinion on the statements within the Mailing, including the accuracy of its content".

(3) The Enrollment Coordinator shall affix mailing labels bearing the names and last known addresses of all Tribal Members identified within the Request for Election Mailing Form submitted, return address labels with the Tribes address will be affixed for any returns or those unable to be delivered; excluding Tribal Members who have requested to "opt out" of receiving Tribal Mailings The Tribes shall make reasonable efforts to transcribe the proper mailing address for each Tribal Mailing recipient, but will not be responsible for the accuracy or validity of any mailing address affixed to an Election Mailing.

(4) The Enrollment Coordinator shall then place the envelopes directly into the U.S. mail.

(5) A Tribal Member shall be limited to one (1) request for mailings per month in an election year (January – April).

GENERAL PROVISIONS

7-3-51 Sovereign Immunity

Nothing in this Code shall be construed to have waived the sovereign immunity of the Tribes, any tribal entity, department or program, or any tribal official or employee, except as specifically and explicitly described herein.

7-3-52 Severability

If a court of competent jurisdiction finds any provision of this code to be invalid or illegal under applicable federal or Tribal law, such provision shall be severed from this code and the remainder of this code shall remain in full force and effect.

APPENDIX A

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

ELECTIONS

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Tribal Council due to an emergency, approved amendments to Chapter 7-3 Election to implement needed corrections from amendments to the Constitution by Resolution 26-102 creating Ordinance No. 050H on May 21, 2026. Vote was 7 (for), 0 (against), and 0 (abstaining).

The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Tribal Council approved amendments to Chapter 7-3 for Second Reading and Final Approval by Resolution 26-005 creating Ordinance No. 050G on January 11, 2026. Vote was 7 (for), 0 (against), and 0 (abstaining).

The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Tribal Council approved amendments to Chapter 7-3 for First Reading and 28 day comment period by Resolution 25-203 on November 14, 2025. Vote was 5 (for), 0 (against), and 0 (abstaining).

The Tribal Court Clerk at the direction of the Chief Executive Officer and with the consent of the Tribes' General Counsel is authorized to administratively correct any reference to Tribal Administrator to Chief Executive Officer on October 11, 2020. These changes are technical in nature and do not affect a substantive change to the Code.

By Ordinance No. 050F on July 13, 2014, effective on that same date, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Tribal Council amended Tribal Code Chapter 7-1 (Enrollment) to, among other revisions, move CLUSITC 7-1-151 to 7-1-153 to Tribal Code Chapter 7-3 (Elections). Vote was 6 (for), 0 (against), 0 (absent), and 0 (abstaining). Pursuant to Ordinance No. 050F, CLUSITC 7-1-151 to 7-1-153 were administratively renumbered as CLUSITC 7-3-48 to 7-3-50, and former CLUSITC 7-3-48 and 7-3-49 were administratively renumbered as 7-3-51 and 7-3-52. CTCLUSI 7-3-44(b)(2) was revised administratively to clarify that the cross-reference to CLUSITC 7-3-22 is to subsection (b) of that section.

The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Tribal Council enacted the revisions to the Elections Code by Ordinance 046(D) on May 19, 2013, effective on that same date. Vote was 5 (for), 0 (against), 1 (absent), and 1 (abstaining).

The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Tribal Council amended sections 7-3-25(c) and 7-3-43(c) of this chapter by Ordinance 046(C) on January 26, 2011, effective on that same date. Vote was 4 (for), 0 (against), and 3 (abstaining).

The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Tribal Council enacted the revised “Election” Code 7-3, Ordinance 046(B) at its second reading. Resolution 06-100, at a regular Tribal Council meeting on August 13, 2006. Vote was 6 (for), 0 (against), and 0 (abstaining).

The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Tribal Council approved the revisions of the “Election” Code 7-3, Ordinance 046A at its first reading. Changes were made by the Election Board which are shown in red and removed by being crossed out. Resolution 06-077 at a regular Tribal Council meeting on June 11, 2006. Vote was 7 (for), 0 (against) and 0 (abstaining).

The Tribal Council approved that Special Elections to replace a Tribal Chief shall be subject to the remaining term of office. Resolution 05-030, O#-046A, on May 15, 2005. Vote was 5 (for), 0 (against) and 0 (abstaining).

The Tribal Council enacted and revised "Election" Ordinance #017 to become #046, Resolution 02-043 on June 9, 2002. Vote was 6 (for), 0 (against), and 0 (abstaining).

The "Election" code was codified for the Tribal Court in December 2001.

The Tribal Council enacted and revised "Election" Ordinance #014 to become #017, Resolution #95-045 on August 28, 1995. Vote was 5 (for) and 2 (against).

The Tribal Council enacted and revised "Election" Ordinance #011 to become #014 in Resolution #95-014 on February 8, 1995. Vote was 7 (for) and 0 (against).

The Tribal Council enacted and revised "Election" Ordinance #008 to become #011 in Resolution #93-026 on July 26, 1993. Vote was 6 (for) and 0 (against).

The Tribal Council enacted and revised "Election" Ordinance #001 to become #008, Resolution #89-078 on November 12, 1989. Vote was 6 (for) and 0 (against).

The Tribal Council enacted and adopted the "Election" Ordinance #001 in Resolution # (unknown) on December 13, 1987.

00518603.2