A RESOLUTION OF THE
EASTERN SHOSHONE TRIBE GENERAL COUNCIL
WIND RIVER RESERVATION, WYOMING

Resolution No.___________

A RESOLUTION TO AMEND ELECTION PROCEDURES FOR
THE EASTERN SHOSHONE TRIBE.

WHEREAS, the Shoshone General Council is the governing body of the Eastern Shoshone Tribe; and

WHEREAS, the Shoshone General Council met in special session on the ________ day of ____________, 20__, and a quorum being present when this action was approved; and

WHEREAS, this resolution intends to amend Resolution No. 2007-9862, the Tribal election law, but does not supersede, rescind or otherwise restart date or time calculations, and was duly placed on the agenda and considered by the General Council;

NOW, THEREFORE, BE IT RESOLVED that the General Council approves the following modified election procedures:

______________________________________________________________________________

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SECTION 100 - GENERAL PROVISIONS
The Election Procedure is applicable to the Business Council Election, Entertainment Committee Election, Election Judges, and the retention of the Tribal Court Judges; Chief Judge and Associate Judge(s).

SECTION 200 - PURPOSE
The Shoshone Tribal Election Procedures is to set forth specific policies to be used for election to the following positions within the Eastern Shoshone Tribe: Business Council, Election Judges, Entertainment Committee, and Tribal Court Judge(s).

In accordance with Shoshone General Council Resolution No. 2006-9221 which mandates all Tribal Judges be placed on the Ballot every four years – The Shoshone Business Council shall present this to the Wind River Intertribal Council to adopt this change upon approval of this Election Ordinance.

SECTION 300 - ELECTION JUDGES
300.1 ELECTION & TERMS OF OFFICE
An Election will be held for three (3) Election Judges on the third Tuesday in April of the election year. Election judges will serve a two-year term. Election judges will begin their duties immediately following the Election Judge’s Election.

300.2 ELECTION JUDGE QUALIFICATIONS
a. Filing period will begin the first Tuesday in April and the deadline to file is the second Tuesday of April at 4:45pm.
b. A letter of intent for candidacy must be submitted to the Eastern Shoshone Secretary’s office. The ES Secretary’s office will be responsible for the Election or Special Election for the judges. See (a.) Filing period.
c. Election Judges will be elected on the third Tuesday in April of the election years.
d. All candidates for the election judge must be (25) twenty-five years of age or older.
e. Must be enrolled members of the Eastern Shoshone Tribe.
f. Must have never been convicted of a felony and be in compliance with the Code of Ethics.
g. Must be available during election filing period
h. Must be willing to work long hours on Election Day.
i. Candidates for an election judge must pass a drug test, random drug tests, and a background check.
j. The Eastern Shoshone Secretaries Office will be responsible for the Special Election for Eastern Shoshone Election Judges and will post notices for candidates and administrate the run-off election.
k. The SBC Secretary Office will contact the perspective company to set up the voting machines.

300.3 ELECTION JUDGE AUTHORITY AND RESPONSIBILITY
The Election Committee shall have the full authority to enforce this ordinance established by General Council.

300.4 ELECTION JUDGE COMMITTEE DUTIES
Election Judges will be responsible for the following:
b. Prepare and maintain all Election and Absentee Voter Poll books.
c. Prepare “Applications for Election by Primary”.
d. Secure and certify voting machines
e. Have voting instructions at the polling locations
f. Notify the eligible voters of Absentee Ballot Requests
g. Verify eligible voter’s enrollment and age.
h. Set up polling places and open and close polls.
i. Notify the BIA Representative, Interpreters and Security of date and time they are to be available.
j. Secure voting sites in Utah and Idaho for absentee voting. Judges will be paid the current rate of per diem and mileage at the time of travel for absentee voting.
k. Conduct candidate background checks.
l. Validate candidate(s) compliance with the Election Code providing written verification.
m. Maintain strict confidentiality regarding candidate information.
n. Write a certified letter to a candidate or incumbent of their disqualifications or removal from the Election Ballot.

300.5 REMOVAL/REPLACEMENT OF AN ELECTION JUDGE
a) An Election Judge missing three (3) consecutive meetings without approval from the remaining Election Judges will result in the automatic termination. A letter will be submitted to the Shoshone Business Council informing them of the judge’s removal.
b) An alternate will be assigned if an election judge vacancy occurs. Such an event could be, but not limited to: removal, resignation, recall, death and/or non-compliance with the Code of Ethics, which includes voter fraud or misconduct.
c) If a vacancy of less than six (6) months should occur the Shoshone Business Council shall appoint an individual with the next highest vote. Should this person decline, move to the next highest candidate. The appointed candidate will be required to fulfill the remaining term of the original Election Judge.
d) Should an election judge refuse to work with the other judges - and this has been documented, he or she will be asked to resign or be terminated. This is not a position of convenience, it is important that judges work together for the best interest of the Shoshone Tribe. Bullying or violence will not be tolerated.
e) Any election judge that does not follow the election code or commits fraud will be terminated and banned for five (5) years from being an election judge.
f) The Eastern Shoshone General Council will make the final determination on removal or replacement of a judge.
g) If the Alternate Election Judge or Write in list becomes exhausted the ES Secretary shall advertise for a Special Election for Election Judges.

300.6 APPEALS FROM AN ELECTION JUDGE
a. Upon notification of removal from office, an official shall have fifteen (15) days to file an appeal.
b. The appeal shall be in writing and filed with the Tribal Secretary.
c. The appeal shall be handled at a Special Shoshone General Council meeting to be conducted within thirty (30) days from the date that the official filed his/her written appeal.
d. If a vacancy or removal from office does occur, the procedures under Section 300.5 will apply.
SECTION 400 SHOSHONE BUSINESS COUNCIL QUALIFICATIONS
Candidates shall be enrolled members of the Eastern Shoshone Tribe at least twenty-five (25) years of age, never been convicted of a felony, and in a good financial status with all Eastern Shoshone Tribal Programs including the Child Support Office.
   a. Candidates must be in Compliance with the Code of Ethics.
   b. Candidates must reside within the boundaries of the Wind River Indian Reservation.
   c. Candidates must have been a resident for two (2) years.
   d. Candidates must have at minimum; an associate degree documented by school transcripts or five (5) years’ experience in any of the following: accounting, business administration, law, government, or political and social science.
   e. Applicant for Candidacy must have passed a physical exam or a doctor’s note providing clearance for work if they have a serious illness or terminal illness.

SECTION 500 ENTERTAINMENT COMMITTEE QUALIFICATIONS
   a. Candidates shall be enrolled members of the Eastern Shoshone Tribe eighteen (18) years of age or older, have never been convicted of a felony, and be in compliance with the Code of Ethics.
   b. Applicants must be knowledgeable of Shoshone Customs and Culture.
   c. Must be familiar with basic accounting principles and be able to stay within the annual assigned budget.
   d. Fundraising skills are highly desirable.
   e. Must be willing to attend all meetings and activities and be on time.
   f. Must give a financial report and activities report to General Council at the next General Council meeting scheduled after the Shoshone Indian Days Powwow.
   g. Candidates must pass a drug test, random drug tests and a background check.

SECTION 600 - TRIBAL COURT JUDGE RETENTION
   a. The Election Judges shall advertise the election for the Tribal Court Judge(s) retention. A Tribal Court Judge, who fails to be retained by majority vote, must vacate that position within (10) ten working days.
   b. In order to sit for retention all Tribal Court Judges must meet qualifications as outlined in the Shoshone & Arapaho Law and Order Code (SALOC) §1-3-3.

SECTION 700 - FILING FOR OFFICE
   a. All must file for election by completing the “Application for Election by Primary” for the position they are filing for.
   b. The Application may be secured from the Election Judges Office and must be filed starting August 1st of an election year.
   c. Deadline for filing will be the close of business September of 22nd of each election year.
   d. AN EXCEPTION TO THE DEADLINE IS U.S. MAIL: Applications sent through the Mail must be postmarked by midnight, September 19th. Should the mailing filing deadline fall on a legal holiday, Saturday or Sunday, the deadline will be the next working day. Applications submitted by mail must be accompanied by the required filing fee and be sent by registered mail.
   e. A nonrefundable filing fee must accompany the application for election.
   f. Only money orders and cashier’s checks will be accepted for filing fees.
EXAMPLE: CHANGES TO CODE TO ALLOW MORE TIME FOR ABSENTEE BALLOTS

AUGUST

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g. Shorten the filing time period to 15 working days. Absentee Ballots take 3-5 business days to return from printer. Election Judges have the ballot on August 28 and can now send out absentee ballots for Absentee Voters.

2020

SEPTEMBER

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h. 13 Business days to return OVERNITE Absentee ballots. Primary Election held on September 15. Sept 16-18 review ballot/ Election Judges verify qualifications, 3-5 Business Days to get ballot printed and back from printer. Absentee Ballots can be sent out September 28 thru October 26. 21 Business days to get absentee OVERNITE ballots returned.

2020

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i. General Election held October 27.

SECTION 800 PRIMARY ELECTION

Eastern Shoshone Tribal Member Voting Eligibility Requirements:

a) Voting members must be enrolled in the Eastern Shoshone Tribe and must be 18 years of age or older.
b) The Primary Election will be held the third Tuesday in September of each election year.
c) Voters may vote for a maximum of six (6) candidates for the Shoshone Business Council.
d) Voters may vote for twelve (12) candidates for Entertainment Committee.
e) Write-In Candidates will be accepted in the Primary Election based on the correct spelling of their given name on record at the Shoshone Tribal Enrollment Office, no nicknames allowed.
f) The top six (6) candidates receiving the most votes will proceed to the General Election.
g) Should write-in candidates make the top six (6), he/she would then be eligible for General Election.

800.1 PRIMARY ABSENTEE BALLOT VOTING SITES
One Election Judge, one notary public and one security guard will conduct an absentee voting site in the states of Utah and Idaho within one (1) week of the election. The Election Judge will return the locked Absentee Ballots box to the Election office.

SECTION 900 GENERAL ELECTION
a. The General Election shall have the same Tribal Member Voting Requirement as listed in Section 800 above.
b. The General Election will be held for the Business Council, Entertainment Committee and the on the fourth Tuesday in October in each election year.
c. The retention of Tribal Court Judge(s) shall occur every four (4) years in accordance with Shoshone General Council Resolution No. 2006-9221 that mandates all Tribal Judges be placed on the Ballot every four (4) years.
d. The General Election ballot will contain the names of six (6) candidates for Business Council and twelve (12) candidates for Entertainment Committee.
e. In case there has been a tie for 6th and 12th candidate vacancy, additional names may appear on the ballot.
f. Each voter may vote for a maximum of three (3) candidates for SBC and six (6) for Entertainment Committee.
g. Write-in candidates will not be accepted.

900.1 GENERAL ELECTION ABSENTEE BALLOT VOTING SITES
One Election Judge, one notary public and one security guard will conduct an absentee voting site in the states of Utah and Idaho within two (2) weeks of the election. Locked Absentee ballots box will be returned by the Election Judge to the voting office of the Eastern Shoshone Tribe.

SECTION 1000 SPECIAL ELECTION
1000.1 The Shoshone General Council and/or Shoshone Business Council may call a Special Election. The Election Judges shall administrate the Special Election.
1000.2 Unopposed candidates in a Special Election will fill the vacated position.

SECTION 1100 ELECTION NOTICES AND PUBLICATIONS
1100.1 PUBLICATION
All notices will be posted at/on: Rocky Mountain Hall, Big Wind Hall, Post Offices, Gas Stations, Shoshone Rose Casino and on the tribal website. Local radio stations and newspapers shall be used in Fort Washakie, WY. The Sho-Ban News and the Ute Bulletin will be used to post notices within Idaho and Utah.
1100.2 INTERPRETERS
The Election Judges shall advertise and select two (2) interpreters fluent in the Shoshone Language to help voters.

1100.3 RESIDENCY REQUIREMENTS
   a. Candidates must have lived on the Wind River Reservation for a minimum of two (2) years prior to filing for office.
   b. All candidates must reside within the boundaries of the Wind River Indian Reservation.
   c. Residency verification with a physical address is required for the filing application. A driver’s license or tribal ID showing the physical address and any bill with name and physical address will be required to file for office.

1100.4 FRAUD
Fraud is defined as illegal conduct committed in an election, usually in the form of fraudulent voting. Any person who commits fraud in the conduct of or participation in the elections will be prosecuted to the fullest extent of the law. (SALOC Section 7-6-9)

1100.5 HOURS AND POLLING PLACES
The polls will open at 9:00 AM and close at 7:00 PM on voting day.
   • Polling locations will be at Fort Washakie, WY and Crowheart, WY
   • Special Polling Locations: Fort. Hall, ID and Fort Duchesne, UT where the Election Judges will issue and receive Absentee Ballots. A locked Absentee Ballot Bin and Security is to be present at the Absentee Voting location.

1100.6 CAMPAIGNS
No candidate will be allowed to campaign within 100 yards of the polling places on Election Day. Any violations will result in the candidate to be removed from the ballot.

1100.6.1 CAMPAIGN VIOLATIONS:
   a) Security must be notified at the Election Polling Site of any violation Electioneering 100 feet or less from election polls.
   b) The local police will be called to document violation(s).
   c) The Election Judges must receive documentation from Election Security and a copy of the police report.
   d) It is the Election Judges’ responsibility to declare that there has been a violation by the candidate and remove that candidate’s name from the ballot.

1100.7 BALLOTS/BALLOT ORDER
The official ballot for the candidates shall contain:
   a) Name used on the Shoshone Enrollment Register.
   b) Candidates will be listed in Alphabetical Order by their last name.
   c) A picture of the candidate will be placed beside each name on the Election Ballot.

1100.8 BALLOT RETENTION
Upon certification, the Election Judges will account for, verify, and sign off on all ballots (used and unused) and place them in ballot boxes. Security will deliver the locked ballot boxes to the E.S.
Archives Department. Ballots will be retained for one (1) year before they are shredded and destroyed by the Election Judges. This provision applies to ALL Elections.

1100.9 COUNTING
Electronic Voting Machines will be used to tabulate all elections. In the case that paper ballots are used the Election Judges shall have the duty to oversee the counting of the ballots along with a BIA Representative.

1100.10 CUSTODY OF BALLOTS
The custody of ballots shall be the primary responsibility of the Election Security as outlined in Section 1100.8.

1100.11 ELECTRONIC VOTING MACHINE
In all elections, voting members shall have the option of casting their ballots on a form developed for voting purposes or through use of a mechanical voting device.

1100.12 SPOILED BALLOTS
Ballot is considered spoiled if:
   a) The ballot is marked for more names then allowed.
   b) Ballot contains a gross irregularity;
   c) Ballots received after the polls have closed.
   d) The ballot will be considered “spoiled” upon consensus of Election Judges.
   e) Spoiled ballots will be placed in a specific envelope for “spoiled ballots”.

1100.13 ABSENTEE BALLOTS
Any voter who is absent from the Wind River Indian Reservation may vote by absentee ballot. Absentee ballots are available upon request from the Election Office, located at the Tribal Office, Fort Washakie, Wyoming.
   a) The envelope containing the Absentee Ballot will need to be notarized by a certified state notary.
   b) The ballot must be returned by 4:45 p.m. on the day of the election. Absentee Ballots will be made available in Utah and Idaho at a specified site for enrolled members.

1100.14 RECOUNTS
   a) Only a candidate may request a recount within twenty-four (24) hours of posting.
   b) A written request must be to the Election Judges and is notarized.
   c) The Candidate will be required to pay a $50.00 non-refundable filing fee made payable to the Eastern Shoshone Tribe.
   d) Only money orders will be accepted.
   e) The Election Judges and the authorized BIA representative will hold the recount.
   f) The contesting Candidate may have a representative of his/her choice at the recount.
   g) The Wind River Agency authorized representative and Election Judges shall certify the election results upon completion of the official count.

Primary Election Recount: NO recount will be allowed UNLESS the vote between the 6th and 7th place for SBC and the 12th and 13th place for Entertainment Committee are within five (5) votes.
**General Election Recount:** NO charge will be made in a recount when the difference between the 3rd and 4th place for SBC and the 6th and 7th place for Entertainment is less than ten (10) votes.

1100.15 **TIE VOTES**
In case of a tie vote for the last position in the primary and/or the general election of both SBC and Entertainment, a runoff shall be scheduled by the Election Judges for voting by all eligible voter of the Tribe. The runoff shall take place within thirty (30) working days after the respective Election.

1100.16 **CONTESTED ELECTIONS**
   a) Contested challenges will apply to the General Election ONLY.
   b) Only a defeated candidate can contest the General Election.
   c) The protest must be filed within thirty (30) calendar days after the General Election results have been posted.
   d) Written protests must be filed with the Election Judges.
   e) A non-refundable fee of $100 shall accompany the protest letter.
   f) Election judges will decide the contested election. Election Judges will provide a written response to the contesting individual.
   g) If the issue cannot be resolved by a unanimous decision by all the Election Judges, then a Special General Council will be called for a final decision.
   h) If there are no protests received within 72 hours of the posting, the Election will be declared final.

1100.17 **CERTIFICATION OF ELECTION**
The Election Judges and the BIA Representative(s) will certify all elections. The Election Judges’ shall post the certification within twenty-four (24) hours after completion of the official count/tally.

**SECTION 1200 ELECTION OFFICIALS**

1200.1 **ELECTION JUDGES**
Election Judges are part of the Election Officials. Their duties and responsibilities are listed under Section 300.

1200.2 **SECURITY OFFICERS**
Security will be responsible for the following: Transport of ballot boxes to and from polling areas, maintaining order at the polls, enforcing select portions of the election code, possible assistance with tabulating ballots, and transporting used/unused ballots to storage area.

1200.3 **INTERPRETERS**
Two (2) interpreters will be hired for all elections to assist Tribal Voters who may have questions about the voting process. These positions will be held for two (2) years. The interpreters will be compensated on a per diem and mileage basis for each election worked.

1200.4 **EASTERN SHOSHONE SECRETARY’S OFFICE**
The ES Secretaries Office will be responsible for the Special Election for ES Election Judges. This office will post notices for candidates and administers the run-off election. The former Election Judges will contact the perspective company to set up the election machines.

1200.5 **BIA REPRESENTATIVE**
The BIA Representative will oversee the tabulation and certification of all elections.
SECTION 1300 TERMS OF OFFICE

1300.1 SHOSHONE BUSINESS COUNCIL (SBC)
  a. Each Shoshone Business Council member elected at a General Election shall serve for a term of (4) years, subject to the following implementations:
  b. Three (3) SBC members shall be elected for one term every two years.
  c. Each Shoshone Business Council person shall not serve more than two (2) full terms consecutively.
  d. A term is defined as a full four-year term. Partial terms will not be counted as a full term.
  e. A former Business Council member may re-file for election in the next primary election two (2) years from the end of that member’s consecutive term of service.

1300.2 ENTERTAINMENT COMMITTEE (EC)
At every general election, there shall be six (6) elected officials to serve a two-year term for the Shoshone Entertainment Committee.

1300.3 TAKING OFFICE
Shoshone Business Council and Entertainment Committee members shall begin their term of office on the first Monday following the day of the General Election. All elected officials are subject to the rules and regulations governing all tribal employees including the Code of Ethics.

SECTION 1400 VACANCY, RECALL, REMOVAL

1400.1 VACANCY
  a) If an elected official should resign, be removed, or recalled from office, or die, the Shoshone Business Council shall declare the position vacant within five (5) business days.
  b) The SBC will notify the Election Judges and the Office of Attorney General or legal firm by written letter.
  c) After notification to the Election Judges and Attorney(s), the Election Judges will begin the process to fill the vacancy.
  d) If a vacancy of office occurs after the General Election, the individual receiving the next highest votes from the General Election shall fill the vacancy.

1400.2 RECALL ELECTION
Any member of the Business Council, Entertainment Committee, Tribal Court Judges and Election Judges position are subject to a recall.

1400.3 INITIATING A RECALL ELECTION PETITION
Any eligible voting member of the General Council of the Eastern Shoshone Tribe may file a recall by petition with the Election Judges on any tribal elected official or against any Election Judge(s) with the Shoshone Business Council.

A RECALL PETITION MUST CONTAIN:
  a) Petition must be signed by two-thirds (2/3) of the total voting population in the prior general election.
  b) Information on number of signatures needed shall be obtained from the Election Judges.
  c) Petition is to be titled “Recall Petition”.
  d) State the name of tribal official and purpose of the recall petition.
  e) Shall be signed and dated by the person initiating the recall petition.
f) The name of the tribal official and purpose of the recall petition must be on each page. Each page shall be numbered.

g) Petition will have lines for tribal members to print and sign their name.

h) Only eligible voters may sign the petition in order for their signature to be counted. Once a petition has been submitted to the Shoshone Business Council, the Shoshone Enrollment Office Director will verify signatures of eligible voters.

1400.4 CAUSE FOR REMOVAL

a) Permanent change of residence from the Wind River Indian Reservation.

b) Three (3) consecutive absences for failure to attend consecutive Business Council Meetings and Wind River Intertribal Council meetings without approval from the majority of SBC members.

c) Conviction of a felony in any court or a misdemeanor in any tribal court while in office.

d) Misuse of tribal funds and/or tribal property, which includes the tribal credit card, shall be considered cause for removal.

e) Failed random alcohol/drug testing.

f) Non-compliance with the Code of Ethics.

g) Abuse of authority by maintaining an employment vacancy open in the event he/she is not re-elected for office.

h) Abuse of authority by taking action without an SBC quorum and recorded approval.

i) Any SBC member(s) sanctioned a third time under EST Resolution 2012-10441.

A Quorum of 2/3 the Voting Population in the Prior General Election must be present for Removal of any SBC member(s) by General Council.

Any elected official removed, shall not conduct tribal business during the appeal process and shall be suspended without pay or any other benefits received as part of their elected office.

Due Process will be served whereas the removed official will be given a chance to be heard and an appeal process applied. The SBC Roll Call Voting Minutes shall be the evidence to be provided to the General Council and Elected Official Removed or Suspended.

Any elected official removed or dismissed from their respective position will not receive severance pay, compensation or any other benefits.

SECTION 1500 APPEALS

Upon notification of removal from office, an official shall have fifteen days to file an appeal. Such appeal shall be in writing and filed with the Tribal Secretary. The appeal shall be handled at a Special Shoshone General Council meeting to be conducted within thirty (30) days from the date that the official filed his/her written appeal. The Shoshone General Council shall determine the final outcome.

SECTION 1600 REFERENDUM

This section is to allow any member of the Shoshone General Council to have a voice in the government through initiating law or repeal by utilizing a vote by referendum.

Voters in any referendum vote must meet the Tribal Member Voting Requirements in Section 800 herein as well as the residency requirement in Section 1100.3 herein.
A referendum vote will be held if it receives approval from the Shoshone General Council. (Resolution No. 1997-7868, Resolution No. 2010-10231 and Resolution No. 2007-9862). In the alternative, the Shoshone General Council may utilize this referendum process if a Shoshone General Council meeting cannot take legal action due to a lack of quorum or a cancelled meeting, or if there is an issue that requires Shoshone General Council action when time is of the essence.

Any referendum vote shall be made by filing a Petition with the Election Judges, to include the number of Shoshone Tribal member signatures taken from the current Shoshone General Council quorum count. After verification of signatures through the Enrollment Department, the Election Judges shall submit the Petition to SBC. The Election Judges shall then set up the referendum vote.

CERTIFICATION

This is to certify that a meeting of the General Council of the Eastern Shoshone Tribe of the Wind River Indian Reservation, was held at Fort Washakie, Wyoming, on the ____________ day of ________________, 20__, and that the above resolution was adopted by a vote of ___ members voting for the resolution and ____ members voting against the resolution, and that a quorum of at least seventy-five (75) members were present when the vote was taken.

___________________________
Chairman Shoshone General Council

Date:_____________________

ATTEST:

___________________________
Secretary, Shoshone General Council