Filed: 11/23/2026
ROUND VALLEY INDIAN TRIBES
TRIBAL COURT
77826 COVELO ROAD
COVELO CA 95428
LB

IN THE ROUND VALLEY TRIBAL COURT
ROUND VALLEY INDIAN TRIBES
Covelo, California

CARLINO BETTEGA,
Plaintiff,

v.

ROUND VALLEY INDIAN TRIBES ELECTION BOARD, et al.,
Defendant(s).

Case No.: RVIT-CV-2026-0040-JW

WRITTEN STATEMENT OF ERICA SHEPHERD IN RESPONSE TO PLAINTIFF'S ALLEGATIONS

I, Erica Shepherd, former Election Board Inspector for the Round Valley Indian Tribes, respectfully submit this written statement in response to the allegations made by Plaintiff Carlino Bettega concerning the November 3, 2026, Tribal General Election.

I was present and participated in the Election Board's proceedings and decisions. I have received approval from the Election Board Inspector Chairperson Clarence Britton to prepare this response on behalf of the Board and myself. I will also be appearing before the Court because I have been personally named in the court documents.

My responses to the Plaintiff's allegations are as follows:

I. Alleged Conflict of Interest

The Plaintiff references Article IV, Section 9 of the Round Valley Indian Tribes Constitution concerning conflicts of interest. This provision addresses conflicts involving Tribal Council members. I am not a Tribal Council member, nor do I have any financial interest in the outcome of the Tribal Election.

Additionally, Article IV of the Rules of Governance, Tribal Council Code of Ethics, page 10, addresses the conduct and ethical responsibilities of Tribal Council members. It does not expressly identify blood relationships, marriage, or having children with a Tribal Council member as grounds for disqualification from serving on the Election Board.

I am not legally or traditionally married to Tribal President Joseph Parker Sr. Although we have children together, that relationship alone does not establish that I had a financial interest in the election or that I improperly influenced any Election Board decisions.

I respectfully dispute the allegation that my service on the Election Board constituted a conflict of interest under the provisions cited by the Plaintiff.

II. Alleged Improper Handling of the Election and Candidate Eligibility

On September 21, 2026, Mr. Bettega was provided an opportunity to discuss his candidate eligibility determination. Other potential candidates who had received notices of ineligibility for separate reasons were also provided opportunities to address their circumstances.

Mr. Bettega obtained a signature from Round Valley Indian Housing Director Lewis Whipple concerning his eligibility documentation. However, Mr. Whipple was not the authorized individual responsible for verifying the financial records in question and did not have the necessary access or authority to certify those records.

It was the responsibility of the potential candidate to ensure that the required documentation was completed and verified by the appropriate authorized personnel.

The Election Board and I were not responsible for Mr. Bettega obtaining a signature from an individual who lacked the necessary authority to certify the requested information.

I respectfully dispute the allegation that the Election Board or I improperly handled his eligibility determination on that basis.

III. Alleged Improper Vote Count and Failure to Follow Tie-Breaking Procedures

Section 11.05(E) and (F) of the Election Ordinance establishes procedures for counting ballots.

Section 11.07 further provides that the Election Board may, at its discretion, call for a recount.

On November 3, 2026, the Election Board members participated in the election tally process. Based on the completed tallies, the Board did not determine that a recount was necessary.

Additionally, Article XII, Section 12.01(A), of the Election Ordinance provides that an eligible candidate who has tied with another eligible candidate may decline the position, in which case the remaining candidate or candidates shall be declared the winner.

There were only four available Tribal Council positions in the November 3, 2026, General Election. The tie referenced by Mr. Bettega involved candidates whose vote totals were below those of the candidates who received the four highest vote totals.

Therefore, the tie did not affect the determination of the four winning positions. I respectfully dispute the allegation that the Election Board failed to follow the applicable election counting or tie-breaking procedures.

IV. Alleged Questionable Revision of the Election Ordinance on June 9, 2026

The initial review of the proposed Election Ordinance revisions occurred on June 1, 2026.

The proposed revisions were forwarded by Deborah Hutt to the Tribal Council and Tribal Business Administrator for review. These revisions concerned proposed changes brought forward by members of the Tribal Community.

The Tribal Council reviewed the proposed changes, and seven Tribal Council members were present, constituting a quorum for the approval process. The revised documents were subsequently signed.

I respectfully dispute the allegation that the revisions were improperly made solely on the basis that the Plaintiff questions the June 9, 2026, revision process.

V. Alleged Voter Participation and Enrolled Member Rights

I dispute the Plaintiff's characterization of the distribution of candidate packets.

Obtaining a candidate packet does not automatically establish that an enrolled Tribal member intends to become an official candidate. Some individuals may request a packet solely to review the information or consider whether they wish to run for Tribal Council.

The Election Board cannot force or require an enrolled Tribal member to complete and submit a candidate packet.

A potential candidate must complete the required process and submit the necessary documentation to be considered for official candidacy.

Therefore, the number of candidate packets distributed does not necessarily reflect the number of individuals who intended to become official candidates or establish that any member's rights were violated.

VI. Alleged Constitutional and Ethical Violations

I respectfully disagree with the Plaintiff's allegations that the Election Board acted unethically, improperly influenced the election, or violated its constitutional obligations.

To my knowledge, no Election Board member or individual assisting with the November 3, 2026, Tribal General Election improperly influenced the election process.

I did not participate in the election process for personal financial gain.

The Election Board's responsibility was to administer the election and carry out its duties in accordance with the applicable Constitution and Election Ordinance.

The Plaintiff's allegations should be evaluated based on the applicable governing provisions and supporting evidence rather than unsupported conclusions regarding the motives of individual Election Board members.

VII. Relief Requested From the Tribal Court

Based on the information provided above, I respectfully request that the Round Valley Tribal Court:

1. Uphold the November 3, 2026, Tribal General Election. Deny the Plaintiff's request to invalidate or overturn the election unless sufficient evidence establishes a violation of the applicable Constitution or Election Ordinance that warrants such relief.

2. Reject unsupported personal allegations against Erica Shepherd. I request that the Court consider the Plaintiff's allegations against me based on actual evidence and applicable law. Mr. Bettega has previously brought matters involving me before the Court, and I believe his continued personal allegations have unfairly damaged my reputation. I request that the Court not permit unsupported personal accusations to substitute for evidence of election misconduct.

3. Consider appropriate monetary relief, if legally authorized. I request that the Court consider whether monetary relief or other appropriate remedies are available for any proven harm resulting from false and damaging allegations made against me. I understand that any such request must be supported by evidence and must comply with the Tribal Court's jurisdiction and procedural requirements.

VIII. Closing Statement

I respectfully maintain that I carried out my responsibilities as a former Election Board Inspector in good faith and in accordance with my understanding of the governing election procedures.

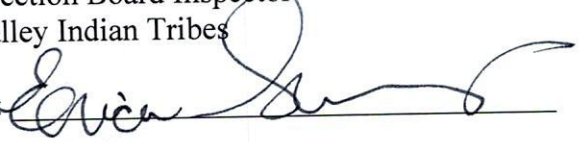
I did not use my position for personal financial gain, intentionally influence the election results, or knowingly interfere with any candidate's rights.

I ask the Court to review the actual Election Board records, the applicable constitutional provisions, the Election Ordinance, and the evidence presented before making a determination regarding the Plaintiff's allegations.

I respectfully request that the Court uphold the November 3, 2026, Tribal General Election and deny any relief that is not supported by the evidence or applicable Tribal law.

Respectfully submitted,

Erica Shepherd
Former Election Board Inspector
Round Valley Indian Tribes

Signature: 

Date: 11/23/24

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ROUND VALLEY RESERVATION ESTABLISHED 1856

RESOLUTION NO. RV-2026-049

A RESOLUTION AMENDING AND APPROVING THE ELECTION ORDINANCE

WHEREAS, the Round Valley Indian Tribes is a federally recognized Tribe by the United States government, and

WHEREAS, the Round Valley Indian Tribes are the sovereign Tribal Nation of the Indian Tribes of the Round Valley Indian Reservation, and

WHEREAS, the Round Valley Tribal Council is recognized by the Federal Government of the United States of America as the governing body for the Indians of the Reservation, and

WHEREAS, Article VIII, Section 17 of the Constitution of the Round Valley Indian Tribes states that the Tribal Council shall have the power to adopt an election ordinance covering all necessary procedures for both general and special elections, and

WHEREAS, Article I, Section 1.02(C) of the Election Ordinance states that the Election Ordinance can be modified by action of the Tribal Council by Resolution, and

WHEREAS, Section 4(C) of the Rules of Governance and Code of Ethics, states that Ordinances once enacted may be amended or modified by the Tribal Council, where the proposed amendment or modification has been presented and submitted for a minimum of two readings before action is taken. Any changes to be made to existing ordinances shall be recorded in the form of a resolution describing the amendment, modification, addition or deletion to the affected ordinance, and

WHEREAS, those cited amendments proposed for approval are attached to this Resolution entitled, **Attachment to the Election Ordinance Resolution for Approval June 8, 2026,** and

WHEREAS, the Election Board, to fulfill their duties and responsibilities to the tribal community, need to have a clear and precise ordinance from which to be directed.

NOW THEREFORE BE IT RESOLVED, that the Round Valley Tribal Council hereby approves and authorizes:

The amendments to the Election Ordinance (enactment approval on July 8, revised on August 21, 2012) per presentation as additions, replacements, or deletions which are attached and are to become a part of said resolution.

BE IT FURTHER RESOLVED, that the President of the Round Valley Tribal Council, and/or the Vice-President in the absence of the President is hereby authorized by the governing body to execute said resolution approving the amendments to the Election Ordinance and any supporting documents.

CERTIFICATION

I, the undersigned as President of the Round Valley Indian Tribes do hereby certify that this resolution was adopted at a duly noticed and duly called special meeting of the Round Valley Tribal Council at which Seven (7) members were present, constituting a quorum, held on the 8th 15t day of June 2026, and that this resolution was adopted by a vote of:

For	Seven (07)
Against	None (0)
Abstentions	None (0)

And that said resolution has not been rescinded or amended in any way.

Joseph Parker, President, Round Valley Tribal Council

ATTEST:

Executive Secretary, Round Valley Tribal Council

Attachment to the Election Ordinance Resolution for Approval June 8, 2026

There were three (3) public meetings in which the community discussed the needed amendments to the Election Ordinance. The meetings were held on May 6, May 14 and May 30. Zoom was available at the latter two (2) meetings.

Tribal members contributed many amendments, and we jotted down all of them. But the group was informed that we would address the 'glaring' issues that had been brought up after the last few elections. Therefore, the Additions, Deletions, and Changes that follow are those most blatant sections.

ADDITIONS:

1) Article II, Section 2.02 Business Days
In this Ordinance, there are twenty-three (23) places where the word, "days", is used. For clarification, days means Business days to differentiate from calendar days.

2) Article IV, Section 4.01(D)(4)(e)
The Tribal Council shall appoint two (2) alternates to the Election Board. An alternate may be counted as part of the quorum when there is a need to access the Election Board Room. The alternates shall assist with the election process, but they shall not be members of the Board, they shall not have a vote on Board matters, nor will their services be compensated.

3) Article IV, Section 4.05 Quorum
Two (2) or more members of the Election Board shall constitute a quorum to be able to access the Election Board Room for work-related assignments. Alternates to the Election Board may be counted to reach the required quorum.

4) Article V, Section 5.02(C) Because it is a two (2) or three (3) day turnaround, background checks will be through the Tribal Police.

5) Article V, Section 5.02(F) The filing fee is $150.00, the receipt is due when returning the Nomination Form; payment through the Fiscal Office

6) Article XIV, Section 14.03 Reseating, General Election

A. After the Oath of Office has been administered to the newly-elected member(s), the seven (7) seated Tribal Council members, newly-elected and currently seated, shall conduct a secret ballot election among themselves for the various seats: first voting is for the President, second the Vice-President, third, Secretary, fourth, Treasurer, fifth, Sergeant-of-Arms, sixth, first Member-at-Large and lastly, the second Member-at-Large.
B. Starting with the position of President, any member may nominate another member.
C. After nominations have closed, Tribal Council members shall write their vote on a piece of paper. All paper ballots shall be collected and the names read off by the Inspector.
D. The nominee receiving the highest number of votes will be declared winner.
E. If there is a tie between nominees, there will be another immediate secret vote with only those names who are tied. The nominee receiving the highest number of votes will be declared winner. If the tie can't be broken, the nominees will draw straws with the nominee choosing the longest straw filling the seat.

F. The term for each position is based upon the year the Tribal Council member was elected. The term for each Tribal Council member is four (4) years from the year he/she was elected.

9) Article XVIII, Section 16.02 Reseating, Recall Election
Tribal Council member(s) that was/were not being recalled will stay in their original seat(s)/position(s). After the Oath of Office has been administered, the member(s) appointed or elected to fill a vacant position(s) will assume the seat, position and will finish the term of the Tribal Council member whom he/she is replacing. The newly elected Tribal Council member with the highest votes will take the position of the recalled Tribal Council member with the highest votes, and so on.

CHANGES:
1) Article II, Section 2.23 Residency
To be an eligible candidate, you must be a resident of the reservation for at least one (1) year or had resided in the Round Valley Area for at least one (1) year consecutively prior to the date of the election.

Article VII, Section 7.01(A) Eligible Voters

A. The voting age in all elections shall be set in accordance with the Constitution, which states: An enrolled tribal member who is age eighteen (18) years old or older on the date of any tribal election shall be entitled to vote in the election.
B. To vote in tribal elections, the Eligible Voter must register to vote with the Election Board using Voter Registration Form E-2. The Voter Registration Form E-2 will be available for download on the tribal website. Voter Registration Forms shall also be sent out by mail or fax prior to mailing the form through USPS.
C. Once that tribal member has registered to vote with the Election Board, and his/her name is automatically added to the Roster of Registered Voters.
D. The names of the Eligible Voters who registered to vote with the Election Board [add *Board] [delete Committee]* will become registered voters and will receive a notice from the Election Board that their name has been added to the Roster of Registered Voters.

2) Article 9.01(B) Ballots
[ADD at the end of current] "… Appendix I of this Ordinance." The layout for Form E-1 and Form F-1 ballots shall be identical except for the titles, Official Ballot and Absentee Ballot.

DELETIONS:
1) Article IV, Section 4.03(A)(1)(e) Election Board Duties on Election Day
[replaced with Article IV, Section 4.01(F)]

2) Article VII, Section 7.01(A)(2) Eligible Voter

ROUND VALLEY INDIAN TRIBES

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ROUND VALLEY RESERVATION ESTABLISHED 1856

RESOLUTION NO. RV-2015-033

A RESOLUTION APPROVING THE AMENDMENTS TO ELECTION ORDINANCE

WHEREAS, the Round Valley Indian Tribes is a federally recognized Tribe by the United States government, and

WHEREAS, the Round Valley Indian Tribes are the sovereign Tribal Nation of the Indian Tribes of the Round Valley Indian Reservation, and

WHEREAS, the Round Valley Tribal Council is recognized by the Federal Government of the United States of America as the governing body for the Indians of the Reservation, and

WHEREAS, Article V, Section 1 of the Constitution of the Round Valley Indian Tribes authorizes the powers of the Round Valley Tribal Council, and

WHEREAS, Article VIII, Section 17 of the Constitution of the Round Valley Indian Tribes states that the Tribal Council shall have the power to adopt an election ordinance covering all necessary procedures for both general and special elections, and

WHEREAS, Article I, Section 1.02C of the Election Ordinance states that the Election Ordinance can be modified by action of the Tribal Council by Resolution, and

WHEREAS, Section 4C of the Rules of Governance and Code of Ethics, states that Ordinances once enacted may be amended or modified by the Tribal Council, where the proposed amendment or modification has been presented and submitted for a minimum of two readings before action is taken. Any changes to be made to existing ordinances shall be recorded in the form of a resolution describing the amendment, modification, addition or deletion to the affected ordinance, and

WHEREAS, those cited amendments proposed for approval are attached to this Resolution entitled **Attachment To The Election Ordinance Resolution for Approval May 29, 2015,** and

WHEREAS, the Election Board, to fulfill their duties and responsibilities to the tribal community, need to have a clear and precise ordinance from which to be directed.

NOW THEREFORE BE IT RESOLVED, that the Round Valley Tribal Council hereby approves and authorizes:

The amendments to the Election Ordinance (enactment approval on July 8, 2003, revised on August 21, 2012) per presentation as additions, replacements, or deletions which are attached and are to become a part of said resolution.

BE IT FURTHER RESOLVED, that the President of the Round Valley Tribal Council, and/or the Vice-President in the absence of the President is hereby authorized by the governing body to execute said resolution approving the amendments to the Election Ordinance and any supporting documents.

CERTIFICATION

I, the undersigned as President of the Round Valley Indian Tribes do hereby certify that this resolution was adopted at a duly noticed and duly called special meeting of the Round Valley Tribal Council at which four (4) members were present, constituting a quorum, held on the 29th day of May 2015, and that this resolution was adopted by a vote of:

For	Four (4)
Against	None (0)
Abstentions	None (0)

And that said resolution has not been rescinded or amended in any way.

James Russ

James A. Russ, President, Round Valley Tribal Council

ATTEST:

Alberta J. Azbill

Executive Secretary, Round Valley Tribal Council

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ROUND VALLEY RESERVATION ESTABLISHED 1856

RESOLUTION NO. RV-2015-034

A RESOLUTION APPROVING THE COLLABORATIVE RELATIONSHIP BETWEEN THE ELECTION BOARD AND ENROLLMENT DEPARTMENT AS IT PERTAINS TO TRIBAL ELECTIONS

WHEREAS, the Round Valley Indian Tribes is a federally recognized Tribe by the United States government, and

WHEREAS, the Round Valley Indian Tribes are the sovereign Tribal Nation of the Indian Tribes of the Round Valley Indian Reservation, and

WHEREAS, the Round Valley Tribal Council is recognized by the Federal Government of the United States of America as the governing body for the Indians of the Reservation, and

WHEREAS, Article V, Section 1 of the Constitution of the Round Valley Indian Tribes authorizes the Round Valley Tribal Council to administer all Tribal Business, and

WHEREAS, the Election Board, to fulfill their duties and responsibilities to the tribal community, need to work in collaboration with the Enrollment Department, and

WHEREAS, according to the Enrollment Ordinance, Article XI(A): "….. *However, neither the Membership Roll nor any portion thereof may be copied and/or distributed to any person or organization, or any program or the directors, except upon permission of the Round Valley Tribal Council by appropriate resolution. The Round Valley Tribal Council shall use information from the Membership Roll for the benefit of tribal members and/or tribal programs".*

NOW THEREFORE BE IT RESOLVED, that the Round Valley Tribal Council hereby approves and authorizes:

1) The Enrollment Department shall prepare and maintain a current Roster of Eligible Voters

   A. This list shall be updated every month

   B. The Enrollment Department shall add the names of persons who have reached or will reach eighteen (18) years of age by Election Day

C. Ninety (90) days before Election Day, the Enrollment Department shall give the current list of Eligible Voters to the Election Board.

D. The Election Board shall check this list for accuracy, and the Election Board Judge shall, in collaboration with the Enrollment Clerk, verify the signatures on the outer envelope.

2) When the Election Board receives a completed Absentee Ballot, the Election Board Judge shall, in collaboration with the Enrollment Clerk, verify the signatures on the outer envelope.

3) The Enrollment Clerk, or the Clerk's Designee, to be available from 8:00 a.m. to 8:00 p.m. on Election Day for verification of signatures.

BE IT FURTHER RESOLVED, that the President of the Round Valley Tribal Council, and/or the Vice-President in the absence of the President is hereby authorized by the governing body to execute said resolution and any other supporting documents.

CERTIFICATION

I, the undersigned as President of the Round Valley Indian Tribes do hereby certify that this resolution was adopted at a duly noticed and duly called special meeting of the Round Valley Tribal Council at which ( ) members were present, constituting a quorum, held on the day of 2015, and that this resolution was adopted by a vote of:

For
Against
Abstentions

And that said resolution has not been rescinded or amended in any way.

James Russ

James A. Russ, President, Round Valley Tribal Council

ATTEST:

Alberta J Ashwill

Executive Secretary, Round Valley Tribal Council

ELECTION ORDINANCE OF THE ROUND VALLEY INDIAN TRIBES

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ARTICLE I - INTRODUCTION

Section 1.01 Election Ordinance

The Tribal Council shall have the power to adopt an election ordinance covering all necessary procedures for both general and special elections. (Const Art VIII Sec 17)

Section 1.02 Introduction to the Election Ordinance

A. The Table of Contents gives an opportunity of the provisions of the Election Ordinance.

B. The applicable provisions of the Constitution of the Round Valley Indian Tribes (hereinafter referred to as "Constitution or Const") appear in the ordinance in **bold** print. Constitutional provisions cannot be modified, except by amendment to the Constitution.

C. The Election Ordinance appears in regular print and can be modified by action of the Tribal Council by Resolution.

Section 1.03 Round Valley Tribal Council Findings

A. The Tribe will benefit from the adoption of an amended Election Ordinance to ensure fair and proper elections;

B. The Election Ordinance provides standard guidance for conducting Tribal Elections;

C. The Election Ordinance is necessary to provide basic rules to govern election procedures to ensure that all Tribal Elections are conducted in an expedient, proper and just manner;

D. The Tribal Judicial Committee and Tribal Council have developed the Election Ordinance to provide rules to govern Tribal Elections; and

E. The Election Ordinance establishes a set of rules for the benefit of the Tribe and its members.

ARTICLE II – DEFINITIONS

Section 2.01 Basic Skills Assessment
A test administered to prospective candidates to gauge their basic skills covering: reading comprehension, critical thinking, math reasoning, language, computer and government.

Section 2.02 Candidate
A Candidate is an Eligible Candidate that has met the requirements in Article VI of this Ordinance.

Section 2.03 Consent for the Release of Information: Background Check
Part of the Nomination verification process; a document giving consent for the Election Board to conduct a background check on potential candidates for criminal record, residency, educational, tribal standing, et. al.

Section 2.04 Election Board Clerk #1 (Const Art VIII Sec 10)
The Election Board shall select a clerk #1 who shall check the names of the voters as they arrive on Election Day on an official roster.

Section 2.05 Election Board Clerk #2 (Const Art VIII Sec 10)
The Election Board shall select a clerk #2 who shall keep a sign-in sheet and who shall distribute ballots to the eligible voters.

Section 2.06 Election Board Inspector (Const Art VIII Sec 10)
The Election Board shall select one of its members to serve as the Inspector who shall oversee the election.

Section 2.07 Election Board Judge (Const Art VIII Sec 10)
The Election Board shall select one of its members to serve as Judge who shall cross-check names of the voters and who shall keep a separate roster.

Section 2.08 Electioneering
Any communication intended to or attempting to persuade Registered Voters to vote for or against a candidate or issue; i.e., posters, buttons, pins, shirts, etc.

Section 2.09 Eligible Candidate
Any member of the Tribe who meets the Qualifications for Office, as stated in Article VI Section 6.01 of this Ordinance.

Section 2.10 Executive Secretary
The Administrative Executive Secretary.

Section 2.11 Final Voters Results
The Voters Result including the count of eligible absentee ballots.

Section 2.12 General Elections
General elections to vote for upcoming vacancies on the Tribal Council shall be held on the first Tuesday of November in even numbered years. (Const Art VIII Sec 1)

Section 2.13 Good Cause
Includes, but is not limited to: (a) violation of the Constitution or of a Tribal Ordinance; (b) convicted of a criminal or civil offense, such as; assault and battery, theft, fraud, forgery, extortion, disorderly conduct, malicious mischief, public nuisance, contributing to the delinquency of a minor, bribery, possession of an illegal controlled substance, drunkenness, illegal gambling, homicide, false claims, or unlawfully carrying a concealed weapon; and

(c) Solicitation or acceptance, either directly or indirectly, of any gift, favor, loan, or anything of monetary value from anyone who has an interest that may be substantially affected by the performance or nonperformance of the Election Board and Tribal Official election duties.

Section 2.14 Immediate Family
Those people living in the same household, and parents (biological, step, foster, adopted, and traditional), children, and siblings.

Section 2.15 Incumbent
A candidate for a Tribal Council position who is currently holding a Tribal Council position.

Section 2.16 In Good Standing
Without outstanding debts and/or offenses with all RVIT programs, boards, committees, tribal court, or other tribal entities.

Section 2.17 Mutilated Ballot
An official ballot that has been damaged beyond use.

Section 2.18 Official Ballot
Ballots prepared by the Election Board for a General or Special Election. See Official Ballot Form E-1 and Absentee Ballot Form F-1 contained in the Appendix I of the Ordinance.

Section 2.19 Official Nomination Form
Form B-1, provided by the Tribal Council Secretary, in collaboration with the Election Board, to any person who wishes to become a candidate for the Tribal Council.

Section 2.20 Official Recall Petition Form
Form H-1, issued by the Election Board to the tribal member who initiates a recall. The list of allegations for recall shall be included at the top of each page.

Section 2.21 Rejected Ballot
An Official Ballot whereby the voter's choice cannot be determined.

Section 2.22 Residency
The period of time that somebody lives in a place.

Section 2.23 Round Valley Area
The area within the boundaries of the original Round Valley Reservation and the area within the 95428 or 95429 zip codes.

Section 2.24 Special Elections
Special Elections refers to all elections other than General Elections; including but not limited to initiative and referendum elections, run-off elections to resolve tie votes, vacancy elections to fill a vacancies and recall elections of a tribal council member.

Section 2.25 Spoiled Ballot
An official Ballot whereby the voter irrevocably damaged it beyond usage.

Section 2.26 Sufficient Experience
Possessing adequate knowledge and/or practical wisdom relevant to the duties of the Tribal Council.

Section 2.27 Tribal Member
An enrolled, member of the Round Valley Indian Tribes.

Section 2.28 Voter

2.28.1 Eligible Voter
Voting Age. All tribal members who are age eighteen (18) or older on the date of any tribal election shall be entitled to vote in the election. (Const Art VIII Sec 6).

2.28.2 Registered Voter
An enrolled, tribal member who is eighteen (18) years old or older on the date of the tribal election, who has registered to vote with the Election Board, and whose name is on the Roster of Registered Voters.

2.28.3 For signing Nomination and Recall Petition forms:
The tribal member must already be eighteen (18) years old at the time of signing the forms and is registered voter.

End of Definitions

Article III - ELECTIONS

Section 3.01 Elections

There shall be two (2) types of Tribal elections: General Elections and Special Elections.

Section 3.02 General Election

General elections to vote for upcoming vacancies on the Tribal Council shall be held on the first Tuesday of November in even numbered years. (Const Art VIII Sec 1)

Section 3.03 Special Elections

A. **Special elections shall be held when called for by the Tribal Council, by this Constitution, or by the voters as provided in this Constitution or appropriate ordinances. In all special elections, adequate notice shall be given to the voters.** (Const Art VIII Sec 2)

B. Special Elections may include:

1. **Run-off Election**: to resolve tie votes (Const Art VIII Sec 13)
2. **Vacancy Election**: to fill a vacancy on the Tribal Council (Const Art VIII Sec 16)
3. **Recall: of a Tribal Council Member and subsequent Election if recalled** (Const Art IV Sec 11)
4. **Recall: Initiative by Petition** (Const Art IX Sec 1)
5. **Recall: Referendum by Petition** (Const Art IX Sec 2)

Article IV - ELECTION BOARD

Section 4.01 Tribal Council Appoints the Election Board

A. **The Tribal Council shall appoint an Election Board consisting of at least four (4) tribal members to conduct all elections including all special elections.** (Const Art VIII Sec 3)

B. **Election Board members shall serve for two (2) year terms.** (Const Art VIII Sec 3)

C. **The Council may remove an Election Board member for good cause as defined by ordinance.** (Const Art VIII Sec 3)

D. Terms are expired on April 30th.

1. The Tribal Council shall appoint four (4) persons, in good standing, to the Election Board. The requirement of sufficient experience to be seated on the Election Board shall be demonstrated in the submitted Letter of Intent. The Tribal Council shall base its decision on the experience of the prospective candidate(s) relevant to the duties of the Election Board.

2. All Election Board members serve terms of two (2) years or until their successors have been appointed by the Tribal Council. By majority vote of the Tribal Council, any member of the Election Board may be removed for Good Cause so long as the Election Board member in question is informed of the grounds for removal and given an opportunity to respond to the charges.

3. The first appointment of the Election Board shall appoint members for staggered terms with two (2) members serving for one (1) year and two (2) members serving for two (2) years. Each Election Board member shall be documented on the Election Board Member Roster Form L-2 with their position(s) on the Election Board and the year their term began and when it will end. The Election Board members and their terms shall be documented on Election Board Member Roster Form L-2.

4. The Secretary of the Tribal Council shall serve as liaison to the Election Board for purposes of facilitating the electoral process. *(Rules of Governance, Article II, Section 1D)*

    a. The Tribal Council Secretary shall report all results of elections and findings of the Election Board to the Tribal Council for confirmation, sanction or appropriate action.

    b. The Tribal Council Secretary shall not have a vote on the Election Board, nor shall they be compensated.

    c. In the event the Secretary is a candidate, Council will appoint a non-candidate replacement from the Tribal Council.

    d. The Tribal Council Secretary shall take forward the Certified Elections Results Form G-1 to the Tribal Council for confirmation, and will send the form to the Bureau of Indian Affairs.

E. All appointed Election Board members are required to under-go Board training covering the Election Ordinance within the first month of their term. Tribal community members may attend this training.

Section 4.02 Duties and Responsibilities of the Election Board

A. Duties: The Election Board shall follow the Checklist of Duties on Form A-1 contained in the Appendix to this Ordinance. The duties of the Election Board shall also be to:

1. Conduct all elections in a fair and impartial manner;

2. Select a polling place that is safe and accessible to the voters and to notify the voters of the polling place before the election;

3. Ensure that all candidates meet the qualifications for office;

4. Ensure that each voter is permitted to mark his or her ballot in privacy, except absentee ballots;

5. Ensure that no electioneering is maintained on the Administration property; i.e., Senior Center, Head Start, Career Building, Administrative Building and parking areas;

6. Ensure that the election runs smoothly and that order is maintained at the polling place and at all other Election Board activities; and

7. Ensure safekeeping of the ballots including all absentee ballots.

B. Responsibilities:

1. No member of the Election Board may be a candidate for Tribal Council.

2. No member of the Election Board may actively campaign for the tribal nomination, election, or recall of any elected official.

3. An Election Board member whose immediate family is running as a candidate must have their position replaced.

4. The Election Board shall seek to maintain a neutral and impartial position on all election activities in order to ensure a fair and proper election.

5. The Election Board shall uphold and adhere to the terms of this Election Ordinance to the best of their abilities.

Section 4.03 Election Board Duties on Election Day (Const Art VIII Sec 10)

A. Voting procedures of the Election Board:

1. Job descriptions

(a) **The Election Board shall select one (1) of its members to serve as the Inspector who shall oversee the election** and other duties as found on the Checklist of Duties Form A-1.

(b) **The Election Board shall select a Clerk #1 who shall check the names of the voters as they arrive on Election Day on the Official Voter Roster** and other duties as found on the Checklist of Duties Form A-1.

(c) **The Election Board shall select a Clerk #2 who shall keep a sign-in sheet and who shall distribute ballots to eligible voters** and other duties as found on the Checklist of Duties Form A-1.

(d) **The Election Board shall select one of its members to serve as Judge who to avoid double-voting shall cross-check names of Registered Voters Form F-4 and keep a separate roster, Roster of Absentee Ballots Form F-5,** and other duties as found on the Checklist of Duties Form A-1.

(e) **The Election Board may appoint other persons to assist with the election process but they shall not be members of the Board (Const. Art. VIII, Sec. 10),** and they shall not have a vote on Board matters, nor will their services be compensated.

(f) Tribal police shall be available during elections for security monitoring *(add MOU)*.

(g) The Enrollment Clerk, or the Clerk's Designee, shall be available from 8:00AM to 8:00PM on Election Day for verification of signatures. *(add Resolution)*

(h) All Election Board members shall wear official badges reflecting their positions, found in the Election Board cabinet.

2. The Election Board shall maintain a list of all Registered Voters.

3. When a voter arrives to the polling place on Election Day, Clerk #1 shall check off the voter's name on the Roster of Registered Voters.

4. Clerk #2 shall ensure that each voter shall place his or her signature next to his or her name on the Roster of Registered Voters. Clerk #2 shall use an official stamp on the outside of each ballot before giving the ballot to a Registered Voter. Clerk #2 shall record the ballot number next to the signature of the Registered Voter.

5. The Election Board may assist a voter by any reasonable means necessary, if the voter request such assistance. Under no circumstance should any Election Board member attempt to persuade or influence the voter's choice. No ballots shall leave the polling place.

6. The Election Board shall maintain order at all times at the polling place, and the Election Board shall enforce this Election Ordinance from the time the polling place is open until the election results are certified.

Section 4.04 Compensation of the Election Board

A. **Election Board members shall receive reasonable compensation for their services.** (Const Art VIII Sec 3)

B. The Election Board Compensation shall be $50 per month plus $200 per Election Day.

C. Time Sheet Form L-1 is needed for each meeting of the Election Board to verify the participation of each Election Board member. Election Board members shall attend all meetings called by the Chair of the Election Board, and must stay from the beginning of the meeting to the end.

D. The yearly Budget line for the Election Board is intended for member compensation and supplies needed to carry out assigned duties within the calendar year. The Election Board shall create and maintain a budget for the committee.

Article V - NOMINATIONS

Section 5.01 Nominations

A. **Any qualified tribal member may nominate himself or herself as a candidate for Tribal Council by submitting his or her name along with ten (10) signatures from tribal members to the Election Board.** (Const Art VIII Sec 4)

B. The Tribal Council Secretary, in collaboration with the Election Board, shall provide an Official Nomination Form to any person who wishes to become a candidate for the Tribal Council. Nomination Form B-1 is contained in the Appendix I of this Ordinance.

C. Nomination Requests shall be logged on the Nomination Request Form C-2.

Section 5.02 Nomination Packet

The following items shall be in each Nomination Packet.

A. Instruction for Nomination Packet Form B-4 that will convey what is required of each prospective candidate. The instructions should address:

1. Letter of Intent,

2. Resume that demonstrates they have sufficient competency for a position on the Tribal Council,

3. Official Nominations Form B-1 to be returned with required signatures, and

4. Background Check Release Form B-2 – to be used for a criminal and residency background check that demonstrates they have not been convicted of a felony within

the last eight (8) years, and that they have lived on the Reservation/Round Valley Area for the last twelve (12) months.

B. Official Nominations Form B-1;

C. Background Check Release Form B-2;

D. A copy of the Qualifications for Office requirements; and

E. The deadline date and time for the return of a complete Nomination Packet.

Section 5.03 Signatures for Nomination Form B-1

A. **...along with then (10) signatures from tribal members to the Election Board** (Const Art VIII Sec 4);

B. Any Round Valley Tribal member, age eighteen (18) or older, who is registered to vote may sign an Official Nomination Form B-1; and

C. Registered, tribal member may sign more than one petition in support of candidate(s).

Section 5.04 Deadline for the return of the completed Nomination Packet

The completed Nomination Packet shall be received within 45 days prior to the election.

Section 5.05 Verification of Nomination Packet

A. When a Nomination Packet is returned, the Election Board shall time/stamp it and verify the returned of all required forms.

B. The day after the deadline for the return of Nomination Packets, the Election Board in collaboration with the Enrollment Department shall meet to verify the packets. *(add resolution)*

C. Late or incomplete Nomination Packets shall be rejected with no additional time past the agreed upon deadline date and time.

D. After the verification of Nomination Packets process, Clerk #1 shall post letters to the eligible, Form B-7, and ineligible, Form B-8, candidates.

Section 5.06 Incumbent

An incumbent shall be treated as a new candidate.

Section 5.07 Candidate Endorsement

Current Tribal Council members shall not endorse any candidate in any way.

Section 5.08 Final List of Candidates

The Tribal Council Secretary in cooperation with the Election Board shall post the final List of Candidates at least thirty (30) days before the election in at least four (4) public places using the Posting Form D-4. The Tribal Council Secretary (or designated individual) shall use the Final List of Candidates Form C-1 contained in the Appendix I of this Ordinance.

Article VI - ELIGIBLE CANDIDATES

Section 6.01 Qualifications for Office

All Candidates for Tribal Council positions shall meet the Qualifications for Office as listed in Article VIII Section 5 of the Constitution, which states:

A. **Any member of the Tribe shall be eligible as a candidate for tribal office if he or she:** (Const Art VIII Sec 5a)

1. **Is at least twenty-one (21) years of age; and** (Const Art VIII Sec 5a)

2. **Is a resident of the reservation for at least one (1) year or has resided in the Round Valley Area for at least one (1) year; and,** (Const Art VIII Sec 5a) consecutively prior to the date of the election.

   (a) It shall be the responsibility of the tribal members who have just recently moved back to and currently reside in the Round Valley Reservation/Round Valley Area as a permanent resident to file a Reinstatement of Residency Form B-3 with the Receptionist. This form will be used for reference in upcoming elections by the Election Board.

   (b) Tribal members who have recently moved back to and currently reside in the Round Valley Area, but have not made any attempt to reinstate themselves and cannot show written documentation as to when they moved back and started their residence on or near the reservation, will not be considered eligible even though they may have been present on or near the reservation for the required one-year period.

   (c) Exempt are tribal members who have been in school or the military.

3. **Has had no felony convictions within the last eight (8) years; and** (Const Art VIII Sec 5a)

4. **Has a high school degree or its equivalent, or has sufficient experience for a position on the Tribal Council.** (Const Art VIII Sec 5a)

5. Is in good standing with tribal programs, boards, committees, tribal court and other tribal entities.

6. Is listed on the Roster of Registered Voters Form F-5 *(beginning January 2016)*.

B. **The requirement of sufficient experience shall be demonstrated to the Election Board. The Election Board shall base its decision on the experience of the prospective candidate relevant to the duties of the Tribal Council.** (Const Art VIII Sec 5b)

C. Because resumes and background checks can fail to demonstrate a prospective candidate's sufficient experience relevant to the duties of the Tribal Council, the Election Board will administer a Basic Skills Assessment to all prospective candidates upon the return of their Nomination Packet *(beginning January 2016)*.

D. **If the Election Board decides that a prospective candidate does not have sufficient experience it shall do so in writing giving specific reasons for its decision. An adverse decision by the Election Board may be appealed to the Tribal Council.** (Const Art VIII Sec 5c)

Article VII - ELIGIBLE and REGISTERED VOTERS

Section 7.01 Eligible Voters

A. The voting age in all elections shall be set in accordance with the Constitution, which states:

1. **Voting Age. All tribal members who are age eighteen (18) or older on the date of any tribal election shall be entitled to vote in the election.** (Const Art VIII Sec 6)

2. To vote in tribal elections, the Eligible Voter must register to vote with the Election Board using Voter Registration Form E-2 *(beginning January 2016)*.

3. Voter Registration Forms E-2 will be available for download on the tribal website. Voter Registration Forms shall also be sent out by email or fax prior to mailing the form through USPS.

4. The names of the Eligible Voters who registered to vote with the Election Committee will become registered voters and will receive a notice from the Election Board that their name has been added to the Roster of Registered Voters.

Section 7.02 Roster of Eligible Voters

A. The Enrollment Department shall prepare and maintain a current Roster of Eligible Voters; this list shall be updated every month *(add Resolution)*.

B. The Enrollment Department shall add the names of persons who have reached or will reach eighteen (18) years of age by Election Day *(add Resolution)*.

C. Ninety (90) days before Election Day, the Enrollment Department shall give the current list of Eligible Voters to the Election Board. The Election Board shall check this list for accuracy, and the Election Board and the Enrollment Department shall work cooperatively to update the list as necessary *(add Resolution)*.

Section 7.03 Roster of Registered Voters - Official Voter Roster

A. The Election Board shall prepare and maintain a Roster of Registered Voters Form F-5; updating shall be on-going. .

B. The Election Board shall cross-check with the Roster of Eligible Voters before approving the submitted Voter Registration Form, and adding the name to the Roster of Registered Voters – Official Voter Roster Form F-5.

C. If the tribal member is found ineligible to register to vote, Clerk #1 will send a Not Eligible Voter Form E-3 to that tribal member as soon as possible and will include the reason(s) why that member is not eligible.

D. The Election Board shall post the Roster of Registered Voters Form F-5 at the polling place at least five (5) days before the election.

E. Tribal members whose names are removed from the Roster of Eligible Voters or Roster of Registered Voters have the right to file a complaint with the Election Board. The Complaint Form E-4 is available at the Administrative Building.

Article VIII - NOTICE OF ELECTION

Section 8.01 Notice of Election

A. **All election notices shall be posted at least thirty (30) days before the election, except in the case of tie votes, in at least four (4) public locations.** (Const Art VIII Sec 11) he Using the Posting Form D-4, the Election Board shall post a Notice of Election in at least four (4) public places as follows:

1. At least sixty (60) calendar days before a General Election; and

2. At least thirty (30) calendar days before a Special Election.

B. The Election Board shall use a Notice of General Election Form D-1 or Notice of Special Election Form D-2 contained in the Appendix to this Ordinance which shall contain the following information:

1. The issue to be decided in the election;

2. The date of the election;

3. The candidate-filing deadline date, if any;

4. The location of the polling place;

5. The absentee voting procedures and deadlines; and,

6. Other important information as determined by the Election Board.

C. The Election Board shall use Posting Form D-4 to document where and when the Notice(s) was posted and by whom.

Article IX - BALLOTS

Section 9.01 Ballots

A. **All voting at regular and special elections shall be done by secret written ballot.** (Const Art VIII Sec 7)

B. The Election Board shall prepare official ballots, including Absentee Ballots. The Election Board shall use Official Ballot Form E-1 and Absentee Ballot Form F-1 contained in Appendix I of this Ordinance.

C. All Official and Absentee Ballots shall list the names of the candidates for Tribal Council alphabetically by last name, or shall describe the issues to be decided in the election.

D. Voters shall not be permitted to write-in candidates on any Official Ballot or Absentee Ballot.

Article X - ABSENTEE VOTING

Section 10.01 Absentee Voting

A. **Absentee voting may be permitted for all eligible voters through an ordinance enacted by the Tribal Council.** (Const Art VIII Sec 8)

B. Any Registered Voter shall be entitled to vote by absentee ballot by submitting a Request for Absentee Ballot Form F-2 to the Election Board, Tribal Council Secretary, or Administrative Receptionist, at any time up to ten (10) working days before the Election.

C. Each Registered Voter shall request his or her own absentee ballot.

D. The Election Board shall use diligent efforts to mail out Absentee Ballots in a timely manner to each Registered Voter who has requested an Absentee Ballot. Since the Election Board cannot control the timing of a request for or receipt of Absentee Ballots, the Election Board shall not be held responsible for Absentee Ballots which are received beyond the deadline set for the receipt of Absentee Ballots.

E. The Roster of Absentee Voters Form F-6 shall be used to document the request(s) for Absentee voting.

F. All Absentee Ballots must be received by the Election Board by the closing of the polls.

Section 10.02 Procedures for Voting by Absentee Ballot

A. The Election Board shall provide an Absentee Ballot Packet to each Registered Voter who has properly requested an Absentee Ballot. The Absentee Ballot Packet shall contain the following items:

1. An official Absentee Ballot, Form F-1;

2. An inner envelope marked "ABSENTEE BALLOT;"

3. An outer envelope shall be printed with two spaces for the printed and signed signature of the absentee voter;

4. The outer envelope will be addressed to the Election Board; and

5. An Instruction Sheet, Form F-3, for completing the Absentee Ballot.

B. The Instruction Sheet will explain to the Registered Voter that they shall mark his or her Absentee Ballot. The Registered Voter shall then seal the Absentee Ballot in the envelope marked "Absentee Ballot". The inner envelope then must be sealed inside the outer envelope. The Registered Voter shall print and sign his or her name where indicated on the outer envelope.

C. The Registered Voter must return his or her completed Absentee Ballot to the Round Valley Indian Tribes by the closing of the polls.

D. When the Election Board receives a completed Absentee Ballot the Judge shall record the name on the Roster of Absentee Voters, Form F-6;

1. The Election Board shall, in collaboration with the Enrollment Clerk, verify the signatures on the outer envelope *(add Resolution)*;

2. Once verified, the Election Board shall remove inner envelope marked "ABSENTEE BALLOT" from the outer envelope and place the inner envelope into a locked ballot box; and

3. Keep the signed outer envelope with the record of the election.

E. The Election Board shall keep a list of Registered Voters who have voted by Absentee Ballot, Form F-6 ROSTER OF ABSENTEE VOTERS, at the polling place on Election Day to enable the Judge to cross-check utilizing this Roster.

F. If a Registered Voter loses his or her Absentee Ballot, or fails to properly return an Absentee Ballot, he or she may still vote on Election Day.

G. The Election Board may issue another Absentee Ballot to a Registered Voter who has lost, spoiled or mutilated his or her Absentee Ballot.

Article XI - ELECTION PROCEDURES

Section 11.01 Hours of Voting

A. **The polling place shall be open from 8:00 A.M. to 8:00 P.M.** (Const Art VIII Sec 9)

B. Any voter in line at the polling place but unable to cast his or her ballot before 8:00 P.M. shall be allowed to finish voting.

Section 11.02 No Electioneering at the Polling Place

A. Electioneering is prohibited within the boundaries of the Administrative Property; i.e., Administrative Building, Senior Center, Head Start, Career Building and parking areas.

B. Tribal Police shall check for and remove any election material through-out the voting hours within the boundaries of the Administrative Property. *(add resolution)*

Section 11.03 Method of Voting

A. Each prospective voter, upon being identified as Registered Voter, shall sign his or her name to the Roster of Registered Voters and shall be handed an Official Ballot.

B. Each voter shall vote in privacy by placing a mark in ink opposite the name of the candidates for whom he or she is voting. The voter shall deposit his or her Official Ballot into the ballot box.

C. A voter may cast votes up to the number allowed. For example, if three (3) positions are available on the Tribal Council, the voter may vote for up to three candidates.

D. A voter may not cast more than one vote for a single candidate.

Section 11.04 Spoiled Ballots

If a voter spoils his or her Official Ballot, the Election Board may issue another Official Ballot to the voter. The Election Board shall secure all spoiled Ballots that are returned.

Section 11.05 Counting the Ballots (Const. Art. VIII, Sec. 10)

A. Immediately after the close of the polling place, the Election Board shall count the Official Ballots and Absentee Ballots.

B. The Election Board Inspector shall unlock the Ballot Box, remove the Official Ballots one at a time and read off the names of the candidates who received the votes.

C. The Election Board Judge shall cross-check names with the Roster of Absentee Voters Form F-6.

D. The Election Board shall count the votes as marked on the Official Ballots. The Election Board shall also count the votes marked on the Absentee Ballots. All votes shall be counted as long as the Election Board can determine the choices the voter has made.

E. The tallying of the votes shall be open to observation by Tribal members, but they must remain quiet and in no way interfere with the orderly tallying of the ballots. If order cannot be kept, the Inspector shall halt the tallying until such time as order has been restored. Clerk #1 and Clerk #2 will tally the votes on separate Election Tally Sheet Form J-1.

F. **The candidates receiving the highest number of votes for the available positions shall be declared the winners for those positions. The Election Board shall certify all election results within three (3) days of the date of the election. The Tribal Council shall confirm the election results within three (3) days after the Election Board certifies the election results.** (Const Art VIII Sec 12)

G. At the end of the tally, the Election Board shall determine the total votes cast for each candidate. The Final Tally Results shall be written down on the Certified Election Results Form G-1, contained in Appendix I of this Ordinance. Each member of the Election Board shall sign the Certificate Election Results form. The Election Board shall post the Final Tally Results at the polling place.

H. After the Election Board has signed the Certified Election Results form, the Tribal Council Secretary shall take the form to the Tribal Council for official certification. Then, the Certified Election Results form shall be sent to the Bureau of Indian Affairs for recordation.

I. The Election Board shall keep the election records, including the counted ballots, and the unused, spoiled or rejected ballots, if any. The Election Board shall keep the election records for at least one year but not more than three (3) years.

Section 11.06 Rejected Ballots

A. If during the tallying of the votes, the Election Board is unable to determine the choices of the voter, that ballot shall be rejected.

B. If the Election Board can determine one or more of the choices of the voter, but cannot determine all of the choices of the voter, the Election Board shall count the choices which can be determined.

C. The Election Board shall keep all Rejected Ballots in a separate location during the counting of the ballots.

Section 11.07 Recounts

The Election Board may, in is discretion, call for a recount of the ballots.

Article XII - TIE VOTES

Section 12.01 Tie Votes

A. An Eligible Candidate who has tied with another Eligible Candidate or candidates may decline the position, in which case the remaining candidate(s) shall be declared the winner.

B. **In case of a tie between one or more candidates, a run-off election shall be held within thirty (30) days until the tie is broken.** (Const Art VIII Sec 13) Registered Voters shall be permitted to vote in a run-off election.

Article XIII - DISPUTES

Section 13.01 Challenges to the Election

A. **Any member of the Tribe may challenge the election results by filing a suit in Tribal Court within ten (10) days after the Election Board certifies the election results.** (Const Art VIII Sec 15)

1. Any Registered Voter that voted in that election may file specific challenges in writing alleging election irregularities.

2. Prior to the challenge being filed in Tribal Court, Conflict Resolution Services shall be offered.

3. Challenges must be filed in writing with the Tribal Court, or if there is no Tribal Court, then the Election Board.

The Tribal Court will notify the Election Board of filed challenges, as well as results of that challenge.

B. **The Tribal Court shall hear and decide election cases within thirty (30) days after the Election Board certifies the election results, except where the party challenging the results requests additional time which may be granted at the discretion of the Tribal Court, provided, that only one thirty-day extension of time may be granted.** (Const Art VIII Sec 15)

C. In deciding any dispute, the Tribal Court (or the Election Board) shall gather such facts as are available and necessary for a fair resolution of the problem and shall provide each party to the dispute an opportunity to present their case.

D. The decision of the Tribal Court (or Election Board) may be appealed by filing in Appellate Court.

E. **If the Tribal Court invalidates the election results, the Court shall order that a new election be held as soon as possible.** (Const Art VIII Sec 15)

1. If the election results are invalidated by the Tribal Court (or the Election Board), a new election shall be held within thirty (30) days of the final decision.

2. If the election procedures are challenged and invalidated by the Tribal Court (or the Election Board), a new election shall be held within thirty (30) days of the final decision.

3. If a candidate's eligibility is challenged and invalidated, their name shall be dropped from the List of Eligible Candidates and the next highest scoring candidate will replace them.

Article XIV - OATH OF OFFICE

Section 14.01 Oath of Office

A. **The oath of office for newly elected tribal council members shall be administered not less than sixty (60) days but no more than ninety (90) days after the Election Board certifies the general election results.** (Const Art VIII Sec 14)

B. The Election Board Judge shall administer the Oath of Office.

C. All newly elected Council Member shall use Form I-1, Tribal Election Affidavit when being sworn into office before being seated to serve the people.

Section 14.02 Oath

I (Full Legal Name) _____, do solemnly swear (or affirm) that I will faithfully support and defend the Constitution of the Round Valley Indian Tribes and the Constitution of the United States, and in all measures that come before me to represent the Tribes in a manner consistent with and in furtherance of their common welfare and best interests. I will conduct myself so as to advance the interest and prosperity of the Round Valley Indian Tribes.

Article XV - RECALL ELECTIONS

Section 15.01 Recall Elections

Recall Petitions:

A. **Any adult member may initiate recall proceedings against any Tribal Council member by filing with the Election Board a written statement giving specific reasons why the Council member should be recalled.** (Const Art IV Sec 11a) The Election Board must maintain a ledger with a record of those individuals who request recall petitions; Log of Verified Procedures for Request for Recall Petitions Form H-3.

B. Election Board shall validate acceptable allegations for removal as found in the Constitution Article IV Section 10 and in the Election Ordinance Article IV Section 1C and Section E1-7.

C. If the Election Board cannot validate the allegations, the request shall be returned to the tribal member.

D. **After receipt of the written statement, the Election Board shall issue official petition forms to the tribal member who initiated the recall. The Official Petition Form H-1 shall include at the top of each page the list of allegations for recall. The tribal member shall have thirty (30) days to collect signatures from thirty-three (33%) of the eligible voters of the Tribe. The Election Board shall inform the tribal member of the number of signatures required for a valid recall petition.** (Const Art IV Sec 11b)

E. **Once a tribal member has signed an official petition form his or her name shall not be removed from the form.** (Const Art IV Sec 11c)

F. **Individual petition forms shall be circulated for each Tribal Council member subject to recall. A maximum of three (3) Tribal Council members may be recalled at a time.** (Const Art IV Sec 11d)

Upon Receipt of Recall Petition:

G. Upon receipt of a signed recall petition, the Election Board must date-stamp the returned petition. **The Election Board shall verify the signatures on a recall petition in a timely manner** (Const Art IV Sec 11e), in collaboration with the Enrollment Department *(by Resolution).*

H. The Election Board must (1) ensure that each individual who signed the petition is a Registered Voter; and (2) ensure that the petition has the requisite number of signatures, with no duplicate signatures. The Election Board must maintain a written record or log of verification steps and procedures taken by the Election Board; Form H-3 Log of Verified Procedures for Request of Recall Petitions.

Recall Meeting:

I. **If a petition contains the required number of signatures and has been properly submitted then the Election Board shall call and hold a recall meeting within thirty (30) days of receipt of the petition before holding special recall election.** (Const Art IV Sec 11e)

1. **The Election Board shall provide adequate notice of the recall meeting. The notice shall include a statement that the person(s) subject to recall shall be provided with an opportunity to respond to the charges at the meeting. The Election Board shall conduct all recall meetings in an orderly and fair manner.** (Const Art IV Sec 11f)

2. The Election Board shall post a notice of the recall meeting at least 10 days prior to the meeting in at least four (4) public places using the Posting Form D-4.

Special Recall Election:

J. **The Election Board shall conduct a special recall election within thirty (30) days of the recall meeting. The ballots for the Recall Election shall include a list of the charges and the response, if any, from the person(s) subject to recall.** (Const Art IV Sec 11g)

K. The Election Board shall post Notice of the Special Election Form D-2 at least thirty (30) days before the Special Recall Election.

L. **A majority vote of registered voters shall determine the success or failure of the recall petition(s), provided, that at least thirty-three (33%) of the eligible voters actually vote in the special recall election.** (Const Art IV Sec 11h)

M. **If the Special Recall Election fails, then the charges used to initiate the recall cannot be used to initiate another recall for the remainder of the Council member's term in office.** (Const Art IV Sec 11i)

N. **If the special recall election succeeds and the person(s) is successfully recalled, then he or she shall not be eligible to run for Tribal Council office until his or her term would have ended.** (Const Art IV Sec 11j)

O. **A special election to fill a possible vacancy created by a recall election shall be conducted at the same time as such Recall Election.** (Const Art IV Sec 11k)

Section 15.02 Additional Duties and Responsibilities

A. The Election Board shall administer all General and Special Elections.

B. The Election Board shall issue Official Recall Petition Form H-1 to any tribal registered voter(s) initiating the recall who shall have thirty (30) days to collect the signatures. The

Election Board shall use Form H-1 contained in Appendix I of this Ordinance as the Official Recall Petition.

C. Each Registered Voter of the Tribe shall have the right to sign a Recall Petition without constraint or coercion of any kind.

D. Individual Official Recall Petitions shall be circulated for each Tribal Council member who is subject to recall.

E. Completed Official Recall Petitions shall be submitted to the Election Board.

F. The Election Board shall, in collaboration with the Enrollment Clerk, verify the signatures on an Official Recall Petition within ten (10) days of receipt of such petition.

Article XVI - VACANCIES

Section 16.01 Vacancies

A. **The Tribal Council shall call a special election to fill a vacancy on the Tribal Council unless six (6) months or less remain in the term of office for the vacant position, in which case the Tribal Council shall appoint a person to fill the position. All persons appointed or elected to fill a vacant position shall fill out the term of the person whom he or she is replacing.** (Const Art VIII Sec 16)

B. If the Tribal Council appoints a person to fill the vacant position, the appointee shall meet the Qualifications for Office as stated in Section 6.01 of this Ordinance.

C. The Oath of Office shall be administered at the first regular meeting after the election or appointment, or at a special meeting called for the purpose of swearing in the new council member(s). *(Rules of Governance, Article I Section 1B)*

Article XVII - REMOVAL OF ELECTION BOARD MEMBER FROM OFFICE

Section 17.01 Good Cause for Removal

A. **The Tribal Council may remove an Election Board member for good cause as described by ordinance.** (Const Art VIII Sec 3)

B. Violation of this Ordinance and/or removal per good cause as defined by this Ordinance may result in disciplinary action, removal or criminal conviction of the Election Board member(s) and/or Elected Tribal Officials.

C. The Election Board member(s) in question must be informed of the grounds for removal, and given an opportunity to respond to the charges.

D. Certified notification will be sent to the removed Election Board member(s) by Clerk #2.

Article XVIII - GENERAL PROVISIONS

Section 18.01 Severability

If any part of this Ordinance is found invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall continue in full force and effect. The provisions of this Ordinance are severable.

Section 18.02 Prior Inconsistent Codes and Ordinances Repealed

All Ordinances or provisions of any previously-enacted ordinances that conflict in any way with the provisions of this Ordinance are repealed.

ROUND VALLEY INDIAN TRIBES
A Sovereign Nation of Confederated Tribes

JUN 26 PM 5:5

TRIBAL COUNCIL OFFICE
[illegible]
COVELO, CALIFORNIA 95428
PHONE: 707 [illegible]
FAX: [illegible]

[illegible]
ONE MILE NORTH OF COVELO
IN ROUND VALLEY
[illegible]

ROUND VALLEY RESERVATION ESTABLISHED 1856

Request for Information

Name: Election Board

Address: RVIT' inner office mail

Telephone No.: 707. 983-6126

Please accept this as my written request for the following documents:

1. Current Approved Election Ordinance
2. 6/26/23 minutes
3. 6/22/23 minutes
4.
5.

FILE COPY

[signature]
Signature

6.26.23
Date

Received By

Date

Approval for release of information

Date