

TITLE 13 ELECTIONS

TABLE OF CONTENTS

13.01	<u>PURPOSE & DEFINITIONS</u>
13.01.01	Purpose
13.01.02	Definitions
13.02	<u>ELECTION OF TRIBAL COUNCIL, SERGEANT AT ARMS, FISH COMMISSION, AND ENROLLMENT COMMITTEE</u>
13.02.01	Scope
13.02.02	Eligible Voters
13.02.03	Election Committee (Include sections 13.02.03, 13.02.04 & 13.02.05)
13.02.04	Election Committee Authority and Responsibility
13.02.05	Election Auditor
13.02.06	Election Auditor Authority and Responsibility
13.02.07	Nomination Procedures
13.02.08	Primary Election
13.02.09	General Election
13.02.10	Notice of Elections
13.02.11	Scheduling and Places
13.02.12	Prohibited Conduct
13.02.13	Voting Procedures
13.02.14	Ballots and Voting
13.02.15	Certification of the Election
13.02.16	Absentee Ballots
13.02.17	Runoff and Rescheduled Elections
13.02.18	Inauguration
13.02.19	Leave of Absence for Employees Elected to the Tribal Council
13.03	<u>ELECTION PROTESTS</u>
13.03.01	Election Protests
13.03.02	Tribal Court Jurisdiction
13.03.03	Time Periods and Filing Requirements
13.04	<u>PETITIONS</u>
13.04.01	Types of Petitions
13.04.02	Formatting Requirements
13.04.03	Procedural Prerequisite to Certification by Tribal Council
13.04.04	Submission of Unsigned Petition for the Record
13.04.05	Submission of Signatures
13.04.06	Timing and Mootness
13.04.07	Signature Verification
13.04.08	Judicial Relief

- 13.04.09 Compensation for Special General Council Meetings
- 13.04.10 No Compensation for Signature Gathering
- 13.04.11 Prohibition on Tribal Employee Conduct
- 13.04.12 Petition Fraud and Criminal Penalties

13.05 SEVERABILITY

TITLE 13 ELECTIONS

13.01 PURPOSE & DEFINITIONS

13.01.01 Purpose

- (a) On October 28, 1994, Nisqually Constitutional amendments were approved which govern elections of officers. Article IV, Sections 1 and 5 of the amended Nisqually Constitution authorized the Nisqually Tribal Council to adopt rules and an Election Ordinance to govern the election of Tribal Council officers. Sections 13.02 and 13.03 of this Ordinance implements those Sections of the amended Nisqually Constitution.
- (b) The 1994 Nisqually Constitutional amendments delegated authority to the Nisqually Tribal Council to adopt ordinances under Article VI, Section 1. Any election of Nisqually Tribal Council members shall be governed by this Ordinance, as required by Article IV, Section 5 of the amended Nisqually Constitution. The Tribal Council has determined that participation in Tribal elections is essential to the democratic process. This Election Ordinance as amended is intended to encourage maximum voter participation, protect the integrity of the election process and ensure that Nisqually Tribal elections are conducted in a manner that is consistent, fair, efficient and reflects the needs of the Nisqually People. Section 13.02 establishes rules for the election of the Tribal Council, the Sergeant at Arms, the Fish Commission and the Enrollment Committee.
- (c) Although Article IV, Section 2 of the Nisqually Constitution makes absentee voting discretionary, the Tribal Council, in consultation with the Nisqually People, has determined that the Nisqually tribal member right to vote guaranteed in Article VII, Section 1 of the Nisqually Constitution is sacred, and, whether cast in person or via absentee ballot, the exercise of that right shall be encouraged and protected.
- (d) On August 9, 2014 the General Council passed the “Motion to have a Third-Party Election Auditor perform Tribal Council elections and remove the Tribal Council appointed Election Committee from Tribal Council elections.” The Motion passed 163 approve, 61 opposed, 21 abstained.
- (e) In 2026, the General Council provided additional feedback to the Tribal Council indicating that the role of the Election Committee should be restored to conduct and supervise the election process in cooperation with the Third-Party Election Auditor.
- (f) The 2026 amendments to Title 13 of the Nisqually Tribal Code are intended to minimize the

role of the Tribal Council in the conduct and supervision of the election process and to create independent legal authority for the conduct of Tribal elections.

- (g) The 2026 amendments to Title 13 of the Nisqually Tribal Code are also intended to preserve and honor the traditions of the Tribe and incorporate the knowledge of elders and pass on Tribal customs and traditions to the young for future generations.
- (j) This Election Ordinance is intended to accomplish fair and efficient democratic elections and voting processes for the Nisqually People and their government.

HISTORICAL AND STATUTORY NOTES

By General Council Resolution No. 1-1991, the General Council delegated to the Nisqually Tribal Council the authority to establish a procedure for the election of Fish Commissioners. Section 13.02 of the Nisqually Tribal Code implements Resolution No. 1-1991 and is also intended to establish rules for Fish Commission elections. This Title was originally enacted by Tribal Council Resolution 124-1994, amended by Tribal Council Resolution 14-2007 dated February 13, 2007. On December 14, 2017, the Tribal Council amended Title 13 to eliminate the role of the Election Committee and include the third-party auditor in 2017 via Tribal Council Resolution No. 111-2017. On January 16, 2019, the Tribal Council adopted additional amendments to Title 13 in 2019 via Tribal Council Resolution 13-2019 (January 16, 2019). On _____, 2026, the Tribal Council amended this Section by Tribal Council Resolution ???-2026.

13.01.02 Definitions

- (a) “Absentee Voter” shall mean an Eligible Voter who desires to vote in an election by absentee ballot.
- (b) “Candidate” shall mean an enrolled member seeking election to any open Tribal Council, Sergeant at Arms, Fish Commission, or Enrollment Committee position who meets all of the qualifications for candidacy set forth in this Ordinance.
- (c) “Candidates’ Forum” shall mean a public forum organized and hosted by the Election Committee that allows candidates for all open positions in an election to express their positions on issues important to Tribal members and to answer questions from eligible voters.
- (d) “Tribe” shall mean the Nisqually Indian Tribe, a federally recognized Indian tribal government.
- (e) “Business Days” shall mean Monday through Friday and shall exclude all Holidays recognized by the Nisqually Tribe.
- (f) Business days shall be computed by (i) excluding the day of the event that triggers the period; (ii) counting every day, excluding intermediate Saturdays, Sundays, and legal holidays; and (iii) including the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run next day that is not a Saturday, Sunday, or legal holiday. The last day of any period ends at 5:00 p.m.

Days shall mean calendar days unless “business days” is specified. The number of “days”

shall be computed by (i) excluding the day of the event that triggers the period; (ii) counting every day, including intermediate Saturdays, Sundays, and legal holidays; and (iii) including the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the next business day. The last day of any period ends at 5:00 p.m.

- (g) “Election Committee” shall mean the Committee established by Section 13.02.03.
- (h) “Election Dates” or “Election Days” shall mean the defined dates of the Primary Election and General Election.
- (i) “Election Auditor” shall mean a private company or outside entity that shall administer and oversee the election process, particularly balloting, voting and vote counting. The “Third Party Election Auditor” was originally required by General Council Motion No. 7 (August 9, 2014).
- (j) “Election Official” shall mean the Election Committee, the Election Auditor, the Election Attorney, or any delegate or agent thereof.
- (k) “Election Process” shall mean that process comprised of a Nominations Meeting, Primary Election, and General Election, as set forth in Sections 13.02 and 13.03 below, and in accordance with Article IV, Section 1 of the Nisqually Constitution.
- (l) “Eligible Voter” shall mean any tribal member who is or will be at least eighteen (18) years old on or before an election date in accordance with Section 13.02.02(a).
- (m) “Employment” means professional services and other services rendered, whether for monetary or other pecuniary gain, and whether as an employee of the Tribe, consultant or other independent contractor. For purposes of being excluded as the prospective election attorney, an attorney may have previously served the Tribe in the capacity as the election attorney.
- (n) “Enrolled Member,” “Tribal Member” or “Member” shall mean an enrolled member of the Nisqually Indian Tribe. “Nisqually People” shall mean all such enrolled members.
- (o) “Expulsion” shall mean the process whereby the General Council can remove an officer for cause during a meeting pursuant to Article V, Section 3 of the Nisqually Constitution. This process requires notice and an opportunity to respond. The Chair of the meeting shall not entertain a motion for Expulsion unless evidence is provided that the officer committed neglect of duty or gross misconduct and that the officer was provided written notice that the motion would be made at the meeting. That notice must have been given at least 10 days before the meeting. The Chair shall ensure that the officer is given a full and fair opportunity to respond.
- (p) “General Election” shall mean the election for the two candidates for any open Tribal Council, Sergeant at Arms, or Enrollment Committee position who received the most votes during the Primary Election, which shall occur on the first Saturday and Sunday of May, except in the event of a rescheduled vote.

- (q) “Nominations Meeting” shall occur on the first Saturday of February at which nominations for any open Tribal Council, Sergeant at Arms, Fish Commission, or Enrollment Committee position shall be made.
- (r) “Materially Affected” shall mean any act or combination of acts in violation of Title 13 or other applicable tribal law for which it is determined by a preponderance of the evidence to have given rise to a reasonable probability that but for the violation(s), the results of the election for an open position would have been different.
- (s) “Official Absentee Ballot Box” shall mean the locked ballot box maintained outside the Tribal Center for the receipt of absentee ballots.
- (t) “Official Election Ballot Box” shall mean the locked ballot box that shall be maintained and secured by the Election Auditor at the Tribal Center and into which all ballots, including absentee ballots, shall be placed prior to the counting of the vote by the Election Auditor.
- (u) “Official Elections Post Office Box” shall mean the post office box established and maintained by the Election Committee for the receipt of absentee ballot requests, absentee ballots and all other correspondence and inquiries from Tribal Members regarding an election.
- (v) “Officer” shall mean the elected officials of the Nisqually Indian Tribe, including: the Enrollment Committee; Fish Commission; Sergeant at Arms; and the members of the Tribal Council, which include the; (i) Chairman, (ii) Vice Chairman, (iii) Secretary, (iv) Treasurer, (v) Fifth Council Member, (vi) Sixth Council Member, and (vii) Seventh Council Member.
- (w) “Official Records” shall mean General Council sign-in sheets, prior election sign-in sheets, per capita sign-in sheets, driver’s licenses, passports and other government-issued documents that bear a Tribal Member’s signature.
- (x) “Ordinance” or “Title” shall mean this Title 13 of the Nisqually Tribal Code.
- (y) “Person” shall mean a natural person, including an Enrolled Member who is at least eighteen (18) years old.
- (z) “Petition” shall mean a written request for action in the form of Appendices A-D as described in Section 13.04.01 and signed by the requisite number of Eligible Voters.
- (aa) “Primary Election” shall mean the election for any candidates for any open Tribal Council, Sergeant at Arms, Fish Commission, or Enrollment Committee positions, which shall occur on the second Saturday and Sunday of March.
- (bb) “Majority” shall mean more than fifty per cent (50%) of the votes cast for any single open position.
- (cc) “Recall” shall mean the process of holding a special election to remove an officer. This

includes a Petition following the guidelines set forth in Section 13.04.01(b), that once followed creates a duty upon the Tribal Council to call a special election.

- (dd) “Regular Meeting” shall mean the meetings of the General Council required and set by the Constitution, which occur on the second Saturday in March and the second Saturday in August.
- (ee) “Special Meeting” shall mean any meeting of the General Council called pursuant to Article III, Section 5 of the Constitution. A Special Meeting of the General Council may be called by the Chairman or by a petition signed by at least ten (10) percent of the Eligible Voters. Written notice of a special meeting shall be provided by the Chairman at least ten (10) business days before meeting. In the event that the Chairman calls the Special Meeting, the Chairman shall set the agenda. In the event that the meeting is called by petition, the purpose for the meeting identified in the petition shall be the only business on the agenda.
- (ff) “Tribal Center” shall mean the Nisqually Indian Tribal Office on the Nisqually Indian Reservation, located at 4820 Nisqually Dr. SE, Olympia, Washington.
- (gg) “Tribal Council Designee” shall mean a Tribal Council member whose position is not up for election during the Election Process at issue who has been duly appointed by Tribal Council Resolution to represent that body's interests in the Election Process in the event that the Tribal Council Secretary is precluded from serving that role because his or her seat is up for election. The Tribal Council shall also appoint an Alternate Designee in case the primary Designee is conflicted or otherwise unable to serve in the capacity of the Designee.
- (hh) “Tribal Court” shall mean the Nisqually Tribal Court.
- (ii) “Vacancy” shall mean an open or unoccupied position that occurs if an officer dies, resigns, permanently leaves the Community, or is found guilty of a felony or of any misdemeanor involving dishonesty in any Indian, State, or Federal Court the position. In any such event, the General Council shall declare the position vacant at a Regular meeting or a Special meeting called for this purpose and shall appoint a qualified Enrolled Member who shall serve until the next regular election when a successor shall be elected.

HISTORICAL AND STATUTORY NOTES

This section was amended by Tribal Council Resolution ???-2026 dated _____ 2026.

13.02 ELECTION OF TRIBAL COUNCIL, SERGEANT AT ARMS, FISH COMMISSION, AND ENROLLMENT COMMITTEE

13.02.01 Scope

This Title 13 shall exclusively govern the election of Tribal Council officers after the General Council meeting of January 1995, in accordance with Article IV, Sections 1 and 5 of the Nisqually Constitution. Title 13 also shall exclusively govern the election of Fish Commission, the Sergeant at Arms and the Enrollment Committee.

HISTORICAL AND STATUTORY NOTES

This section was amended by Tribal Council Resolution ???-2026 dated _____ 2026.

13.02.02 Eligible Voters

- (a) All Tribal Members who are or will be at least eighteen (18) years old on or before the Nominations Meeting date shall be eligible to make a nomination or second a nomination in accordance with the Nomination Procedures set out in Section 13.02.07. All Tribal Members who are or will be at least eighteen (18) years old on or before the Primary or General Election date shall be eligible to vote in the Election.
- (b) The Enrollment Department shall prepare a confidential list of Eligible Voters that shall include the tribal enrollment number of each eligible voter. The Enrollment Department shall make that list available to the Election Committee, the Election Auditor, and the Tribal Council Designee by no later than the date of the Nominations Meeting or otherwise within five (5) business days of the written request of the Election Committee Chairperson or the Election Auditor. The Enrollment Department, the Elections Committee and the Election Auditor shall maintain the list of Eligible Voters in strict confidence.
- (c) As of the Primary Election date, the list of Eligible Voters shall include all Tribal Members who are or will be at least eighteen (18) years old on or before the Primary Election. As of the General Election date, the list of Eligible Voters shall include all Tribal Members who are or will be at least eighteen (18) years old on or before the General Election. The Enrollment Department shall keep the list of Eligible Voters current.
- (d) The Enrollment Department shall be open while the polls are open and otherwise as necessary on the days of the Primary and General Elections in order to assist with the identification or confirmation of Eligible Voters. These obligations are mandatory upon the Enrollment Department.

13.02.03 Election Committee

- (a) The Tribal Council shall appoint an Election Committee of five (5) Enrolled Members who are at least eighteen (18) years of age at least sixty (60) days before the election.
- (b) Before taking office, Election Committee members shall swear or affirm that they will carry out their duties faithfully, that they will not let their preferences in an election influence their actions as committee members, and that they will not engage in, sanction or permit to go unchallenged, conduct which could prevent a fair election.
- (c) At its first meeting after being sworn in, the Committee members shall elect a Chairperson, Vice Chairperson and Secretary from among its members in accordance with Section 2.01.110 of the Nisqually Tribal Code.
- (d) Any Committee member who resigns, is removed or accepts a nomination as a candidate for an open position shall be automatically removed from the Election Committee and replaced by the Tribal Council.

- (e) Members of the Election Committee who carry out their duties on Election Day shall be compensated at a rate approved by the Tribal Council.
- (f) The Election Committee shall be a special purpose committee as defined by Section 2.01.050 of the Nisqually Tribal Code.
- (g) At least forty-five (45) days before the Nominations Meeting, the Tribal Council shall hire an Election Attorney to assist the Election Committee with Election Contests and any legal matter arising from any Election. No Attorney presently or previously employed in the Nisqually Office of Tribal Attorney may serve as the Tribal Election Attorney.
- (h) At least ten (10) business days before the Primary and General Elections, the Election Committee shall meet with the Election Auditor and the Tribal Election Attorney to review compliance with this Title and the Nisqually Constitution. The Election Committee, with the assistance of the Tribal Election Attorney, shall provide a brief memorandum to the General Council to be submitted through the Tribal Council Secretary or the Tribal Designee confirming compliance with all applicable Tribal law no later than the date of the applicable Election.

HISTORICAL AND STATUTORY NOTES

This section was reenacted as amended by Tribal Council Resolution ???-2026 dated _____ 2026.

This section was deleted by Tribal Council Resolution 111-2017 dated December 14, 2017.

This section was amended by Tribal Council Resolution 12, 2010.

This section was amended by Resolution 14 - 2007 dated February 13, 2007.

13.02.04 Election Committee Authority and Responsibility

- (a) To adopt By-Laws not inconsistent with the Tribal Constitution or this Title 13, which shall be approved by the Tribal Council pursuant to Section 2.01.130 of Title 2 before they become effective;
- (b) To, in cooperation with the Enrollment Committee, maintain the list of Eligible Voters and provide it to the Election Auditor at least three (3) days before Election Day;
- (c) To obtain an Official Elections Post Office Box at a nearby office of the United States Post Office;
- (d) To post the Official Elections Post Office Box address at the Tribal Center and other public places on the Nisqually Indian Reservation throughout the duration of the election process and to include the Official Elections Post Office Box address in all correspondence with eligible voters and on the Election webpage;
- (e) To verify, with the assistance of the Enrollment Committee, the names of persons signing petitions calling for: (1) a recount of ballots in a primary or general election; or (2)

challenging the outcome of an election on the grounds that a violation of this Title 13 affected the outcome of an election pursuant to Section 13.03 to determine that each signature is that of an Eligible Voter who has signed only once. Signatures may be verified by comparison to Official Records;

- (f) To assist in the organization of the Nominations Meeting and publish and post notice of all elections;
- (g) To verify and ensure that accurate information regarding upcoming elections is posted to the election webpage on the Tribe's website and to ensure the operation and functioning of the Committee electronic mailbox for the receipt of election-related email;
- (h) To receive and respond to Tribal Member correspondence received through the Official Elections Post Office Box or the Committee electronic mailbox regarding the Election Process in consultation with the Tribal Election Attorney;
- (i) To resolve in good faith any election dispute that may arise under this Ordinance before Election Day;
- (j) To prepare and make available to all persons nominated to an open Tribal Council, Sergeant at Arms, Enrollment Committee or Fish Commission position a Candidate Acceptance Form, which shall also include information about the candidate's criminal history;
- (k) To prepare ballots and supervise the distribution of absentee ballots to voters who submit an absentee ballot request form;
- (l) To organize and conduct at least one (1) Candidates' Forum for each of the Primary and General Elections;
- (m) To prepare and circulate an informational packet on all Candidates, including a statement prepared by each Candidate and each Candidate's Acceptance Form;
- (n) To collect all mail, including absentee ballot requests from the Official Elections Post Office Mailbox on a regular basis;
- (o) To collect absentee ballots from the Official Elections Post Office Mailbox and the Official Absentee Ballot Box and to deposit those ballots unopened into the Official Election Ballot Box on a regular basis, including by no later than thirty (30) minutes before the polls close on the Election Days. An officer of the Nisqually Police Department shall accompany two members of the Election Committee when collecting mail from the Official Elections Post Office Mailbox and ballots from the Official Absentee Ballot Box. Each day that absentee ballots are collected, the number of absentee ballots collected from each of the Official Elections Post Office Mailbox and the Official Absentee Ballot Box shall be recorded on a form prepared by the Election Committee (the "Absentee Ballot Collection Form"). The names of the Eligible Voters from whom absentee ballots have been received from the Official Elections Post Office Mailbox and the Official Absentee Ballot Box and deposited into the Official Election Ballot Box shall be recorded on the Absentee Ballot Collection Form. The Absentee Ballot Collection Form shall be signed by both members of the Election

Committee who collected and recorded the ballots and the Nisqually Police Officer. The Elections Committee shall retain the original of all Absentee Ballot Collection Forms and provide a copy of each such form to the Election Auditor by no later than the opening of the polls on the first Election Date for each of the Primary and General Elections;

- (p) Following the certification of the election results by the Election Auditor pursuant to Section 13.02.15 (a), to notify the General Council on the first business day after the Election Dates by immediately posting the certified results at the Tribal Center, at other public places on the Nisqually Indian Reservation and on the election webpage on the Tribe's website and by sending written notice to the candidates within two (2) days of the Election Dates;
- (q) To solicit and evaluate proposals to serve as the Election Auditor and to make a recommendation to the Tribal Council for the appointment of an Election Auditor in accordance with Section 13.02.05;
- (r) To recommend to the Tribal Council any supplemental rules or changes in this ordinance which the committee believes are necessary to achieve the purposes of this ordinance.

HISTORICAL AND STATUTORY NOTES

This section was deleted by Tribal Council Resolution 13-2019 dated January 16, 2019 and reenacted as amended by Tribal Council Resolution ??- 2026 on _____ 2026.

13.02.05 Election Auditor

- (a) The Election Committee shall request and evaluate proposals to serve as the Election Auditor and make a recommendation to the Tribal Council for the appointment of an Election Auditor at least ninety (90) days before the Nominations Meeting.
- (b) The Tribal Council shall review the recommendation of the Election Committee and appoint an Election Auditor at least forty-five (45) days before the Nominations Meeting the Tribal Council shall enter into a contract with the person and entity appointed to serve as the Election Auditor that is consistent with the provisions of this Title and the Nisqually Tribal Constitution. The Auditor's contract must be accompanied by a written confirmation by the Nisqually Legal Department or the Tribal Election Attorney that the contract is consistent with both this Title and the Nisqually Constitution.
- (c) Before taking office, at least two (2) representatives of the Election Auditor shall stand before the Tribal Council and swear an oath that they will: (1) carry out their duties faithfully; (2) not let their preferences in an election influence their actions as Election Auditor; and (3) not engage in, sanction, or permit to go unchallenged, conduct which could prevent a fair election.

HISTORICAL AND STATUTORY NOTES ANNOTATIONS

This section was enacted by Tribal Council Resolution 13-2019 dated January 16, 2019, and amended by Tribal Council Resolution ???-2026 dated _____ 2026.

13.02.06 Election Auditor Authority and Responsibility

- (a) To provide voter service throughout the election period, including the provision of telephone support via an 800 number and email that shall be available from 9:30 A.M. to 5:00 P.M. PST on business days. The 800 number and email address must be posted and published in a manner intended to inform eligible voters of their availability.
- (b) With the Assistance of the Election Committee, to maintain and secure the Official Election Ballot Box at the Tribal Center, which shall be locked at all times prior to the counting of votes at the close of each election;
- (c) With the Assistance of the Election Committee, to maintain the keys to the Official Elections Post Office Box, the Official Absentee Ballot Box and the Official Election Ballot Box;
- (d) To transport the Official Election Ballot Box to the Billy Frank Jr. Gym on Election Day prior to the opening of the polls, and to relock and return the Official Election Ballot Box to the Tribal Center after the counting of the vote;
- (e) To obtain the list of Eligible Voters from the Enrollment Committee at least three (3) days before Election Day;
- (f) To obtain the Absentee Ballot Collection Forms from the Election Committee under Section 13.02.04(o).
- (g) To supervise activity at the polls on Election Days, which shall include:
 - (i) using the list of Eligible Voters to verify the eligibility of every person who wishes to vote;
 - (ii) distributing one ballot to each Eligible Voter at the polls;
 - (iii) keeping a record of Eligible Voters who vote and of the number of ballots distributed and cast at an election;
- (h) To resolve in good faith any voting or balloting dispute that may arise at the polls on Election Days;
- (i) To count and validate ballots and record the number of votes cast for each Candidate after the polls are closed;
- (j) To certify the results of the election in writing to the Election Committee; and
- (k) To recommend to the Tribal Council any supplemental rules or changes in this Ordinance that the Election Auditor believes are necessary to achieve the purposes of this Ordinance.

HISTORICAL AND STATUTORY NOTES

This section was enacted by Tribal Council Resolution 13-2019 dated January 16, 2019, and

amended by Tribal Council Resolution ??-2026 dated _____ 2026.

13.02.07 Nomination Procedures

- (a) Nominations for open Tribal Council positions shall be made at the Nominations Meeting on the first Saturday of February of the year that the respective positions are up for reelection as established in Article IV, Section 4 of the Nisqually Constitution. Nominations for the Sergeant at Arms, open Fish Commission and the Enrollment Committee positions shall also be made at that Nominations Meeting. The Tribal Council interprets the Nisqually Constitution not to require a quorum of the General Council for the purpose of the Nominations Meeting.
- (b) Per Article IV, Section 1 of the Nisqually Constitution, any Enrolled Member who has or will have reached the age of twenty-one (21) years old on or before the Nominations Meeting date shall be eligible for nomination to the offices of Chairman, Vice-Chairman, Secretary, Treasurer, and Fifth Tribal Council Member and any Tribal Member who has or will have reached the age of eighteen (18) years old on or before the Nominations Meeting date shall be eligible for nomination to the offices of Sixth and Seventh Council Member. Any Tribal Member who has or will have reached the age of eighteen (18) years old on or before the Nominations Meeting date shall be eligible for nomination to any open Sergeant at Arms, Fish Commission and the Enrollment Committee positions. An eligible Tribal Member can accept a nomination for an open position on any or all of the Tribal Council, Sergeant at Arms, Fish Commission, or Enrollment Committee, but may not serve in more than one elected position.
- (c) No person may be nominated unless that person is present in person to accept a nomination for an open Tribal Council, Sergeant at Arms, Fish Commission, or Election Committee position at the Nominations Meeting. No person shall nominate themselves for any open Tribal Council, Sergeant at Arms, Fish Commission, or Enrollment Committee position, nor second such a nomination.
- (d) A person who accepts a nomination to run for an open Tribal Council, Sergeant at Arms, Fish Commission, or Enrollment Committee position must sign the Candidate Acceptance Form(s) by no later than the end of the Nomination Meeting. and shall include a disclosure regarding whether a candidate has ever been convicted of or entered a plea of nolo contendere or guilty to any offense under Federal, State, or Tribal law involving financial crimes and crimes of violence, sexual assault, molestation, exploitation, contact, or prostitution; crimes against persons; or offenses committed against children.
- (e) (e)All nominations for an open Tribal Council, Sergeant at Arms, Fish Commission, or Enrollment Committee position must be made by an Eligible Voter and be seconded by another Eligible Voter, both of which shall be made via microphone from the General Council's podium at the Nominations Meeting. Any person who is nominated in accordance with this Section shall either sign the Candidate Acceptance Form provided by the Election Committee or decline the nomination from the General Council's podium during the Nominations Meeting. All nominations shall be documented by the Tribal Council Secretary (or the Secretary's delegate).
- (f) Within five (5) business days of the Nominations Meeting, the Election Committee

shall: (1) certify in writing that all nominees are eligible for nomination in accordance with Article IV, Section 1 of the Nisqually Constitution and Sections 13.02.07(b)-(d), and (2) post a resulting slate of eligible candidates at the Tribal Center, at other public places on the Nisqually Indian Reservation and on the Election Committee's and the Tribe's websites.

- (g) Any candidate may withdraw his or her candidacy for any open Tribal Council, Sergeant at Arms, Fish Commission, or Enrollment Committee position by filing a written and notarized notice of withdrawal with the Election Auditor via certified mail to the Official Elections Post Office Box at any time prior to an Election Date.

HISTORICAL AND STATUTORY NOTES

This section was amended by Tribal Council Resolution ???-2026 dated _____ 2026.

13.02.08 Primary Election

- (a) A Primary Election involving all candidates for any open Tribal Council, Sergeant at Arms, Fish Commission, or Enrollment Committee position shall occur on the second Saturday and Sunday of March.
- (b) Polls for the Primary Election shall be open on Saturday and Sunday from 8:00 AM to 8:00 PM each day.
- (c) The Primary Election shall be monitored at all times by the Election Committee, the Election Auditor, the Tribal Election Attorney and the Nisqually Police Department, all of whom shall have a representative in the polling place while polling is open.
- (d) For each open Tribal Council, Sergeant at Arms, or Enrollment Committee position, each of the two (2) candidates who receive the most votes in the Primary Election will advance to the General Election.
- (e) If there is only one candidate for an open Tribal Council or Enrollment Committee position or the Sergeant at Arms at the time of the Primary Election, that candidate will be declared the winner upon the completion of the Primary Election and shall be entitled to fill that position upon completion of the General Election as provided for in Section 13.02.18.
- (f) If there are only two candidates for an open Tribal Council, Sergeant at Arms or Enrollment Committee position at the time of the Primary Election, neither of those candidates will be subject to voting in the Primary Election and will instead advance to the General Election.
- (g) The five (5) candidates who receive the most votes in the Primary Election for the Fish Commission shall be declared the winners and shall be entitled to fill those positions as provided for in Section 13.02.18. **There shall be no General Election for the Fish Commission.**

HISTORICAL AND STATUTORY NOTES

This section was amended by Tribal Council Resolution ???-2026 dated _____ 2026.

13.02.09 General Election

- (a) A General Election involving the two candidates for any open Tribal Council, Sergeant at Arms, or Enrollment Committee position who received the most votes during the Primary Election shall occur on the first Saturday and Sunday of May unless the Primary Election has been rescheduled after a successful challenge pursuant to this Elections Code.
- (b) Polls for the General Election shall be open on Saturday and Sunday from 8:00 AM to 8:00 PM each day.
- (c) The General Election shall be monitored at all times by the Election Committee, the Election Auditor and the Tribal Election Attorney, all of whom shall have a representative in the polling place while polling is open.
- (d) For each open Tribal Council, Sergeant at Arms, or Enrollment Committee position, the Candidate who receives a majority of the votes during the General Election shall be declared the winner and shall be entitled to fill that position as provided for in Section 13.02.18.
- (e) No person may serve in more than one (1) Tribal Council, Sergeant at Arms, Fish Commission, or Enrollment Committee position. Any person who, upon computation of the votes for the General Election, has been elected to more than one (1) such position shall, within two (2) days of the posting of the certified General Election results in accordance with Section 13.02.18 below, notify the Tribal Council Designee, Election Committee Chairperson and the Election Auditor in writing which position they accept and which position(s) they decline. Any failure to do so will cause that person to forfeit all positions to which they were elected in the General Election.
- (f) For any Tribal Council, Sergeant at Arms, Fish Commission or Enrollment Committee position that such person declines, or in the event of such forfeiture for failure to comply with this Section 13.02.09(d), the General Council shall appoint an eligible Enrolled Member to fill that vacant position at a duly called General Council meeting provided that a Tribal Council vacancy shall be filled in accordance with Article V, Section 1 of the Nisqually Constitution. The Tribal Council interprets the Nisqually Constitution to require a quorum of the General Council in order to fill any such Tribal Council position vacancy.
- (g) For purposes of filling any non-Tribal Council vacancy, the Tribal Chairman, or in his/her absence, the Vice Chairman, shall call a General Council meeting to be held within thirty (30) days of the General Election date.

HISTORICAL AND STATUTORY NOTES

This section was amended by Tribal Council Resolution ???-2026 dated _____ 2026.

13.02.10 Notice of Elections

- (a) A Notice of Election shall be printed and issued by the Election Committee for every election.

- (b) The Notice of Election for the Primary Election shall be mailed to the last known address of each Eligible Voter, posted at the Tribal Center, and other public places on the Nisqually Indian Reservation, i t h e T r i b a l newsletter and the Election Committee webpage on the Tribe's websites and social media outlets, by no later than January 7.
- (c) The Notice of Election for the Primary Election shall identify (1) the Tribal Council, Sergeant at Arms, Fish Commission, and Enrollment Committee positions to be filled, and for each such position, all candidates who are eligible to fill that position pursuant to Section 13.02.07, and (2) the date, hours, and place of the Primary Election.
- (d) The Notice of Election for the General Election shall be mailed to the last known address of each Eligible Voter, posted at the Tribal Center, and posted at other public places on the Nisqually Indian Reservation, the Tribal newsletter, and the Election Committee's and the Tribe's websites and social media outlets, by no later than five days following certification of the Primary Election results by the Election Auditor.
- (e) The Notice of Election for the General Election shall identify the Tribal Council, Sergeant at Arms and Enrollment Committee positions to be filled, and for each such position, the t w o candidates who received the most votes in the Primary Election pursuant to Section 13.02.08, and (2) the date, hours, and place of the General Election.
- (f) Any Notice of Election shall include an Absentee Ballot Request Form as well as the name, phone number, and email address of the Election Auditor's primary contact person, the Official Elections Post Office Box address; and the website address of the Election Committee.
- (g) Informational reminders and updates shall continue to go out to voters throughout the election process. All notifications shall be clearly marked "ELECTIONS."

HISTORICAL AND STATUTORY NOTES

This section was amended by Tribal Council Resolution ???-2026 dated _____ 2026.

13.02.11 Scheduling and Places

- (a) In case emergency circumstances require that the Nominations Meeting, Primary Election, or General Election be postponed, the Election Committee shall reschedule the postponed meeting or election as expeditiously as practically possible and in accordance with this Ordinance. The rescheduled election shall comply with the normal election procedures in all other respects.
- (b) Balloting in all elections shall take place at the Billy Frank Jr. Gym unless the Tribal Council has approved by Resolution, no less than ten (10) days prior to an election, an alternative polling place elsewhere on the Nisqually Reservation.

HISTORICAL AND STATUTORY NOTES

This section was amended by Tribal Council Resolution ???-2026 dated _____ 2026.

13.02.12 Prohibited Conduct

No person shall:

- (a) use Tribal resources to affect the outcome of any election for any open position;
- (b) take any action to persuade, intimidate or threaten any person to vote for or against any candidate for any open position;
- (c) take any action to persuade, intimidate or threaten any election official to assist or interfere with the election of any candidate to any open position;
- (d) directly or indirectly, including on social media, utter or address any threat or intimidation to, or assault, an election official or other person authorized to administer or enforce election laws, or to conduct, oversee or monitor an election, or to assist in the carrying out of such duties, with the intent to induce such person to do any act not authorized by law or to refrain or delay in the performance of any duty imposed by law;
- (e) campaign or otherwise attempt to influence or interfere with voters or loiter within three hundred (300) feet of the polling place when the polls are open;
- (f) consume or use alcoholic beverages, drugs, or other intoxicants within three hundred (300) feet of the polling place when the polls are open; or
- (g) carry a firearm into an election meeting or within 1000 feet of a polling place when the polls are open.

HISTORICAL AND STATUTORY NOTES

This section was amended by Tribal Council Resolution ???-2026 dated _____2026.

13.02.13 Voting Procedures

- (a) Voting in all elections governed by this Code must be either in-person or by absentee ballot and shall be by secret, written ballot. Eligible Voters shall (1) present photo identification, including a Nisqually Tribal identification card; (2) sign their name next to their enrollment number signifying that they have received one (1) ballot; (3) enter their vote on the ballot in secret; (4) fold the ballot in half; and (5) deposit the ballot in the Official Election Ballot Box.
- (b) The Election Auditor shall maintain a Voting List that identifies each and every ballot issued to an in-person voter, including at least: (1) each voter's name and roll number; and (2) confirmation of that person's photo identification.
- (c) Voters who are unable to mark a ballot without assistance because of special circumstances such as physical disability or illiteracy may be assisted in voting, in the manner outlined in Section 13.02.13(a) above, by a person of the voter's choice.
- (d) A Nisqually Tribal police officer shall be present at all times during voting, when the locked

Official Election Ballot Box is open, during the counting of ballots, and when the preliminary election results are posted.

HISTORICAL AND STATUTORY NOTES

This section was amended by Tribal Council Resolution ???-2026 dated _____ 2026.

13.02.14 Ballots and Voting

- (a) Ballots shall contain the list of the Candidates with a space next to each name for the voter to place a checkmark.
- (b) The voter shall place a checkmark by no more than one (1) candidate for each open position. Ballots containing more than one (1) checkmark for an open position shall be void only as to that open position. Write-in votes for any open position are not valid and shall not be counted. The voter shall place their own ballot in the Official Election Ballot Box.
- (c) At the close of the polls, all unused official ballots shall be marked to indicate they were unused and kept by the Election Auditor for at least one (1) year, at which time they shall be destroyed by the Election Auditor.
- (d) At the close of the polls, the Election Auditor shall open the locked Official Election Ballot Box, collect all ballots, and count the vote for each position. Ballots shall be counted a minimum of three (3) times. The totals must agree at least twice to be valid. After the final count, ballots shall be secured in the Official Election Ballot Box, which shall be relocked and returned to the Tribal Center by the Election Auditor. Tribal Members may be present during the opening of the Official Election Ballot Box and the counting of the ballots, provided they do not interfere. It is up to the Election Auditor to determine if a Tribal Member is interfering with the ballot counting process. The Election Auditor may seek the assistance of a Nisqually Tribal police officer to exclude a Tribal Member who is interfering.
- (e) The used ballots shall be kept by the Election Auditor for at least one (1) year, at which time they shall be destroyed by the Election Auditor.

13.02.15 Certification of the Election

- (a) Following the counting of the ballots, the Auditor shall certify the election results.
- (b) The certified results of the Primary and General Elections shall be posted by the Election Committee at the Tribal Center and at other public places on the Nisqually Indian Reservation, published on the Election Committee's and the Tribe's websites and given to the Tribal Council and the candidates on the first business day following the election.

HISTORICAL AND STATUTORY NOTES

This section was amended by Tribal Council Resolution ???-2026 dated _____ 2026.

13.02.16 Absentee Ballots

- (a) Absentee voting is allowed for all elections governed by this Ordinance, as contemplated by Article IV, Section 2 of the Nisqually Constitution. An Eligible Voter may cast an absentee ballot for the Primary Election and/or General Election.
- (b) The Notice of Election that is mailed to all Eligible Voters pursuant to Section 13.02.10 (a) for the Primary and General Elections shall contain an Absentee Ballot Request Form ("Request Form"). The Request Form shall also be posted on the Election Committee's webpage on the Tribe's website and made available at the Nominations Meeting and any Candidates' Forum conducted by the Election Committee.
- (c) An Absentee Voter must submit an originally signed absentee ballot request form to the Election Committee, by mail via the Official Elections Post Office Box, by fax to the Election Committee, or by email to the Election Committee no later than twenty (20) days before an election date. Only one absentee ballot will be sent to a requesting Absentee Voter, in which case that voter shall no longer be eligible to vote in person per Section 13.02.13(a). Any eligible voter who properly and timely requests an absentee ballot for the Primary Election will also be provided an absentee ballot for the General Election without that person needing to take any further action.
- (d) The Election Committee shall maintain an Absentee Ballot List that identifies each and every absentee ballot issued, including: (1) each Absentee Voter's name, address, and roll number; (2) the identification number for the single absentee ballot issued to the Absentee Voter; (3) the date that the absentee ballot was issued to the Absentee Voter; (4) the date the outer envelope containing that absentee ballot was postmarked by the U.S. Mail if sent via United States mail, or the date and time that the absentee ballot was received from that Absentee Voter via the Official Elections Post Office Box, , or the Official Absentee Ballot Box on the Election Date. The Absentee Ballot List shall be maintained along with each and every written and originally signed absentee ballot request form, as contemplated by Section 13.02.16(c).
- (e) The Election Committee shall print each and every absentee ballot on some form of paper that prevents unauthorized duplication and shall contain an identification number.
- (f) The Election Committee shall mail an original absentee ballot to the Absentee Voter at the address identified on the Request Form, via a method that enables tracking, verification, and delivery within two-days or faster, along with an unmarked, smaller envelope; a pre-addressed, pre-stamped, larger, outer envelope; and a set of printed absentee voting instructions. Printed instructions shall indicate to the Absentee Voter in the following or otherwise understandable terms that:
 - (i) An Absentee Voter shall be provided only one absentee ballot;
 - (ii) An Absentee Voter must place the folded original absentee ballot in the provided unmarked, smaller envelope, seal and sign that envelope, and insert that ballot and smaller envelope, along with a copy of some form of photo identification, into the pre-addressed, pre-stamped, larger, outer envelope; and

- (iii) An Absentee Voter must mark the outside of the outer envelope with the Absentee Voter's name and address and send it via U.S. Mail to the Official Elections Post Office Box address specified in those printed instructions for receipt no later than the Election Date or deposit the envelope in the Official Absentee Ballot Box no later than closing of the polls on the second Election Date.
- (g) The absentee voting requirements set forth in this Section 13.02.16 shall be strictly enforced by the Election Auditor.
- (h) A voter who has requested an absentee ballot, but who either did not receive the absentee ballot or has lost their ballot may cast a provisional in-person ballot after signing a declaration under penalty of perjury stating that they did not and will not submit the requested absentee ballot. Signing of that declaration will be supervised by the Election Auditor. The Election Auditor will then provide the voter with an in-person ballot and an envelope. The voter shall sign the Voter List and present identification. After the voter has filled out their ballot, they must seal their folded ballot in the envelope provided, print their name and tribal enrollment number on the outside of the envelope, and sign their name. Before the Election Auditor may count any absentee ballots, the Election Auditor shall review the Absentee Ballot Collection Forms provided by the Election Committee pursuant to Section 13.02.04 (o) and all absentee ballots and ensure that the provisional voter has not already submitted an absentee ballot. If the Election Auditor verifies that the provisional voter has not already cast an absentee ballot, the Election Auditor shall so note on the in-person Voter List as well as the Absentee Voter list. The Election Auditor shall then include the provisional ballot in its count. If the Election Auditor determines that the provisional voter has already cast an absentee ballot, the Election Auditor shall not count that ballot.
- (i) If an Absentee Voter does not submit their absentee ballot in person, the Absentee Voter must cause his or her original ballot to be received at the Official Absentee Ballot Box or the Official Elections Post Office Box as specified in those printed instructions by no later than the election date, or that person's outer envelope shall not be opened and that person's ballot shall not be counted by the Election Committee. Any such unopened outer envelope shall be kept for documentation by the Election Auditor.
- (j) Upon the timely receipt of any absentee ballot, the Election Auditor shall: (1) observe the name of the sender on the outer envelope; (2) mark the original ballot received on the Absentee Ballot List; (3) remove the copied photo identification from the outer envelope to confirm the Absentee Voter's identification; (4) remove the inner envelope from the outer envelope and verify the Absentee Voter's original signature thereon by comparing it to the original signature on the absentee ballot request form contemplated by Section 13.02.16(c); and
- (k) If and only if those signatures match and the absentee ballot otherwise conforms to the requirements set forth on this Section 13.02.16(j), the Election Auditor shall place the absentee ballot into the Official Election Ballot Box. Any absentee ballot that does not satisfy the strict requirements set forth in this Section 13.02.16(j) shall not be placed into

the Official Election Ballot Box or counted by the Election Auditor. Any such disqualified absentee ballot shall be kept for documentation by the Election Auditor.

HISTORICAL AND STATUTORY NOTES

This section was amended by Tribal Council Resolution ???-2026 dated _____ 2026.

13.02.17 Runoff and Rescheduled Elections

- (a) If voting results in a tie between the candidates for a specific open position in either a Primary or a General Election, the Election Committee shall schedule a runoff election between the two candidates that shall take place within fourteen (14) days after the Primary or General Election date.
- (b) If the Election Auditor determines that a challenge under Section 13.03.01 is valid, the Election Committee shall schedule a new election to take place within thirty (30) days after that determination or the date upon which the Tribal Court issues a final decision pursuant to any appeal filed under Section 13.03.02. If the rescheduled election is for a Primary Election, the General Election must be rescheduled to a date no less than thirty (30) days and no more than forty-five (45) days after the rescheduled Primary Election. A rescheduled election shall comply with the normal election procedures to the extent practically possible.

HISTORICAL AND STATUTORY NOTES

This section was amended by Tribal Council Resolution ???-2026 dated _____ 2026.

13.02.18 Inauguration

The Tribal Council shall inaugurate the newly elected Tribal Council, Sergeant at Arms, Fish Commission, or Enrollment Committee members no earlier than the beginning of the first regular Tribal Council meeting following the certification of the election results by the Election Committee, or by no later than thirty (30) days following the General Election. If the newly elected office holders are not sworn in within thirty (30) days of the General Election, the Tribal Council Designee shall arrange for the Tribal Judge to swear in the elected members.

HISTORICAL AND STATUTORY

NOTES ANNOTATIONS

This section was amended by Tribal Council Resolution ???-2026 dated _____ 2026. In *Iyall v. Sanchez*, Ci 06-05-009 (2006), the Nisqually appellate court held that three Tribal Council members could constitute a quorum for the purposes of inaugurating new council members. It did not address the issue of whether less than three members could constitute a quorum for this purpose.

13.02.19 Leave of Absence for Employees Elected to the Tribal Council

A tribal employee who is elected to serve on the Tribal Council shall request and be granted a leave of absence from their employment during the term of their service.

13.03 ELECTION PROTESTS

13.03.01 Election Protests

- (a) A recount of the ballots cast in a Primary or General Election will be conducted by the Election Auditor if at least ten (10) percent of all Eligible Voters sign an original petition as required by Section 13.04.01(c) and in the form of Appendix C requesting the recount and submit the original petition to the Election Auditor and serve a copy upon the Election Committee and the Tribal Council Designee within three (3) days of the posting of the certified election results in accordance with Section 13.02.04 (m). The Election Committee shall review the petition to determine whether it has been signed by the requisite number of Eligible Voters and inform the Election Auditor of its determination within two (2) business days. If the Election Committee verifies that the petition has been signed by the proper number of Eligible Voters, the Election Auditor shall conduct a recount within two (2) business days.
- (b) A protest of the outcome of the election for any particular Tribal Council, Sergeant at Arms, Fish Commission, or Enrollment Committee open position may be filed by filing an original petition as required by Section 13.04.01 (d) and in the form of Appendix D with the Election Auditor, the Election Committee and the Tribal Council Designee within three (3) business days after the certified results of a Primary Election or General Election are posted in accordance with Section 13.02.04(m). The Election Committee shall review the petition to determine whether it has been signed by the requisite number of Eligible Voters and inform the Election Auditor of its determination within two (2) business days. Upon verifying the existence of the requisite number of signatures, the Election Committee shall immediately appoint the Election Attorney to investigate the charges made in the petition and to render recommended written findings of fact and conclusions of law to the Election Auditor, the Election Committee and the Tribal Council Designee within seven (7) business days. If the Election Attorney determines that one or more violations of this Ordinance or other applicable tribal law materially affected the results of a Primary Election or General Election, the Election Attorney shall recommend that the Election Committee schedule a second Primary Election or General Election vote for only that particular office that has been challenged. The Election Auditor shall decide in writing whether to accept or deny the recommendation from the Election Attorney within two (2) business days of the Election Auditor's receipt of the Election Attorney's written findings of fact and conclusions of law. The Election Auditor shall immediately post its decision at the at the Tribal Center and make a copy of the Tribal Election Attorney's findings of fact and conclusions of law available on the Tribal and Election Committee websites. The Election Auditor's decision shall be reviewable de novo by the Nisqually Tribal Court as provided in Section 13.03.02.
- (c) Only an Eligible Voter who voted in the election may gather signatures or submit a petition under this section.
- (d) All of the time periods established for filing any petition pursuant this Section 13.03.01 are jurisdictional and cannot be waived. Any protest or petition filing pursuant to Section 13.03.01 shall be filed with and served upon the Election Auditor and the Election Committee via (1) certified U.S. mail to the Official Elections Post Office Box or (2) email to the respective email addresses of the Election Auditor and the Election Committee that are listed on the current Notice of Election.

- (e) Eligible voters and candidates have the right to be represented by legal counsel of their choosing at their own expense regarding any election challenge.

HISTORICAL AND STATUTORY NOTES

This section was amended by Tribal Council Resolution ???-2026 dated _____ 2026.

13.03.02 Tribal Court Jurisdiction

The Nisqually Tribal Court shall have exclusive jurisdiction over appeals arising from Section 13.03.01(a-c). Any appeal shall be:

- (a) filed with the Tribal Court; and
- (b) served upon the Election Auditor and the Tribal Council Designee either via (i) certified U. S. mail to 4820 Nisqually Dr. SE, Olympia, Washington, 98513 or (ii) email at the email address provided by the Election Auditor within ten (10) business days of the entry of the Election Auditor's decision pursuant to Section 13.03.01(b).
- (c) The Tribal Court shall conduct a de novo review of the Election Auditor's decision. The appellant shall have the burden of proof. The Tribal Court shall either affirm the Election Committee's decision or reverse its decision with appropriate prospective instructions to the Election Auditor.
- (d) Eligible voters and candidates have the right to be represented by legal counsel of their choosing at their own expense regarding any election challenge.
- (e) The Election Auditor shall be represented by the Election Attorney.

HISTORICAL AND STATUTORY NOTES

This section was amended by Tribal Council Resolution ???-2026 dated _____ 2026.

13.03.03 Time Periods and Filing Requirements

All of the time periods established for filing any petition pursuant to Section 13.03.01 and Section 13.03.02 are jurisdictional and cannot be waived and shall be filed and served within the time periods and in the manner set forth in those Sections. Those requirements shall be strictly enforced.

HISTORICAL AND STATUTORY NOTES

This section was amended by Tribal Council Resolution ???-2026 dated _____ 2026.

13.04 PETITIONS

13.04.01 Types of Petitions

- (a) Petitions calling for a special meeting of the General Council pursuant to Article III, Section 5 of the Nisqually Constitution. A petition for a special meeting shall:

- (i) be signed by no less than 10% of all Eligible Voters;
 - (ii) include the purpose of the meeting, as well as the date, time and location of the meeting; and
 - (iii) if the petition is for the expulsion of an officer, include a written statement of the charges against the officer.
 - (iv) An approved Petition form for calling a special meeting of the General Council under Article III, Section V of the Nisqually Constitution is attached to this code as APPENDIX A.
- (b) Petitions calling for the recall of an officer of the General Council pursuant to Article V, Section 2 of the Nisqually Constitution. A petition for recall of an officer shall be:
 - (i) be signed by at least one-third (1/3) of all Eligible Voters; and
 - (ii) include the name and position of the officer who is the subject of the petition.
 - (iii) An approved Petition form for calling for the recall of an officer of the General Council under Article V, Section 2 of the Nisqually Constitution is attached to this code as APPENDIX B.
- (c) Petitions calling for a recount of the ballots in a primary or general election pursuant to Nisqually Tribal Code Title 13.03.01(a). A petition for a recount shall:
 - (i) be signed by at least ten (10) percent of all Eligible Voters
 - (ii) specify the open position for which the recount is being sought.
 - (iii) An Approved Petition form calling for a recount of the ballots in a primary or general election pursuant to Nisqually Tribal Code Title 13.03.01(a) is attached to this Ordinance as APPENDIX C.
- (d) Petitions protesting the outcome of an election pursuant to 13.03.01(b) on the grounds that a violation of this Title 13 Code had materially affected the outcome of an election. A Petition to protest the outcome of an election shall:
 - (i) be signed by at least ten (10) percent of all Eligible Voters;
 - (ii) specify the Tribal Council, Sergeant at Arms, Fish Commission, or Enrollment Committee open position or positions for which the results are being challenged;
 - (iii) describe the violation(s) of this Ordinance that materially affected the outcome on the challenged election result(s); and
 - (iv) include supporting evidence.
 - (v) An Approved Petition form for protesting the outcome of an

election on the grounds that a violation of this Title 13 materially affected on the outcome of an election pursuant to 13.03.01(b) is attached to this code as APPENDIX D.

HISTORICAL AND STATUTORY NOTES

This section enacted by Tribal Council Resolution ???-2026 dated _____ 2026.

13.04.02 Formatting Requirements

A petition shall meet the following minimum requirements:

- (a) The form shall be on white paper measuring 8.5 x 11 inches.
- (b) The form shall be signed by the petition sponsor.
- (c) The form shall indicate when it was submitted and the signature of the representative of the Tribal Secretary for petitions submitted pursuant to Article III, Section 5 and Article V, Section 2 of the Nisqually Constitution and to the Election Committee for petitions submitted pursuant to Sections 13.03.01(a) and (b) of this Ordinance who received the petition upon submittal.
- (d) The form shall contain spaces for the printed name, enrollment number and signature for signatories to the petition.
- (e) The form shall contain a signature line and date for the representative of the Election Committee who will be certifying the signatures.

HISTORICAL AND STATUTORY NOTES

This section was enacted by Tribal Council Resolution ???-2026 dated _____ 2026.

13.04.03 Procedural Prerequisite to Certification by Tribal Council

The procedural requirements set forth in Sections 13.04.04 to 13.04.06 must be satisfied for a Petition submitted pursuant to Article III, Section 5 and Article V, Section 2 of the Nisqually Constitution to be valid. Failure by a petitioner to comply with the procedural requirements herein shall be legal grounds for the Tribal Council to deny certification of a petition.

HISTORICAL AND STATUTORY NOTES

This section was enacted by Tribal Council Resolution ???-2026 dated _____ 2026.

13.04.04 Submission of Unsigned Petition for the Record

Prior to signature gathering for a petition submitted pursuant to Article III, Section 5 or Article V, Section 2 of the Nisqually Constitution, the Petitioner must present the blank Petition for the record at an open meeting of the Nisqually Tribal Council. The petition circulated for signature must be identical to the petition submitted for the record to the Office of Tribal Council Secretary and is on file as reflected in the records of the Tribal Council. Upon receipt a copy of the blank petition shall be emailed to all Tribal Council members.

HISTORICAL AND STATUTORY NOTES

This section was enacted by Tribal Council Resolution ???-2026 dated _____ 2026.

13.04.05 Submission of Signatures

After signatures have been gathered for a petition submitted pursuant to Article III, Section 5 or Article V, Section 2 of the Nisqually Constitution, the signed petitions shall be personally submitted during a Tribal Council Meeting. Petitions shall then be date stamped and noted for the record. A copy of the signed petition shall be copied and provided to the Petitioner, a copy shall be emailed to all Tribal Council members.

HISTORICAL AND STATUTORY NOTES

This section was enacted by Tribal Council Resolution ???-2026 dated _____ 2026.

13.04.06 Timing and Mootness

When a signed petition submitted pursuant to Article III, Section 5 or Article V, Section 2 of the Nisqually Constitution is submitted to the Tribal Council Secretary or to the Tribal Council at a meeting, the issue addressed must not be moot. A petition for a special meeting becomes moot if a regular meeting has already occurred since the time the blank petition was submitted. A petition for recall becomes moot once nominations for the election of that office occur.

HISTORICAL AND STATUTORY NOTES

This section was enacted by Tribal Council Resolution ???-2026 dated _____ 2026.

13.04.07 Signature Verification

- (a) Within ten (10) days of the delivery of the signed petition forms submitted pursuant to Article III, Section 5 or Article V, Section 2 of the Nisqually Constitution to the Tribal Council, the Tribal Council Secretary shall cause all signatures to be verified by comparing the signatures on signed petitions to those on record with the Enrollment Department, General Council Sign in Sheets, Financial Services Department records (*i.e.* checks) or past petitions with valid signatures.
- (b) The Tribal Council Secretary shall use the following documentation to verify Tribal Member signatures on the petition in the order specified below. It will be noted beside each Tribal Member signature what document was used to verify their signature. Only signatures that match official Tribal records will be verified and counted. If there exists insufficient information to verify a member's signature, it will be noted and the signature will not be counted. The order of precedence for signature verification documents shall be the most recent copy of a signature in the following order:
 - (i) Tribal Identification Card records.
 - (ii) Most recent enrollment update form or record.

- (iii) Financial Services records of signatures on cashed checks.
- (iv) Application for Membership.
- (v) General Council Sign in Sheets.

(c) Once the Tribal Council Secretary has examined the Tribal Member signatures on the petition, the Tribal Council Secretary shall draft a memorandum for the Tribal Council and the petitioner that certifies with the following information:

- (i) Date the petition was validated.
- (ii) Number of Tribal Member signatures that could be verified and the records used in doing so (individuals who are no longer members or have passed before the date of verification shall not be included as verified).
- (iii) Total number of unverified signatures.
- (iv) Number of duplicate signatures.
- (v) Total number of Tribal Members who are eligible to vote as of the date of the memorandum.
- (vi) The percentage of the eligible voter's signatures that have been verified.
- (vii) The Secretary's memorandum shall state whether the petition contains insufficient verified signatures to call the meeting or conduct a recall election or if the issue has become moot.

(d) If the Secretary decides that a petition submitted pursuant to Article V, Section 2 of the Nisqually Constitution contains a sufficient number of verified signatures, the Secretary (or the Secretary's delegate) shall schedule a special General Council meeting that shall be held not more than sixty (60) days after the date of the Secretary's memorandum certifies that the petition contains a sufficient number of verified signatures, provided that the Secretary (or the Secretary's delegate) shall provide at least ten (10) days' notice of the meeting.

(e) If the Secretary decides that a petition submitted pursuant to Article III, Section 5 of the Nisqually Constitution demanding the recall of an officer of the General Council contains a sufficient number of verified signatures, the members of the Election Committee that served during the last election shall meet within ten (10) days of the Secretary's determination and shall call an election, which shall be held sixty (60) days after the date of the meeting of the Election Committee. If the Election Auditor that served during the last election is not available, the Tribal Council shall appoint a new Election Auditor to assist the Election Committee in the conduct of the recall election, which shall be conducted in the same manner as a General Election pursuant to the provisions of Section 13.02.

HISTORICAL AND STATUTORY NOTES

This section was enacted by Tribal Council Resolution ???-2026 dated _____ 2026.

13.04.08 Judicial Relief

The Tribal Council's decision not to certify a petition submitted pursuant to Article III, Section 5 and Article V, Section 2 of the Nisqually Constitution shall be appealable to the

Tribal Court which shall have exclusive jurisdiction to hear any such appeal. The Nisqually Tribal Court shall conduct a de novo review of the findings of the Secretary of the Tribal Council and shall be empowered to issue orders causing a special meeting of the General Council to occur or requiring the Tribe to conduct a special election. In no event shall any monetary award against the Nisqually Indian Tribe, its officials or its employees be authorized. The Tribal Court may order the Petitioner to pay all costs including attorney fees incurred by the Tribe if it finds that the appeal was frivolous or pursued in bad faith.

This Section was enacted by Tribal Council Resolution ???-2026 dated _____ 2026.

13.04.09 Compensation for Special General Council Meetings.

Because Nisqually Tribal Code Title 44 indicates that stipends for special meetings in addition to the two regular meetings are not reasonably foreseeable expenses, Special Meetings of the General Council shall be unpaid.

HISTORICAL AND STATUTORY NOTES

This Section was enacted by Tribal Council Resolution ???-2026 dated _____ 2026.

13.04.10 No Compensation for Signature Gathering.

No person may receive compensation for gathering petition signatures or for participating in the certification process for any petition referred to in this Section 13.04. No Enrolled Member shall offer to, or receive from another Enrolled Member or other person, compensation for their signature. Violation of this section is a Class III offense pursuant to Nisqually Code §10.09.16.

HISTORICAL AND STATUTORY NOTES

This section was enacted by Tribal Council Resolution ???-2026 dated _____ 2026.

13.04.11 Prohibition on Tribal Employee Conduct.

No employee shall prepare, sign or collect signatures for petitions during work hours.

HISTORICAL AND STATUTORY NOTES

This section was enacted by Tribal Council Resolution ???-2026 dated _____ 2026.

13.04.12 Petition Fraud and Criminal Penalties

Nisqually Code §10.09.16 is applicable to all activities associated with the petitioning processes set forth in this Section 13.04.

HISTORICAL AND STATUTORY NOTES

This section was enacted by Tribal Council Resolution ???-2026 dated _____ 2026.

13.05 SEVERABILITY

If any provision in this Ordinance is determined by the Nisqually Tribal Court to be invalid or illegal, such a provision shall be severed from this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

Certification

I certify that the above Elections Ordinance was adopted at a regular meeting of the Nisqually Tribal Council held on the _____ day of _____, 2026, at the Nisqually Tribal Center, at which time a quorum was present and voting _____ FOR . AGAINST _____ ABSTENTIONS.

ATTEST:

James Slape, Jr., Chairman
Nisqually Indian Tribe

Jackie Whittington, Secretary
Nisqually Indian Tribe