

**YAVAPAI-APACHE NATION
ELECTION ORDINANCE**

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Enacted on August 5, 1992 by Resolution No. 16-92, as amended on April 30, 1998 by Resolution No. 19-98; July 10, 2003 by Resolution No. 61-03; May 12, 2011 by Resolution No. 92-11; May 12, 2016 by Resolution No. 101-16; April 7, 2022 by Resolution No. 57-22, and March 2, 2023 by Resolution No.42-23.

YAVAPAI-APACHE NATION

ELECTION ORDINANCE

BE IT ENACTED by the Yavapai-Apache Nation Tribal Council that all Tribal Elections shall be governed by the following ordinance adopted pursuant to Article VIII; Section 19 of the Yavapai-Apache Nation Constitution dated April 13, 1992.

This Ordinance shall supersede the existing Election Ordinance and shall govern election procedures from its effective date.

ARTICLE I – DEFINITIONS

(a) **“Ballot Tabulator”** means an electronic device that reads and counts marked ballots and includes its companion ballot tub.

(b) **“Constitution”** means the Constitution and By-laws of the Yavapai-Apache Nation.

(c) **“Days”** means calendar days. If a deadline under this Ordinance falls on a weekend or a legal holiday under the Nation’s laws, the designated period shall extend until the next business day.

(d) **“Election Board”** means a group of enrolled members of the Yavapai-Apache Nation comprised of Yavapai-Apache Nation voters appointed by the Yavapai-Apache Nation Tribal Council.

(e) **“Electioneer”** means an individual working actively for a particular candidate or issue through printed materials and/or oral presentations.

(f) **“Eligible Voter”** means an enrolled member of the Yavapai-Apache Nation who is eighteen years of age and older.

(g) **“Identification”** means any one of the following as long as it includes the voter’s picture and date of birth: (i) an unexpired Yavapai-Apache Nation tribal identification card, (ii) an unexpired driver license or identification card issued by any state or the District of Columbia, (iii) an unexpired armed forces identification card, or (iv) an unexpired passport.

(h) **“Nomination Forms”** means Form A-1 (Candidate Filing Form) and Form A-2 (Nomination Form).

(i) **“Peace Officer”** means an officer appointed to maintain public tranquility and order.

(j) **“Public Places”** includes the following physical locations: the Nation’s Administration Building, Middle Verde Voting District, Clarkdale Voting District, Clarkdale-Senior Center, Camp Verde Voting District, Rim Rock Community, Tribal Housing Administration Building, Tunlii Community and any future communities of the Nation.

(k) **“Recall”** means the process to remove a Tribal Council Member from office by Eligible Voters.

(l) **“Recall Meeting”** shall be considered a Special Election.

(m) “Registered Voter” means an Eligible Voter who has a completed registration form on file with the Election Board.

(n) “Rejected Ballot” means a ballot that has any markings or comments on the ballot other than those specified in the ballot instructions and the voter does not obtain a new ballot at the polling place, which may occur with absentee ballots or in the event a Ballot Tabulator is not used at the polling place.

(o) “Residence” means the physical location where one actually lives.

(p) “Spoiled Ballot” means a ballot that has any other markings or comments on the ballot other than those specified in the ballot instructions and the voter obtains a new ballot at the polling place.

(q) “Tribal Council” or “Council” means the body defined in Article IV, Section 1 of the Yavapai-Apache Nation Constitution which states:

Section 1. Legislative Body. The legislative body of the Yavapai-Apache Tribe shall be known as the Yavapai-Apache Tribal Council and shall consist of nine (9) members which includes the Chairperson and Vice-Chairperson. All members of the Tribal Council shall have the power to vote.

(r) “to run” means to apply for candidacy.

ARTICLE II - ELECTIONS

Section 1. Elections.

(a). Type of Elections.

There shall be three (3) types of tribal elections: General Elections, Primary Elections and Special Elections.

(b). General Elections.

General Elections shall be held in accordance with Article VIII, Section 5 of the Yavapai-Apache Nation Constitution which states:

Section 5. General Elections. Annual general elections to vote for upcoming vacancies on the Tribal Council shall be held on the third Saturday of September.

(c). Primary Elections.

Primary Elections shall be held in accordance with Article VIII, Section 4 (a), (b) of the Yavapai-Apache Nation Constitution which states:

Section 4. Primary Elections.

(a) In any general election where three (3) or more candidates are seeking the position of Chairperson, or the position of Vice Chairperson, there shall be a primary election held at least forty-five (45) days before the annual general election. A person may not run for both positions of Chairperson and Vice Chairperson in the primary election. A primary election shall not be held for other council member positions but shall be limited to the positions of Chairperson and Vice Chairperson. The primary election shall narrow the list of candidates for Chairperson or Vice Chairperson down to two (2) candidates who shall be the candidates in the annual general election. A primary which results in a tie between two (2) or more candidates shall be decided in the general election. Candidates eliminated during the primary election may still seek the position of council member, Provided, That no new nomination petition shall be necessary.

(b) Incumbent Tribal Council members who are not up for reelection may run in the primary election for the position of Chairperson or Vice Chairperson without resigning their Tribal Council member seat. Incumbent Tribal Council members who run successfully in the primary shall resign their Tribal Council member seat within three (3) days of the certification of the primary election results and the resulting vacancy shall be filled in the upcoming annual general election.

(d). Special Elections.

(1). Special Elections shall be held in accordance with Article VIII, Section 6 of the Yavapai-Apache Nation Constitution which states:

Section 6. Special Elections. 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.

(2). Special Elections shall include all Elections other than the General Election and Primary Election. Special Elections shall include Referendum and Initiative Elections, Special Runoff Elections, Recall Elections, Elections to fill Tribal Council vacancies and any other Special Elections called for by the Yavapai-Apache Nation Constitution or the Tribal Council.

ARTICLE III - ELECTION BOARD

Section 1. Appointment of Election Board.

(a). The Election Board shall be appointed in accordance with the Article VIII, Section 2 of the Yavapai-Apache Nation Constitution which states:

Section 2. Election Board. The Tribal Council shall appoint an Election Board to conduct all elections including all special elections.

- (b). The Yavapai-Apache Nation Tribal Council shall appoint an Election Board at least four (4) months before the Annual General Election for three (3) year staggered terms. The Yavapai-Apache Nation Tribal Council shall appoint enough Election Board Members for each voting district to have one District Election Judge, one District Election Clerk and one Election Marshal. The Yavapai-Apache Nation Tribal Council shall appoint one Alternate to serve on the Election Board. If, on the day of the Election, a second member is unable to serve, his replacement shall be selected by the Chief Judge. The replacement shall be selected from previous Election Board Members.
- (c). The appointment for the Alternate and all Election Marshals shall be one (1) year.
- (d). The Yavapai-Apache Nation Tribal Council shall appoint one additional Election Board member to serve as the Chief Judge of the entire Election Board. If the Chief Judge is removed or resigns, the Yavapai-Apache Nation Tribal Council shall appoint a new Chief Judge from the remaining Election Board Members.
- (e). Upon accepting the appointment, each member of the Election Board shall sign a "Code of Ethics Form" that states he or she will serve according to the best of his or her ability and shall make every effort to prevent fraud or abuse of the Election process. The "Code of Ethics Form" shall become part of the election records.
- (f). Upon being appointed, each Election Board Member shall be provided a copy of the Election Ordinance, the Yavapai-Apache Nation Constitution and resolutions pertaining to the Election Board by the Chief Judge of the Election Board.
- (g). No member of the Election Board may (1) be a candidate for tribal office, (2) be employed within the Yavapai-Apache Nation Tribal Court, or (3) have a misdemeanor conviction within the last five (5) years or a felony conviction with the last fifteen (15) years, as those terms are defined in Article V, Section 1(e) of this Ordinance.
- (h). Any member of the Election Board may be removed for cause by majority vote of the Yavapai-Apache Nation Tribal Council so long as the Election Board Member in question is afforded full due process.
- (i). If an Election Board Member is removed or resigns, the Alternate shall be appointed to complete the remainder of the outgoing member's term.

Section 2. Duties of the Election Board Members.

- (a). The duties of the Election Board shall be to:
 - (1). Ensure all candidates meet the minimum qualifications for office as contained in Article VIII, Section 3 of the Yavapai-Apache Nation Constitution, and
 - (2). Conduct the voting at all polling places designated by the Yavapai-Apache Nation Tribal Council, and
 - (3). Ensure each voter is permitted to mark his or her ballot in privacy, and
 - (4). Ensure a 150-foot limit against electioneering is maintained, and

(5). Ensure the Election is conducted smoothly and order is maintained at all times at the polls.

(6). At the close of the polls, Election Board Members shall physically secure the Ballot Tabulators and any ballot boxes and place them directly into the Election Marshal's vehicle.

(b). Duties of the Chief Judge.

The Chief Judge of the Election Board shall be responsible for the safe keeping of the voter registration forms, ballots, the Ballot Tabulators and any ballot boxes. The Chief Judge shall periodically check and monitor the work of the Election Board Members to ensure accuracy. The Chief Judge of the Election Board shall oversee the counting of the ballots.

(c). Duties of the District Election Judges.

(1). The District Election Judge of each voting district shall verify the voter's name on the final list of Eligible Voters as they arrive to vote on Election Day.

(2). The District Election Judge of each voting district shall be responsible for the safekeeping of the ballots, Ballot Tabulators and any ballot boxes. At the close of the polls, all the District Election Judges shall escort the Election Marshals and the Ballot Tabulators and any ballot boxes directly to the Yavapai-Apache Nation Tribal Council Chambers located in Middle Verde.

(3). The District Election Judge shall remain in the polling building during election hours.

(d). Duties of the District Election Clerks.

(1). The District Election Clerks shall stamp and initial each ballot before giving it to the Registered Voter, using an official election stamp of the Yavapai-Apache Nation.

(2). The District Election Clerks shall ensure that each voter is permitted to mark their ballot in privacy.

(3). The District Election Clerks shall remain in the polling buildings during election hours.

(e). Duties of Alternate.

The Alternate shall act only when called upon to replace the District Election Judge or the District Election Clerk who are unable to serve. The Alternate shall do other duties as assigned by the Chief Judge.

(f). Duties of the Election Marshals.

(1). The Yavapai-Apache Nation Tribal Council may appoint Election Marshals to maintain order at the polls and enforce the election laws. The Election Marshals shall

have the power of a Tribal Peace Officer from the time the polls are open until the counting of the ballots is complete.

(2). The Election Marshals shall remove any forms of electioneering that are within 150 feet of each polling place prior to the opening of the polls.

(3). The Election Marshals shall remain on the polling premise unless directed by Election Board Chief Judge.

(4). The Election Marshals may assist a voter in voting by any reasonable means necessary when requested to do so, however, under no circumstances should any Election Board Member attempt to persuade or otherwise influence the vote of a Yavapai-Apache Nation Tribal Member.

(5). At the close of the polling place, all Election Marshals shall deliver the Ballot Tabulators and any ballot boxes directly to the Yavapai-Apache Nation Tribal Council Chambers located in Middle Verde.

Section 3. Compensation of the Election Board.

The Election Board Members shall be compensated at a rate determined by the Yavapai-Apache Nation Tribal Council.

ARTICLE IV-NOMINATIONS

Section 1. Nominations.

(a). Self Nomination.

Nominations for Yavapai-Apache Nation Tribal Council positions shall be conducted in accordance with Article VIII, Section 1 of the Yavapai-Apache Nation Constitution, which states:

Section 1. Nominations. Any enrolled member of the Yavapai-Apache Tribe may nominate himself as a candidate for Tribal Council by submitting his name, along with twenty-five (25) signatures from tribal members, to the Election Board. All other procedures of nomination including timeframes, official nomination forms, and verification of signatures, shall be conducted in accordance with an ordinance adopted by the Tribal Council.

(b). Nomination Forms Signed by Eligible Voters.

Any Eligible Voter may sign a nomination form. An Eligible Voter may sign more than one nomination form. The deadline for return of the Nomination Forms is set forth in Article XVII.

(c). Additional Time for Incomplete Nomination Forms.

The Election Board shall verify all Nomination Forms. If a nomination form is rejected for lack of proper signatures or for any other reason, the Election Board shall return the form to the prospective candidate who shall have until the deadline set forth in Article XVII to correct the Nomination Forms.

(d). Nominations in a General Election without a Primary.

At least one-hundred (100) Days before the General Election, the Election Board shall post a public notice informing the community of the need to file Nomination Forms in order to run for a Tribal Council position. Nominations shall be closed seventy (70) Days before the General Election at 5:00 p.m. The notice shall include the deadline for submitting Nomination Forms.

(e). Nominations in a General Election with a Primary.

At least one-hundred (100) Days before a Primary Election, the Election Board shall post a public notice informing the community of the need to file Nomination Forms in order to run for the Chairperson, Vice Chairperson, or a Tribal Council Position. Nominations shall be closed seventy (70) Days before the Primary Election at 5:00 p.m. The notice shall include the deadline for submitting Nomination Forms.

(f). Nominations in a Special Election to Fill a Vacancy.

(1). At least forty-five (45) Days before a Special Election to fill a vacancy, the Election Board shall post a public notice informing the community of the need to file Nomination Forms in order to run in the Special Election. The notice shall include the deadline for submitting Nomination Forms.

(2). Nominations shall be closed at least twenty-five (25) Days before the Special Election at 5:00 p.m.

(g). Official Filing Form.

The Election Board shall use Form A-1 (Candidate Filing Form) and Form A-2 (Nomination Form) contained in the appendix of this Ordinance as the official candidate filing and Nomination Forms in all General, Primary and Special Elections.

ARTICLE V - QUALIFICATIONS

Section 1. Qualifications.

- (a). All candidates for Yavapai-Apache Nation Tribal Council positions shall meet the minimum qualifications listed in Article VIII, Section 3 of the Yavapai-Apache Nation Constitution which states:

Section 3. Qualifications for Office.

(a) Any member of the Yavapai-Apache Tribe shall be eligible to run for tribal office if he:

(1) is at least twenty-five (25) years of age, and

(2) is a resident of the reservation for at least two (2) years or has resided within ten (10) miles of any lands within the jurisdiction of the Tribe for at least two (2) years, and

(3) has no misdemeanor convictions within the last five (5) years or felony convictions within the last fifteen (15) years, and

(4) has a high school degree or its equivalent, or has sufficient experience for a position on the Tribal Council.

(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.

(c) 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 Court.

- (b). Prospective candidates for tribal office must demonstrate that they have been a resident of the reservation or a resident within ten (10) miles of any lands within the jurisdiction of the Yavapai-Apache Nation for two (2) years immediately prior to the General Election.
- (c). Prospective candidates for tribal office must demonstrate that they meet the qualifications listed in Article VIII, Section 3 of the Yavapai-Apache Nation Constitution by submitting with their Nomination Forms, proof of tribal enrollment, a copy of their high school diploma or its equivalent, proof of residency in compliance with Article VIII, Section 3 (a) (2) and a background check processing fee. If proof of tribal enrollment, a copy of their high school diploma or its equivalent, proof of residency in compliance with Article VIII, Section 3 (a) (2) of the Yavapai-Apache Nation Constitution and a background check processing fee are not submitted with Nomination Forms by the nomination deadline, Nomination Forms will be rejected. Upon the discretion of the Election Board, further documentation may be required to verify qualifications.

The list of acceptable documents that may be included are:

1. Tribal identification card.
 2. Certified Degree of Indian Blood (CIB).
 3. Documents to provide as proof of Residence are lease/mortgage documents, deed of home, or a notarized letter from landlord specifying the dates of residency. The Election Board has the right to verify prospective candidates' residency.
- (d). If the prospective candidate cannot provide proof of a high school diploma or its equivalent, the prospective candidate must provide documentation of sufficient

experience to the Election Board. The prospective candidate must provide two (2) letters of reference from an organization verifying their experience. ALL DOCUMENTATION MUST BE LEGIBLE.

- (e). In determining whether a prospective candidate for Tribal Office has a criminal background that would render the candidate ineligible, the terms “misdemeanor” and “felony” shall be defined by the law of the jurisdiction where the prospective candidate was convicted of a criminal offense. A guilty plea or no contest plea shall be considered a conviction.

Section 2. Terms of Office.

- (a). Article IV, Section 2 of the Yavapai-Apache Nation Constitution states:

Section 2. Terms of Office.

The terms of office for all Tribal Council members including the Chairperson and Vice Chairperson shall be three (3) years. All Tribal Council members shall be eligible to serve two (2) consecutive terms, whether full or partial terms. At the completion of his second (2nd) consecutive term, a council member shall not be eligible to run for reelection or be eligible to fill a vacancy until a period of one (1) year has elapsed. The limitation on serving on the Tribal Council for longer than two (2) consecutive terms shall not be applied retroactively but shall commence from the date of final approval of this constitution.

ARTICLE VI - VOTING REQUIREMENTS

Section 1. Eligible Voters.

The voting age for any Tribal Election shall be set in accordance with Article VIII, Section 8 of the Yavapai-Apache Nation Constitution which states:

Section 8. Eligible Voters. All tribal members who are eighteen (18) years of age or older on the date of any tribal election shall be eligible to vote in the election.

Section 2. Voter Registration.

- (a). Voter registration shall be conducted in accordance with Article VIII, Section 9 of the Yavapai-Apache Nation Constitution which states:

Section 9. Voter Registration. There shall be a voter registration requirement for all members of the Tribe. All members of the Tribe must complete a voter registration form at any time before voting in any general or special election which is held after the adoption of this constitution. All original voter registration forms shall be kept in a secure location. A copy of all voter registration forms shall be kept in an alternate secure location. Once a completed voter registration form is on file with the Tribe, a voter is entitled to vote in all subsequent general and special elections.

- (b). Each Eligible Voter must have either a completed registration form on file with the Election Board or complete a registration form at the polling place in order to vote.
- (c). The Chief Judge of the Election Board shall provide registration information to the Enrollment Department for inclusion on the list of Eligible Voters.

Section 3. List of Eligible Voters.

- (a). The Enrollment Department shall prepare the list of Eligible Voters adding the names of the persons who have reached the age of eighteen (18) by Election Day and are recognized members of the Yavapai-Apache Nation. The list of Eligible Voters shall also indicate which Eligible Voters are registered.
- (b). The list of Eligible Voters shall be posted in Public Places in accordance with Article XVII of this Ordinance.
- (c). Each voting district shall have a list of Eligible Voters on Election Day. The Election Board must verify that a voter has not voted in any other district or has not voted by absentee ballot.

ARTICLE VII – BALLOTS

Section 1. Ballots.

- (a). Election ballots shall be prepared in accordance with Article VIII, Section 12 of the Yavapai-Apache Nation Constitution which states:

Section 12. Secret Ballot. All elections, including special elections, shall be conducted by secret written ballot.

- (b). The Election Board shall ensure that official ballots, including absentee ballots, are prepared in accordance with the Yavapai-Apache Nation Constitution and this Ordinance.
- (c). The ballots shall list the names of the candidates whose names appear on the final list of candidates as established by the Election Board. The names of candidates on the ballots shall be listed alphabetically by last name. This section shall apply to all General Elections, Primary Elections and applicable Special Elections.
- (d). All candidates must use their legal name as appears on Yavapai-Apache Nation enrollment documents. No nicknames will used on the official ballot.
- (e). Voters shall not be permitted to make any markings or comments on the ballot other than those specified in the ballot instructions. Any other markings or comments shall constitute a Rejected Ballot if the voter does not obtain another ballot at the polls. If there is a mistake made at the polls the voter may obtain another ballot from the Election Board and the ballot with the mistake then becomes a Spoiled Ballot.

ARTICLE VIII - ABSENTEE VOTING

Section 1. Absentee Voting Permitted.

- (a). Article VIII, Section 13 of the Yavapai-Apache Nation Constitution refers to absentee voting as follows:

Section 13. Absentee Voting. Absentee voting may be permitted by ordinance adopted by the Tribal Council.

- (b). Absentee voting shall be permitted in all Tribal Elections.
- (c). Any Registered Voter who is unable to vote on Election Day will be entitled to vote by absentee ballot by completing Form B-1 (Absentee Ballot Request Form) contained in the appendix of this Ordinance. The Election Board shall set a date of return of the Absentee Ballot Request Form (Form B-1); Absentee Ballot Request Forms postmarked, emailed or hand-delivered after the deadline established by the Election Board will not be accepted.
- (d). The Election Board shall mail out official absentee ballots to those Registered Voters who have completed an Absentee Ballot Request Form (Form B-1).
- (e). The absentee voter shall mark their ballot as specified in the ballot instructions. The absentee voter must seal their ballot in the envelope marked "ABSENTEE BALLOT" which, in turn, must be sealed in an outer envelope which bears the absentee voter's signature and address. The absentee voter must return the absentee ballot by hand-delivering to the Election Board Chief Judge or through the United States Postal Service by 5:00 p.m. the day before the election.
- (f). As the Election Board receives completed absentee ballots, the Election Board shall properly record the name of the absentee voter on the absentee ballot log. The absentee ballot shall be removed from the outer envelope. The outer envelope shall be retained with the records of the election. The absentee ballot shall be placed in the locked absentee ballot box.
- (g). If an absentee voter loses their absentee ballot, or fails to properly return their absentee ballot, he may still vote on election day in person at one of the polling places.
- (h). A list of absentee voters who have voted by absentee ballot shall be kept at each polling place to ensure that absentee voters do not vote a second time in person on Election Day. This list is contained within the list of Eligible Voters. The Election Board shall also check with the other voting districts to verify that the voter has not already voted in another district.

ARTICLE IX - SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

Section 1. Selection of Chairperson and Vice Chairperson.

- (a). The selection of Chairperson and Vice Chairperson shall be held in accordance with Article VIII, Section 10 of the Yavapai-Apache Nation Constitution which states:

Section 10. Selection of Chairperson and Vice Chairperson. The voters shall select the Chairperson and Vice Chairperson during the general election when those positions become vacant and in accordance with an election ordinance adopted by the Tribal Council.

ARTICLE X - NOTICE OF ELECTION

Section 1. Notice of Election.

- (a). Notice of General Election without a Primary.

The Election Board shall post public notices in Public Places announcing the date of the General Election, the location of the polling place and other pertinent information at least one-hundred (100) Days before the General Election.

- (b). Notice of a General Election with a Primary.

The Election Board shall post public notices in Public Places announcing the date of the Primary and General Election, the location of the polling place and other pertinent information at least one-hundred (100) Days before the Primary Election.

- (c). Notice of Special Election to fill a vacancy.

The Election Board shall post public notices in Public Places stating the issue to be decided in the Special Election, the date of the Special Election, the location of the polling place and who will be eligible to vote in the Special Election at least forty-five (45) Days before the Special Election.

ARTICLE XI - ELECTION PROCEDURES

Section 1. Voting Districts.

There shall be four (4) voting districts: Middle Verde, Camp Verde, Clarkdale, and Tunlii. Each voting district shall have one polling place. Voting districts are determined by Yavapai-Apache Nation Tribal Council according to Article VIII, Section 11 of the Yavapai-Apache Nation Constitution which states:

**Section 11. Voting District.
Voting districts may be established by the Tribal Council.**

Section 2. Hours of Voting.

The polls shall be open at each polling place from 7:00 a.m. to 6:00 p.m. Any voter in line at the polling place but unable to cast the ballot before 6:00 p.m. shall be allowed to finish voting.

Section 3. No Electioneering at Polling Places.

Electioneering is strictly prohibited within one hundred-fifty (150) feet of a polling place. Any Electioneer within 150 feet of a polling place shall be removed and any materials will be disposed of by the Election Marshals if not removed.

Section 4. Method of Voting.

- (a). Each voter shall provide Identification and upon verification that the voter's name appears on the final list of Eligible Voters and is registered, shall be handed an unused ballot by a District Election Clerk and shall sign their name on the list (written or electronic) of final Eligible Voters to acknowledge that they have received the ballot.
- (b). If the voter's name appears on the final list of Eligible Voters but is not registered, the voter shall complete a registration form prior to receiving a ballot.
- (c). The voter shall vote in privacy by marking the ballot as specified in the ballot instructions. The voter shall personally deposit the ballot into the Ballot Tabulator or request assistance from the Election Board. Voters may vote for fewer candidates than they are entitled to cast votes for.
- (d). If a ballot is rejected by the Ballot Tabulator, the ballot shall be treated as a Spoiled Ballot according to Section 6 below, and the voter will be handed a new ballot upon which to complete the voting process.
- (e). If a Ballot Tabulator becomes inoperable and no other Ballot Tabulator can be procured and the inoperative Ballot Tabulator cannot be repaired in time for further use in the Election, or when in the discretion of the majority of the Board it is impracticable to use the Ballot Tabulator, marked ballots shall be deposited in a locked ballot box and counted by the Board either through the use of an operable Ballot Tabulator at the Yavapai-Apache Nation Tribal Council Chambers located in Middle Verde, or according to Section 5(c) below.

Section 5. Counting the Ballots.

- (a). At the close of the polls, the Ballot Tabulators and any ballot boxes from each voting district shall be delivered to the Yavapai-Apache Nation Tribal Council Chambers located in Middle Verde by each Election Marshal.
- (b). The Election Board shall post results from Ballot Tabulators by district and count absentee ballots through the use of a Ballot Tabulator.
- (c). In the event Ballot Tabulator(s) are not used, the Chief Judge of the Election Board shall unlock the ballot boxes and shall count and remove the ballots one at a time. The Chief Judge shall open each ballot one at a time, and shall read off to the District Election Clerk the names of the candidates marked there upon. The Chief Judge shall show the ballots to the District Election Judge to ensure that it has been marked correctly.

- (d). The posting of the election results and counting of the ballots as set forth in this Section 5 shall be open for public observation, but the public must remain at a distance of ten (10) feet from the District Election Judges, District Election Clerks, Ballot Tabulators and ballot boxes. The public must remain quiet and in no way interfere with the orderly counting of the ballots. If order cannot be kept, the Chief Judge shall halt the counting until the person(s) is removed.
- (e). At the end of the count, the Election Board shall total the number of votes for each candidate. These results shall be certified by each member of the Election Board. The results shall be posted in Public Places and submitted to the Tribal Secretary the next business day.
- (f). The Election Board shall place all ballots in one ballot box and the ballot box shall be kept in a safe location in accordance with Article XII, Section 2 of this Ordinance.

Section 6. Spoiled Ballots.

If a voter spoils a ballot and obtains another ballot, it shall be folded and marked "SPOILED" in ink. Each Election Board Member of the voting district shall initial below this marking and the Spoiled Ballot shall be kept in a separate stack of Spoiled Ballots. The stack of Spoiled Ballots shall be returned to the Chief Judge at the end of the voting.

Section 7. Unused Ballots.

Ballots unused at the end of the voting shall be kept together, marked "UNUSED" in ink, and returned to the Chief Judge of the Election Board at the end of the voting.

Section 8. Rejected Ballots.

If a ballot has any markings or comments other than those specified in the ballot instructions and the voter does not obtain a new ballot at the polling place, which may occur with absentee ballots or in the event a Ballot Tabulator is not used at the polling place, the ballot shall be rejected. A Rejected Ballot shall be marked "REJECTED" in ink and initialed by all Election Board Members and Election Marshals. Rejected Ballots shall be kept together.

Section 9. Recounts.

The Election Board shall have the discretion to call for a recount of the ballots.

Section 10. Other Matters Decided by the Election Board.

Any other election matters not specifically addressed in this Ordinance shall be decided by the Election Board. The decision of the Election Board shall be final.

ARTICLE XII – ELECTION RESULTS

Section 1. Election Results.

The Election results shall be determined in accordance with Article VIII, Section 14 of the Yavapai-Apache Constitution which states:

Section 14. Election Results. 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.

Section 2. Safekeeping of Election Results.

The ballot box containing all used, unused, Spoiled and Rejected Ballots shall be placed with the Chief Judge of the Yavapai-Apache Tribal Court by the Election Board. The Chief Judge of the Yavapai-Apache Tribal Court shall keep the ballot box and all of its contents for at least one (1) year.

ARTICLE XIII – TIE VOTES

Section 1. Tie Votes.

- (a). Tie votes shall be determined in accordance with Article VIII, Section 15 of the Yavapai-Apache Constitution which states:

Section 15. Tie Votes. In the case of a tie between one or more candidates, a run-off election shall be held until the tie is broken.

- (b). Runoff Election shall be deemed a Special Election held between fifteen (15) Days but no more than forty-five (45) Days after the election results are certified by the Election Board. All Registered Voters shall be permitted to vote in any Runoff Election. Absentee voting shall be permitted in Runoff Elections.

ARTICLE XIV – CHALLENGES TO THE ELECTION RESULTS

Section 1. Challenges to the Election Results.

Any challenges to any Election results shall be made in accordance with Article VIII, Section 17 of the Yavapai-Apache Constitution which states:

Section 17. Challenges to the Election Results. Any member of the Yavapai-Apache Tribe may file a challenge to the election results by filing a suit in Tribal Court within ten (10) days after the Election Board certifies the election results. 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 (30) day extension of time may be granted. If the Tribal Court invalidates the election results, the Court shall order that a new election be held as soon as possible.

If the Tribal Court finds that an election challenge contains no basis in law or fact, the Tribal Court may order that the challenger reimburse the Election Board for any costs and attorney fees incurred by the Election Board in responding to the challenge.

ARTICLE XV – VACANCIES

Section 1. Vacancies.

- (a). Vacancies on the Yavapai-Apache Nation Tribal Council shall be handled according to Article VIII, Section 18 of the Yavapai-Apache Constitution which states:

Section 18. Vacancies. The Tribal Council shall call a special election to fill a vacancy unless six (6) months or less remain in the term of office for the vacant position, in which case the position shall remain vacant until the next election. All persons elected to fill a vacant position shall fill out the term of the person whom he is replacing.

- (b). If the position of Chairperson or Vice Chairperson becomes vacant, a Primary Election shall not be held in the Special Election to fill the vacancy.

ARTICLE XVI – OATH OF OFFICE

Section 1. Oath of Office.

- (a). After the Election Board has certified the results of the election the oath of office shall be administered in accordance with Article VIII, section 16 of the Yavapai-Apache Nation Constitution which states:

Section 16. Oath of Office. The oath of office for newly elected Tribal Council members shall be administered within thirty (30) days after the Election Board certifies the election results.

- (b). The Oath of Office shall be administered by the Chief Judge of the Election Board.

ARTICLE XVII-TIMEFRAMES FOR CONDUCTING ELECTIONS

Section 1. General Election without a Primary Election.

- (a). At least 100 Days prior to General Election, the Election Board shall:
- (1). Post public notice of the General Election.
 - (2). Post public notice of the need to file Nomination Forms in order to run for a Tribal Council Position.
 - (3). Make available Absentee Ballot Request Form (B-1).
- (b). 85 Days prior to the General Election shall be the deadline for all prospective candidates to return Nomination Forms.

- (c). 70 Days prior to the General Election shall be the deadline for all rejected Nomination Forms to be resubmitted.
- (d). At least 30 Days prior to the General Election, the Election Board shall post in public locations the final list of candidates and the list of Eligible Voters.
- (e). Within 3 Days after the General Election, the Election Board shall certify all election results.
- (f). Between 15 Days but no more than 45 Days after the General Election, the Election Board shall hold a special runoff Election to determine any ties between two or more candidates.

Section 2. General Election with a Primary Election.

- (a). At least 100 Days prior to Primary Election, the Election Board shall:
 - (1). Post public notice of the Primary and General Elections.
 - (2). Post public notice of the need to file Nomination Forms in order to run for the Chairperson, Vice Chairperson, or a Tribal Council Position.
 - (3). Make available Absentee Ballot Request Form (B-1).
- (b). 85 Days prior to the Primary Election shall be the deadline for all prospective candidates to return Nomination Forms.
- (c). 70 Days prior to the Primary Election shall be the deadline for all rejected Nomination Forms to be resubmitted.
- (d). At least 45 Days prior to the General Election, the Election Board shall hold the Primary Election in accordance with Article VIII, Section 4 of the Yavapai-Apache Nation Constitution.
- (e). At least 30 Days prior to the Primary Election, the Election Board shall post in public locations the final list of candidates and the list of Eligible Voters for the Primary Election.
- (f). Within 3 Days after the Primary Election, the Election Board shall certify all election results of the Primary Election.
- (g). At least 30 Days prior to the General Election, the Election Board shall post in public locations the final list of candidates and the list of Eligible Voters for the General Election.
- (h). Within 3 Days after the General Election, the Election Board shall certify all election results of the General Election.
- (i). Between 15 Days but no more than 45 Days after the General Election, the Election Board shall hold a special runoff election to determine any ties between two or more candidates.

Section 3. Special Elections.

- (a). At least 45 Days prior to the Special Election, the Election Board shall post public notice of the Special Election.
- (b). If the Special Election is to fill a vacancy the Election Board shall:
 - (1). Post public notice at least 45 Days prior to the Special Election.
 - (2). Set a deadline for all Nomination Forms at least 35 Days prior to the Special Election.
 - (3). Set a deadline of all rejected Nomination Forms to be resubmitted at least 25 Days before the Special Election.
 - (4). Between 15 Days but no more than 45 Days after the Special Election, the Election Board shall hold a Special Runoff Election to determine any ties between two or more candidates.
- (c). Within 3 Days of the Special Election, the Election Board shall certify all election results of the Special Election.

ARTICLE XVIII- RECALL ELECTIONS

Section 1. Recall Elections.

- (a). Recall Elections shall be conducted in accordance with Article IV, Section 7 of the Yavapai-Apache Nation Constitution which states:

Section 7. Recall.

- (a). Any member of the Yavapai-Apache Tribe of voting age shall have the power to initiate recall proceedings against a Tribal Council member by filing with the Election Board a written statement in one-hundred (100) words or less giving specific reasons why the Tribal Council member in question should be recalled***
- (b). All recall proceeding subsequent to the filing of a recall petition shall be administered by the Election Board. The Tribal Council shall not have jurisdiction over recall proceedings and it shall not exercise its authority to remove members of the Election Board in such a way as to impede a recall proceeding***
- (c). The Election Board shall issue official petition forms to the petitioners who shall have sixty (60) days to collect the signatures from thirty-five (35) percent of the eligible voters of the Tribe***
- (d). Each eligible voter of the Tribe shall have the right, exercisable freely and without constraint or coercion of any kind, to participate in proceedings for the recall of any elected tribal official***
- (e). Individual petitions shall be circulated for each Tribal Council member who is subject to recall***

(f). The Election Board shall verify the signatures on a recall petition within ten (10) days of receipt of a recall petition. The person subject to recall may file a written response to the charges alleged in the petition in accordance with the applicable provisions of the recall ordinance. The written response must be mailed to the voters along with the notices of the recall election but only when such notices are required to be mailed to the voters

(g). A recall meeting shall be held in accordance with the provisions of the recall ordinance. A recall meeting shall be considered a special election and shall be conducted in accordance with all applicable provisions of this constitution and appropriate ordinances. The ballots used at the recall meeting shall state the reasons for the recall and any response by the person subject to recall. A majority vote of the eligible voters attending the recall meeting shall determine the success or failure of the recall petition(s); Provided, That at least thirty-five (35) percent of the eligible voters actually vote at the recall meeting. The Election Board shall certify the election results

(h). The results of the recall election shall be final. The Tribal Court shall have exclusive jurisdiction to hear any challenge to the recall election or to hear any complaint against the Election Board or its members based upon its conduct of the recall proceeding. Any challenge or complaint shall be filed in a timely manner as established by ordinance. The Tribal Court shall hear and decide the challenge to the recall election within thirty (30) days of the date the complaint is filed

(i). A Tribal Council member who is successfully recalled must wait one (1) year before being eligible to run for office again or to be appointed to fill a vacancy

Section 2. Recall Petitions.

- (a). The Election Board has ten (10) Days to respond to the Recall letter. The Election Board shall respond by meeting with the petitioner. The petitioner will be given the list of circulators form.
- (b). The petitioner has ten (10) Days from the date the Election Board responds to the petition to return the list of circulators to the Election Board. Each petitioner may have up to ten (10) Tribal Members per petition on the list of circulators.
- (c). The Election Board has fourteen (14) Days from the date receiving the list of circulators to issue the Recall petition(s) to the petitioner.
- (d). The Election Board shall make official petition(s) that include: enough petition pages for 35% of the Yavapai-Apache Nation's Eligible Voters to sign. The Election Board shall stamp and initial each page of the petition(s).
- (e). The Election Board will only accept the official petition by the petitioner.
- (f). After verifying the signatures, the Election Board will submit in writing, notification of whether the requirements of Article IV, Section 7 of the Yavapai-Apache Nation Constitution have been met.

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CANDIDATE FILING FORM (FORM A-1)

I hereby submit my name as a candidate for _____.

Yavapai-Apache Nation Constitution, Article VIII, Section 3, Qualifications for Office:

- (a) Any member of the Yavapai-Apache Tribe shall be eligible to run for tribal office if he:
- (1) Is at least twenty-five (25) years of age, and
 - (2) Is a resident of the reservation for at least two (2) years or has resided within ten (10) miles of any lands within the jurisdiction of the Tribe for at least two years, and
 - (3) Has no misdemeanor convictions within the last five (5) years or felony convictions within the last fifteen (15) years, and
 - (4) Has a high school degree or its equivalent, or had sufficient experience for a position on the Tribal Council.
- (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.
- (c) 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 Court.

I, _____, hereby certify that I meet the qualifications for office as listed above, in accordance with Article VIII, Section 3 of the Yavapai-Apache Nation Constitution.

Signature of Prospective Candidate

Date

Tribal Identification Number

State of _____

SS

County of _____

Subscribed and sworn to before me this _____ day of _____, 20__.

FOR OFFICE USE ONLY

Received by: _____

Election Board Member

Date



AUTHORIZATION TO CONDUCT CRIMINAL HISTORY CHECK

I, _____, (PLEASE PRINT FULL LEGAL NAME) hereby acknowledge and agree to give the Yavapai-Apache Tribal Election Board authority to investigate my background with the understanding that this information will be used for the sole purpose of conducting a criminal history check.

PLEASE COMPLETE THE FOLLOWING INFORMATION:

Any other names used since on or after the age of 18:

Date of Birth: _____

Social Security Number: _____

Current Residential Address: _____

Past residential addresses used on or after the age of 18:

Voluntary Information of Prior Criminal Conviction:

Signature of Prospective Candidate

Date

YAVAPAI-APACHE NATION NOMINATION FORM (FORM A-2)

We nominate _____ for Tribal Council.

Must be a Tribal Member age 18 or older to sign. You may sign more than one nomination form.

Please use legal names recorded with Yavapai-Apache Nation Enrollment Department

(25 signatures are required, but space is provided for 30 signatures if a prospective candidate
chooses to obtain more signatures than required for added assurance)

	Print Name	Tribal ID #	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
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16			
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26			
27			
28			
29			
30			

Return this form to: Yavapai-Apache Nation Election Board
2400 West Datsi Street
Camp Verde, Arizona

DEADLINE:



Absentee Ballot Request Form

Form B-1

I, _____, hereby request an absentee ballot. I certify that I am enrolled member of the Yavapai-Apache Nation age eighteen (18) or older and have a completed registration form on file with the Election Board.

Signature

Date

Tribal Identification Number

Mail my official absentee ballot to:

Print Name

Mailing Address

City

State

Zip Code

Phone #

Return this form by the deadline listed below by U.S. Mail, email, or hand-delivery to:

Election Board
Yavapai-Apache Nation
P.O. Box 1248
Camp Verde, Arizona 86322
electionboard@yan-tribe.org

_____ Election: The deadline for the Election Board to receive this Ballot Request Form: _____

Code of Ethics and Conduct for the Yavapai-Apache Nation Election Board

SECTION I: YAVAPAI-APACHE NATION ELECTION BOARD MEMBERS SHALL PREFORM THE DUTIES OF THE ELECTION BOARD IMPARTIALLY AND DILIGENTLY.

During election season duties of Yavapai-Apache Nation Election Board Members shall take precedent. Official duties are specified in the Yavapai-Apache Nation Election Ordinance. Yavapai-Apache Nation Election Board personnel shall maintain the highest standards of professionalism during Election Day and when acting in election duties.

Professionalism: Yavapai-Apache Nation Election Board Members shall be patient, prompt and courteous to all co-members, candidates, and the general public who may come in contact with the Yavapai-Apache Nation Election Board.

Impartiality: Yavapai-Apache Nation Election Board Members shall perform their duties impartially, and shall not be influenced by relationships, social or economic status, political interest, public opinion or fear of criticism or reprisal.

Confidentiality: Yavapai-Apache Nation Election Board Members shall keep all voter information (i.e. addresses, requests), candidate biographical information (birthdates, items not pertaining to qualifications) confidential. A breach of confidentiality can cause a revocation of board membership.

Attendance: Non-attendance at three (3) or more consecutive meetings may result in dismissal from the Yavapai-Apache Nation Election Board, forfeiture of a portion of the stipend, or other such penalty as the Board shall devise. Attendance may be excused for reasons of health, industry related employment (training) or bereavement. If a Yavapai-Apache Nation Election Board Member is going to be absent, it is their obligation to inform the Election Board Chief Judge. If a Yavapai-Apache Nation Election Board Member is going to be absent for an extended period, it is their obligation to inform the Yavapai-Apache Nation Election Board and take a leave of absence or submit a letter of resignation to the Yavapai-Apache Nation Election Board so that their position may be filled in a time of need as is that of Election Season.

SECTION II: YAVAPAI-APACHE NATION ELECTION BOARD MEMBERS SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL THEIR ACTIVITIES.

Abuse of Position: Yavapai-Apache Nation Election Board Members shall not engage in any activities, which would call into question the propriety in carrying out their duties.

Conflict of Interest: Yavapai-Apache Nation Election Board Members shall act at all times in the best interests of the people of the Yavapai-Apache Nation rather than particular interests or constituencies. This includes setting aside personal self-interest and performing their duties in transaction of the affairs of the Yavapai-Apache Nation Election Board in such a manner that promotes public confidence and trust in the integrity, objectivity and impartiality of the Yavapai-Apache Nation Election Board. No Yavapai-Apache Nation Election Board Member shall directly or indirectly receive any profit from his/her position as such, provided that Yavapai-Apache Nation Election Board Members may be paid reasonable expenses incurred by them in

the performance of their duties as stated in the Yavapai-Apache Nation Election Ordinance Article III, Section 3.

Yavapai-Apache Nation Election Board Members are considered to be in a “conflict of interest” whenever they themselves, or members of their family, business partners or close personal associates, may personally benefit either directly or indirectly, financially or otherwise, from their position on the Yavapai-Apache Nation Election Board.

Use of Community Property: Yavapai-Apache Nation Election Board Members shall not use community property or resources wastefully or for any private purpose not authorized by the Election Board Chief Judge.

SECTION III: YAVAPAI-APACHE NATION ELECTION BOARD MEMBERS SHALL REFRAIN FROM POLITICAL ACTIVITY.

Yavapai-Apache Nation Election Board Members shall not:

- 1) Hold political office within the Yavapai-Apache Nation;
- 2) Make speeches or publicly endorse a political organization or candidate;
- 3) Solicit funds from a political organization, candidate or event;
- 4) Become a candidate for political office without first resigning from their official position;

Yavapai-Apache Nation Election Board Members may engage in nonpartisan political activity that does not tend to reflect adversely on the dignity of the Yavapai-Apache Nation Election Board, or interfere with the proper performance of official duties.

Sanctions for Non-Compliance.

A person to whom this code applies shall be subject to disciplinary action. One example of disciplinary action is removal. If the Yavapai-Apache Nation Election Board Member is to be removed, the procedure stated in the Yavapai-Apache Nation Election Ordinance, Article III, Section 1 (h) shall be exercised.

CODE OF ETHICS AND CONDUCT AGREEMENT

As a Yavapai-Apache Nation Election Board Member, I promise to uphold the governing documents of the Yavapai-Apache Nation and the Yavapai-Apache Nation Election Ordinance and to conduct myself with consideration and regard for the rights of the people of the Yavapai-Apache Nation and to the Yavapai-Apache Nation Election Board.

I have read and received the Code of Ethics and Conduct for the Yavapai-Apache Nation Election Board. I hereby agree to the terms and conditions of the Code of Ethics and Conduct for the Yavapai-Apache Nation Election Board as stated above this _____ day of _____, 20__.

YAN Election Board Member Name
(Please print)

Signature

LIST OF CIRCULATORS

The following is a list of circulators, provided by the petitioner, PETITIONER NAME, of the Official Recall Petition Form for COUNCIL MEMBER BEING RECALLED dated _____.

First and Last Name: _____

First and Last Name: _____

First and Last Name: _____

First and Last Name: _____

First and Last Name: _____

First and Last Name: _____

First and Last Name: _____

First and Last Name: _____

First and Last Name: _____

First and Last Name: _____

Note to Petitioner: The circulators listed above are the only people permitted to circulate the Official Recall Petition Forms dated _____.

I, PETITIONER, verify that each circulator listed above is an Eligible Voter of the Yavapai-Apache Nation.

Petitioner Signature

Date