

Title § 2.200

ELECTION ORDINANCE

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PART I - GENERAL PROVISIONS

§ 2.200 PURPOSE AND AUTHORITY

The purpose of this ordinance is to provide for elections as required by Article III of the Hoh Constitution

§ 2.201 ELECTION BOARD

(a) Authority of the Election Board The Election Board shall implement all elections conducted pursuant to the authority of the Hoh Constitution. The Election Board shall perform other duties set out for it in this Ordinance.

(b) Qualifications; Selection; Term of Office; Compensation; Removal and Vacancies

(1) Qualifications Election Board members must be eligible to vote in tribal elections and must have graduated from high school or earned a GED in order to serve on the Board. The following persons are not eligible to serve the Election Board: current members of the Tribal Council; and anyone who plans to seek election to the Business Committee during his or her term of service on the Election Board;

(2) Selection The Election Board shall consist of at least four (4) members appointed by the Business Committee including one member to serve as the Manager of the Election and Board. At the Council's meeting in March of each election year, the Council shall review the terms of the Election Board and appoint new members if necessary;

(3) Term of Office Election Board members shall each serve a two (2) year term from the date of appointment and may be removed only for cause;

(4) Conflict of Interest Election Board members must abide by the highest standards of conduct in fulfilling their duties and responsibilities as members of the Election Board. They shall carry out their duties and responsibilities in the highest ethical manner. They shall maintain high standards of honesty, integrity, fairness and impartiality in carrying out their duties and responsibilities and shall avoid any actions in their role as Election Board members which would adversely reflect on the Election Board or the integrity and fairness of the election process.

(5) Compensation Election Board members may be reimbursed for mileage and other expenses incurred in connection with their official duties;

(6) Performance of Duties; Removal Upon accepting the appointment, each member shall sign an oath, which shall become part of the election records, stating that 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. Failure to perform the duties of the Board as set forth in this Ordinance or any other misconduct shall be grounds for immediate dismissal by the Tribal Council.

(7) Vacancies In the event of a vacancy on the Election Board, the Business Committee shall appoint a qualified replacement for the remainder of the term of service.

(c) Duties of the Election Board The Election Board shall monitor and oversee the conduct of tribal elections within the jurisdiction of the Hoh Indian Nation. The Election Board may work with a third-party vendor to conduct the election and utilize voting technologies available to facilitate the fair and efficient administration of the election. The Election Board shall count the ballots in a designated room where counting can be done efficiently and quietly; when the time for voting has expired, shall certify the results of the election; and shall swear in newly elected members of the Tribal Council. The Election Board's duties shall include the following specific actions:

(1) Certify from time to time and as necessary the list of adult tribal members eligible to vote;

(2) Publish the date of the election and the rules related to candidates and announce such date and rules in a General Council newsletter sufficiently in advance of the election to notify all interested tribal members so that candidates can meet the time deadlines in this ordinance;

(3) Review candidate's statements as provided in §2.205(d), and publish voter's pamphlet as provided in §2.205 (e);

(4) Approve the form of ballots prepared for the election;

(5) Facilitate the preparation, mailing and return of mail in ballots, certify that voters' addresses are correct, and that ballots are mailed out thirty days in advance of their due date.

- (6) Conduct in-person voting at the annual Hoh General Council meeting, and at other elections as scheduled;
- (7) Review and approve any election procedures;
- (8) Implement the disposition of challenged and rejected ballots;
- (9) Implement the Manager's rulings on challenges to the conduct of the election, including defaced ballots, the issuance of new ballots, and failure to vote;
- (10) Count the ballots at the conclusion of tribal voting;
- (11) Certify the results of the election once the period for challenges has expired;
- (12) Swear in new Business Committee members upon the certification of the annual Business Committee election at the next Business Committee meeting or within 30 days;
- (13) Implement the verification with Tribal Card and Photo ID;
- (14) Receive and verify candidate, recall, and initiative/referendum petitions on behalf of the Business Committee Secretary; and,
- (15) Implement other matters directly related to the conduct of tribal elections.

§ 2.202 QUALIFICATION OF VOTERS

(a) Who May Vote Any enrolled member of the Hoh Indian Nation who will be 18 years of age or older on the date of a scheduled tribal election shall have the right to vote in a tribal election.

(b) Voters List The Tribal Enrollment Clerk shall update the current list of qualified voters 2 (two) months prior to a Business Committee election and provide an updated list to the Election Board no later than 5 p.m. on the Thursday before the scheduled

election day. The Election Manager must witness the Tribal Enrollment Clerk's preparation of list of qualified voters. Addresses of voters should be verified by the Enrollment Clerk at this time. The Election Board shall keep two (2) up-to-date poll books (one copy for the record), all ballots, and the voters list. All correspondence for said election shall be kept at the archive office to be reviewed and destroyed at the beginning of the next election, and one copy to be retained by the Superintendent of the Election for six (6) months following each tribal election and at the end of the six (6) months destroyed.

§ 2.203 CONDUCT OF BUSINESS COMMITTEE ELECTIONS

(a) Notice The date of the election and the rules related to candidates shall be published in the tribal newsletter, on the Tribe's webpage and posted at the Tribal Offices sufficiently in advance of the election to notify all interested tribal members so that candidates can meet the time deadlines provided for in this ordinance.

(b) Ballots The Election Board shall coordinate the preparation of the ballot and approve the final ballot prior to the ballot being printed. The names of the certified candidates shall be in an alphabetical order. The ballot shall contain the following instructions:

YOU MAY VOTE FOR ONE (1) CANDIDATE FOR EACH BUSINESS COMMITTEE POSITION LISTED. PLACE AN "X" BY THE NAME OF EACH PERSON YOU WISH TO VOTE FOR. YOU MAY NOT GIVE ANY CANDIDATE MORE THAN ONE (1) VOTE. ANY BALLOT WITH MORE THAN 1 VOTE FOR A SINGLE BUSINESS COMMITTEE POSITION SHALL BE INVALID! WRITE-IN CANDIDATES ARE NOT ALLOWED AND THE INCLUSION OF A WRITE-IN CANDIDATE'S NAME SHALL INVALIDATE YOUR BALLOT. IF YOU NEED ASSISTANCE, THE ELECTION BOARD WILL HELP YOU.

(1) Official ballots shall be printed on white paper with black ink, in BOLD letters and use 14-point size font on the entire ballot. Ballots shall also be numbered. Sample ballots may be printed on colored paper and shall be clearly labeled "sample ballot" and shall not be counted if placed in the ballot box. The vote will be conducted by both mail-in voting and in-person voting, which shall take place on the day of the election at the General Council meeting.

(2) Whenever election activities under this Ordinance are conducted, all members of the Election Board shall be present. No persons, other than Election Board members operating in their official supervisory capacity or an independent third party as described in § 2.2.01(a)(2), shall remain or loiter in the voting area when voting is taking place, mail-in ballots are being processed, or votes are counted. In the case of an

emergency, if at least two Election Board members are not available, the Tribal Chairman shall appoint and swear in acting Election Board members to conduct the election. The Election Board shall have authority to remove any person from the premises who violates this provision.

(3) Two persons from the Election Board or the third-party contractor hired by the Superintendent with the consent of the Business Committee under § 2.201 (a)(2) shall at all times control the poll books, oversee and call the vote, handle sign in and hand out of ballots and oversee placement of ballots in ballot box.

§ 2.204 VOTING PROCEDURE

Voters may cast their ballots by mailing it, casting it in person on the day of the Election, or delivering or causing the completed ballot to be brought to the polling place on the day of the Election. The polling place at the General Council Meeting will be the only location where tribal members will be able to vote in person. As used in this Ordinance, the term “mail-in” includes delivery of a ballot through the United States Postal Service or hand delivery of ballots to the Tribal Administration Office prior to the close of the polling place on election day.

(a) Mail-in voting.

(1) Distribution of mail-in ballots. Mail in ballots will be mailed to tribal members fourteen (14) days before the scheduled date of the tribal election. Each tribal member eligible to vote and has a valid current address at the time of the mailing will be mailed a mail-in ballot. The date or dates of mailing a mail-in ballot shall be logged in the Poll Book data.

(2) Voting Procedure. Mail in must be physically received at the Election Board’s designated location by close of business on the Friday before the General Council meeting or by the date and time set by the Election Board for other elections under this ordinance. Ballots that are not mailed must be received by the Election Board no later than the time set for the polls to close on the day of the election.

(3) Casting Vote. When voting, the mail-in voter shall mark the ballot and place it in the inner envelope and seal it. The inner envelope shall then be placed in the outer envelope and sealed. The outer envelope shall then be signed by the voter. The outer envelope shall then be returned by mail to the Election Board in the return envelope to the PO Box approved by the Election Board. The Election Board shall publicize this address to tribal voters and shall include this address on the return envelope.

(4) Collection of Mail In Ballots. All mail in ballots will be collected by the Election Board from the Post Office on the Friday before election day at 5 pm. On election day, the Election Board will count the mail in ballots along with ballots cast in person at the polling place.

(b) In-person voting.

(1) Exclusion of public. No person other than Election Board members acting in their official capacity shall remain or loiter in the voting area when in-person voting is taking place, or when mail-in ballots are being processed. The Election Board shall have authority to order the removal of any person from the premises who violates this provision.

(2) Voting Procedure. One Election Board member shall control the Poll Book while another Election Board member shall hand out ballots and supervise the ballot box.

a. The in-person voter shall provide proof of identity a member of the Election Board and sign his or her name in the Poll Book. The Election Board member shall verify the person's identity and shall confirm that the individual has not already cast his or her ballot. If the voter is unable to sign his or her name, the Election Board member, after verifying the identity of the person, shall write "unable to sign" by the voter's name.

After verifying the individual is eligible to vote, a ballot will be provided to the individual. The voter shall then mark the ballot in a private area designated by the Election Board. The voter may receive assistance from the Election Board in voting if he or she requests. The voter shall deposit the ballot in the locked ballot box.

b. If the voter accidentally makes a mistake on or destroys his or her ballot, a new ballot shall be issued to the voter only upon return of the spoiled ballot, with the correction noted in the poll book. The spoiled ballot shall be retained and "spoiled" shall be written on it.

The spoiled ballot shall be segregated by the Election Board in a secure location, and shall be destroyed along with the other ballots at the conclusion of the election process

(c) Counting Returns.

(1) Immediately after the poll closes, the Election Board shall secure the ballot box in a place where tampering cannot take place. No ballots shall be counted until the official count takes place. Immediately after the polls are closed at 12 p.m., the Election Board will count the ballots cast in the election. The Board must validate

that each ballot was cast by verifying the identity of the person who cast each ballot based on the signature on the ballot. The term “signature” as used in this ordinance may include a unique electronic identifier assigned to each eligible tribal voter. In the event that the voter’s signature cannot be verified, the Board shall reject the ballot, place it in the rejected ballot box and shall not count it.

(2) After the procedures related to rejected ballots as set forth in subsection 2.204 (d) have been completed, the Election Board shall count the votes cast in a separate room, subject to the provisions of § 2.230.

(3) The Election Board shall review and certify the results of the election, and notify the Business Committee that the returns are ready to be reported. The Superintendent will announce the results at the General Council meeting and cause the results to be posted in a public place. Recount requests must be made according to § 2.231 and must be made after the results of the election are certified, but before the winning candidates are sworn in. Winning candidates shall take office in accordance with §2.208 of this ordinance. Ballot measures shall take effect in accordance with § 2.219 of this ordinance.

(d) Rejected Ballots

(1) For purposes of this subsection the term “challenge” means the dispute, by a tribal voter, of the rejection of a mail in ballot by the Election Board.

(2) Immediately upon the closing of the polls and before the ballots are counted, the Election Board shall open the rejection box and allow any interested tribal voter to challenge the rejection of a mail in ballot. A challenge shall be resolved at the time it is made.

(3) If the result of a challenge is that a rejected ballot is valid, the outer envelope shall be opened and the inner envelope deposited in the main in ballot box in the same manner as other mail in ballots.

(4) Unchallenged rejected ballots shall remain unopened and be destroyed after the election has been certified and the time for appeal of the election has run. The decision of the Election Board shall be final.

(e) Destruction of ballots. All ballots cast in an election will be destroyed after the election has been certified and all appeals, if any, have been completed.

(f) Certification of the Election. The Election Board shall certify the results of the election. When the votes in all valid ballots have been counted and the Election Board verifies

that the vote count is accurate, and any recount has been completed, the Election Board shall deliver its certification of the election to the Tribal Council.

(g) Tie Vote. In the event of a tie vote in an election for Tribal Council, the winner will be determined by flipping a coin under the supervision of the Election Board.

PART II – BUSINESS COMMITTEE

§ 2.205 CANDIDATES

(a) Qualifications Any enrolled member of the Hoh Indian Nation who will be 18 years of age or older on the date of the election and whose primary residence is within the State of Washington for at least one year prior to the election may run for office. Additionally, candidates must have graduated from high school or have earned a GED. Tribal members who are on criminal probation or parole or who have been convicted within ten years of seeking office of any crimes involving drugs or crimes against a person including but not limited to domestic violence, abuse or neglect of a minor or elder, murder or manslaughter are not eligible to run as a candidate for the Business Committee. No more than one (1) member of a household may run for office in any one year. If two (2) members of a household file to run for office and one does not voluntarily withdraw, the Election Board shall choose one (1) member by random lot who shall be a candidate that year. The Election Board shall be the sole judge of the qualifications of its members.

(b) Filing Candidacy Petitions Candidates must file petitions of their candidacy with the Election Board Superintendent on a form to be provided by the Election Board. Candidates must submit a petition signed by at least eighteen (18) eligible voters. The candidacy petition must be filled out in full and signed and received by the Election Board no later than close of business on the day that is forty-five (45) days before the scheduled date of the election. Candidacy petition forms may be obtained by contacting the Election Manager or downloaded from the Tribal Web page. The Election Board shall communicate the list of official candidates to the Business Committee within 24 hours of the closing date for filing candidacy petitions.

(c) Candidate Statement Candidates shall be allowed to submit a statement, not to exceed 300 words and a photo (at candidate's discretion), at the same time they submit their candidacy petitions. If the Election Board approves the candidate's candidacy, the candidate's statement will be included in the voter's pamphlet for the election.

(d) Review by Election Board The Election Board shall review all candidate petitions and notify an applicant of any disqualifications within three (3) days after the filing

deadline in order to give the candidate opportunity to appeal in writing as to the reason for disqualification. The Election Board shall, after reviewing any appeals, determine which candidates meet the qualifications. The Election Board shall post a list of certified candidates in the Hoh Tribal Office and in the tribal newsletter and on the web site no later than 20 days after the filing deadline.

(e) Voter's Pamphlet After the Election Board has certified the candidates for the election, the Board will prepare a voter's pamphlet. The Board will include the names of the certified candidates along with the candidates statement arranged alphabetically by last name for each position, and shall be sent to all registered tribal voters along with notification of the election and the procedure for requesting absentee ballots.

(f) Write-In Candidates Prohibited No write in candidates shall be allowed.

(g) Withdrawal Notice of withdrawal from candidacy shall be filed with the Election Board no less than twenty-one (21) days prior to the election in the form prescribed and approved by the Election Board.

§2.206 BUSINESS COMMITTEE OFFICES UP FOR ELECTION; TERM OF OFFICE

(a) Business Committee Positions The governing body of the Hoh Indian Nation, known as the Hoh Tribe Business Committee, shall be composed of the following offices: Chairperson, Vice Chairperson, Secretary, Treasurer and Three Council members.

(b) Election Cycle: The Business Committee positions will be elected on the following schedule:

- (1) Odd number years: Chairperson, Secretary and Council Member
- (2) Even number years: Vice Chairperson, Treasurer, and 2 Council members

(c) Election of Business Committee Members Candidates must apply to run for specific officer positions.

(d) Election Date for Business Committee Elections for Business Committee shall be held annually on the first Saturday after the 18th of October.

(e) Term of Office The terms of office for all Business Committee positions shall be two (2) years. Whenever a vacancy in a Business Committee position occurs and the position is filled, the person filling the vacancy shall serve in that position until the next regularly scheduled election for that position.

§ 2.207 CERTIFICATION OF ELECTION

The Election Board is responsible for certifying the results of the election as provided for in Part I. After the process provided for in § 2.204 is followed and the valid ballots are counted, the Election Board shall deliver its certification of the election to the existing Tribal Council, and the Election Manager or his or her designee shall schedule the swearing in of the new Business Committee members on the day of the election or within 30 days. The Business Committee seated at the time of election shall remain in office until the newly elected Council members are sworn in.

§ 2.208 OATH OF OFFICE

A Hoh tribal court judge or his or her designate shall administer the oath of office to each new Business Committee member at which time the Business Committee member will begin his or her term of office. No Business Committee member shall assume office until an oath has been taken.

§ 2.209 BUSINESS COMMITTEE MEMBERS AS EMPLOYEES

Nothing shall prohibit a tribal employee from becoming a candidate for tribal office or from working as a tribal employee while serving as a member of the Business Committee. The Business Committee Rules of Procedure Ordinance or the Personnel Policies shall include language to prevent a conflict of interest from arising out of such employment. As used in this section, the term "tribal employee" means a person who is employed by tribal government under the authority of the General Manager of the Tribe on a full-time or part-time basis. Nothing in this Ordinance shall prevent an employee from seeking election to the Business Committee or prevent a Business Committee member from applying for employment with the Tribe.

PART III – REFERENDUM

§ 2.210 REFERENDUM PETITION

(a) Referendum The referendum process allows the General Council or a majority of the Business Committee to vote on any enacted or proposed Ordinance or Resolution and whether it shall be in effect. Upon the receipt and validation of a properly certified and completed petition, an election will be held on the referred measure in accordance with the procedures set forth in this ordinance, *provided*, that such election shall be called by the Business Committee immediately upon notice received from the Election Board that a properly certified and completed referendum petition has been received and verified, and *provided further*, that such referendum election shall be within fifteen (15) days after the Election Board has notified the Business Committee in writing that a valid petition has been received.

(b) Petition Requirements To be valid, a referendum petition must be signed by at

least twenty-five (25%) of the eligible voters of the Hoh Indian Nation. It also must be verified by the Election Board. The Election Board must review and verify the signatures on the petition are those of qualified voters.

§ 2.211 PETITION REQUIREMENTS

(a) Sponsor Each petition must have at least one sponsor with whom all correspondence and communication with the Election Board will take place. The sponsor(s) must be a tribal member eligible to vote and his or her name must appear on each petition signature page along with mailing address and phone number.

(b) Purpose and Measure Each petition signature page must contain the statement that "THE PURPOSE OF THIS PETITION IS TO HAVE A GENERAL COUNCIL ELECTION ON THE FOLLOWING followed by, the description of the Business Committee decision being challenged, the Committee Resolution number and date of adoption of the measure to be referred and a summary of it. In addition, each page of the petition must include a statement showing the date on which the Election Board approved the petition form. Each petition signature page must have attached to it a complete copy of the proposed measure or measures to be referred.

(c) Forms The Election Board may issue a suggested form of petition for use by tribal members, but any petition which meets the requirements of this section shall be sufficient for filing with the Election Board.

§ 2.212 FILING OF PETITION

Petitions shall, before circulation, first be filed by the sponsor with the Election Board by hand delivery or mail, for review and approval as to form. The day the Petition actually is received shall control in computing time. Upon the filing of a petition for referendum, the Election Board shall forward a copy of the proposed or referred measure to the tribal attorney for review. The tribal attorney shall review the measure solely for the purpose of determining whether or not, if adopted, it would be valid under the Hoh Constitution. The tribal attorney shall issue an opinion on the constitutionality of the measure within one week of receiving it, along with supporting reasons for that opinion.

§ 2.213 CERTIFICATION OF PETITION

The Election Board shall review all petitions for compliance with all the requirements set forth in this ordinance. If the attorney issues an opinion in accordance with § 2.212 that any initiative or referendum measure is constitutional, and the other requirements of this ordinance are met, the Election Board shall certify the petition. The Election Board shall make its certification determination within one (1) week after receiving the legal opinion of the tribal attorney.

§ 2.214 PRESENTATION OF PETITION TO BUSINESS COMMITTEE

Upon certification of the petition by the Election Board, the Election Board shall present the petition to the Business Committee at its next regular meeting. The Business Committee may, at its discretion, consider the measure contained in a referendum petition and may adopt it. If the Business Committee does not adopt the measure contained in the referendum petition, the petition must meet the requirements of sections 2.215 and 2.216 before an election is held under section 2.217.

§ 2.215 CIRCULATION OF PETITION

Petitions may be circulated once they have been certified. Persons asked to sign the petition must be given sufficient opportunity to read the summary of the measure and the attached complete copy of the measure and must be advised that they must be an eligible tribal voter in order to sign.

§ 2.216 VALIDATION OF PETITION

(a) Submission of Petition Sponsors of a petition may file completed petitions at any time within 90 days of certification. The Election Board must verify the number and genuineness of the signatures, that at least twenty-five (25) percent of the eligible voters of the General Council have signed the petition. If the requirements of this ordinance are met, the Election Board shall so verify and the petition shall be validated and the Election Board will notify the Business Committee Chairperson that a meeting date for the General Council must be set and notice of such meeting be published..

(b) Signatures The name of each signer must be printed and the signature must be in ink. The date of signing must be noted. Signers must be eligible to vote in tribal elections as set forth in §2.202 of this ordinance in order for their signature on a referendum petition to be valid.

(c) Verification On the front of each signature page shall be a statement, signed by the person who circulated that page, stating that he or she circulated the signature page with a complete copy of the measure attached, and that the signatures on it are true and authentic to the best of his or her knowledge.

§ 2.217 REFERENDUM ELECTION

(a) Upon validation of the petition by the Election Board and receipt of notice of such validation by the Tribal Chairman, the referendum shall be set for vote at a General Council meeting within fifteen (15) days of the validation of the referendum petition by the Business Committee.

(b) The Business Committee is responsible for setting the date of the General Council

meeting for a referendum election within the time frames established by the Hoh Constitution and this Ordinance.

(c) The vote on the referendum petition will be held at the General Council meeting held for the specific purpose of voting on the petition. At least twenty-five (25) percent of the eligible voters of the General Council must be present at the meeting for a vote on the petition to be held.

(d) The Chairperson of the General Council will preside at the General Council meeting. The meeting will be conducted pursuant to Roberts Rules of Order.

(e) Voting Procedure

(1) The Election Board shall appoint a Sargent of Arms to help conduct the election at the General Council meeting.

(2) The Election Board will have a poll book at the General Council meeting and shall verify the identity and eligibility of tribal members attending the General Council meeting who wish to vote at the meeting. Upon verification of the member's identity by a member of the Election Board, the member shall sign the poll book.

(3) If quorum of the General Council is established, voting on the petition will be done by a show of hands.

§ 2.218 ADOPTION OF REFERENDUM OR INITIATIVE

A majority vote of those voters actually voting shall be required for the adoption of any measure by the General Council, provided that at least twenty-five (25) percent of qualified tribal voters cast ballots.

§ 2.219 EFFECTIVE DATE OF MEASURE

Unless a measure submitted to the General Council specifies a later date of effect, any measure passed by General Council election shall become effective upon certification of the election by the Election Board.

§2.220 REMOVAL OF BUSINESS COMMITTEE MEMBER

The Business Committee may, by a vote of five members of the entire Business Committee, after due notice and an opportunity for a hearing before the Business Committee which is open to the membership, removal of a Business Committee member for the reasons set forth herein.

Any member of the Business Committee so removed shall have the right to appeal his or her expulsion to the tribal courts, with full review of all matters involved.

§ 2.221 NOTICE

Upon the motion to remove, duly made by a Business Committee member, the Business Committee may, by majority vote, adopt a resolution giving the Business Committee member in question notice that he or she is the subject of a motion to expel, the reasons for the motion and setting a date for a special Business Committee meeting to consider the matter.

§ 2.222 OPPORTUNITY TO BE HEARD

The Business Committee member in question shall have the opportunity and right to be heard on his or her own behalf at the special Business Committee meeting set in accordance with § 2.224. There shall be full and complete discussion of all the aspects of the charges of neglect of duty or gross misconduct prior to Business Committee action.

§ 2.223 AUTOMATIC REMOVAL

- (a) Grounds for automatic removal. Any member of the Business Committee who:
- (1) moves out of the State of Washington;
 - (2) resigns or dies while in office; or
 - (3) is convicted of a felony, or misdemeanor involving dishonesty in any tribal, federal court.

(b) Procedure: Upon confirmation that the grounds for automatic removal, pursuant to Article VI, Section 1 of the Constitution, the Business Committee shall declare the position vacant and appoint a new member to serve until the next regular election for that position.

§ 2.224 GROUNDS FOR REMOVAL

The Business Committee is the sole judge of the qualifications of its members, and may adopt any grounds for removal of said members. Pursuant to Article VI of the Tribe's Constitution, grounds for removal of a member of the Business Committee include the following:

- (a) The Business Committee may declare a Council member's seat vacant under Section 1 of Article VI if a member of the Committee:
- (1) Moves out of the State of Washington;
 - (2) Resigns or Dies while in office; or
 - (3) Is found guilty of a felony or misdemeanor involving dishonesty in any tribal, federal or state court.
- (b) Grounds for removal under Section 2 of Article VI include the following:

(1) Any officer or member of the Business Committee who shall absent him or herself from any three (3) consecutive regular or special Business Committee meetings without permission may be removed by a vote of five members of the Tribal Council;

(2) Any officer or member of the Business Committee who, while in office, is convicted of misdemeanor or for gross neglect of duty, malfeasance in office, misconduct reflecting on the dignity and integrity of the Tribal Government may be removed from office by a vote of five members of the Tribal Council.

§ 2.225 DECISION AND EFFECTIVE DATE

Any Business Committee decision to expel shall be by a vote of at least five (5) members of the Business Committee and shall be effective immediately.

§ 2.226 FILLING OF VACANCIES IN BUSINESS COMMITTEE

Pursuant to Article VIII, Section 6 of the Constitution, upon any vacancy occurring in the Business Committee by virtue of resignation, removal, recall or death, the remaining members of the Business Committee, by majority vote, shall fill the position from any persons interested that meet the requirements to run for Committee.

§ 2.227 CONFLICT OF INTEREST

Any Business Committee member who is the subject of a recall petition or motion for expulsion or removal under this ordinance shall not take part in any deliberation of the Business Committee regarding such action, and shall not vote in any Business Committee action which may, directly or indirectly, pertain.

PART V - BALLOT COUNTING, RECOUNT REQUEST AND APPEALS

§ 2.228 BALLOT COUNTING

A tribal voter may request to be present when election ballots are counted. A tribal voter's presence in the room where the ballots are counted is subject to procedures adopted by the Election Superintendent to ensure that no tampering of the ballots occurs and that the ballots are counted in an efficient manner.

§ 2.229 RECOUNT REQUESTS

A tribal voter may make a request for a recount of the ballots in an election to the Election Manager. A recount request must be made after all valid ballots have been counted and the results certified by the Election Manager, but before the winning candidates are sworn in or the initiative or the results of a recall election take effect. A fee of \$100 must be made to the Election Board at the time the request is made.

§ 2.230 APPEALS

Any final decision of the Election Board or the Business Committee under this ordinance may be appealed to the Tribal Court under the rules of appellate procedure. An appeal of a final decision under this Ordinance must be filed within fifteen (15) days.

PART VI GENERAL PROVISIONS

§ 2.231 SEVERABILITY

It is the Business Committee's intent that if any provision of this Ordinance shall be found unconstitutional under the Hoh Constitution or found to be a violation of the Indian Civil Rights Act, that the remainder of this Ordinance shall remain in effect