

# FALLON PAIUTE-SHOSHONE TRIBE LAW & ORDER CODE



## TITLE 14 TRIBAL ELECTION CODE



FBC Approved: February 27, 2024  
Resolution No. 24-F-042

**EFFECTIVE: FEBRUARY 28, 2024**

# TITLE 14 - TRIBAL ELECTION CODE

Law & Order Code of the Fallon Paiute-Shoshone Tribe

## TABLE OF CONTENTS

<b>14-010</b>	<b>GENERAL PROVISIONS</b> .....	<b>1</b>
14-010-010	Authorization.....	1
14-010-020	Purpose .....	1
14-010-030	Applicability .....	1
14-010-040	Severability .....	1
14-010-050	Privacy Act.....	1
14-010-060	Sovereign Immunity .....	1
14-010-070	Revisions to the Title 14 – Tribal Election Code .....	1
14-010-080	Date Calculations.....	2
<b>14-015</b>	<b>EMERGENCY SITUATION PROVISIONS</b> .....	<b>2</b>
14-015-010	Postponement of a Tribal Election in Emergency Situations .....	2
14-015-020	Election Procedure after an Emergency Situation Postponement .....	3
<b>14-020</b>	<b>DUTIES AND RESPONSIBILITIES OF ELECTION OFFICIALS</b> .....	<b>3</b>
14-020-010	Role of the Secretary of the Fallon Business Council or Designee .....	3
14-020-020	Terms and Authority of the Tribal Election Committee .....	4
14-020-030	Qualifications of Tribal Election Committee Members .....	4
14-020-040	Selection of Tribal Election Committee.....	4
14-020-050	Oath of Office.....	5
14-020-060	Duties of Tribal Election Committee .....	5
14-020-065	Types of TEC Meetings.....	6
14-020-070	Officers of the Tribal Election Committee .....	6
14-020-080	Compensation.....	7
14-020-090	Meetings of the Tribal Election Committee .....	7
14-020-100	Resignation and Removal .....	8
14-020-110	Vacancies .....	8
<b>14-030</b>	<b>CONTRACTED AND PROFESSIONAL SERVICES</b> .....	<b>9</b>
14-030-010	Election Support Services .....	9
14-030-020	Election Judiciary and Prosecutorial Officials .....	9
14-030-030	Solicitation Process.....	9
14-030-040	Committee Referral.....	10
14-030-050	Council Selection .....	10
14-030-060	Compensation.....	10
<b>14-040</b>	<b>ELIGIBLE VOTERS OF THE TRIBE</b> .....	<b>10</b>
14-040-010	Eligible Voter.....	10
14-040-020	Official List of Eligible Voters.....	11
14-040-030	Eligible Voter’s Mailing Address .....	11
<b>14-050</b>	<b>ABSENTEE BALLOTS</b> .....	<b>11</b>
14-050-010	Eligibility to Vote by Absentee Ballot .....	11
14-050-020	Notice for Absentee Ballots Requests .....	11
14-050-030	Request for Absentee Ballots.....	12
14-050-040	Marking of Absentee Ballots .....	12

14-050-050	Receipt of Absentee Ballots .....	12
14-050-060	Recording the Receipt of Absentee Ballots .....	13
14-050-070	Notification of Receipt of Voided Absentee Ballots.....	13
<b>14-055</b>	<b>PREPARATIONS FOR ELECTIONS.....</b>	<b>14</b>
14-055-010	Finalization of the Official Ballot .....	14
14-055-015	Required Elements for Official Ballots. ....	14
14-055-020	Withdrawal of Candidate(s).....	14
14-055-030	Preparation of Official Ballots .....	14
<b>14-060</b>	<b>ELECTIONS GENERAL PROVISIONS .....</b>	<b>15</b>
14-060-010	Time of Regular Election.....	15
14-060-020	Notice of Regular Election.....	15
14-060-030	Polling Place .....	15
14-060-040	Official Ballots and Ballot Boxes.....	15
14-060-050	Deceased, Withdrawn, or Ineligible Candidates Notice .....	15
14-060-060	Deceased Candidates.....	15
14-060-070	Eligible Voter Identification and Signature .....	15
14-060-080	Spoiled Ballots .....	16
14-060-090	Absentee Voter at Polling Place.....	16
<b>14-070</b>	<b>COUNCIL CANDIDACY PROCESS .....</b>	<b>17</b>
14-070-010	Eligibility for Fallon Business Council Nominations .....	17
14-070-020	Constitutional Prohibitions.....	17
14-070-030	Prohibition of Immediate Family Simultaneously Serving on the Council.....	17
14-070-040	Posting of Notice for Opening and Closing of Nominations .....	18
14-070-050	Filing of Candidacy Form .....	18
14-070-060	Filing of Candidacy Documentation.....	18
14-070-070	Availability of Officials .....	20
<b>14-075</b>	<b>CAMPAIGNING AND ELECTIONEERING .....</b>	<b>20</b>
14-075-010	Use of Tribal Facilities on Regular Election Date.....	20
14-075-020	Videotaping, Photography, and/or Recording.....	20
14-075-030	General Campaign Provisions.....	20
14-075-040	Candidate's Request for List of Eligible Voters.....	20
14-075-050	Electioneering/Campaigning at the Polling Place .....	21
14-075-060	Procedures after a Regular Election.....	21
<b>14-080</b>	<b>SPECIAL ELECTION MATTERS .....</b>	<b>22</b>
14-080-010	Special Election Matters on Regular Election Ballot .....	22
14-080-020	Types of Special Election Matters .....	22
14-080-030	Effect of Vote in Special Election Matters.....	22
14-080-040	Initiation of Special Elections .....	22
14-080-045	Calculation of 30% Requirement.....	23
14-080-050	Time of Special Election.....	23
14-080-060	Listing of Constitutional Amendments on an Official Ballot.....	23
14-080-065	Required Elements for Constitutional Amendments on an Official Ballot.....	23
14-080-070	Ballot Question Process for a Regular Election .....	24
<b>14-090</b>	<b>COUNTING OF BALLOTS .....</b>	<b>24</b>
14-090-010	Recess before Public Count.....	24
14-090-020	Counting of Official Ballots .....	25
14-090-030	Counting of Absentee Ballots .....	25

14-090-040	Rejected Ballots .....	25
14-090-050	Official Election Results Process.....	25
14-090-060	Recounts .....	26
14-090-070	Counting of Ballots in a Recount .....	26
14-090-080	Tie Vote after Recount – Council and other Elected Position Races .....	27
14-090-090	Tie Vote after Recount – Ballot Questions .....	27
14-090-100	Election and Public Count Close-Out Procedures .....	27
14-090-110	Records Retention .....	28
<b>14-100</b>	<b>ELECTION OFFENSE PROCEDURES .....</b>	<b>28</b>
14-100-010	Filing of an Election Offense Complaint .....	28
14-100-020	Hearing Procedures of an Election Offense .....	28
14-100-030	Citations.....	29
14-100-040	Civil Forfeiture.....	29
14-100-050	Persons Liable .....	29
14-100-060	Refusal to Perform Duty.....	30
14-100-070	Civil Forfeiture Penalties for Election Offenses .....	30
<b>14-105</b>	<b>CODE OF ELECTION OFFENSES.....</b>	<b>30</b>
14-105-010	Illegal voting.....	30
14-105-020	Illegal Electioneering/Campaigning .....	30
14-105-030	Tampering with Voting Machine(s)/Ballot Box .....	31
14-105-040	Interfering with Voting .....	31
14-105-050	Ballot Secrecy .....	31
14-105-060	Campaign Materials on Private Property.....	31
14-105-070	Improper Use of Tribal Resources .....	31
14-105-080	Improper Disclosure of Campaign Materials.....	32
14-105-090	Unsigned Election Advertisements/Publications.....	32
14-105-100	Slander and Libel.....	32
<b>14-110</b>	<b>ELECTION CHALLENGES .....</b>	<b>32</b>
14-110-010	Eligible Challengers .....	32
14-110-020	Ineligible Challenge(s) .....	32
14-110-030	Properly Filed Challenges .....	33
14-110-040	Service of Documents.....	33
14-110-050	Access to Copies of Challenges.....	33
14-110-060	Election Challenge(s) Hearing Date .....	33
14-110-070	Hearing Statements .....	34
14-110-075	Ex Parte Communications.....	34
14-110-080	Election Challenge Hearing Procedures.....	34
14-110-090	Decision on Challenges .....	34
<b>14-120</b>	<b>FINALIZATION OF ELECTION .....</b>	<b>35</b>
14-120-010	Activities relating to Challenge Decision(s).....	35
14-120-020	Declaration of Election .....	36
<b>14-130</b>	<b>COUNCIL APPOINTMENT PROCESS .....</b>	<b>36</b>
14-130-010	Eligibility for Fallon Business Council Appointment .....	36
14-130-020	Constitutional Prohibitions.....	37
14-130-030	Prohibition of Immediate Family .....	37
14-130-035	Other Prohibitions for Appointments.....	38
14-130-040	Posting of Notice.....	38

14-130-050	Filing for Appointment Form.....	38
14-130-060	Filing of Appointment Documentation.....	38
14-130-070	Availability of Officials .....	39
14-130-080	Appointment Process and Certification .....	40
<b>14-140</b>	<b>PETITIONS.....</b>	<b>40</b>
14-140-010	Copy of Petition to be filed before Presentation .....	40
14-140-020	Circulator(s) of a Petition.....	41
14-140-030	Deadline for Submission of Petition .....	41
14-140-040	Form Regulations; Removal of Name from a Petition.....	41
14-140-050	Posting of Petition .....	41
14-140-060	Submission of Petition .....	42
14-140-070	Council Action on Petition .....	42
14-140-080	Replacement of FBC Secretary.....	42
<b>14-150</b>	<b>ELECTION TERMINOLOGY .....</b>	<b>43</b>
14-150-010	Absentee Ballot.....	43
14-150-020	Absentee Voter .....	43
14-150-030	Advisory Questions .....	43
14-150-040	Ballot Box .....	43
14-150-050	Ballots, Categorization of .....	43
14-150-060	Ballot Question .....	44
14-150-070	Candidate .....	44
14-150-080	Conflict of Interest .....	44
14-150-090	Closing of Nominations .....	44
14-150-100	Counting of Ballots.....	44
14-150-110	Declaration of Emergency.....	44
14-150-120	Dishonesty .....	44
14-150-130	Election Challenge .....	45
14-150-140	Election Offense .....	45
14-150-150	Election Season.....	45
14-150-160	Felony.....	45
14-150-170	Finalization of the Ballot.....	45
14-150-180	Gross Misdemeanor.....	45
14-150-190	Immediate Family Member.....	45
14-150-200	Nomination.....	45
14-150-210	Official List of Eligible Voters.....	45
14-150-220	Opening of Nominations.....	45
14-150-230	Petition.....	45
14-150-240	Polling Place .....	46
14-150-250	Public Count .....	46
14-150-260	Regular Election .....	46
14-150-270	Serious and Significant Violation.....	46
14-150-280	Special Election .....	46
14-150-290	Tribal Election .....	46
14-150-300	Tribal Facility.....	46
14-150-310	Unavoidable Causes .....	46
14-150-320	Working Day / Day .....	46
<b>APPENDIX – TRIBAL ELECTION CODE FORMS.....</b>		<b>47</b>

# TITLE 14 - TRIBAL ELECTION CODE

Law & Order Code of the Fallon Paiute-Shoshone Tribe

## 14-010 GENERAL PROVISIONS

---

### 14-010-010 Authorization

The Fallon Business Council (hereinafter referred to as the “Council”) establishes this ordinance of the Law and Order Code, Title 14 – Tribal Election Code, as authorized under Article IV, Section 2 of the Constitution and Bylaws<sup>1</sup> of the Fallon Paiute-Shoshone Tribe (hereinafter referred to as the “Tribe”).

### 14-010-020 Purpose

The purpose of this ordinance is to set forth the rules and procedures for the fair and impartial administration of Tribal Elections, including but not limited to pre- and post-election activities and the establishment of a Tribal Election Committee (hereinafter referred to as the “TEC”) for the purpose of conducting all Tribal Election and related matters as set forth in the Tribe’s Constitution and Bylaws, and this Title 14 – Tribal Election Code.

### 14-010-030 Applicability

The provisions of this Title 14 shall apply to all Regular and Special Elections of the Tribe, including the appointment process for Council vacancies, and petitions for a referendum, recall, and/or constitutional amendment. Unless otherwise stated, all amendments to this Title 14 shall take effect and apply immediately upon enactment.

### 14-010-040 Severability

If any chapter, section, or provision(s) of this Title 14 is declared invalid by a court of competent jurisdiction, the remaining provisions of this Title 14 are capable of maintaining a complete and independent existence and shall, nevertheless, remain in full force and effect.

### 14-010-050 Privacy Act

All provisions of this Title 14 shall be subject to the provisions and applications of the Privacy Act of 1974, as amended, 5 U.S.C. § 552a.

### 14-010-060 Sovereign Immunity

Except where expressly provided otherwise in this Title 14, nothing in this Title 14 shall be construed as limiting, waiving, or abrogating the sovereign immunity of the Tribe or any of its agencies, departments, enterprises, agents, officials, or employees.

### 14-010-070 Revisions to the Title 14 – Tribal Election Code

- (a) There shall be no revisions to this Title 14, any other ordinance or Law and Order Code of the Tribe dealing specifically with Tribal Elections during an Election Season.

---

<sup>1</sup> Constitution & Bylaws of the Fallon Paiute-Shoshone Tribe, Article IV, Section 2(a). “All elections, whether for Council or by way of referendum, shall be conducted in accordance with an Ordinance, or ordinances adopted by the Council, which shall provide for election notices, polling places, ballots, election committees and their duties, and other necessary requirements...”.

- (b) The TEC and the Secretary of the Council (hereinafter referred to as the “FBC Secretary”) will coordinate revisions and updates to this Title 14 during non-Election Seasons, including receiving public comments and holding public hearings. Any revisions shall be adopted in accordance with the normal processes of the Tribe.

#### **14-010-080 Date Calculations**

In determining the exact dates for events, deadlines, activities either prior to or following a specified date under this Title 14 the TEC will calculate dates by counting the specified number of days excluding the date/day from which the calculation originates from.

### **14-015 EMERGENCY SITUATION PROVISIONS**

---

#### **14-015-010 Postponement of a Tribal Election in Emergency Situations**

A Tribal Election, Regular or Special, may be postponed for up to ninety (90) days should any of the following situations arise:

- (a) A natural or other disaster or extremely inclement weather has occurred that would seriously impact the healthy/safety of a majority of Eligible Voters to make it to the polling place as evidenced by a Declaration of Emergency issued by the governor of the State of Nevada or the President of the United States; or
- (b) During an armed conflict involving United States armed forces, or mobilization of those forces, in which the conduct of an election would expose a majority of Eligible Voters to serious injury or death, as evidenced by a Declaration of War or Police Action adopted by the U.S. Congress; or
- (c) Serious and significant violation of this Title 14 would make it impossible to hold a fair and impartial election. A violation shall be defined by any action or inaction that negatively impacts the voting rights of a majority of Eligible Voters.
  - (1) A serious and significant violation of this subsection (c) must be evidenced first through a notice from the TEC, indicating the violation that has occurred or is occurring along with evidence to support such notice. Then the Council must issue, by Resolution, a Declaration for the Postponement of a Scheduled Election, which must contain information on the violation(s) that are cause for the postponement, the date of the election being rescheduled, and the new election date. Such declaration must be adopted by at least five (5) members of the Council. For purposes of postponing an election, all members of the Council shall either vote for or against the declaration with no abstentions permitted.
  - (2) The declaration shall then be submitted to a Judge of the Fallon Tribal Court who shall review such declaration and determine if the serious and significant violation meets the legal requirements under this Title 14 for a postponement. If the Judge concurs with the postponement, he/she shall approve the Declaration for Postponement of a Scheduled Election by signing such declaration along with the FBC Secretary/Designee. If the Judge declines to approve the postponement, the election will be held on the scheduled date/time.

- (3) The provisions of this subsection (c) shall only apply to situations that arise after the meeting for the Finalization of the Official Ballot. Situations arising prior to this activity shall be considered to be a minor violation and must be handled in the normal election challenge process of the Tribe;
- (4) Should the postponement of the Tribal Election for violations of this Title 14 occur because of the actions or inactions of the TEC or any TEC member and such actions/inactions were intentional or done with malice, then the involved TEC member(s) shall be subject to a removal hearing as set forth in subsection 14020-100(c).

#### **14-015-020 Election Procedure after an Emergency Situation Postponement**

- (a) If the Tribe is operating under a Declaration of Emergency during an Election Season and a Tribal Election is not postponed but there will be significant impacts on matters such as in-person voting, absentee voting, and counting of Official Ballots, the TEC may propose temporary adjustments in the method, time, or location for, or relating to, an election that is different than the method, time, or location described in this Title 14 which must be approved by the Council.
- (b) The TEC shall notify Eligible Voters of any adjustments by posting a notice on the Tribe's website/social media pages, mailing a notice to all Eligible Voters, and posting in the Tribe's news publication.
- (c) The TEC, with approval of the Council, may designate temporary alternative methods for the distribution of Official Ballots in cases of war, natural or man-made disasters, equipment failures or other emergency conditions or circumstances which would make in-person voting unsafe and unreasonable.
- (d) The Council may designate the temporary use of tribal facilities or vacant land for use for campaign events (available for all candidates) and/or petition signing spots if a Declaration of Emergency exists.

### **14-020 DUTIES AND RESPONSIBILITIES OF ELECTION OFFICIALS**

---

#### **14-020-010 Role of the Secretary of the Fallon Business Council or Designee**

- (a) The FBC Secretary shall supervise Tribal Elections as mandated by Article I, Section 3 of the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe<sup>2</sup>.
- (b) In the event that there is a conflict of interest involving the FBC Secretary, as determined by the Council, or if the FBC Secretary is running for re-election, then the duties of the FBC Secretary shall be overseen by a designee. By majority vote, the FBC shall appoint a Council Member as designee and one Council Member alternate to serve as the FBC Designee (hereinafter referred to as the "Designee").
- (c) The responsibilities of the FBC Secretary/Designee include ensuring that the TEC has everything it needs to conduct Tribal Elections.

---

<sup>2</sup> Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, Bylaws - Article 1. Duties of Officers, Section 3. Secretary. "...The Secretary shall supervise over matters relating to enrollment, membership, and elections."



**14-020-020 Terms and Authority of the Tribal Election Committee**

- (a) The TEC shall be comprised of five (5) Members who shall serve staggered terms of four (4) years. Each member of the TEC is eligible for reappointment.
  - (1) The terms for the Members shall start on March 1<sup>st</sup> and the ending dates shall be February 28<sup>th</sup> or, if applicable, February 29<sup>th</sup>..
- (b) In addition to the five members, the TEC shall be comprised of one (1) Alternate who shall serve a term of two (2) years. The Alternate shall serve as a non-voting member of the TEC and shall immediately fill a vacancy on the TEC created by any purpose other than expiration of a member's term.. The Alternate does not automatically assume an officer position of a TEC member who resigned or was removed.
  - (1) The term of the Alternate shall be one-year starting from March 1<sup>st</sup> and end on February 28<sup>th</sup>, or February 29<sup>th</sup>, if applicable, however, if an Alternate fills a vacancy the Alternate shall inherit the remainder of the term of the TEC member whose position they filled.
  - (2) In the case an Alternate vacates the position mid-term for any reason, a replacement Alternate shall be advertised to fill the reminder of the original Alternate's term.
- (c) The Alternate does not make decisions or casts votes on any matter but can participate in all discussions; and is not counted towards the TEC quorum requirements.
- (d) The TEC shall have the power, authority, and duty to conduct and administer Tribal Elections and other matters as provided in this Title 14.

**14-020-030 Qualifications of Tribal Election Committee Members**

- (a) All persons appointed to the TEC shall be:
  - (1) At least 18 years of age; and
  - (2) An enrolled Member of the Fallon Paiute-Shoshone Tribe.
- (b) No individual shall be permitted to sit as a TEC member who:
  - (1) Currently is a Council Member;
  - (2) Is an immediate family member of a current Council member or Council candidate; and/or
  - (3) Has been removed from the TEC within the prior seven years.

**14-020-040 Selection of Tribal Election Committee**

- (a) The Council shall approve an official notice for available TEC appointments at the first regular Council meeting in February of an Election Season.
- (b) At the first Regular Council Meeting in March of an Election Season and after official notice for available TEC appointments deadline has passed, the Council shall select and appoint qualified individuals to serve on the TEC.

- (c) After being appointed, the selected individuals shall arrange to be sworn-in prior to the first TEC meeting. The first TEC meeting of an Election Season shall take place no later than 10 days after the first Regular Council meeting in March.

#### **14-020-050 Oath of Office**

The Council Chairman or an authorized representative shall swear-in individuals appointed to the TEC by administering the following oath:

“I, \_\_\_\_\_, do solemnly swear [or affirm] that I will support and defend the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe against all enemies, foreign and domestic; that I will uphold the election laws and policies of the Fallon Paiute-Shoshone Tribe; that I will carry out faithfully and impartially the duties of my office to the best of my ability; and that I will cooperate, promote and protect the best interests of the Fallon Paiute-Shoshone Tribe in accordance with the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe.”

#### **14-020-060 Duties of Tribal Election Committee**

The duties and responsibilities of the TEC shall be to:

- (a) Administer all Tribal Elections, Regular and Special, of the Tribe and the Council appointment process as detailed in this Title 14.
- (b) Prepare and adopt an Official Schedule of Election Activities within 15 days after the TEC's first meeting that details all of the activities in this Title 14 with the corresponding deadline date and reference to the appropriate section of Title 14 section reference.
- (c) To designate, at minimum, at least two members of TEC to be appointed notary public in the State of Nevada.
- (d) Ensure all records of the TEC are retained in the TEC Office located in the Tribal Administration Building.
- (e) Report irregularities, nonperformance of duties, and violations of this Title 14 to the FBC Secretary/Designee (if the issue involves the FBC Secretary/Designee the report shall be to the FBC Chairman).
- (f) Designate dates of Tribal Elections where such dates are not otherwise specified in the laws of the Tribe.
- (g) Publish in the Tribal Newsletter, TEC Newsletter, social media and/or through the United States Postal Service (USPS) addressed to all Eligible Voters, all current and upcoming election activities and information, as deemed necessary.
- (h) Post notices, as required under this Title 14, of all current and upcoming election activities at four designated locations: Administration Building, Community Learning Center, Fallon Tribal Health Center, and the Stillwater Tribal Senior Center. The TEC reserves the right to post at additional locations as deemed necessary, including through social media.
- (i) Prepare and secure Official Ballots to be used in all Tribal Elections.
- (j) Set up, manage, and supervise all activities at the Polling Place.

- (k) Verify the eligibility of every individual who wishes to vote and to distribute one Official Ballot to each Eligible Voter at the Polling Place.
- (l) Keep a record of Eligible Voters who vote and of the number of Official Ballots distributed and cast at a Tribal Election.
- (m) Resolve any disputes which may arise at the Polling Place regarding an individual's eligibility to vote or balloting procedures. The TEC's decision shall be final in such matters.
- (n) Secure ballot boxes and voting machines.
- (o) Count and validate legally cast Official Ballots and record the number of votes cast for each candidate after the Polling Place is closed.
- (p) Otherwise manage elections and perform such other duties as prescribed in this Title 14.

#### **14-020-065 Types of TEC Meetings**

- (a) **Regular Meetings.** During the election season, the TEC shall designate two regular meeting dates each month. During the non-election season, the TEC shall designate one regular meeting each month. If a Regular Meeting falls on a holiday, it is held on the prior or next business day. Public notice of Regular Meetings shall be posted at least 48 hours prior to a regular meeting.
- (b) **Special Meetings.** These are specific purpose meetings when action is needed prior to the next Regular Meeting. Special Meetings may be called by the TEC Chairperson as deemed necessary, and such meetings shall be exempt from the public notice requirement.
- (c) **Closed Sessions.** Closed Sessions may only be attended by TEC Members, the FBC Secretary/Designee, and/or legal counsel. The most common purpose of a Closed Session is to avoid revealing confidential information or compromise privacy interests. The TEC may invite other participants depending on the topic on Closed Session agenda.

#### **14-020-070 Officers of the Tribal Election Committee**

- (a) The TEC officers (Chairperson, Vice-Chairperson, Secretary, and Treasurer) shall be chosen from within the TEC by majority vote of the TEC members and conducted by secret ballot. The officer list shall be provided to the FBC Secretary/Designee who will submit it to the Council.
- (b) The TEC Chairperson shall have the following responsibilities and duties:
  - (1) To supervise the other TEC members.
  - (2) To preside over all meetings of the TEC.
  - (3) To approve and sign all Purchase Orders, Check and Credit Card Requests.
  - (4) To approve and sign all TEC timesheets and stipend forms.
  - (5) To perform all duties and responsibilities assigned by the TEC and the Council.

- (c) The TEC Vice-Chairperson shall have the following responsibilities and duties:
  - (1) Serve as Chairperson in the absence of the TEC Chairperson.
  - (2) To perform other duties as assigned.
- (d) The TEC Secretary shall have the following responsibilities and duties:
  - (1) To attend TEC meetings and record the minutes.
  - (2) To present draft minutes of the prior TEC meeting at the next regular meeting for approval.
  - (3) To distribute approved minutes to TEC Members and FBC Secretary/Designee within 15 days after approval.
  - (4) To collect and submit all approved and signed timesheets/stipend forms for processing to the Finance Department.
  - (5) To perform other duties as assigned.
- (e) The TEC Treasurer shall have the following responsibilities and duties:
  - (1) To monitor and track expenses of the TEC, in coordination with the FBC Treasurer and Finance Department.
  - (2) To obtain, maintain, and distribute TEC financial statements as provided by the Finance Department.
  - (3) To prepare procurement forms and to obtain the TEC Chairperson's signature and submit to the Finance Department for processing.
  - (4) To perform other duties as assigned by the TEC.
  - (5) In the absence of the TEC Secretary, the TEC Treasurer shall assume all the duties and responsibilities of the TEC Secretary.

#### **14-020-080 Compensation**

- (a) During an Election Season, during special elections, and during times that the TEC is handling the Council appointment process in Section 14-130, the TEC Members and Alternate shall be compensated at an hourly rate of \$20.00/hour. All TEC members are required to fill out timesheets during an Election Season, special election, and the appointment process.
- (b) During a non-Election Season, the TEC Members and Alternate shall receive a stipend in accordance with the Tribe's Stipend Policy.

#### **14-020-090 Meetings of the Tribal Election Committee**

- (a) The TEC shall meet at such times as are necessary to perform its duties under this Title 14 and whenever directed by the Council. All TEC regular meetings are public meetings.
- (b) Three TEC Members shall constitute a quorum, which is necessary to transact any business of the TEC.
- (c) The TEC Chairperson may only vote to break a tie.
- (d) Tasks will be assigned in TEC meetings and recorded in the minutes. All tasks assigned by the TEC will be eligible for hourly compensation, as described in Section 14-020-080.

- (e) The TEC shall keep minutes of all of its public meetings. Minutes from a public meeting must be available after being approved by the TEC. An FPST member may request the minutes from a TEC meeting by submitting a written request to the TEC.
- (f) The TEC shall submit to the FBC Secretary/Designee a complete copy of all approved minutes within 15 days after approval.

#### **14-020-100 Resignation and Removal**

(a) **Resignations.**

- (1) Any Member or Alternate may resign from the TEC by delivering a written resignation to the TEC Chairman or FBC Secretary/Designee, which shall be effective upon receipt;
- (2) Any TEC Member or Alternate, who becomes a candidate in any election, shall immediately be deemed to have resigned from the TEC.

(b) **Removal.** A TEC Member shall be removed from the TEC for any of the following actions:

- (1) Violation of the TEC Oath of Office;
- (2) Failure to attend two consecutive meetings of the TEC or to participate in the administration of a Tribal Election, without good cause shown; or
- (3) Failing to carry out his/her duties imposed by this Title 14 intentionally or with malice.

(c) **Removal Process.**

- (1) A removal action must be initiated through written declaration with supporting factual documents, which are submitted to the TEC. The TEC shall have a Closed Session on the declaration within five (5) working days of receipt of the declaration.
- (2) The TEC shall review the documentation, make a recommendation on removal, and submit all the documents, along with a report of the TEC's findings and determination, to the FBC Secretary/Designee within five (5) working days of the Closed Session.
- (3) The Council will hold a closed hearing on all TEC removal actions. The TEC Member at issue shall be provided an opportunity to present his/her defense at the closed hearing. The TEC Member is not entitled to have an attorney or other advocate present.
- (4) The decision of the Council shall be final and may not be appealed.

#### **14-020-110 Vacancies**

- (a) In the event of a vacancy on the TEC, whether by removal, resignation, or otherwise, the TEC shall notify the FBC Secretary/Designee that a new Alternate is needed who shall post a notice for the Alternate position with the term of office of the person who created the vacancy.

- (b) In the event a TEC Member is temporarily unavailable to serve, the Alternate shall serve until the unavailable TEC member returns to duty. During the time the Alternate is serving on behalf of a temporarily unavailable TEC Member, the Alternate shall have the right to vote on all matters. Temporarily unavailable means less than 2 weeks in an Election Season and less than 4 weeks in a non-Election Season.

---

## **14-030 CONTRACTED AND PROFESSIONAL SERVICES**

---

### **14-030-010 Election Support Services**

- (a) The TEC shall seek an election service provider for election equipment and supplies, ballot collection, counting and technical support beginning sixty (60) days before Opening of Nominations unless the TEC is performing a full hand-counting process.
- (b) The TEC shall submit a recommendation of an election service provider to the FBC Secretary/Designee for Council approval. The TEC may recommend a sole-source contract based on a vendor's performance with the Tribe during a previous Election Season.

### **14-030-020 Election Judiciary and Prosecutorial Officials**

- (a) An Election Judge shall preside over and decide all Election Challenges and civil Election Offenses in accordance with this Title 14 and an Election Prosecutor shall represent the Tribe for all civil forfeiture Election Offense cases as codified in this Title 14.
- (b) Persons selected to serve as the Election Judge and the Election Prosecutor must be attorneys who are licensed to practice in any state, or a Judge currently serving in any Tribal Court, except the Fallon Tribal Court.
- (c) Any person seeking to serve as the Election Judge, or the Election Prosecutor cannot:
  - (1) be a current or past member of the Tribe;
  - (2) be involved in any current legal work for the Tribe; and/or
  - (3) be involved in any case in the Fallon Tribal Court (including its appellate court).
- (d) This is not applicable after the TEC does one solicitation process and there are no qualified individuals selected.

### **14-030-030 Solicitation Process**

- (a) The TEC shall issue a Request for Proposals (RFP) beginning in March of an Election Season for a period of thirty (30) days for qualified lawyers, legal firms, or judges to serve as the Election Judge and/or Election Prosecutor. If there are no qualified lawyers, legal firms, or judges that submit a proposal, the TEC may contact the current judges and/or prosecutors of the Fallon Tribal Court to see if they are willing to accept the position.

- (b) At a minimum, the proposals should:
  - (1) Contain the name of the person or persons at the law firm who would be filling the position(s);
  - (2) Provide a copy of the state bar license for each person(s); and
  - (3) A resume or a listing of relevant legal experience.
- (c) Should a situation arise where the Election Judge and/or Election Prosecutor position have not been filled, the TEC shall immediately repost the RFP, within five (5) days after the closing of the first deadline. The re-advertisement timeframes will be extended as follows: 15-day advertisement period; 3-day TEC review period; 2-day referral period to Council; and a 5-day period for a Council Meeting for selection.
- (d) This process may be repeated if there remains a lack of response from lawyers, law firms, and/or tribal judges.

**14-030-040 Committee Referral**

After the RFP deadline, the TEC shall conduct a review of all proposals and determine which lawyers, law firms, or tribal judges meet the qualifications. The TEC will then submit to the FBC Secretary/Designee a complete copy of the proposals, separated into qualified and unqualified categories for Council review and selection.

**14-030-050 Council Selection**

The Council, in an open meeting, shall review the proposals from the lawyers, law firms, or tribal judges and shall then select one individual to serve as the Election Judge and one individual to serve as the Election Prosecutor.

**14-030-060 Compensation**

- (a) The Election Judge shall be compensated at a flat rate of \$1,000 per day to hear any filed election offenses and/or election challenges.
- (b) The Election Prosecutor shall be compensated at a flat rate of \$750 per day to represent the Tribe during any filed election offenses.
- (c) The Election Judge and Prosecutor shall submit an invoice to the TEC for compensation and, if applicable, any travel and per diem costs based on current GSA privately-operated vehicle rates.
- (d) If a case is dismissed by the complainant/challenger prior to the day of the hearing, the Election Judiciary Officials involved in that case will be eligible for compensation at a rate of 50% of the daily rate otherwise full payment will be made.

---

**14-040 ELIGIBLE VOTERS OF THE TRIBE**

---

**14-040-010 Eligible Voter**

An Eligible Voter is defined as an individual who is an enrolled member of the Tribe and eighteen (18) years of age or older on the day of a Tribal Election, Regular or Special.

#### **14-040-020 Official List of Eligible Voters**

- (a) The TEC is responsible for securing and updating the Official List of Eligible Voters in coordination with the Membership Services Office.
- (b) A first list of Eligible Voters shall be posted at the four designated locations (see Section 14-020-060(h)) by the TEC at least 30 days prior to the closing of nominations, or 60 days prior to the Regular Election.
- (c) If an individual is missing from the list, they must contact the Membership Services Office on such issue. If an individual challenges the name of a person on the list, the TEC will contact the Membership Services Office to verify the membership status of an individual.
- (d) A final list, which shall be considered the "Official List of Eligible Voters", shall be posted at the four designated locations, and shall be published in the Tribal and/or TEC newsletter by the TEC at least 30 days prior to a Regular Election.
- (e) For Special Elections, a first list of Eligible Voters shall be posted at the four designated locations by the TEC at least 30 days prior to the Special Election and a final list, the "Official List of Eligible Voters", shall be posted 15 days prior to the Special Election.

#### **14-040-030 Eligible Voter's Mailing Address**

Eligible Voters should contact the Tribe's Membership Services Office to verify their address and if the Eligible Voter's address is inaccurate, provide an address update. The TEC is not responsible for updating an Eligible Voter's mailing address.

### **14-050 ABSENTEE BALLOTS**

---

#### **14-050-010 Eligibility to Vote by Absentee Ballot**

In accordance with the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, Article IV, Section 3, any Eligible Voter who provides written notice to the TEC may vote by Absentee Ballot, if he/she is or expects to be:

- (a) Absent from the reservation/colony because of the nature of his/her vocation, business, or any other unavoidable causes;
- (b) Unable to go to the polling place due to unavoidable causes, as defined in Section 14-150-160;
- (c) Enrolled and attending an educational institution; or
- (d) In any branch of the armed forces of the United States of America.

#### **14-050-020 Notice for Absentee Ballots Requests**

- (a) **Regular Elections.** The Tribe's Notice of Requests for Absentee Ballots will be posted at the four designated locations (see Section 14-020-060(h)) and published in a Tribal and/or TEC publication no later than 90 days prior to the Regular Election.



- (b) **Special Elections.** The Tribe's Notice of Requests for Absentee Ballots will be posted at the four designated locations (see Section 14-020-060(h)) and published in a Tribal and/or TEC publication no later than 45 days prior to the Special Election.

#### **14-050-030 Request for Absentee Ballots**

- (a) **Writing and Notarization.** Requests for an Absentee Ballot shall be submitted to the TEC in writing and legally notarized by a Notary Public.
- (b) **Format.** The use of the "Absentee Ballot Request Form" (Form TEF-005) is optional, but other formats or forms must adhere to the requirements in this Section 14-050.
- (c) **Submission of Requests.**
  - (1) All mailed requests for an Absentee Ballot must be postmarked no later than seven (7) calendar days prior to a Tribal Election.
  - (2) Requests that are submitted by e-mail (with an Absentee Ballot request scanned and attached, or with the attachment of a legible screenshot of a notarized Absentee Ballot request), through a legible fax, or hand-delivered shall be recorded as the actual date received by the TEC and not the date listed on the document.
  - (3) Requests must be submitted to the attention of the TEC via:
    - Mail: TEC, 565 Rio Vista Drive, Fallon, NV 89406
    - Fax: 775-423-5202
    - Email: [Tribalelections@fpst.org](mailto:Tribalelections@fpst.org)
- (d) Absentee Ballots will be mailed via USPS to the designated address on the request. Absentee Ballots will not be handed out or hand-delivered to Eligible Voters.

#### **14-050-040 Marking of Absentee Ballots**

- (a) All Absentee Ballots shall be sent out with two envelopes and an "Absentee Ballot Voting Instruction Sheet" (Form TEF-005-C) for proper marking and use of the TEC-provided envelopes. Any Absentee Ballot that does not comply with the instructions on Form TEF-005-C shall be voided.
- (b) It is the responsibility of the Eligible Voter, and not the Tribe or TEC, to ensure that the mailing envelope has the proper amount of postage to ensure proper delivery.

#### **14-050-050 Receipt of Absentee Ballots**

- (a) All Absentee Ballots must be received no later than the Friday, 5:00 P.M., prior to the day of a Tribal Election (i.e., the day before an election). Any Absentee Ballots received after this deadline shall not be counted.
- (b) All Absentee Ballots must be mailed and sent to the address on the pre-printed mailing envelopes. That address is the mailbox designated only for receipt of Absentee Ballots in order to be counted.

- (c) Absentee Ballots that are hand delivered or sent to any other address other than the TEC designated absentee ballot mailbox shall be marked as a Voided Ballot and shall not be counted. The key accessing the designated mailbox will be kept by the Fallon Tribal Police Department and shall only for used by a Tribal Police Officer in conjunction with a TEC Member to secure the Absentee Ballots.
- (d) A Tribal Police Officer and the TEC Chairman or designee shall ensure that the designated mailbox is checked periodically during the times that absentee ballots are being received, as well as deadline date for receipt of absentee ballots for retrieval of any Absentee Ballots received.
- (e) All Absentee Ballots that are received must be recorded on the “Absentee Ballot Daily Mail Check Form” (Form TEF-005-A) following the instructions as detailed on that Form.
- (f) Any reported violations of this Section by a Tribal Police Officer shall be governed by the Tribe’s Employment Handbook. Any reported violations of this Section by a TEC Member will be investigated by the TEC and FBC Secretary/Designee and may be cause for removal, as outlined in Section 14-020-100(c).

**14-050-060 Recording the Receipt of Absentee Ballots**

- (a) The TEC shall maintain the “Absentee Ballot Log Form” (Form TEF-005-B) recording the Absentee Ballots mailed out and received from Eligible Voters. In addition, TEC Members shall record on this form:
  - (1) When requests for Absentee Ballots are received;
  - (2) When Absentee Ballots are mailed out; and
  - (3) When Absentee Ballots are returned/received.
- (b) Copies of the Absentee Ballot Log are available to Tribal members upon their written request. Requests for copies of the Absentee Ballot Log will only be accepted until the Election Challenge deadline.
- (c) The TEC shall place a mark on the “Official List of Eligible Voters” next to an Eligible Voter’s name and the date that Eligible Voter’s Absentee Ballot was received.

**14-050-070 Notification of Receipt of Voided Absentee Ballots**

- (a) If an Absentee Ballot is found to be voided after received by the TEC, the TEC shall send a notice to the Eligible Voter advising him/her of the reasons for the voided Absentee Ballot. If time permits, the TEC may mail a replacement ballot to the Eligible Voter.
- (b) The Eligible Voter bears all responsibility for mailing the Absentee Ballot to ensure receipt by the TEC prior to the deadline for receipt of Absentee Ballots.

## **14-055 PREPARATIONS FOR ELECTIONS**

---

### **14-055-010 Finalization of the Official Ballot**

Within three (3) working days after the closing of nominations, the Council shall hold a Special Meeting to finalize the Official Ballot which will include all eligible Candidates and any ballot questions.

### **14-055-015 Required Elements for Official Ballots.**

The Official Ballot for any regular or special election shall contain the following:

- (a) Top of the Ballot: Name of the Tribe, the Tribe's seal (optional, may be watermark), Regular or Special Election, Date of the Election, and the word "OFFICIAL BALLOT" or "ABSENTEE BALLOT".
- (b) Fallon Business Council Races: The title of the office being voted on and the number of positions being voted on and the name of approved candidates shall be listed alphabetically using the last name of the candidate.
- (c) Special Election Matters: Any constitutional, recall, and/or referendum questions in a format as provided in Section 14-080.

### **14-055-020 Withdrawal of Candidate(s)**

- (a) Candidates wishing to withdraw from the election and have their names removed from the Official Ballot may do so at any time prior to the Regular Election by submitting a written notice of withdrawal to the TEC, provided, however, the candidate's name will not be removed from the Official Ballot once the Council has approved the ballot.
- (b) Votes cast in the name of any withdrawing or disqualified candidate will be disregarded. The balance of the ballot, however, will be counted unless otherwise determined to be rejected, spoiled, or voided.

### **14-055-030 Preparation of Official Ballots**

- (a) The TEC shall direct activities for the preparation of the Official Ballot within three (3) working days after the meeting for the Finalization of the Official Ballot. The TEC shall ensure that there are Official Ballots prepared to accommodate 50% of the total number of Eligible Voters.
- (b) The TEC shall ensure a predetermined number of printed Official Ballots shall be considered Absentee Ballots and such ballots shall have a different coloring than regular Official Ballots. The TEC shall determine the coloring of the Absentee Ballots.
- (c) The TEC shall ensure sample ballots are obtained with Absentee Ballots and are clearly marked "SAMPLE".
- (d) The Official Ballot shall contain all necessary information that pertains to that election being voted upon. "None of the above" shall not be an option listed on the Official Ballot.

## **14-060 ELECTIONS GENERAL PROVISIONS**

---

### **14-060-010 Time of Regular Election**

The Regular Election shall be held every even-numbered year (i.e., years ending in 0, 2, 4, 6, and 8) on the first Saturday in October for the purpose of electing Council Members and voting upon other matters properly considered in accordance with the provisions of this Title 14.

### **14-060-020 Notice of Regular Election**

The TEC shall post a notice at least at the four designated locations on the Reservation and/or Colony (see Section 14-020-060(h)) stating the location of the Polling Place, the time the Polling Place will open and close, and the time of the Public Count. This information shall be posted at least ten (10) working days prior to the Regular Election and shall remain posted until the Polling Place closes on the day of the Regular Election.

### **14-060-030 Polling Place**

The TEC shall select one convenient polling place on the Reservation or Colony that shall be open continuously from 7:00 a.m. to 5:00 p.m. (Pacific time zone) on the day of the Regular Election.

### **14-060-040 Official Ballots and Ballot Boxes**

- (a) As required by the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, all Tribal Elections shall be conducted by secret ballot<sup>3</sup>.
- (b) All Absentee Ballots shall be placed in the "Ballot Box" and maintained in the custody of the Fallon Tribal Police Department only.
- (c) The TEC shall place all Official and Absentee Ballots that are spoiled, rejected, or voided into three separate envelopes that are clearly marked "Spoiled Ballots", "Rejected Ballots", and "Voided Ballots", respectively, and these envelopes shall be handled in accordance with the provisions of this Title 14.

### **14-060-050 Deceased, Withdrawn, or Ineligible Candidates Notice**

The TEC shall post a notice that is in public view notifying all Eligible Voters at the Polling Place of any Candidate(s) that has died, withdrawn, or have been found ineligible prior to the opening of the Polling Place. This notice shall indicate that any votes cast for these deceased, withdrawn, or ineligible candidates will not be counted in the election.

### **14-060-060 Deceased Candidates**

In the event a candidate has died after winning a Regular Election but before being sworn in, the next candidate with the highest vote shall be declared the winner.

### **14-060-070 Eligible Voter Identification and Signature**

- (a) In order to cast an Official Ballot, an Eligible Voter must be able, upon request of a TEC Member, to produce photo identification.

---

<sup>3</sup> Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, Article VI. Nominations and Elections, Section 2(a). Election Provisions, "...All elections shall be by secret ballot."

- (b) Any Eligible Voter or a TEC Member may challenge the identity of any person appearing to vote in a Tribal Election. The TEC shall resolve all disputes immediately by majority vote of the TEC and the decision of the TEC shall be final.
- (c) Before an Eligible Voter is handed an Official Ballot, the TEC shall cause the Eligible Voter to sign the "Official Signature List of Eligible Voters" next to their name.
  - (1) The "Official Signature List of Eligible Voters" is a log printed with the name of all of the Eligible Voters, from the Final Voter's List, along with a location next to their name for an Eligible Voter to sign their name, the ballot number issued to an Eligible Voter, and a method to identify whether an Official or Absentee Ballot was issued.

#### **14-060-080 Spoiled Ballots**

If an Eligible Voter spoils their Official Ballot (i.e., makes a mistake, damages ballot, etc.), they shall be given another Official Ballot. The spoiled ballot shall be marked "Spoiled", initialed by every TEC Member and placed in the envelope labeled "Spoiled Ballots". All spoiled ballots shall be placed in the envelopes designated for the storage of these ballots and will not be counted in an election.

#### **14-060-090 Absentee Voter at Polling Place**

If an Eligible Voter, who has previously requested an Absentee Ballot and one has been mailed to him/her, appears at the Polling Place to vote in person, the following provisions shall apply:

- (a) If an Eligible Voter has their Absentee Ballot with them at the Polling Place, he/she shall surrender the Absentee Ballot to the TEC who shall mark it as a "Voided", initialed by every TEC member and placed in the box labeled "Voided Ballots" and it shall not be counted in an election. A regular Official Ballot will be issued to the Eligible Voter.
- (b) If an Eligible Voter does not have their Absentee Ballot in their possession and upon checking the "Absentee Ballot Log Form" the TEC confirms that their Absentee Ballot has not been received, then the Eligible Voter shall be issued a regular Official Ballot once the Eligible Voter signs an "Affidavit of Absentee Voter at the Polling Place" (Form TEF-005-D) stating that he/she has not returned his/her Absentee Ballot and he/she wishes to vote in person, and that should his/her Absentee Ballot be returned it shall be voided, and that the Eligible Voter is aware that it is unlawful to attempt to vote more than once.
- (c) If an Eligible Voter does not have their Absentee Ballot in their possession, but upon checking the "Absentee Ballot Log Form" the TEC confirms that the Eligible Voter's Absentee Ballot has been returned and accepted, then the Eligible Voter will be denied an Official Ballot at the Polling Place. If the Absentee Ballot has been returned but has been rejected, spoiled, or voided then the provisions of Section 14-060-090(b), above, shall apply.

## **14-070 COUNCIL CANDIDACY PROCESS**

---

### **14-070-010 Eligibility for Fallon Business Council Nominations**

In accordance with Article III, Section 4, of the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, individuals wishing to run for a Council seat must meet the following qualifications and submit an application packet (Form TEF-001) to the TEC at least sixty (60) calendar days prior to the Regular Election (closing of nominations):

- (a) Be an enrolled member of the Paiute-Shoshone Tribe of the Fallon Reservation and Colony; and
- (b) Be at least twenty-one (21) years of age or older; and
- (c) Have physically resided within the exterior boundaries of the Tribe, as described in Article I of the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe or Churchill County, Nevada, for at least one year prior to a Regular Election he/she is running in.
- (d) Never been convicted of any felony or gross misdemeanor in any Indian, State or Federal Court; and
- (e) Have successfully graduated from a high school and/or equivalent program and be able to provide proof of graduation.

### **14-070-020 Constitutional Prohibitions**

In accordance with the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, an individual is ineligible to run for a seat on the Council if either of the following conditions are present:

- (a) An individual may not serve on the Council simultaneously with their husband, wife, brother, sister, father, mother, son, or daughter as detailed in Section 14-070-030<sup>4</sup>.
- (b) An individual may not serve on the Council if he/she has been removed or recalled from the Council during the seven (7) year period preceding filing for candidacy or appointment<sup>5</sup>.

### **14-070-030 Prohibition of Immediate Family Simultaneously Serving on the Council**

Based on the Constitutional prohibition against immediate family members serving on the Council at the same time, the following procedures will apply:

- (a) If an individual wants to be a candidate for the Council in an upcoming Regular Election and is an immediate family member, as defined in the Constitution and Bylaws, to a current Council member whose term will not expire at the upcoming Regular Election, then the individual filing for candidacy shall be denied.

---

<sup>4</sup> Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, Article VI. Nominations and Elections, Section 5., “A person may not serve on the Business Council simultaneously with his or her husband, wife, brother, sister, father, mother, son or daughter. Situations arising under this section shall be governed by the Tribal Election Code.”

<sup>5</sup> Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, Article V. Vacancies and Removals, Section 2(4), “If a member of the Business Council who is removed and/or recalled as of August 2001 or later for cause, the former members shall not be eligible to run or be appointed to any position on the Business Council for a seven (7) years following such removal.”

- (b) If there are two or more individuals who are immediate family members as defined in the Constitution, who want to be candidates for the Council in an upcoming Regular Election, the Council will utilize the following method to determine which individual will be an eligible candidate:
  - (1) The “Fallon Business Council Candidacy Filing” (Form TEF-001) of the individual that has the earliest date and time of filing will be deemed the eligible candidate and the other individual’s candidacy request shall be denied; or
  - (2) If the date and time on the “Fallon Business Council Candidacy Filing” (Form TEF-001) are the same, the Council will utilize a lottery method. In this method, the names of the individuals who are immediate family members will be placed into a receptacle and one name will be chosen and this individual will be deemed to be the eligible candidate.

**14-070-040 Posting of Notice for Opening and Closing of Nominations**

Nominations for Council candidacy shall be open beginning 90 days prior to the Regular Election and closing 60 days prior to the Regular Election. The TEC shall post notice of the opening of nominations, which shall include specific dates on which nominations open and close. This notice shall be posted at least at the four designated locations (see Section 14-020-060(h)) on the Reservation and Colony at least 30 days before the opening of nominations.

**14-070-050 Filing of Candidacy Form**

- (a) Individuals wishing to run for Council shall submit a completed “Fallon Business Council Candidacy Filing” with all required documents as required in 14-070-060 to the TEC. The completed filing must be submitted no later than 12:00 PM (noon) 60 days prior to the Regular Election (closing of nominations).
- (b) The burden of proof that a fully complete candidacy filing has been submitted by an individual to the TEC is the sole responsibility of the individual. Unless otherwise provided by tribal law, all documentation provided is subject to the Privacy Act. Failure to submit a completed candidacy filing with all required documentation will result in an incomplete application. An incomplete application will be recommended for denial from the TEC to the Council.

**14-070-060 Filing of Candidacy Documentation**

All individuals shall submit the following documentation with their “Fallon Business Council Candidacy Filing” (Form TEF-001):

- (a) **Enrollment and Age Certification (required).** A current (within past 90 days) Certificate of Indian Blood (CIB) from the Tribe’s Membership Services Office stating membership, enrollment number, and date of birth.
- (b) **Proof of Residency (required).** In order to verify residency (current and within the one year prior to the Regular Election), individual shall submit either a:

- (1) Copy of two (2) bills, statements, or documents one that is dated within the past 60 days of closing of nominations and one that is dated at least one year (12 months) prior to the election (items must have a date of issue and show the individuals name AND physical address); or
  - (2) If unable to provide bills, statements, or other documents, a notarized letter from renter or homeowner where the individual resides certifying the physical address and how long they have been there (if less than one year please submit letters to make up the one-year period prior to the election).
- (c) **Background Criminal History Check (required).** All individuals must complete a criminal history check process (completed within the last 30 days), including fingerprinting, using an agency contracted with the Tribe for such services. **The individual is responsible for costs associated with this requirement.** Failure to consent to and to comply with this requirement shall disqualify the person. Individuals must also have a representative from the contracted agency sign-off on the designated space on the “Filing of Candidacy for Fallon Business Council” (Form TEF-001) acknowledging that the individual has completed the criminal history check process, fingerprinting, and payment of any required fees to the contracted agency (a copy of the receipt must be attached with the filing) prior to the closing of nominations. Individuals are encouraged to start this process as soon as possible because if the entire process is not completed prior to the deadline, it will result in disqualification of the individual’s candidacy.
  - (1) The TEC will identify and post the name of the agency conducting background check, including their location and actual or estimated costs, prior to the Opening of Nominations.
- (d) **Proof of Graduation (required).** Individuals shall submit proof that they have successfully graduated from a high school and/or equivalent program. Acceptable proof shall include a copy of a high school diploma or GED, a certified copy of the official transcripts, or a letter from a designated official of the school district attesting to the graduation of the individual (the transcript and the letters must indicate the date of graduation).
- (e) **Candidate’s Campaign Statement (optional).** Individuals, who wish to have their campaign statements published in Tribal publications, must submit their signed statements, with or without a photograph, at the same time they submit their Filing of Candidacy application form and documentation to the TEC (no exceptions). The TEC will mail all of the campaign statements to the Eligible Voters, except those whose names were removed in accordance with Section 14-075-040.
  - (1) Each statement should address the individual’s qualifications, goals, and vision, if elected.
  - (2) Each statement shall be no more than one page long and must be signed by the individual.
  - (3) Statements shall not contain slanderous, malicious, false, or unsubstantiated information regarding any other individual. If a statement violates these requirements, the Council, in its sole discretion, may decide to reject the entire statement.



- (4) The Council's decision regarding the rejection of a statement shall be final and not subject to appeal.

**14-070-070 Availability of Officials**

- (a) At the Closing of Nominations, the TEC (in whole or part) and a Fallon Tribal Police Officer (if available) shall be present at a designated tribal building to allow individuals to submit their candidacy filings. This information shall be included on the Closing of Nominations posting.
- (1) The TEC shall work with the FBC Secretary/Designee to ensure that the Tribe's Membership Services Office is open on the day for Closing of Nominations to allow individuals to get their current CIB.
- (b) The TEC shall designate one clock in the location where the TEC is located that shall be utilized to determine the deadline for receipt of candidacy filings. No exceptions.

**14-075 CAMPAIGNING AND ELECTIONEERING**

---

**14-075-010 Use of Tribal Facilities on Regular Election Date**

The use of any tribal facility will not be permitted for social functions or other non-normal work activities during a Tribal Election, Regular or Special. Violations of this section shall subject any responsible Tribal employee(s) to disciplinary action under the Tribe's Employment Handbook.

**14-075-020 Videotaping, Photography, and/or Recording**

- (a) Videotaping, photography, and audio recording are prohibited at all election events (i.e., TEC meetings, Polling Place, Public Count, hearings, etc.). Violators will be immediately removed from the area.
- (b) The TEC and/or the Tribe reserve the right to provide live streaming of these election events through the use of social media or other available methods.

**14-075-030 General Campaign Provisions**

- (a) The TEC shall publish an Election Newsletter stating the names of all approved candidates as well as all proposed Amendments and Questions between the Close of Nominations and 30 days before the Regular Election.
- (b) No solicitation, distribution of campaign/promotional materials, campaign posters, or signs by or on behalf of a candidate shall be posted on or within 75 feet of a tribal facility during the Election Season. This prohibition includes the Polling Place during a Tribal Election, Regular or Special.

**14-075-040 Candidate's Request for List of Eligible Voters**

- (a) After the Official Ballot has been finalized, all approved candidates may request a copy of a Candidate's Mailing List of Eligible Voters which are mailing labels pre-printed with an Eligible Voter's name and mailing addresses from the TEC. The written request must be submitted to the TEC with the following:

- (1) Completion of "Request for Eligible Voters Mailing List" (Form TEF-002); and
  - (2) A \$50.00 refundable deposit paid to the Finance Department. The fee will be refunded once all the pages of unused labels have been returned to the TEC and the TEC has notified the Finance Department to process the refund.
  - (3) Each candidate, by accepting the Candidate's Mailing List of Eligible Voters", agrees to:
    - a. Maintain the confidentiality of the list at all times;
    - b. Use the list solely as a Council eligible candidate in the current Election Season;
    - c. Not allow or give anyone a copy of the list;
    - d. Return all unused labels for the list to the TEC by the Friday following the Regular Election;
  - (4) Failure to return all unused labels on the list to the TEC by the deadline will forfeit the refundable deposit.
- (b) Eligible Voters shall be allowed to have their name and address removed from the list upon submission of a completed "Name Removal from Eligible Voters Mailing List" (Form TEF-002-A). The form must be signed and returned to the TEC via mail, e-mail, or fax no later than the Closing of Nominations. If the form is not received by the TEC by the deadline, an Eligible Voter's name and address will not be removed from the list provided to a candidate.

#### **14-075-050 Electioneering/Campaigning at the Polling Place**

- (a) There will be no posting/distribution of any campaign posters, signs, etc., or the solicitation of support for a candidate or matter on the Official Ballot anywhere within 75 feet of any tribal facility or the polling place except when located on private property.
- (b) There will be no posting of any campaign posters, signs, or any promotional material about any candidate on private property without first securing the permission of at least 51% of the owner(s) of the property.
- (c) The use of any tribal facility will not be permitted for social functions or other activities during a Tribal Election, Regular or Special.
- (d) The use of tribal equipment and supplies for promotion of a candidate(s) or for the purpose of enhancing a candidate(s) chance of winning is hereby prohibited except for use of any tribally-operated transportation services used for transport of eligible voters to the Polling Place or the one time copy of the "Candidate's Mailing List of Voters".

#### **14-075-060 Procedures after a Regular Election**

- (a) Within one (1) month after the Regular Election, candidates shall be responsible and required to remove all campaign posters, signs, etc., from public view, except on private property, regardless of whether the candidates put it up themselves.

- (b) If campaign posters, signs, etc., are still up after the one (1) month period, the TEC shall notify the Fallon Tribal Police Department who shall then cause the removal of the signs and bill the costs of removing the signs to the respective candidate(s). This is not applicable when such items are located on private property.

---

## **14-080 SPECIAL ELECTION MATTERS**

---

### **14-080-010 Special Election Matters on Regular Election Ballot**

During an Election Season, a Regular Election may contain special election matters when advisory, referendum, constitutional, or recall matters are present on the Official Ballot.

### **14-080-020 Types of Special Election Matters**

- (a) **Referendum.** Eligible Voters may make a binding decision on any ordinance and/or resolution, proposed or enacted by the Council in a special referendum election or a Regular Election.
- (b) **Recall.** Eligible Voters may vote on a recall of any Council officer/member in a special recall election or a Regular Election.
- (c) **Constitutional.** Eligible Voters shall make a binding decision to amend and/or add amendments to the Constitution and Bylaws. Any amendments or revisions to the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe can only be made at a Regular or Special election.

### **14-080-030 Effect of Vote in Special Election Matters**

- (a) **Referendum.** Referendum Special Elections in which at least thirty percent (30%) of the Eligible Voters cast a vote and a majority of these voting approve the measure, shall have the same force and effect as actions taken by the Council and shall be binding on the Council.
- (b) **Recall.** Recall Special Elections in which at least thirty percent (30%) of the Eligible Voters cast a vote and a majority of that vote is to recall a Council Member, that Member is removed from the Council.
- (c) **Constitutional.** Constitutional Amendment Special Elections shall be valid only if at least thirty percent (30%) of the Eligible Voters cast a vote, and a majority of those voting approve the amendment.

### **14-080-040 Initiation of Special Elections**

- (a) **Referendum.** Upon receipt of a "Petition of the Eligible Voters of the Tribe" (Form TEF-008) signed by at least thirty percent (30%) of the Eligible Voters, or upon the request of a majority of the Council, any enacted or proposed ordinance or resolution of the Council shall be voted upon in a Regular or Special Election, and the vote of the majority of the Eligible Voters voting in such election shall be conclusive and binding on the Council, provided, that at least thirty percent (30%) of the Eligible Voters shall vote in an election. All previously enacted ordinances and resolutions shall be in effect until rescinded by the Council or by referendum of the Tribe.

- (b) **Recall.** Upon receipt and verification of a “Petition of the Eligible Voters of the Tribe” (Form TEF-008) signed by at least thirty percent (30%) of the Eligible Voters calling for the recall of a Council Member, it shall be the duty of the Council to conduct an election on the petition; provided, that at least thirty (30%) of those entitled to vote shall vote in a Special Election.
- (c) **Constitutional.** Upon receipt of a “Petition of the Eligible Voters of the Tribe” (Form TEF-008) signed by at least thirty percent (30%) of the Eligible Voters, or upon the request of a majority of the entire Council, the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe may be amended by a majority vote of the Eligible Voters at a Special Election called for that purpose by the Council; provided, that at least thirty percent 30% of those eligible to vote shall vote in such election and such amendment(s) shall become effective upon approval by the Secretary of the Interior or duly authorized representative.

#### **14-080-045 Calculation of 30% Requirement**

The calculation of the 30% requirement in the prior sections is done by multiplying the total number of Eligible Voters by 0.30. For example, with 1,000 Eligible Voters, for any Special Election or any Special Election items voted on at a Regular Election to be valid at least 300 Eligible Voters must vote at the election and then a majority must approve such matters.

#### **14-080-050 Time of Special Election**

A Special Election shall be held within 60 days from the date after the Council passes the required resolution. If the next Regular Election is no more than 90 days from the date when the Council considers a Special Election resolution, the Special Election shall be held at the next Regular Election, with the exception of recall elections which must be held within 60 days. By resolution, the Council shall schedule the Special Election within the time limits set forth in this Section 14-080-050.

#### **14-080-060 Listing of Constitutional Amendments on an Official Ballot**

Whenever a constitutional amendment is placed on an Official Ballot, either at a Special Election or when these Special Election items are voted on at a Regular Election, the proposed amendments shall be labeled as Amendment A, Amendment B, Amendment C, etc. The full text of any amendments must be reviewed by the Council and legal counsel prior to receiving approval to place the amendment on the Official Ballot. After an election, if any proposed constitutional amendments have been adopted and approved, then the FBC Secretary shall assign each amendment with the next available amendment number.

#### **14-080-065 Required Elements for Constitutional Amendments on an Official Ballot**

Whenever a constitutional amendment is placed on an Official Ballot, either at a Special Election or when Special Election items are voted on at a Regular Election, an explanation of the question must be included with the constitutional amendment, including – in plain language – what the effects of a “yes” and “no” vote would mean. Full text of the amendments must be reviewed by the Council and legal counsel prior to receiving approval to place this language on the Official Ballot.

Additionally, when these items are placed on the Official Ballot, the full text of what is being amended must be included. If a constitutional amendment is approved by the Eligible Voters and Secretary of the Interior or duly authorized representative, the wording on the Official Ballot shall be considered the official change to the Constitution and By-Laws and shall be the language that the Tribe adheres to.

#### **14-080-070 Ballot Question Process for a Regular Election**

- (a) **Notice of Solicitation.** A public notice shall be posted at least at the four designated locations (see Section 14-020-060(h)) on the Reservation and Colony advertising for Ballot Question requests for an upcoming election. This notice shall be posted no later than 180 days prior to the date of the Regular Election.
- (b) **Solicitation of Questions.** The Council or a tribal member interested in voting on a proposed Constitutional Amendment or Advisory Question in an upcoming Regular Election shall complete and submit a "Tribal Ballot Question Submittal Form" (Form TEF-004A) to the TEC no later than 120 days prior to the date of the Regular Election.
- (c) **Procedures After Submission of Ballot Question(s).** The following procedures shall be followed after the deadline for submitting the Ballot Question Form:
  - (1) **Within 15 days after the deadline:** The TEC shall submit a copy of all Ballot Question Form that were properly submitted and any recommendations to the FBC Secretary/Designee.
  - (2) **Within 60 days after the deadline:** The Council shall conduct a public meeting to determine what, if any, further action should be taken on the ballot question(s), including but not limited to: approve, deny, or convert to a Constitutional Amendment or Advisory Question.
  - (3) **No later than 70 days after deadline:** If the Council converts a Ballot Question, then, at a public meeting, the Council shall approve the proposed Constitutional Amendment(s) and or Advisory Questions, in whole or part that will be presented on the Official Ballot. During this period and prior to the Closing of Nominations, the TEC and/or the Tribe's Legal Counsel will develop the ballot language and/or constitutional amendment wording. The final approval of Ballot Questions will be conducted during the Finalization of the Ballot. The decision of the Council on this issue shall be final.

#### **14-090 COUNTING OF BALLOTS**

---

##### **14-090-010 Recess before Public Count**

After the Polling Place closes at 5:00 pm, there shall be a one-hour recess period before the public counting of the ballots. During the recess period, the ballot box and/or the automated voting machine(s) shall be in public view and guarded by a Tribal Police Officer. After the recess, the TEC will begin the meeting and the Public Count shall begin.

#### **14-090-020 Counting of Official Ballots**

- (a) **Automation.** Procedures for counting the Official Ballots cast at the Polling Place shall be handled in accordance with the directions and operating manuals of the automation system utilized by the Tribe at the Tribal Election. By reference in this Chapter 14-090, these directions and manuals are hereby incorporated into this Title 14 as provisions for conducting the counting of ballots-automation.
- (b) **Hand Count.** Procedures for counting the Official Ballots cast at the Polling Place by hand count shall follow the same procedures as outlined in Sections 14-090-030(a), (b), and (d), below, Counting of Absentee Ballots, with references to Absentee Ballots meaning Official Ballots.

#### **14-090-030 Counting of Absentee Ballots**

Once the TEC meeting for the public count is convened, the following steps shall be taken:

- (a) A Tribal Police Officer shall break the numbered seal(s) on the ballot box that contains the Absentee Ballots and open the ballot box;
- (b) The TEC shall remove all the Absentee Ballots from the ballot box, show the public the ballot box is empty and set the box aside;
- (c) The TEC shall remove the Absentee Ballot(s) from their envelopes and return them to the ballot box;
- (d) The TEC Chairman shall remove the Absentee Ballots one by one and shall read the choices marked on each Absentee Ballot as observed by a TEC member, and shall show the Absentee Ballot to each remaining TEC member, as well as showing the Absentee Ballot to the public, to ensure the tally is correct; and
- (e) The hand count of the Absentee Ballots will be added to the total from the automation system.

#### **14-090-040 Rejected Ballots**

If, during the tallying of the ballots, the TEC members are unable to determine from a ballot the intended choice of the Eligible Voter, that ballot shall be rejected. A rejected ballot shall be folded and marked "REJECTED" in ink. The TEC Chairman or TEC Secretary shall write the reasons for the rejection on the ballot and each member of the TEC shall sign their name below this explanation and the rejected ballot shall be placed in the envelope marked "Rejected Ballots". The envelopes containing all rejected, spoiled, and voided ballots shall be returned to the FBC Secretary/Designee after the tallying is complete.

#### **14-090-050 Official Election Results Process**

- (a) After the ballot tally is complete, the TEC shall complete an "Official Ballot Accounting Tally" Form (Form TEF-006) and an "Official Election Results" Form (either the TEC's own format or provided by the automation system). Each TEC Member shall sign each form to certify the election results.
- (b) The "Official Election Results" form shall contain the date of the election and the following for each of the races and questions/amendments on the Official Ballot:
  - (1) Date of Election;
  - (2) Number of In-Person Votes Received

- (3) Number of Valid Absentee Ballots Received;
  - (4) Number of Total Combined Votes;
  - (5) Percentage of Total Votes;
- (c) Once the “Official Ballot Accounting Tally” and “Official Election Results” forms are complete The TEC shall adjourn their meeting and deliver the completed forms and other required documentation and materials to the FBC Secretary/Designee.
- (d) The Council will call to order a special meeting to read and accept the Election results.
  - (1) For races with just one position on the Official Ballot, the candidate with the highest number of votes shall be declared the winner.
  - (2) For races with more than one position on the Official Ballot (same terms of office), the candidates with the highest number votes shall be declared the winners.
  - (3) For races with more than one position on the Official Ballot (but different terms of office), the candidates with the highest number votes will be declared the winner of the longer term while the candidates with next highest number of votes shall be declared the winners of the shorter term.

#### **14-090-060 Recounts**

An automatic recount shall be conducted, during the Public Count, if:

- (a) There is a tie between two or more successful candidates; or
- (b) The difference between the numbers of votes separating the successful candidates is less than 1% of the total of participating Eligible Voters during the election.
- (c) The difference between the numbers of votes separating Yes and No votes in a recall election is less than 1% of the total of participating Eligible Voters during the election.

#### **14-090-070 Counting of Ballots in a Recount**

- (a) **Hand Count.** The Council shall open the ballot box and shall recount the Official Ballots (excluding rejected, spoiled, or voided ballots) for the candidate race(s) or Ballot Question(s) that qualify for a recount (Section 14-090-06); or
- (b) **Automation.** The Council shall recount the Official Ballots (excluding rejected, spoiled, or voided ballots) for the candidate race(s) or Ballot Question(s) that qualify for a recount (Section 14-090-060) on the automation system in accordance with the directions/manuals, with the exception of Absentee Ballots which must be hand-counted (excluding those Absentee Ballots that are rejected, spoiled, or voided).
- (c) **Announcement.** At the close of the recount, the ballot totals shall be read aloud and accepted by the Council.

**14-090-080 Tie Vote after Recount – Council and other Elected Position Races**

If, after a recount has been completed, there remains a tie between successful candidates then the Tribe shall apply a “high-card draw” system with all “joker” and “wild” cards removed. Under this system:

- (a) A sealed deck of cards will be opened by the Fallon Tribal Chief of Police or another tribal police officer;
- (b) Each candidate shall be given an opportunity to shuffle the deck of cards;
- (c) After shuffling, the Chief of Police or available police officer shall gather the deck of cards and give one final shuffle;
- (d) Each of the tied candidates shall choose one card from any place in the deck of cards. The choice of who will go first will be alphabetical using last name listed on the Official Ballot;
- (e) The highest card shall be declared the winner; if there is a tie, then this process shall be repeated until there is no longer a tie;
- (f) In the event there is more than one seat involved and more than two candidates, then the person or persons having the next highest card values will assume the seats; and
- (g) For purposes of this section, an ace is considered a high card.

**14-090-090 Tie Vote after Recount – Ballot Questions**

If after a recount has been completed, there remains a tie involving any ballot questions (i.e., constitutional, advisory, recall, referendum, etc.) then the question(s) shall automatically fail and not be considered to be approved and/or adopted for any purposes.

**14-090-100 Election and Public Count Close-Out Procedures**

- (a) Once the Council concludes their meeting, the TEC shall place all counted ballots, unused ballots, the “Official Signature List of Eligible Voters”, and three envelopes for spoiled, rejected, and voided ballots in a container locked with numbered seals;
  - (1) The TEC shall mark all unused ballots with a distinctive mark and note that they are unused ballots.
  - (2) One of the unused Official Ballots shall be picked at random to maintain as official documentation for the FBC Secretary’s records and distribution.
- (b) Copies of the Official Ballot Accounting Tally (Form TEC-006) and the Official Election Results Form will be made available at the Public Count. The TEC and/or FBC Secretary/Designee shall post this information within 48 hours at the four designated locations and/or on social media.
- (c) The Fallon Tribal Police Department will take possession of the sealed containers and ballot box until the challenge period has expired and the election declared valid.



#### **14-090-110 Records Retention**

Thirty days prior to the Opening of Nominations of the next election, all records deemed unnecessary shall be destroyed under the supervision of the TEC and the FBC Secretary/Designee. The TEC shall record the process in Official Minutes. If there are any pending legal challenges though, the records shall be maintained until the resolution of the legal challenges.

### **14-100 ELECTION OFFENSE PROCEDURES**

---

#### **14-100-010 Filing of an Election Offense Complaint**

- (a) Any candidate or Eligible Voter who believes that an election offense(s), as codified in Chapter 14-105, has been committed may submit a "Tribal Election Offense Complaint" (Form TEF-003) to the Fallon Tribal Police Department for an investigation.
- (b) All officers of the Fallon Tribal Police Department shall have the general duty and authority to enforce this Title 14.
- (c) If a Police Officer fails to perform his duty under this Title, a civil action may be brought against him in the Fallon Tribal Court to recover the damages resulting from such failure. Such an action may be brought by either the Council or any person suffering damages, and shall be maintained in accordance with Section 1-20-020 of this code and until a Civil Code is adopted by the Tribe.
- (d) If possible, the Fallon Tribal Police Department should complete an investigation within 30 days after the filing of the complaint and forward their findings to the Election Prosecutor. Procedures for the investigation of complaints shall be handled in accordance with normal police procedures, policies, and applicable laws.

#### **14-100-020 Hearing Procedures of an Election Offense**

- (a) Within five (5) working days upon receipt of a submitted a Tribal Election Offense Complaint and Fallon Tribal Police Department investigation report, the Election Prosecutor shall take one of the following actions:
  - (1) If the complaint is found to be without merit, the Election Prosecutor will issue a decision, in writing, to the complainant within 14 days informing them of the decision not to file charges; or
  - (2) If the complaint is found to be with merit, the Election Prosecutor shall file a case for violating the Code of Election Offenses, Chapter 14-105, against the alleged violator within 30 days.
- (b) The trial of alleged violators in election offense cases shall be governed by the provisions of Title 2 on civil procedure in all cases or, if Title 2 has not yet been adopted, pursuant to the Federal Rules of Civil Procedure.

#### 14-100-030 Citations

- (a) **Initiating Proceedings.** Proceedings against an alleged violator shall be initiated by issuing a civil citation to the defendant. Issuing of a citation constitutes a civil summons to appear in the Fallon Tribal Court. A copy of the citation shall, be filed with the Court Clerk and a second copy shall be retained by Election Prosecutor. When filed with the Court Clerk, the citation shall serve as a civil complaint.
- (b) **Issuance.** The citation shall be issued to the defendant by an Officer of the Fallon Tribal Police Department or by certified mail.
- (c) **Contents.** The citation shall contain at least the following:
  - (1) The name of the alleged violator;
  - (2) The date, location and time of the alleged election offense;
  - (3) The particular section of this Title 14 alleged to have been violated;
  - (4) A notice requiring the alleged violator to appear in the Fallon Tribal Court on a stated date, time and location;
  - (5) An agreement to appear at the Fallon Tribal Court on a stated court date and time, or to pay a civil fine by posting cash equivalent to the maximum civil forfeiture scheduled for the violation paid to the Fallon Tribal Court prior to the scheduled court date in lieu of appearance; and
  - (6) A statement of the maximum civil forfeiture for each violation alleged.

#### 14-100-040 Civil Forfeiture

- (a) **Civil Forfeiture Schedule.** Each election offense under this Title 14, Chapter 105, has a civil forfeiture incorporated within.
- (b) **Forfeiture of Cash.** The cash equivalent to the civil forfeiture set for offense may be forfeited by written agreement or a failure to appear for trial.

#### 14-100-050 Persons Liable

- (a) Any person who commits a violation of this Title 14 shall be deemed a principal and may be charged with the violation although he/she did not directly commit the violation and although the person who directly committed the violation has not been convicted of the violation.
- (b) A person is liable for an election offense if he/she commits a violation of this Title 14, if he/she:
  - (1) Directly commits a violation;
  - (2) Aids or abets the commission of a violation; or
  - (3) Is a party to a conspiracy with another to commit a violation, or advises, hires, counsels or otherwise procures another to commit a violation.

**14-100-060 Refusal to Perform Duty**

It is a violation of this Title 14 for any officer or employee of the Tribe to knowingly fail or refuse to perform any duty required of him/her under this Title 14. Violations by an officer or employee of the Tribe shall be handled in accordance with the Tribe's Employment Handbook..

**14-100-070 Civil Forfeiture Penalties for Election Offenses**

- (a) The penalty for a person or persons who are convicted of a violation of the election offenses codified at Section 14-105-010 through Section 14-105-050 shall be a civil forfeiture fine up to \$1,000 and the disqualification of a candidate from the election or subsequent service on the Council (if applicable).
- (b) The penalty for a person or persons who are convicted of a violation of the election offense codified at Section 14-105-060 through Section 14-105-090 shall be a civil forfeiture fine up to \$1,500 and the disqualification of a candidate from the election or subsequent service on the Council (if applicable).
- (c) The penalty for a person or persons who are convicted of a violation of the election offense codified at Section 14-105-100 shall be a civil forfeiture fine up to \$2,500/per offense and the disqualification of a candidate for the election or subsequent service on the Council (if applicable).

---

**14-105 CODE OF ELECTION OFFENSES**

---

**14-105-010 Illegal voting**

A person commits the offense of illegally voting, if that person knowingly:

- (a) votes in an election in which the person is not eligible to vote;
- (b) signs a petition relating to an election when the person is not eligible to sign the petition;
- (c) votes more than once in an election;
- (d) votes by taking the identity of another Eligible Voter or represents himself/herself as another Eligible Voter; or
- (e) votes in violation of the voting procedures established by this Title 14.

**14-105-020 Illegal Electioneering/Campaigning**

A person commits the offense of illegal electioneering or campaigning if that person knowingly:

- (a) posts/distributes campaign posters, signs, etc., or solicits for a candidate or matter on an Official Ballot anywhere within 75 feet of any tribal facility or the polling place except on private property;
- (b) posts campaign posters, signs, or any promotional material about any candidate on private property without first securing the permission of 51% of the owner(s) of the property.

- (c) conducts any type of recording within 75 feet of the polling place during the voting period after first being duly notified of such prohibition. Recording is the recorded audio or visual that is stored on a tape, any electronic device, or social media.

**14-105-030 Tampering with Voting Machine(s)/Ballot Box**

A person commits the offense of election tampering if that person knowingly:

- (a) tampers with a voting machine, ballot box, ballots, or election records with the purpose to change the record of votes cast; or
- (b) has a key, or similar anti-tampering device, to a voting machine in an automated election or ballot box knowing that the possession is not authorized by the TEC.

**14-105-040 Interfering with Voting**

A person commits the offense of voter interference if that person knowingly:

- (a) without lawful authorization, obstructs an election or hinders another person from voting or hinders a person from filing for candidacy or other election petition;
- (b) offers a benefit/bribe to another person with the purpose to induce the person to refrain from voting or from signing any petition relating to an election; or
- (c) creates a disruption or hostile environment by being verbally and/or physically aggressive which could hinder membership voting and/or the TEC conducting election matters during an election.

**14-105-050 Ballot Secrecy**

A person commits the offense of violating ballot secrecy if that person knowingly tampers with a voting machine or Official Ballots to determine how a specific voter has voted.

**14-105-060 Campaign Materials on Private Property**

A person commits the offense of campaign trespass if that person knowingly places any campaign posters, signs, or any promotional material about any candidate on private property without first securing the permission of a majority (51%) of the owner(s) of the property. This does not apply to campaign materials that is located on or around an individual's home or residence based on valid land assignment or lease agreement.

**14-105-070 Improper Use of Tribal Resources**

A person commits the offense of improperly using tribal resources if that person, for the purpose of the promotion of a candidate(s) or for the purpose of enhancing a candidate's change of winning, knowingly:

- (a) uses tribal facilities/equipment such as copier, fax, postage, etc.;
- (b) solicits tribal employees for faxing, mailing, distribution, etc.;
- (c) uses tribal supplies such as paper, envelopes, etc.; or
- (d) use of the Tribal seal.

**14-105-080 Improper Disclosure of Campaign Materials**

A person commits the offense of improper disclosure if that person fails to include on all campaign publications and/or distributions the names(s) and addresses of the person(s) and/or organization that caused the advertisement or publication to be produced and/or distributed (excluding the campaign statement submitted by a candidate and published in a tribal publication).

**14-105-090 Unsigned Election Advertisements/Publications**

A person commits the offense of improper election advertising if that person publishes and/or distributes advertisements or any other type of publication intended to influence voting that does not include the names and addresses of the person(s) and/or organization(s) that caused the advertisement or publication to be produced and/or distributed. This excludes a candidate's campaign statement submitted to the TEC and their posted campaign signs.

**14-105-100 Slander and Libel**

A person commits the offense of slander or libel who, with malice, intentionally originates, circulates, or publishes a false or unsubstantiated statement or matter concerning or involving a candidate, candidate's immediate family, TEC and/or TEC Member which tends to injure the character or reputation of the candidate, the candidate's family, the TEC and/or TEC Member. "Malice" means with knowledge that the statement is false, unsubstantiated, or with reckless disregard of whether it is false or not. The statement or matter must be related to an election issue or result from an election.

**14-110 ELECTION CHALLENGES**

---

**14-110-010 Eligible Challengers**

- (a) Any candidate may challenge the final results of an election if they have a factual and legal basis for such a challenge.
- (b) Any Council Member may challenge the final results of a Recall Election if they have a factual and legal basis for such a challenge or the individual being recalled.
- (c) Any Eligible Voter, whose right to vote has been denied under this Title 14, may challenge the final results of a Tribal Election if they have a factual and legal basis for such a challenge.

**14-110-020 Ineligible Challenge(s)**

The following categories of election challenges shall not be allowed:

- (a) A matter involving the TEC's recommendation to deny or Council's denial of an individual's candidacy or appointment pursuant to the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, Article III, Section 4; or
- (b) Any disputes that the TEC has authority to resolve and that were resolved by a majority vote decision of the TEC during an election.

**14-110-030 Properly Filed Challenges**

- (a) Election challenges shall be submitted on an "Election Outcome Challenge Form" (Form TEF-007).
  - (1) There shall only be one (1) challenge issue/matter per form. Any form that contains more than one (1) challenge issue/matter shall be declared void and not considered a properly filed challenge and shall not be reviewed by the Fallon Tribal Court. The Election Judge shall strictly enforce this restriction. An election challenge issue/matter is a contested matter involving one set of distinct facts or a distinct legal issue;
  - (2) If a person has more than one election challenge, a separate form and filing fee shall be submitted for each election challenge.
- (b) An individual challenger is limited to three (3) election challenges per Election Season, subject to judicial review;
- (c) An individual challenger is allowed to subpoena no more than three (3) persons to serve as witnesses to that election challenge, subject to judicial review;
- (d) An individual challenger shall pay a \$150.00 non-refundable filing fee for each election challenge;
- (e) Election challenges must be submitted no later than 12:00 p.m. (noon) (Pacific Time Zone) of the fifth (5th) working day following an election and shall be time-stamped by the Tribal Court Clerk.
- (f) The Tribal Court Clerk will issue subpoenas for any witness named by the Challenger, Respondent or TEC. Each party is responsible for serving a subpoena on their own witnesses.

**14-110-040 Service of Documents**

The Tribal Court Clerk shall attempt to serve copies of all documents filed in an election challenge upon the Challenger, Respondent(s) and TEC Chairperson. Service may be completed by personal service or U.S. Postal Service. Alternatively, a person, who is the subject of service, may provide a written notice to the Tribal Court Clerk stating that the person will accept service by facsimile or email instead of personal service or U.S. Postal Service.

**14-110-050 Access to Copies of Challenges**

- (a) Copies of all election challenge(s) submitted, and all supporting documents filed shall be made available to the TEC after the deadline for filing election challenges.
- (b) Copies of the initial election challenge(s) with no supporting documents may be obtained by from the Fallon Tribal Court by the public the next business day of the Court and may be subject to current court fees.

**14-110-060 Election Challenge(s) Hearing Date**

A hearing on the election challenges shall be held on the following Friday after the deadline for submittal of challenges.

**14-110-070 Hearing Statements**

The Respondent(s) to any election challenge and the TEC shall have the option to file with the Fallon Tribal Court responses to the election challenge. The responses must be filed by the Wednesday prior to the challenge hearing.

**14-110-075 Ex Parte Communications**

The Election Judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the Election Judge outside the presence of the parties or their lawyers/advocates, concerning a pending or impending matter, except when circumstances require it, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided:

- (a) the Election Judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; and
- (b) the Election Judge makes provision promptly to notify all other parties of the substance of the ex parte communication, and gives the parties an opportunity to respond.

**14-110-080 Election Challenge Hearing Procedures**

Election challenges shall be heard before a selected Election Judge in the Fallon Tribal Court. The Election Judge shall follow these election challenge hearing procedures:

- (a) At the beginning of the hearing, the Election Judge shall read the challenges and identify the Challenger and Respondent;
- (b) If an Election Challenger is not physically present to present his/her challenge and evidence, then the election challenge shall be dismissed;
- (c) The Election Judge shall call up the first Challenger to present his/her challenge, evidence and if applicable, witnesses (not to exceed three witnesses);
- (d) Once the Challenger has completed his/her presentation, the Respondent(s) will have an opportunity to plead his/her defense, present evidence, and if applicable, witnesses (not to exceed three witnesses);
- (e) Once the Respondent(s) had completed his/her presentation, the TEC will have an opportunity to address the issues raised by the election challenge, and to present evidence and if applicable, witnesses (not to exceed three witnesses);
- (f) Testimonies shall not be taken except from witnesses on the stand. No comments will be accepted from the gallery. Those who are disruptive shall be escorted out by the Fallon Tribal Police Department.
- (g) After hearing the testimony and evidence, the Election Judge shall move on to the next election challenge and repeat the process for each challenge.

**14-110-090 Decision on Challenges**

- (a) Once the Election Judge has heard all election challenges, witness testimony and presented evidence, he/she shall adjourn to make his/her decision.

- (b) Once a decision has been reached, the Election Judge, in an open hearing, shall announce the decision on whether to accept or deny the election challenge(s), in whole or in part, and the relief ordered regarding each election challenge(s).
- (c) These procedures shall be completed on the hearing date.
- (d) After the challenge hearing, a written order shall be prepared for each election challenge by the Election Judge based exactly on the verbal decision within seventy-two (72) hours of the completion of the challenge hearing.
- (e) This written order shall be mailed to the Tribal Court Clerk who will then mail and/or hand deliver the order to all involved parties including the TEC within two working days following receipt of the written order from the Election Judge.
- (f) The decision of the Election Judge in the election challenge shall be final and not reviewable by any court.

## 14-120 FINALIZATION OF ELECTION

---

### 14-120-010 Activities relating to Challenge Decision(s)

- (a) **Redress:** If an election challenge is filed, and the Election Judge approves an election challenge(s), then the following will occur:
  - (1) **Challenges to Candidates:** For challenges of candidates, if a candidate is declared invalid, then the candidate receiving the next highest number of votes shall be declared the winner and sworn onto the Council.
  - (2) **Challenges to Races/Constitutional Amendments:** For election challenges to races or Constitutional amendments, if the entire race (i.e., Chairman, Vice-Chairman, etc.) or amendment question is declared invalid, then another election will be held ONLY on that invalidated race/amendment question within ninety days (90) days from the final written decision of the Election Judge.
  - (3) **Challenges to Advisory or Other Ballot Questions:** For election challenges to advisory and other ballot questions, if an advisory question or other non-constitutional question is declared invalid, there will not be another election on these types of questions, but rather these types of questions shall be declared defeated for that Election Season.
  - (4) **Challenges to the Entire Election Process:** If an election challenge is filed regarding the entire election process that can be proven would change/impact the final outcome of an election and the Election Judge declared the election void, then another election shall be held within ninety days (90) days from the final written decision of the Election Judge.
- (b) **Timeframes:** The election process in any repeat election, either partial (subsections (1), (2), and (3)) or in full (subsection (4)), will start at the Finalization of the Ballot with no changes to the candidates or questions on the original Official Ballot, other than to remove any voided candidates/questions.



- (c) **Denied Challenges:** In the event that an election challenge is denied, the successfully elected candidates shall be sworn into office in accordance with Section 14-120-020(b).

#### **14-120-020 Declaration of Election**

- (a) If at any time prior to the swearing in of the newly elected Council member(s), the background checks show that a candidate has a conviction that would disqualify him/her from holding office, then the candidate who received the next highest number of votes in that Regular Election shall replace the disqualified candidate.
- (b) If there are no election challenges after a Tribal Election, the Council shall accept the results of the Tribal Election. Any newly elected Council members shall be sworn in at a Special Council Meeting called solely for that purpose on the Thursday following the election challenge deadline.
- (c) When all election challenges have been resolved, the Council shall accept the results of the Tribal Election. The Council shall declare those candidates finally determined to have received the highest number of votes to be elected and the votes in a special election or special election matters to be final. Any newly elected candidates will be sworn into office at a Special Council Meeting called solely for that purpose the following Thursday after the Election Challenge Hearing.
- (d) Failure or declination by the Council to accept the Election Judge's decision or the Regular Election results when no election challenges have been brought or there is no active quorum on of the Council shall not affect the swearing in of the newly elected Council members. In such situation, the Chief Judge of Fallon Tribal Court shall conduct the swearing-in of the newly elected Council members who shall take office at that point. Such swearing in shall be conducted in person on the Fallon Reservation or Fallon Colony, and the Chief Judge shall be paid \$150.00 as compensation for the swearing-in of the newly elected Council Members.
- (e) A resolution will be presented to the Secretary of the Interior, or designated representative, citing the Tribal Election's results and the swearing in of elected officials within ten (10) working days after finalization of the election provisions are completed, as required in this Chapter 14-120. If applicable, resolutions will also be presented for each constitutional amendment citing the Tribal Election results, the new/revised amendment, amendment number, and a request for certification.

### **14-130 COUNCIL APPOINTMENT PROCESS**

---

#### **14-130-010 Eligibility for Fallon Business Council Appointment**

In accordance with Article III, Section 4, of the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, individuals wishing to be appointed to a vacant Council seat must meet the following qualifications and submit a "Fallon Business Council Appointment Filing" (Form TEF-001-A) including all required documents to the TEC by the posted closing date listed on the notice, required in Section 14-130-040:

- (a) Be an enrolled member of the Paiute-Shoshone Tribe of the Fallon Reservation and Colony; and

- (b) Be at least twenty-one (21) years of age or older; and
- (c) Have physically resided within the exterior boundaries of the Tribe, as described in Article I of the Constitution or Churchill County, Nevada, for at least one year prior to their appointment; and
- (d) Never been convicted of any felony or gross misdemeanor in any Indian, State or Federal Court; and
- (e) Have successfully graduated from a high school and/or equivalent program and be able to provide proof of graduation.

#### **14-130-020 Constitutional Prohibitions**

In accordance with the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, there are three provisions that make an individual ineligible to seek an appointment to a vacant position on the Council. These are:

- (a) An individual may not serve on the Council simultaneously with their husband, wife, brother, sister, father, mother, son, or daughter as detailed in Section 14-130-030<sup>6</sup>.
- (b) An individual may not serve on the Council if he/she has been removed or recalled from the Council during the seven (7) year period preceding filing for candidacy or appointment<sup>7</sup>.
- (c) An individual may not be appointed to serve on the Council if he/she was a losing candidate in a recent Regular Election (within the last four years)<sup>8</sup>.

#### **14-130-030 Prohibition of Immediate Family**

Based on the Constitutional prohibition against immediate family members serving on the Council at the same time, the following procedures will apply:

- (a) If an individual who wants to be appointed but is an immediate family member, as defined in the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, to any current member of the Council, then the individual's appointment request shall be denied.
- (b) If there are two or more individuals who are immediate family member, who want to be appointed to a Council vacancy, the Council will utilize the following method to determine which individual will be an eligible for the appointment process:

---

<sup>6</sup> Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, Article VI. Nominations and Elections, Section 5., "A person may not serve on the Business Council simultaneously with his or her husband, wife, brother, sister, father, mother, son or daughter. Situations arising under this section shall be governed by the Tribal Election Code."

<sup>7</sup> Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, Article V. Vacancies and Removals, Section 2(4), "If a member of the Business Council who is removed and/or recalled as of August 2001 or later for cause, the former members shall not be eligible to run or be appointed to any position on the Business Council for a seven (7) years following such removal."

<sup>8</sup> Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, Article V. Vacancies and Removals, Section 3, "No losing candidate for a position on the Business Council may be appointed to fill any vacancy on the Business Council which arises during the term of the position for which the losing candidate ran."

- (1) The first individual to submit the completed “Fallon Business Council Appointment Filing” (TEF-001-A) will be deemed as eligible for the appointment process, while other individuals who filed for appointment shall be denied; or
- (2) If there is a situation where the filing date/time is same or cannot be reasonably determined on the completed “Fallon Business Council Appointment Filing” (Form TEF-001-A) forms, the Council will utilize a lottery method. In this method, the names of the individuals who are immediate family members will be placed into a receptacle and one name will be chosen and this individual will be deemed to be the eligible candidate for the appointment process.

**14-130-035 Other Prohibitions for Appointments**

Any current member of the Council is prohibited from being appointed to a vacancy on the Council unless they resign prior to submitting an application for appointment.

**14-130-040 Posting of Notice**

The TEC shall develop a notice for a vacant Council position, which shall include a specific deadline for receipt of the Fallon Business Council Appointment Filing form, which shall be reviewed/approved by the TEC. The TEC shall post the notice for the solicitation of eligible Tribal members to fill a vacant Council position. This notice shall be posted at least at the four designated locations (see Section 14-020-060(h)) on the Reservation and Colony for a period of 30 days.

**14-130-050 Filing for Appointment Form**

- (a) Individuals wishing to be considered for an appointment to a vacant Council position shall complete and submit to the TEC a “Fallon Business Council Appointment Filing” (Form TEF-001-A) to be considered for the Council vacancy, in addition to all required documents listed in Section 14-130-060, which shall be attached with the required form. All the required documentation shall be submitted by the posted deadline established by the TEC.
- (b) The burden of proof that a fully complete filing has been submitted by an individual to the TEC is the sole responsibility of the individual. Unless otherwise provided by tribal law, all documentation provided under this Section 14-130-060 is subject to the Privacy Act. Failure to submit a completed filing with all required documentation will result in an incomplete application. An incomplete application will be recommended for denial from the TEC to the Council.

**14-130-060 Filing of Appointment Documentation**

All individuals shall submit the following required documents with the “Fallon Business Council Appointment Filing” (Form TEF-001-A):

- (a) **Enrollment and Age Certification (required).** A current (within past 30 days) Certificate of Indian Blood (CIB) from the Tribe’s Membership Services Office stating membership, enrollment number, and date of birth.

- (b) **Proof of Residency (required).** In order to verify residency (current and within the one year prior to the appointment filing deadline), individuals shall submit either a:
  - (1) Copy of two (2) bill, statements, or documents one that is dated within the past 60 days of the appointment closing deadline and one at least one year (12 months) prior to the appointment closing deadline (items must have a date of issue and show the individual's name AND physical address); or
  - (2) If unable to provide bills, statements, or other documents, a notarized letter from renter or homeowner where the individual resides certifying the physical address and how long they have been there (if less than one year please submit letters to make up the one-year period prior to the appointment filing deadline).
- (c) **Background Criminal History Check (required).** All individuals must complete a criminal history check process (completed within the last 30 days), including fingerprinting, using an agency contracted with the Tribe for such services. The individual is responsible for costs associated with this requirement. Failure to consent to and to comply with this requirement shall disqualify the person. Individuals must also have a representative from the contracted agency sign-off on the designated space on the "Fallon Business Council Appointment Filing" (Form TEF-001-A) acknowledging that the individual has completed the criminal history check process, fingerprinting, and payment of any required fees to the contracted agency (a copy of the receipt must be attached with the filing) prior to the deadline. Individuals are encouraged to start this process as soon as possible because if the entire process is not completed prior to the deadline, it will result in disqualification of the individual's candidacy.
  - (1) The TEC will identify and post the name of the agency conducting background checks, including their location and actual or estimated costs, prior to the posting for the Appointment process.
- (d) **Proof of Graduation (required).** Individuals shall submit proof that they have successfully graduated from a high school and/or equivalent program. Acceptable proof shall include a copy of a high school diploma or GED, a certified copy of the official transcripts, or a letter from a designated official of the school district attesting to the graduation of the individual (the transcript and the letters must indicate the date of graduation).

#### **14-130-070 Availability of Officials**

- (a) On the deadline for filing for appointment, the TEC (in whole or part) and, a Fallon Tribal Police Officer (if available) shall be present at a designated tribal building to allow Tribal members to submit their appointment filings. This information shall be included on the Notice for Appointment posting.
  - (1) The TEC shall work with the FBC Secretary to ensure that the Tribe's Membership Services Office is open on the posted deadline date for appointment filings to allow individuals to get their current CIB.
- (b) The TEC shall designate one clock in the location where the TEC is located that shall be utilized to determine the deadline for receipt of an appointment filings.

#### **14-130-080 Appointment Process and Certification**

- (a) At the next regular Council meeting following the deadline for appointment to the Council for a vacant position, the Council shall review all applications. Applications from individuals who are constitutionally prohibited or ineligible from serving and/or those that do not adhere to these requirements shall be declared invalid and not considered for appointment. No appointment shall be made until the local/tribal background check is completed.
- (b) At the next regular Council meeting following notification to the TEC from the Fallon Tribal Police Department of the completion of the local/tribal background checks on all individuals who submitted an application, the TEC shall hand-out Official Ballots to each member of the Council with the names of the qualified individuals to be voted on.
- (c) The FBC shall vote for an individual to fill the vacancy by secret ballot – the individual receiving the highest number of votes shall be declared the winner and will be sworn at the next regular Council meeting.
- (d) If there is a tie, the provisions of Title 14, Section 14-090-080 shall be followed.
- (e) If the individual receiving the most votes declines the position or dies before swearing in, a re-vote of the remaining qualified individuals will be conducted in accordance with this section.
- (f) If an individual who submitted an application wishes to challenge the outcome of the vote, a challenge shall be filed using the same process, rules, and requirements of Title 14, Section 14-110 with references to the date of election meaning the date of the regular Council meeting which the appointment voting occurred and references to candidates shall mean the individual who submitted an application. The challenge will be heard by any Judge of the Fallon Tribal Court instead of an election judge.
- (g) A resolution will be approved by the Council and submitted to the Secretary of the Interior or designated representative citing the appointment of the selected individual for the vacant position within ten (10) working days of enactment.

#### **14-140 PETITIONS**

---

##### **14-140-010 Copy of Petition to be filed before Presentation**

A copy of the "Petition of the Eligible Voters of the Tribe" (Form TEF-008) for a referendum, recall, and/or constitutional amendment must be placed on file with the FBC Secretary/Designee before it may be presented to the Eligible Voters for signature collection. The person or persons who submit a petition to the FBC Secretary/Designee shall be known as the "Petition Agent(s)". Upon acceptance of a Petition, the FBC Secretary/Designee shall immediately request the current number of Eligible Voters from the Membership Services Office to determine the 30% threshold.

#### **14-140-020 Circulator(s) of a Petition**

- (a) The Petition Agent(s) shall submit an "Identification of Petition Circulators" form (Form TEF-008-A) to the FBC Secretary/Designee indicating the Eligible Voter(s) who will be personally circulating a petition. Persons identified on this form shall be known as "Petition Circulators". If a non-listed person circulates a petition or if the petition is not personally circulated, the Council shall declare the petition invalid. Circulation by any type of mail or delivery service is invalid.
- (b) No current member of the TEC or Council shall be a Petition Filing Agent and/or a Circulator of a Petition. Any TEC/Council member who accepts either one of these two roles shall immediately resign from the TEC/Council, and if they fail to do so, the TEC will notify the Council to begin removal proceedings against the involved TEC/Council member.
- (c) TEC/Council Members are prohibited from signing any petitions wherein he/she may be called upon to act on the subject matter of the petition.
- (d) If any Petition Agent(s) or Petition Circulators are an immediate family member of the FBC Secretary/Designee, all duties performed by the FBC Secretary/Designee under this Chapter 14-140 shall be assigned to the FBC Vice-Chairman and the FBC Treasurer working together in equal capacity.
- (e) The Petition Agent(s) or Petition Circulators must confirm each Tribal Member's identity by entering the Tribal Member's Enrollment Number on the Petition Form **OR** the last four (4) numbers of his/her Social Security number.

#### **14-140-030 Deadline for Submission of Petition**

- (a) After filing the Petition with the FBC Secretary, in accordance with Section 14-140-010, the Petition Agent shall have ninety (90) days to obtain the required signatures and must file the completed Petitions with the FBC Secretary/Designee before the expiration of the ninety (90) day period.
- (b) All Petitions submitted after the ninety (90) days shall be declared invalid by resolution of the Council with notification given to the Petition Agent(s).

#### **14-140-040 Form Regulations; Removal of Name from a Petition**

- (a) Petitions must be submitted on the approved Petition of the Eligible Voters of the Tribe form (Form TEF-008) in order for the Petition and signatures to be accepted. Petition Agent(s) must number each page on the Petition submission in sequential order (i.e., 1, 2, 3, 4, 5, etc.).
- (b) A person who signs the Petition may remove their name by submitting a written statement to the FBC Secretary/Designee no later than the close of business on the day the Council is to hear the report on the Petition(s).

#### **14-140-050 Posting of Petition**

- (a) Once a Petition has been properly submitted, the FBC Secretary/Designee shall post the entire Petition with the Tribal Members' Enrollment/Social Security numbers blacked out, but including names, signatures, and dates, for a period of ten (10) working days. The petition shall be posted at least at the four (4) designated locations (see Section 14-020-060(h)) on the Reservation and Colony.

- (b) Any person challenging a name, signature, or date on the Petition shall submit a written letter stating the facts asserted and any supporting documentation to the FBC Secretary/Designee stating the reasons for such challenge. Any such letter must be sent before the close of business on the 10th working day after the posting period ends.
- (c) The FBC Secretary/Designee shall determine whether a petition challenge meets the requirements of this Title 14 and/or the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe. The FBC Secretary/Designee shall contact all persons involved to request written statements on the allegation(s) contained in the petition challenge. All persons contacted by the FBC Secretary/Designee shall have five (5) working days to respond. Regardless of whether responses are submitted timely or not, the FBC Secretary/Designee shall include all challenges, along with a report on each submitted challenge, to the Council with a conclusion on the validity of the Petition(s).
- (d) The Council shall verify the validity of each petition challenge before making a determination on the validity of the entire Petition.

#### **14-140-060 Submission of Petition**

Once a Petition has been received and filed with the FBC Secretary/Designee and following the petition posting period, the FBC Secretary/Designee shall verify that all signatures on the Petition are of Eligible Voters based on a List of Eligible Voters from the date the petition was filed (Section 14-140-010). The FBC Secretary/Designee shall present a report to the Council within ten (10) working days after receipt of the Petition.

#### **14-140-070 Council Action on Petition**

- (a) If the Petition has been determined to contain the required number of verified signatures of Eligible Voters, as set forth in the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe and this Title 14, the Council shall pass a resolution acknowledging receipt, acceptance of the Petition and the date that is scheduled for a Special Election, in accordance with Section 14-080-050 of this Title 14.
- (b) If the Petition has been determined to not meet the signature requirement, is not submitted as set forth in Section 14-140-040 or within the time frame of Section 14-140-030, or is not in accordance with the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe and this Title 14, then the Council shall pass a resolution acknowledging the Petition to be invalid. A copy of this resolution shall be sent to the Petition Agent(s) by certified mail.
- (c) If the Petition Agent(s) believes that the denial of a petition was not done in accordance with tribal law, the Petition Filing Agent(s) may file an appeal with the Fallon Tribal Court to settle the matter in accordance with Tribal Law.

#### **14-140-080 Replacement of FBC Secretary**

If the FBC Secretary is the subject of a circulated recall petition that has been filed, then the responsibilities assigned to the FBC Secretary shall be delegated to the Designee under the supervision of the FBC Vice-Chairman and the FBC Treasurer working in equal capacity.

## 14-150 ELECTION TERMINOLOGY

---

### 14-150-010 Absentee Ballot

A ballot used in any election in which an Eligible Voter, person who cannot be physically present at the Polling Place, can vote in a Regular or Special Election of the Tribe.

### 14-150-020 Absentee Voter

Any Eligible Voter who submits a valid absentee ballot request in accordance with the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe and this Title 14 – Tribal Election Code.

### 14-150-030 Advisory Questions

Any question on an Official Ballot that is non-binding on the Council. Any advisory question is considered to be a method for the Council to receive input from the tribal membership.

### 14-150-040 Ballot Box

A temporarily sealed container labeled "Ballot Box" with a narrow slot in the top sufficient to accept a ballot in an election but which prevents anyone from accessing the votes cast until the close of the voting period. The ballot box is maintained in custody of the Fallon Tribal Police Department during the Election Season and is used to place Absentee Ballots that are received in the mail and from voting on Election Day (if not using an automated system).

### 14-150-050 Ballots, Categorization of

- (a) **Absentee.** An Absentee Ballot is a ballot used in which an Eligible Voter, who cannot be physically present at the Polling Place, can vote in a Regular or Special Election.
- (b) **Official.** An Official Ballot means the final, preprinted ballot containing the name of each candidate approved during the Finalization of the Ballot and any properly approved ballot questions.
- (c) **Rejected.** A rejected ballot is generally one that during the counting is found to be unreadable, the Eligible Voter's choice of candidates cannot be determined, and/or if an Eligible Voter has marked more than the allowable number of candidates in a race. These ballots are marked as "REJECTED" by the TEC and are never counted towards the outcome of any Regular/Special Election.
- (d) **Spoiled.** A spoiled ballot is generally one that an Eligible Voter has inadvertently 'spoiled' by marking it incorrectly or has damaged it and is handed back to poll officials in exchange for a new blank Official Ballot. These ballots are marked as "SPOILED" by the TEC and are never counted towards the outcome of any Regular/Special Election.
- (e) **Voided.** A voided ballot is generally an Absentee Ballot that is not returned in accordance with this Title 14 (i.e., mailed to incorrect location, hand-delivered, returned in envelopes not provided, received after the Polling Place closes during a Regular Election, etc.) or in some situations where an Eligible Voter who received



an absentee ballot wants to vote in person. These ballots are marked as "VOIDED" by the TEC and are never counted towards the outcome of a Regular/Special Election. If time permits, the TEC may mail a new Absentee Ballot to the impacted Eligible Voter, but it remains the responsibility of the Eligible Voter to mail the Absentee Ballot back by the time the Polling Place closes during a Regular Election.

**14-150-060 Ballot Question**

A question presented by an Eligible Voter or Tribal Member in order to allow all Eligible Voters to vote on the issue in a Regular or Special Election.

**14-150-070 Candidate**

An individual who seeks nomination or election to any elected office whether or not the person is elected and has been duly approved to be on an Official Ballot for any Regular or Special Election.

**14-150-080 Conflict of Interest**

A situation in which a Council, TEC, or other tribal official's decisions are influenced by the official's personal interests (i.e. financial, family, etc.)

**14-150-090 Closing of Nominations**

The date which is sixty (60) calendar days prior to the day of the Regular Election.

**14-150-100 Counting of Ballots**

After the Polling Place has closed and after the recess period, a process for counting of Official and Absentee Ballots cast in a Regular Election or Special Election by using an automation system or hand count by the TEC.

**14-150-110 Declaration of Emergency**

Means a resolution adopted by the Fallon Business Council during a natural disaster, civil unrest, armed conflict, or medical pandemic or epidemic and empowering the tribal government to temporarily adopt, suspend, or revise laws/policies that it would normally not be permitted to do, for the safety and protection of its members and residents.

**14-150-120 Dishonesty**

Dishonesty is defined as any act that exhibits a disposition to lie, cheat, deceive, or defraud; demonstrate a predisposition for untrustworthiness; or actions which show evidence of a lack of integrity, lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; or a disposition to defraud, deceive or betray; act or behavior that gravely violates the sentiment or accepted standard of the Tribe and/or other quality of dishonesty that is present in the commission of a criminal offense (i.e., theft, perjury, vice crimes, bigamy, and rape have generally been found to involve moral turpitude, while liquor law violations and disorderly conduct generally have not). While the precise definition of a crime that involves dishonesty is fluid, the following crimes are always considered crimes of dishonesty: murder; voluntary manslaughter; rape; statutory rape; domestic violence; prostitution; fraud and crimes where fraud is an element; all theft offenses; blackmail; malicious destruction of property; arson; slander/libel; bribery; and perjury.

- 14-150-130 Election Challenge**  
A complaint filed to challenge the final results of an election by an eligible individual.
- 14-150-140 Election Offense**  
Refers to conducts or omissions codified in this Title 14, Chapter 14-105 – Code of Criminal Election Offenses as civil offenses and are punishable as civil forfeitures fines.
- 14-150-150 Election Season**  
The first day of March through the last day of December in an even-numbered calendar year (i.e., years ending in 0, 2, 4, 6, and 8) when a regular election is being held.
- 14-150-160 Felony**  
A felony, as used in this Title 14 or in the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, is defined as a serious crime generally punishable by a term of one (1) year or more in jail.
- 14-150-170 Finalization of the Ballot**  
When the Council approves the official list of candidates and ballot questions for an upcoming election or any other items for proper inclusion on the Official Ballot. This meeting is done within three (3) days of the Closing of Nominations.
- 14-150-180 Gross Misdemeanor**  
A gross misdemeanor, as used in this Title 14 or in the Tribe's Constitution and Bylaws, is defined as any crime that carries a penalty of six (6) or more months in jail and/or a fine of \$1,000 or more.
- 14-150-190 Immediate Family Member**  
As used in this Title 14 and provided in the Tribe's Constitution and Bylaws, Article IV, Section 5, an immediate family member is defined as a husband, wife, brother, sister, father, mother, son, or daughter.
- 14-150-200 Nomination**  
When an individual submits the required documents to be a candidate in an upcoming Regular Election.
- 14-150-210 Official List of Eligible Voters**  
A list of Eligible Voters of the Tribe, provided from the Membership Services Office and which maintained by the TEC, that is used to verify Eligible Voters during an election.
- 14-150-220 Opening of Nominations**  
The date which is ninety (90) calendar days prior to the day of the Regular Election. The Regular Election is held on the first Saturday of October on even-numbered years (i.e., 0, 2, 4, 6, and 8).
- 14-150-230 Petition**  
A form signed by Eligible Voters of the Tribe to initiate a special election for the purpose of a constitutional amendment, recall, or referendum.

**14-150-240 Polling Place**

One convenient location on the Reservation or Colony that shall be identified by the TEC as the Polling Place and will be open continuously from 7:00 a.m. to 5:00 p.m. (Pacific time zone) on the day of the Regular Election.

**14-150-250 Public Count**

An event that is open to the Tribal Members which takes places within a designated time period after the Polling Place closes for the purpose of counting ballots and announcing results of the Tribal Election.

**14-150-260 Regular Election**

Biennial elections that are held in accordance with the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe and this Title 14 for the purpose of electing individuals to serve on the Council and for voting on Ballot Questions.

**14-150-270 Serious and Significant Violation**

Means any action and/or inaction that negatively impacts the voting rights of the Eligible Voters or would make it impossible to hold a fair and impartial election.

**14-150-280 Special Election**

Any election that is scheduled by the Council that is not a Regular Election during an Election Season or an election called for the specific purpose of a recall, referendum, or constitutional amendment.

**14-150-290 Tribal Election**

A Special or Regular Election of the Tribe for the purpose of eligible voters casting a ballot on any matters properly approved on the Official Ballot.

**14-150-300 Tribal Facility**

Tribal Facility is defined as any building, or property of the Tribe where business of the Tribe or a tribal entity/organization is conducted or performed. This definition includes businesses of the Fallon Tribal Development Corporation.

**14-150-310 Unavoidable Causes**

Unavoidable Causes shall mean medical conditions that prohibit an Eligible Voter to be physically present at the Polling Place, weather conditions that would hinder a person to safely travel to the Polling Place, travel/vacation plans that would remove an Eligible Voter from the Reservation/Colony, or an Eligible Voter who resides outside the exterior boundaries of the Fallon Paiute-Shoshone Tribe. All requests for an Absentee Ballot that use the reasons of unavoidable causes shall be subject to review by the TEC for consideration and approval. The decision of the TEC shall be final.

**14-150-320 Working Day / Day**

- (a) **Working Day.** As used in this Title 14, the term of "working day" shall be defined as a day on or in between Monday through Friday. Working day does not include Saturdays, Sundays, any holidays recognized by the Tribe, or any full-day administrative closures.

- (b) **Day.** As used in this Title 14, the term of "day" shall be defined as every day of the week including Saturdays, Sundays, and any holidays recognized by the Tribe.

## **APPENDIX – TRIBAL ELECTION CODE FORMS**

---

<i>Form #</i>	<i>Name of Form</i>	<i>Title 14 Reference</i>
<b>TEF-001</b>	Fallon Business Council Candidacy Filing	14-070-050
<b>TEF-001-A</b>	Fallon Business Council Appointment Filing	14-130-050
<b>TEF-002</b>	Request for Candidate's Eligible Voters List	14-075-040
<b>TEF-002-A</b>	Name Removal from Candidate's Voters List	14-075-040
<b>TEF-003</b>	Citizen's Criminal Complaint – Election Offense	14-100-010
<b>TEF-004</b>	Tribal Ballot Question Submission Form	14-080-070
<b>TEF-005</b>	Absentee Ballot Request Form	14-050-030
<b>TEF-005-A</b>	Absentee Ballot Daily Receipt Form	14-050-050
<b>TEF-005-B</b>	Absentee Ballot Log Form	14-050-060
<b>TEF-005-C</b>	Absentee Ballot Voting Instruction Sheet	14-050-040
<b>TEF-005-D</b>	Affidavit of Absentee Voter at Polling Place	14-060-090
<b>TEF-006</b>	Official Ballot Accounting Tally	14-090-050
<b>TEF-007</b>	Election Outcome Challenge Form	14-110-030
<b>TEF-008</b>	Petition of the Eligible Voters of the Tribe	14-140-010
<b>TEF-008-A</b>	Identification of Petition Circulators	14-140-020

FALLON PAIUTE-SHOSHONE TRIBE • TITLE 14 - TRIBAL ELECTION CODE  
**FALLON BUSINESS COUNCIL CANDIDACY FILING**



**Filing for FBC position of:**  
(mark one position only)

☐ CHAIRMAN

☐ SECRETARY

☐ COUNCIL MEMBER

☐ VICE-CHAIRMAN

☐ TREASURER

Full Name (First, Middle, Last) \_\_\_\_\_

Name on Official Ballot\* (see back for explanation) \_\_\_\_\_

Physical Address  
Street Address (no PO Box) \_\_\_\_\_ City, State, Zip Code \_\_\_\_\_

Mailing Address  
Place Mail is delivered to \_\_\_\_\_ City, State, Zip Code \_\_\_\_\_

Telephone Information      **Home** \_\_\_\_\_      **Cell** \_\_\_\_\_

**LENGTH OF CONTINUOUS PHYSICAL RESIDENCE FROM CANDIDACY FILING**

How long have you currently been physically living on FPST lands/Churchill County?

Year(s): \_\_\_\_\_

Month(s): \_\_\_\_\_

**BONDING DECLARATION**

To the best of your knowledge, are you bondable meaning you are able to be insured as trustworthy under a bond or surety agreement?

Yes ☐

No ☐

**CRIMINAL CONVICTION DECLARATION**

Have you ever been convicted of a gross misdemeanor (carries a sentence of six (6) months or more of jail and/or a fine of \$1000 or more) or of a felony (any class) in any Indian, Federal or State Court?

Yes ☐

No ☐

**FALLON BUSINESS COUNCIL SUPPORTING DOCUMENTATION WORKSHEET**

Individuals filing for candidacy must complete Page 2 of this form which details the qualifications to run for the Fallon Business Council and the required documentation that must be attached to support your filing.

**CERTIFICATION**

I hereby swear that I meet all of the requirements to be a candidate, including meeting the enrollment, age, residency and educational requirements. I swear under penalty of perjury that the information contained herein is true, complete, accurate, and represents full disclosure, and if not, I understand that I am subject to criminal prosecution for perjury or other applicable crimes.

Candidate's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**TRIBAL ELECTION COMMITTEE USE ONLY**

TEC Receipt: Date \_\_\_\_\_ Time \_\_\_\_\_ TEC Initial \_\_\_\_\_

Eligibility: Enrollment and Age..... ☐ Yes ☐ No      Proof of Residency..... ☐ Yes ☐ No  
Criminal History Check Process.... ☐ Yes ☐ No      Proof of Graduation..... ☐ Yes ☐ No

Was a Campaign Statement submitted by the Candidate? ..... ☐ Yes ☐ No

TEC Recommendation: ☐ **Approved** ☐ **Denied**      TEC Chairman Signature \_\_\_\_\_

Comments & Issues: \_\_\_\_\_

## FALLON BUSINESS COUNCIL SUPPORTING DOCUMENTATION WORKSHEET

### 1. ENROLLMENT & AGE CERTIFICATION [Section 14-070-060(a)]

**Mandatory.** Provide a current Certificate of Indian Blood (CIB), issued within the past 30 days, from the Tribe's Membership Services Office stating membership, date of birth, and enrollment number.

☐ CIB from Membership Services

### 2. PROOF OF RESIDENCY [Section 14-070-060(b)]

**Mandatory.** Provide documentation in order to establish/verify the requirement of living within the exterior boundaries of Tribe or Churchill County, Nevada for at least one (1) year prior to the Regular Election. One bill/statement must be dated within 60 days of the close of nominations and the other being at least 12 months before the date of upcoming election. If there are no bills/statements available please attach a notarized letter from homeowner/renter.

☐ Bill or Statement #1  
(60 days of close of nominations)

☐ Bill or Statement #2  
(min. 12 months before election)

☐ Residency Affidavit  
(only if no bills/statements)

### 3. BACKGROUND CRIMINAL HISTORY CHECK [Section 14-070-060(c)]

**Mandatory.** Complete a criminal history background check process, including fingerprinting, through the designated contracted agency. Once completed, the candidate must have an official representative from the contracted agency sign at right. Candidates must also attach a copy of the receipt paid to contracted agency for verification purposes.

☐ Yes (form/fingerprints done)

☐ No (form/fingerprints not done)

---

Contracted Agency Signature

#### Receipt:

☐ Yes (receipt attached)

☐ No (receipt not attached)

### 4. PROOF OF GRADUATION [Section 14-070-060(d)]

**Mandatory.** Provide a copy of one or more of the following documents to verify you have successfully graduated from a high school and/or equivalent program.

☐ High School Diploma

☐ GED Certificate

☐ Official Transcripts (certified)

☐ Official Letter from School

### 5. CANDIDATE'S CAMPAIGN STATEMENT [Section 14-075-060]

**Optional.** Are you submitting a signed campaign statement, with or without photograph, for publication in an official tribal newsletter in accordance with Section 14-075-060? **This is strictly optional and not required.**

☐ Yes (attached with filing)

☐ No (not submitted)

**\* Name on Official Ballot Explanation:** If using a nickname as part of your name on the ballot, you are attesting that my nickname does not constitute a slogan or contain a title, nor does it indicate a political, economic, social, or religious view or affiliation; and have been commonly known by the nickname for at least 4 years before the election.

## END OF QUALIFICATION WORKSHEET

FALLON PAIUTE-SHOSHONE TRIBE • TITLE 14 - TRIBAL ELECTION CODE  
**FALLON BUSINESS COUNCIL APPOINTMENT FILING**



Filing for FBC position of:  
(mark one position only)

☐ CHAIRMAN

☐ SECRETARY

☐ COUNCIL MEMBER

☐ VICE-CHAIRMAN

☐ TREASURER

Full Name (First, Middle, Last) \_\_\_\_\_

Physical Address \_\_\_\_\_

Street Address (no PO Box) \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Mailing Address \_\_\_\_\_

Place Mail is delivered to \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Telephone Information

Home \_\_\_\_\_

Cell \_\_\_\_\_

**LENGTH OF CONTINUOUS PHYSICAL RESIDENCE FROM CANDIDACY FILING**

How long have you currently been physically living on FPST lands/Churchill County?

Year(s): \_\_\_\_\_

Month(s): \_\_\_\_\_

**BONDING DECLARATION**

To the best of your knowledge, are you bondable meaning you are able to be insured as trustworthy under a bond or surety agreement?

Yes ☐

No ☐

**CRIMINAL CONVICTION DECLARATION**

Have you ever been convicted of a gross misdemeanor (carries a sentence of six (6) months or more of jail and/or a fine of \$1000 or more) or of a felony (any class) in any Indian, Federal or State Court?

Yes ☐

No ☐

**FBC LOSING CANDIDATE PROHIBITION**

Have you ever run for election for any position on the Fallon Business Council **and** lost within the last four (4) years?

Yes ☐

No ☐

**REMOVED FBC OFFICIAL PROHIBITION**

Have you ever been removed from a position on the Fallon Business Council within past seven (7) years?

Yes ☐

No ☐

**FALLON BUSINESS COUNCIL SUPPORTING DOCUMENTATION WORKSHEET**

Individuals filing for candidacy must complete Page 2 of this form which details the qualifications to run for the Fallon Business Council and the required documentation that must be attached to support your filing.

**CERTIFICATION**

I hereby swear that I meet all requirements to be eligible for appointment, including meeting the enrollment, age, residency and educational requirements. I swear under penalty of perjury that the information contained herein is true, complete, accurate, and represents full disclosure, and if not, I understand that I am subject to criminal prosecution for perjury or other applicable crimes.

Individual's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**TRIBAL ELECTION COMMITTEE USE ONLY**

TEC Receipt: Date \_\_\_\_\_ Time \_\_\_\_\_ TEC Initial \_\_\_\_\_

Eligibility: Enrollment and Age..... ☐ Yes ☐ No Proof of Residency..... ☐ Yes ☐ No  
Criminal History Check Process.... ☐ Yes ☐ No Proof of Graduation..... ☐ Yes ☐ No  
Constitution Prohibitions..... ☐ Yes ☐ No

TEC Recommendation: ☐ **Approved** ☐ **Denied** TEC Chairman Signature \_\_\_\_\_

Comments & Issues: \_\_\_\_\_

## FALLON BUSINESS COUNCIL SUPPORTING DOCUMENTATION WORKSHEET

### 1. ENROLLMENT & AGE CERTIFICATION [Section 14-130-060(a)]

**Mandatory.** Provide a current Certificate of Indian Blood (CIB), issued within the past 30 days, from the Tribe's Membership Services Office stating membership, date of birth, and enrollment number.

☐ CIB from Membership Services

### 2. PROOF OF RESIDENCY [Section 14-130-060(b)]

**Mandatory.** Provide documentation in order to establish/verify the requirement of living within the exterior boundaries of Tribe or Churchill County, Nevada for at least one (1) year prior to the Regular Election. One bill/statement must be dated within 60 days of the close of nominations and the other being at least 12 months before the date of upcoming election. If there are no bills/statements available please attach a notarized letter from homeowner/renter.

☐ Bill or Statement #1  
(60 days of close of nominations)

☐ Bill or Statement #2  
(min. 12 months before election)

☐ Residency Affidavit  
(only if no bills/statements)

### 3. BACKGROUND CRIMINAL HISTORY CHECK [Section 14-130-060(c)]

**Mandatory.** Complete the criminal history background check process including fingerprinting, through the designated contracted agency. Once completed, the individual must have an official representative from the contracted agency sign at right. Individuals must also attach a copy of the receipt paid to contracted agency for verification purposes

☐ Yes (form/fingerprints done)

☐ No (form/fingerprints not done)

---

Contracted Agency Signature

#### Receipt:

☐ Yes (receipt attached)

☐ No (receipt not attached)

### 4. PROOF OF GRADUATION [Section 14-130-060(d)]

**Mandatory.** Provide a copy of one or more of the following documents to verify you have successfully graduated from a high school and/or equivalent program.

☐ High School Diploma

☐ GED Certificate

☐ Official Transcripts (certified)

☐ Official Letter from School

**END OF QUALIFICATION WORKSHEET**



FALLON PAIUTE-SHOSHONE TRIBE • TITLE 14 - TRIBAL ELECTION CODE  
**REQUEST FOR ELIGIBLE VOTERS MAILING LIST**



In accordance with Title 14, Section 14-075-040, after Finalization of the Ballot by the Fallon Business Council, a candidate may request a copy of names and mailing addresses of Eligible Voters pre-printed on mailing labels by paying a \$50 refundable deposit to the Finance Department. **Please attach a copy of the receipt to verify payment.** By accepting a copy of the Eligible Voters Mailing List, all candidates agree to:

1. Maintain the confidentiality of the list and the Eligible Voters' mailing addresses at all times.
2. Use the list solely for a candidate's campaign in the upcoming election which they are running in.
3. Not allow or give anyone copy(s) of the list with the names and mailing addresses.
4. Will return all pages of the Eligible Voters Mailing List to the Tribal Election Committee (TEC) no later than the Friday after the election (no later than 5:00 pm).
5. Failure to return the unused labels/pages by the deadline will result in the forfeiture of \$50.00 deposit.

**CERTIFICATION**

I, \_\_\_\_\_, hereby agree to the terms above. I also understand that if I do not return the Eligible Voters Mailing List to the TEC by the deadline I will forfeit my refundable \$50.00 deposit. My signature below, attests that I understand the terms and have received an Eligible Voters Mailing List.

Candidate's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**TRIBAL ELECTION COMMITTEE USE ONLY**

Date given to Candidate \_\_\_\_\_ TEC Official Signature \_\_\_\_\_

☐ **LIST RETURNED** ..... Date \_\_\_\_\_ Returned by Deadline: ☐ YES ☐ NO

All Pages Accounted for: ☐ YES ☐ NO

☐ **LIST NOT RETURNED** ..... Reason (if given) \_\_\_\_\_

**TEC must complete the below box to notify Finance Department if a refund is approved or if deposit is forfeited.**

**AUTHORIZATION TO FINANCE DEPARTMENT FOR REFUND OF DEPOSIT**

The Tribal Election Committee is hereby notifying the Finance Department of the Fallon Paiute-Shoshone Tribe that the refund status of the candidate, listed above, in relation to the Candidate's Mailing List of Eligible Voters is:

☐ **REFUND APPROVED** (returned all pages of the list and eligible for \$50.00 deposit refund)

☐ **REFUND DENIED** (did not return all pages of the list and \$50.00 deposit is forfeited)

TEC Official Signature \_\_\_\_\_ Date \_\_\_\_\_

FALLON PAIUTE-SHOSHONE TRIBE • TITLE 14 - TRIBAL ELECTION CODE  
**NAME REMOVAL FROM ELIGIBLE VOTER'S MAILING LIST**



In accordance with Title 14, Section 14-075-040, candidates are eligible to receive a copy of pre-printed labels with the name and mailing address of Eligible Voters so they can distribute their campaign materials. Tribal members have the opportunity to have their name and address removed from any mailing labels provided to a candidate. To have your name removed from the candidate's list, please submit this form to the Tribal Election Committee no later than the published date for Closing of Nominations. Please note, this form is only valid for the current election year and must be resubmitted for every new election.

**Please remove my name and mailing address from the Candidate's Eligible Voters Mailing List. I understand that this request is only valid for the current election year. My information is below.**

Full Name (First, Middle, Last) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone Information Home \_\_\_\_\_ Cell \_\_\_\_\_

FPST Enrollment No. \_\_\_\_\_

Signature of Eligible Voter \_\_\_\_\_ Date \_\_\_\_\_

**Please return this completed form to the TEC using one of the methods below:**

**Mail or Drop-Off:**

Tribal Election Committee  
565 Rio Vista Drive  
Fallon, NV 89406

**Fax to:**

(775) 423-5202  
Attention: Elections

**Scan/Screenshot - attach,  
and e-mail to:**

[tribalelections@fpst.org](mailto:tribalelections@fpst.org)

**TRIBAL ELECTION COMMITTEE USE ONLY**

Date Form Received from Eligible Voter \_\_\_\_\_

By my signature, I swear or affirm, as the member of the Tribal Election Committee, I have received this AFFIDAVIT FORM and I have provided a copy to the TEC, Tribal Secretary and/or the Membership Services Office notifying them that the above Eligible Voter requests their name removed from the mailing list that is provided to the eligible candidates.

TEC Member (print name): \_\_\_\_\_

TEC Member (signature): \_\_\_\_\_ Date \_\_\_\_\_

FALLON PAIUTE-SHOSHONE TRIBE • TITLE 14 - TRIBAL ELECTION CODE  
**TRIBAL ELECTION OFFENSE COMPLAINT**



**INSTRUCTIONS.** Complete this form for an alleged election offense and submit to the Fallon Tribal Police Department. An investigation will be completed and forwarded to the Election Prosecutor who will make a determination of whether to file court case on the matter. The complainant will be notified of such decision.

**COMPLAINANT** (individual filing the form)

Full Name (First, Middle, Last) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone Information Home \_\_\_\_\_ Cell \_\_\_\_\_

**DEFENDANT** (individual/organization against whom is alleged to have committed the offense)

Full Name (First, Middle, Last) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone Information Home \_\_\_\_\_ Cell \_\_\_\_\_

It is alleged that the above defendant, in violation of Title 14, committed the following election offense(s):

- ☐ **Illegal Voting (Section 14-105-010).** Knowingly voted in an election in which the person is not eligible to vote; signed a petition relating to an election when the person is not eligible to sign the petition; voted more than once in an election; voted by taking the identity of another eligible voter or represents himself/herself as another eligible voter; and/or voted in violation of the voting procedures established by this Title 14.
- ☐ **Illegal Electioneering/Campaigning (Section 14-105-020).** Knowingly posted/distributed campaign posters, signs, etc., or solicited for a candidate or matter on the ballot anywhere within 75 feet of any tribal facility or the voting area except on private property; posted campaign posters, signs, or any promotional material about any candidate on private property without first securing the permission of at least 51% of the owner(s) of the property; and/or conducted recording within 75 feet of the polling place during the Regular Election after being duly notified of such prohibition.
- ☐ **Tampering with Voting Machine(s)/Ballot Box (Section 14-105-030).** Knowingly tampered with a voting machine, ballot box, ballots or election records with the purpose to alter the record of votes cast; or has a key, or similar anti-tampering device, to a voting machine in an automated election or ballot box knowing that the possession is not authorized by the Tribal Election Committee.
- ☐ **Interfering with Voting (Section 14-105-030).** Knowingly and without lawful authorization, obstructed an election or hindered another person from voting or hindered a person from filing for candidacy or other election petition; offered a benefit/bribe to another person with the purpose to induce the person to refrain from voting or from signing any petition relating to an election; or created a disruption or hostile environment by being verbally and/or physically aggressive which could hinder membership voting and/or the TEC conducting election matters during the Regular Election.
- ☐ **Ballot Secrecy (Section 14-105-050).** Knowingly tampered with a voting machine or ballots to determine how a voter has voted.
- ☐ **Campaign Materials on Private Property (Section 14-105-060).** Knowingly placed campaign posters, signs, or any promotional material about any candidate on private property without first securing the permission of at least 51% of the owner(s) of the property.

- ☐ **Improper Use of Tribal Resources (Section 14-105-070).** For the purpose of the promotion of a candidate(s) or for the purpose of enhancing a candidate's change of winning knowingly used tribal facilities/equipment such as copier, fax, postage, etc.; solicited tribal employees for faxing, mailing, distribution, etc.; used tribal supplies such as paper, envelopes, etc.; and/or used the tribal seal.
- ☐ **Improper Disclosure of Campaign Materials (Section 14-105-080).** Failed to include on all campaign publications and/or distributions, the names(s) and addresses of the person(s) and/or organization that caused the advertisement or publication to be produced and/or distributed (excluding the campaign statement submitted by a candidate and published in a tribal publication).
- ☐ **Unsigned Election Advertisements/Publications (Section 14-105-090).** Published or distributed advertisements or any other type of publication intended to influence voting that did not include the names and addresses of the person(s) and/or organization that caused the advertisement or publication to be produced and/or distributed.
- ☐ **Slander and Libel (Section 14-105-100).** With malice, intentionally originated, circulated, or published a false or unsubstantiated statement or matter concerning or involving a candidate, candidate's immediate family, the Tribal Election Committee and/or its members which tends to injure the character or reputation of the candidate, the candidate's family, the Tribal Election Committee and/or its members.

## STATEMENT OF FACTS

Provided detailed information about the alleged election offense. Provide information such dates, times, relevant facts, witnesses, etc. Explain your reason that you feel an alleged violation has been committed.

[illegible]

If additional space is needed, attach additional sheets and mark this box ☐

I affirm that the information provided by me is true and complete to the best of my knowledge. I understand that any false, misleading or untrue statements made by me, either orally or in writing, to any person(s) investigating this complaint may subject me to civil and/or criminal prosecution. I realize that it may become necessary for me to meet with Fallon Tribal Police Department to discuss this complaint. I accept the premise that if any action is initiated as a result of my complaint, my testimony may be required. I agree to make myself available for court hearings when requested to do so.

Signed & affirmed before me on this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_.

Notarial Official or Court Clerk

(Notary Stamp)

---

Candidate/Eligible Voter's Signature

Date \_\_\_\_\_

FALLON PAIUTE-SHOSHONE TRIBE • TITLE 14 - TRIBAL ELECTION CODE  
**TRIBAL BALLOT QUESTION SUBMITTAL FORM**



Full Name (First, Middle, Last) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone Information Home \_\_\_\_\_ Cell \_\_\_\_\_

FPST Enrollment No. \_\_\_\_\_

Signature of Eligible Voter \_\_\_\_\_ Date \_\_\_\_\_

1. Type of Ballot Question submitted\*: ☐ **Constitutional Amendment** ☐ **Advisory Question**

\* The Fallon Business Council reserves the right to reject or deny any submitted question or to change the type of ballot question. All questions are subject to revision, legal review, and other changes as determined by the FBC.

2. If proposed Amendment, what Article & Section: ☐ Constitution.....Article \_\_\_\_\_ Section \_\_\_\_\_  
☐ Bylaws .....Article \_\_\_\_\_ Section \_\_\_\_\_

3. Print/Type Proposed Ballot Question:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Indicate the Need or Reason for the Proposed Ballot Question:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If additional space is needed, attach additional sheets and mark this box ☐

**TRIBAL ELECTION COMMITTEE USE ONLY**

Election Year \_\_\_\_\_ ☐ Regular ☐ Special Date Rcvd. \_\_\_\_\_ TEC Initial \_\_\_\_\_

FBC Decision: ☐ **Approved**..... ☐ Constitutional Amendment ☐ Advisory Question  
☐ **Denied**..... Reason (optional): \_\_\_\_\_

Other Information/Notes: \_\_\_\_\_

FALLON PAIUTE-SHOSHONE TRIBE • TITLE 14 - TRIBAL ELECTION CODE  
**ABSENTEE BALLOT REQUEST FORM**



**INSTRUCTIONS.** If you are unable to vote in person at an upcoming election you can request an Absentee Ballot. Please complete this form and, if approved, an Absentee Ballot will be mailed to you.

Full Name (First, Middle, Last) \_\_\_\_\_  
• Maiden Name/Aliases \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Telephone Information Home \_\_\_\_\_ Cell \_\_\_\_\_  
FPST Enrollment No. \_\_\_\_\_ DOB \_\_\_\_\_

Pursuant to the Constitution, requests for Absentee Ballots **MUST** meet one of the four criteria listed below. Please mark the appropriate box that applies to your situation and provide any information to support your request.

☐ Absent from Reservation/Colony because of the nature of vocation, business, or other unavoidable causes

- Explain the situation: \_\_\_\_\_

☐ Unable to go to the polling place due to **unavoidable causes** (defined below)

**Unavoidable Causes.** Medical conditions that prohibit going to the polling place, weather conditions that hinder a person to safely travel to the polling place, travel/vacation plans that would remove a voter from the area, or voters who reside outside Tribe's boundaries.

- Explain the situation: \_\_\_\_\_

☐ Is enrolled and attending an education institution; or

☐ In any branch of the armed forces of the United States of America

All Absentee Ballot Requests that use the "Unavoidable Causes" are subject to approval by the Tribal Election Committee and their decision is final. Submit this form to the by mail, email (scanned), fax or hand deliver. All requests must be received or postmarked no later than seven (7) days prior to an election – requests received after this time period will be considered invalid. Requests MUST be legally notarized by a notary public.

I hereby affirm, under the penalty of perjury, that the information contained in this Absentee Ballot Request is correct and my reason(s) has merit and further declare, depose, or certify that the foregoing is true and accurate information.

Signed & affirmed before me on this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notarial Official

\_\_\_\_\_  
Eligible Voter's Signature

\_\_\_\_\_  
Date

(Notary Stamp)

**TRIBAL ELECTION COMMITTEE USE ONLY**

Date Rcvd. \_\_\_\_\_

Meets Absentee Ballot Criteria:

☐ Yes

☐ No

TEC Initial \_\_\_\_\_

TEC Decision on Request:

☐ Approved

☐ Denied

Other Information/Notes: \_\_\_\_\_

**ABSENTEE BALLOT DAILY MAIL CHECK FORM**

TEC Member Name \_\_\_\_\_ Initial \_\_\_\_\_

FTPD Officer Name \_\_\_\_\_ Initial \_\_\_\_\_

**Date of  
Mail Check:**

This internal form is used only by the Tribal Election Committee. It must be completed each day that the mailbox for Absentee Ballots is checked. In accordance with Title 14, the mailbox must be checked by the TEC Chairperson (or designee) AND an Officer of the Fallon Tribal Police Department (FTPD).

1. All Absentee Ballots that come in must be receipted on this form by the TEC Member and FTPD Officer and who must initial on both this form and the Absentee Ballot outer mailing envelope.
2. Once logged in, the Absentee Ballot is removed from the outer mailing envelope.
3. The envelope labeled "Absentee Ballot" (Inner envelope) must be placed into the ballot box by the FTPD Officer and witnessed by a TEC member.
4. The outer mailing envelope will be kept by the TEC for recording ballot receipt on the Absentee Ballot Log form.

#	Name of Absentee Ballot Voter	Ballot No.
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		

#	Name of Absentee Ballot Voter	Ballot No.
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

**Final Step.** Complete this form each time and attach (staple) the outer envelopes behind this form.

## ABSENTEE BALLOT LOG FORM



#	Name of Eligible Voter requesting Absentee Ballot	Date Request Received	Request Approved (Y/N)	Request Rejection Reason (1)	Absentee Ballot No.	Date Mailed	Date Returned	Ballot Accepted (Y/N)	Voided Ballot Reason (2)
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									
19.									
20.									
21.									
22.									
23.									
24.									
25.									
26.									
27.									
28.									
29.									
30.									

- |                                |                            |                                |          |
|--------------------------------|----------------------------|--------------------------------|----------|
| <b>(1) Request Rejections:</b> | A. Ineligible Voter        | C. Received after deadline     | E. Other |
|                                | B. Not Notarized           | D. No mailing address          |          |
| <b>(2) Voided Rejections:</b>  | A. Received after deadline | C. Mailed to incorrect address | E. Other |
|                                | B. Hand-Delivered          | D. Improper mailing envelope   |          |



# ABSENTEE BALLOT LOG FORM

continued

#	Name of Eligible Voter requesting Absentee Ballot	Date Request Received	Request Approved (Y/N)	Request Rejection Reason (1)	Absentee Ballot No.	Date Mailed	Date Returned	Ballot Accepted (Y/N)	Voided Ballot Reason (2)
31.									
32.									
33.									
34.									
35.									
36.									
37.									
38.									
39.									
40.									
41.									
42.									
43.									
44.									
45.									
46.									
47.									
48.									
49.									
50.									
51.									
52.									
53.									
54.									
55.									
56.									
57.									
58.									
59.									
60.									
61.									
62.									
63.									
64.									
65.									

- |                         |                            |                                |          |
|-------------------------|----------------------------|--------------------------------|----------|
| (1) Request Rejections: | A. Ineligible Voter        | C. Received after deadline     | E. Other |
|                         | B. Not Notarized           | D. No mailing address          |          |
| (2) Voided Rejections:  | A. Received after deadline | C. Mailed to incorrect address | E. Other |
|                         | B. Hand-Delivered          | D. Improper mailing envelope   |          |

# ABSENTEE BALLOT LOG FORM

continued

#	Name of Eligible Voter requesting Absentee Ballot	Date Request Received	Request Approved (Y/N)	Request Rejection Reason (1)	Absentee Ballot No.	Date Mailed	Date Returned	Ballot Accepted (Y/N)	Voided Ballot Reason (2)
66.									
67.									
68.									
69.									
70.									
71.									
72.									
73.									
74.									
75.									
76.									
77.									
78.									
79.									
80.									
81.									
82.									
83.									
84.									
85.									
86.									
87.									
88.									
89.									
90.									
91.									
92.									
93.									
94.									
95.									
96.									
97.									
98.									
99.									
100.									

- |                         |                            |                                |          |
|-------------------------|----------------------------|--------------------------------|----------|
| (1) Request Rejections: | A. Ineligible Voter        | C. Received after deadline     | E. Other |
|                         | B. Not Notarized           | D. No mailing address          |          |
| (2) Voided Rejections:  | A. Received after deadline | C. Mailed to incorrect address | E. Other |
|                         | B. Hand-Delivered          | D. Improper mailing envelope   |          |

# FALLON PAIUTE-SHOSHONE TRIBE • TITLE 14 - TRIBAL ELECTION CODE

## ABSENTEE BALLOT VOTING INSTRUCTION SHEET



**INSTRUCTIONS.** Please carefully read these instructions and complete the checklist to ensure that an Absentee Ballot is properly processed. Failure to follow these instructions may result in the Absentee Ballot being voided.

### Dear Absentee Voter of the Fallon Paiute-Shoshone Tribe,

Enclosed with this instruction sheet, you will find all of the items to successfully vote by Absentee Ballot in an election of the Fallon Paiute-Shoshone Tribe. In this packet you have just received, you will find the following items:

1. **Instruction Sheet**
2. **Absentee Ballot**
3. **Envelope titled "Absentee Ballot"**
4. **A mailing envelope pre-addressed to the Tribal Election Committee.**

If you did not receive all of these items, please contact the Tribal Election Committee as soon as possible.

Sincerely,  
Tribal Election Committee  
Fallon Paiute-Shoshone Tribe

### IMPORTANT INFORMATION

For an Absentee Ballot to be counted, it must reach the Tribal Election Committee no later than 5:00 p.m. the Friday before the date of the Election. The responsibility of ensuring an Absentee Ballot is received by the TEC is solely that of the voter.

Absentee Voters are reminded that the Tribal Election Committee utilizes a designated mailbox for Absentee Ballots and our envelopes are pre-addressed for this address.

**Absentee Ballots must be mailed to the designated mailbox to be valid.** Absentee ballots that are hand-delivered or mailed to another address will be voided and not counted in the election.

### VOTING INSTRUCTIONS

- A. Complete your Absentee Ballot by marking your desired selection(s).
- B. Seal your Absentee Ballot in the inner envelope that is titled "Absentee Ballot" (smaller envelope).
- C. Place this smaller envelope into the pre-addressed mailing envelope (larger envelope).
- D. Print your name and address in the upper-left corner of the pre-addressed mailing envelope (larger envelope).
- E. Place the proper amount of postage on the pre-addressed mailing envelope and mail it.

**Note.** If using an express or overnight service, use the exact address on the pre-addressed mailing envelope and place it inside the service provider's mailing container/package.

**The Tribe and Tribal Election Committee are not responsible for envelopes that do not have sufficient postage.**

### ABSENTEE VOTING CHECKLIST

- ☐ Did you complete/mark your Absentee Ballot?
- ☐ Did you place your Absentee Ballot in the envelope marked "Absentee Ballot" and seal it?
- ☐ Did you place the sealed "Absentee Ballot" envelope in the pre-addressed mailing envelope?
- ☐ Did you print your name and address on the upper-left corner of the pre-addressed mailing envelope?
- ☐ Did you write your Absentee Ballot number in the space provided on the front of the outer pre-addressed mailing envelope?
- ☐ Is the adequate postage placed on the outer pre-addressed mailing envelope and have you allowed enough time to get your Absentee Ballot back before the deadline?

**Please make sure your Absentee Ballot is completed correctly. Absentee Ballots that are voided or rejected are not counted in the Tribal Election.**

**AFFIDAVIT OF ABSENTEE VOTER AT POLLING PLACE**



Date of Affidavit: \_\_\_\_\_

**Eligible Voter Declaration and Information**

By my signature, I swear or affirm that I have not returned my Absentee Ballot, that I do not have my Absentee Ballot in my possession, that I wish to vote in person and that should my Absentee Ballot be returned it shall be voided. I also swear or affirm that I am aware that it is unlawful to attempt to vote more than once.

Name of Eligible Voter: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Signature of Eligible Voter: \_\_\_\_\_

**Tribal Election Committee Secretary Verification**

By my signature, I swear or affirm, as Secretary of the Tribal Election Committee, I have reviewed the log of absentee ballots that have been issued and returned and that at the time this Affidavit was executed, the above Eligible Voter's Absentee Ballot has not been returned.

TEC Secretary name (printed): \_\_\_\_\_

Signature of TEC Secretary: \_\_\_\_\_

**Tribal Election Committee Chairman/Vice-Chairman Authorization**

Based upon the affidavit executed by the above-referenced Eligible Voter of the Fallon Paiute-Shoshone Tribe and upon verification by the TEC Secretary that the Eligible Voter's Absentee Ballot has not been received and that the Eligible Voter is now at the polling place and requesting to vote in person, the Eligible Voters' request is hereby approved in accordance with law and provisions of Title 14 – Election Ordinance.

TEC Chairperson name (printed): \_\_\_\_\_

Signature of TEC Chairperson: \_\_\_\_\_

FALLON PAIUTE-SHOSHONE TRIBE • TITLE 14 - TRIBAL ELECTION CODE  
**OFFICIAL BALLOT ACCOUNTING TALLY**



DATE OF ELECTION:

**A. GENERAL VOTER INFORMATION**

1. **Total Number of Eligible Voters of the Tribe** \_\_\_\_\_

2. 30% of Eligible Voters (line A.1 \* 30%) ..... \_\_\_\_\_

**B. IN-PERSON VOTING INFORMATION**

1. **Total Number of Eligible Voters at the Polling Place** \_\_\_\_\_

2. # on first Official Ballot issued at the Polling Place ..... \_\_\_\_\_

3. # on last Official Ballot issued at the Polling Place..... \_\_\_\_\_

4. # on last printed Official Ballot available at Polling Place..... \_\_\_\_\_

5. # of Spoiled Ballots (issued on day of election)..... \_\_\_\_\_

6. # of Rejected Ballots (during public count) ..... \_\_\_\_\_

**C. ABSENTEE VOTING INFORMATION**

1. **# of Valid Absentee Ballots received by close of voting** \_\_\_\_\_

2. Total Number of Valid Absentee Ballots Issued ..... \_\_\_\_\_

3. # on first Absentee Ballot issued to Absentee Voters ..... \_\_\_\_\_

4. # on last Absentee Ballot issued to Absentee Voters..... \_\_\_\_\_

5. # of Voided Ballots (entire absentee ballot process) ..... \_\_\_\_\_

**D. TOTAL VOTING AT ELECTION** (sum of lines B.1 + C.1) \_\_\_\_\_

Was 30% requirement for referendums, recalls, constitutional amendments met?

☐ YES ☐ NO

- Note that the 30% requirement applies only to referendums, recalls, or constitutional amendments as per the Constitution the Fallon Paiute-Shoshone Tribe. The 30% requirement is not applicable to any Council officer/member race or advisory questions.

**E. ATTACH OFFICIAL ELECTION RESULTS FORM TO THIS TALLY SHEET**

**TRIBAL ELECTION COMMITTEE VERIFICATION**

\_\_\_\_\_  
TEC Chairman

\_\_\_\_\_  
TEC Vice-Chairman

\_\_\_\_\_  
TEC Secretary

\_\_\_\_\_  
TEC Treasurer

\_\_\_\_\_  
TEC Member

FALLON PAIUTE-SHOSHONE TRIBE • TITLE 14 - TRIBAL ELECTION CODE  
**ELECTION OUTCOME CHALLENGE FORM**



- Limit one (1) election challenge issue/matter per form. A challenge issue/matter is a contested issue/matter involving a distinct set of facts or a distinct legal issue.
- Any form having more than one challenge issue/matter shall be declared void and not considered a properly filed challenge and shall not be reviewed by the Court.
- An individual is limited to filing three (3) Election Outcome Challenge forms per person.
- There is a \$150.00 non-refundable filing fee for each Election Outcome Challenge form.
- Challenge form must be time stamped in by the Fallon Tribal Court to be valid.

**IN THE FALLON TRIBAL COURT  
IN AND FOR THE FALLON PAIUTE-SHOSHONE TRIBE  
FALLON, CHURCHILL COUNTY, NEVADA**

\_\_\_\_\_  
CHALLENGER (type or print name)

vs.

\_\_\_\_\_  
RESPONDENT (type of print name)

**CHALLENGE OF  
ELECTION OUTCOME**

(in accordance with Title 14, Chapter 14-110, of the Law &  
Order Code of the Fallon Paiute-Shoshone Tribe)

**A. PERSON BRINGING COMPLAINT**

Full Name (First, Middle, Last) \_\_\_\_\_

Indicate Challenger Type ☐ Candidate ☐ Eligible Voter who was denied the right to vote in the election

Mailing Address \_\_\_\_\_

Telephone Information Home \_\_\_\_\_ Cell \_\_\_\_\_

**B. PERSON/ORGANIZATION AGAINST WHOM THE COMPLAINT IS BROUGHT**

Full Name (First, Middle, Last) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone Information Home \_\_\_\_\_ Cell \_\_\_\_\_

**C. ALLEGED CHALLENGE**

Please list the alleged challenge that has been committed based on the laws set forth in Title 14. Include accurate statement of the facts (who, what, where, when, how, and why). Attach additional pages if needed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If additional space is needed, attach additional sheets and mark this box ☐

**D. WITNESSES**

List all names, address and phone numbers for persons who witnessed the alleged challenge (limit of three witnesses).

Witness Name (First and Last Name)	Address of Witness	Contact Number
1.		
2.		
3.		

It is solely the responsibility of the Challenger or the Challenger's legal representative to subpoena the above witnesses. Respondents are also limited to a maximum of three (3) witnesses and it is also their responsibility to subpoena their witnesses.

**E. EVIDENCE**

List of exhibits/evidence. Label each item with exhibit number, list in the table below, and attach with the challenge form.

- Exhibit 1 \_\_\_\_\_
  - Exhibit 2 \_\_\_\_\_
  - Exhibit 3 \_\_\_\_\_
  - Exhibit 4 \_\_\_\_\_
- Exhibit 5 \_\_\_\_\_
  - Exhibit 6 \_\_\_\_\_
  - Exhibit 7 \_\_\_\_\_
  - Exhibit 8 \_\_\_\_\_

**F. REQUESTED RELIEF IN ACCORDANCE WITH TITLE 14**

**What relief, remedy, or action is being requested?**

If additional space is needed, attach additional sheets and mark this box ☐

**G. ELECTION CHALLENGE PROVISIONS**

By submitting this Challenge, the Challenger is aware of the following provisions of Title 14:

- 14-110-010 Eligible Challengers**
  - (a) Any candidate may challenge the final results of an election if they have a factual and legal basis for such a challenge.
  - (b) Any Council Member may challenge the final results of a Recall Election if they have a factual and legal basis for such a challenge or the individual being recalled.

- (c) Any Eligible Voter, whose right to vote has been denied under this Title 14, may challenge the final results of a Tribal Election if they have a factual and legal basis for such a challenge.

**14-110-020 Ineligible Challenge(s)**

The following categories of election challenges shall not be allowed:

- (a) A matter involving the TEC's recommendation to deny or Council's denial of an individual's candidacy or appointment pursuant to the Constitution and Bylaws of the Fallon Paiute-Shoshone Tribe, Article III, Section 4; or
- (b) Any disputes that the TEC has authority to resolve and that were resolved by a majority vote decision of the TEC during an election.

**14-110-030 Properly Filed Challenges**

- (a) Election challenges shall be submitted on an "Election Outcome Challenge Form" (Form TEF-007);
- (1) There shall only be one (1) challenge issue/matter per form. Any form that contains more than one (1) challenge issue/matter shall be declared void and not considered a properly filed challenge and shall not be reviewed by the Fallon Tribal Court. The Election Judge shall strictly enforce this restriction. An election challenge issue/matter is a contested matter involving one set of distinct facts or a distinct legal issue;
- (2) If a person has more than one election challenge, a separate form and filing fee shall be submitted for each election challenge.
- (b) An individual challenger is limited to three (3) election challenges per Election Season, subject to judicial review;
- (c) An individual challenger is allowed to subpoena no more than three (3) persons to serve as witnesses to that election challenge, subject to judicial review;
- (d) An individual challenger shall pay a \$150.00 non-refundable filing fee for each election challenge;
- (e) Election challenges must be submitted no later than 12:00 p.m. (noon) (Pacific Time Zone) of the fifth (5th) working day following an election and shall be time-stamped by the Tribal Court Clerk.
- (f) The Tribal Court Clerk will issue subpoenas for any witness named by the Challenger, Respondent or TEC. Each party is responsible for serving a subpoena on their own witnesses.

**CHALLENGER ACKNOWLEDGEMENT**

I affirm that the information provided by me is true and complete to the best of my knowledge. I understand that any false, misleading or untrue statements made by me, either orally or in writing, to the legal system may subject me to appropriate civil/criminal actions. I accept the premise that I will be required to attend the court hearing as a result of filing this election challenge.

Signed & affirmed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notarial Official or Court Clerk

\_\_\_\_\_  
Candidate/Eligible Voter's Signature

\_\_\_\_\_  
Date

(Notary Stamp)

**FALLON TRIBAL COURT USE ONLY**

Date & Time Received \_\_\_\_\_

Court Clerk Signature \_\_\_\_\_

Rcvd. by Filing Deadline: ☐ Yes ☐ No



FALLON PAIUTE-SHOSHONE TRIBE • TITLE 14 - TRIBAL ELECTION CODE  
**PETITION OF THE ELIGIBLE VOTERS OF THE TRIBE**



Type of Petition (check one): ☐ **RECALL** ☐ **REFERENDUM** ☐ **CONSTITUTIONAL**

Provide a brief and descriptive name or title for this petition (20 words or less)

Detailed description and purpose of the petition and the proposed resolution/solution being proposed (see below)

- **Recall.** Insert the name/title of the Council Member that is the subject of the recall (one per form) and reasons for the recall.
- **Referendum.** Insert the ordinance or resolution that is being proposed to be submitted to a vote of the eligible voters.
- **Constitutional.** Insert the article/section that is being proposed to be amended, the reasons/need, and proposed new language

#	Official Use (V)	Printed Name and Signature of Eligible Voter*	Address of Eligible Voter	FPST Enroll. #; or Last 4 #'s of SSN	Date Signed	Petition Circulator Initial
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

\* An Eligible Voter is defined as an individual who is an enrolled member of the Tribe and eighteen (18) years of age or older as of the date the petition was filed.

All petition signatures must be on this form. Petition circulators may circulate copies of this form once the FBC Secretary section is completed. This allows for additional pages to be circulated. The circulator of each form must swear or affirm in the affidavit on the reverse side (page 2) of this form that he/she is an Eligible Voter. The circulator also must swear in the affidavit that he/she personally witnessed the signature of each Eligible Voter signing the petition.

**FBC Secretary/Designee Initial**

# PETITION OF THE ELIGIBLE VOTERS OF THE TRIBE

continued

#	Official Use (V)	Printed Name and Signature of Eligible Voter*	Address of Eligible Voter	FPST Enroll. #: or Last 4 #'s of SSN	Date Signed	Petition Circulator Initial
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						
19.						
20.						
21.						
22.						
23.						
24.						
25.						

\* An Eligible Voter is defined as an individual who is an enrolled member of the Tribe and eighteen (18) years of age or older as of the date the petition was filed.

The Petition Circulators, signed below, affirms that I/we are an Eligible Voter of the Tribe and that I/we personally witnessed the signature or each person who signed this form. I/we understand that the penalty for falsely signing this affidavit is grounds for the dismissal of all signature gathered by myself/ourselves.

\_\_\_\_\_  
Signature of Petition Circulator

\_\_\_\_\_  
Signature of Petition Circulator

## FBC SECRETARY OR DESIGNEE USE ONLY

Date filed **before** circulation \_\_\_\_\_ Signature \_\_\_\_\_ Circulator Form submitted: ☐ Yes  
 Date filed **after** circulation: \_\_\_\_\_ Signature \_\_\_\_\_ ☐ No  
 Date presented to FBC: \_\_\_\_\_ FBC Decision \_\_\_\_\_ FBC Resolution No. \_\_\_\_\_-F-\_\_\_\_\_

# FALLON PAIUTE-SHOSHONE TRIBE • TITLE 14 - TRIBAL ELECTION CODE

## IDENTIFICATION OF PETITION CIRCULATORS



### INSTRUCTIONS.

Pursuant to Title 14, only Eligible Voters of the Fallon Paiute-Shoshone Tribe can be a Petition Circulator. If a non-listed person circulates a petition or if the petition is not personally circulated, the Council shall declare the petition invalid. Circulation by any type of mail or delivery service is also invalid. This form must be completely filled out and must be filed prior to gathering any signatures on the petition.

### PETITION NAME/TITLE

Petition Filing Agent Name

Mailing Address

Telephone Information

Home

Cell

FPST Enrollment No.

	PETITION CIRCULATOR'S SIGNATURE	Printed Name of Petition Circulator	Petition Circulator Address
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

### FBC SECRETARY OR DESIGNEE USE ONLY

Date

Filed: \_\_\_\_\_

Submitted

with Petition: ☐ Yes ☐ No

Authorized

Signature: \_\_\_\_\_