



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled: *“Amendments and Adopted Rules to the Tribal Election Ordinance”*

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, The Constitution and By-laws of the Three Affiliated Tribes was adopted by membership of the Tribes on May 15th, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Pursuant to Article VI, Section 5 (l) of the Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, The Tribal Business Council recognizes the immediate need for additional clarification to the Tribal Election Ordinance to clarify the resident and non-resident voter sections of the Ordinance; and

NOW THEREFORE BE IT RESOLVED, the Tribal Business Council, pursuant to its authority under the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby orders the Tribal Election Ordinance to be amended as follows:

Part II. General Provisions

Section 3. RESIDENCY FOR VOTING PURPOSES

A. Resident Voters.

Except as provided elsewhere in this Ordinance, each qualified voter who is a legal resident of the Fort Berthold Reservation on the date of an Election, whether a Primary or General Election, shall register to vote and cast his/her vote only for the particular segment of the Reservation of which he or she is a legal resident on



the date of election. *Residency for the purposes of voting shall be defined as that person's permanent or physical residence where he or she physically resides and maintains as his or her abode, house or home.* For the purposes of voting, a person may not have or claim any more than one residency. For example, a voter can only maintain residence for the purposes of voting where he/she actually lives or resides and not in the segment where he/she is from or considers their "home community or segment".

All voters in a Primary or General Election shall be required to provide proof of residency prior to receiving a voter affidavit, signing the poll book and receiving a ballot. Such proof must verify actual physical residence within the particular segment which the voter intends to cast his or her ballot for (i.e. the Segment election which he/she intends to vote for). Types of acceptable proof of residency may include:

1. a valid state or tribal identification card that provides a physical address within the segment in which that voter intends to cast his or her ballot for;
2. a utility bill (electricity, phone, cable, water, propane) that provides the physical address of the voter's residence;
3. a copy of a lease or rental agreement with the voter's actual physical address and that provides the voter's name on said document;
4. Any alternative proof of residency that provides proof of physical residency to the satisfaction of the Tribal Election Board and is consistent with the other types of proof of residency.

Any voter who is unable to comply or provide proof of residency shall be automatically challenged as a matter of law. The challenge envelope shall describe the types of proof provided by the voter at the polling place. The Tribal Election Board shall uphold the challenge of any voter who cannot provide proof of residency within the guidelines of this section.

B. Nonresident Voters.

Each qualified voter, who is not a legal resident of the Fort Berthold Reservation on the date of an election, whether a primary or general election, shall return to the reservation in order to vote in the election and shall register to vote and cast his/her ballot at the appropriate segment polling place on the date of the election. *The non-resident voter shall vote in the last segment which he/she established residency for voting purposes, either by actual residency or by legally casting a ballot in the last election subsequent to the establishment of residency for voting purposes.* Residency for the purposes of voting shall be binding upon such



nonresident voter in all subsequent elections, until such time as he/she has established and maintains a legal residence on the Fort Berthold Reservation in a different segment on the date of any subsequent election.

BE IT FURTHER RESOLVED, The Tribal Election Board shall enforce the following specific rules as it pertains to Ordinance:

College Students

All college students shall vote in the segment which he/she has established legal Residency. The residency of college students shall be determined under the applicable Resident and non-resident voter criteria as provided within the Ordinance.

First Time Voters.

A first time voter shall be defined as a person who by turning the legal voting age of eighteen (18) years of age has not previously voted in any prior tribal election. A resident first time voter shall vote in the segment which he or she physically resides. A non-resident first time voter shall choose which segment he or she wishes to vote for and shall by voting in that segment establish residency for voting purposes until such time that voter establishes residency in another segment.

BE IT FURTHER RESOLVED, The Amendments and Rules to the Tribal Election Ordinance provided in this Resolution shall be effective immediately and such amendments shall control and supersede any conflicting sections of the Tribal Election Ordinance, Election Rules and Procedures previously enacted, enforces and/or interpreted by the Tribal Election Board.




CERTIFICATION

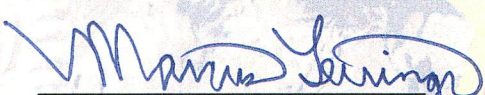
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 2nd day of March 2009; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] voting. [] not voting.

Dated this 2nd day of March 2009.

ATTEST:


Tribal Secretary, V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes


Tribal Chairman, Marcus D. Levings
Tribal Business Council
Three Affiliated Tribes