

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

- WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS, Article IV, Section 5 of the Constitution and Bylaws of the Three Affiliated Tribes provides, in part, that the Tribal Business Council, or the Election Board appointed thereby, shall make rules and regulations governing all elections; and
- WHEREAS, Part VI, Section 1(b) of the Election Ordinance of the Three Affiliated Tribes provides, in part, that, after the election polling places close, the Tribal Election Board shall immediately proceed to canvass the ballots submitted thereto by the Segment Election Committees, together with the absentee ballots submitted thereto by the Secretary of the Tribal Business Council, and that said canvassing shall continue without adjournment until completed; and
- WHEREAS, On the 2nd day of November, 1982, the date on which the extended 1982 Regular Election of the Three Affiliated Tribes will be held, the various Segment Election polling places will close at 7:00 p.m.; and
- WHEREAS, All absentee ballots which can be canvassed in the extended Regular Election will have reached the post office box exclusively maintained by the Tribal Election Board at the United States Post Office, in New Town, North Dakota, by 3:00 p.m., on November 2, 1982; and
- WHEREAS, The Tribal Election Board has reasonably anticipated that a relatively substantial number of ballots will be cast in the extended Regular Election and that, consequently, the canvassing of said ballots and the tallying of the votes therefrom without adjournment until completion thereof will require an inordinate amount of time at the place of canvassing; and
- WHEREAS, In view of the reasonably anticipated inordinate amount of time which will be required for the canvassing of the ballots cast in the extended Regular Election and the tallying of the votes therefrom, the Tribal Election Board has recently submitted a formal request to the Tribal Business Council that said Council take whatever action is necessary to authorize said Tribal Election Board to perform the duties inherent in the canvassing of the absentee ballots cast in in the extended 1982 Regular Election in the following manner:
1. All absentee ballot envelopes maintained in the Tribal Election Board post office box in New Town, North Dakota, shall be secured therefrom after 3:00 p.m., on November 2, 1982, and delivered to the Tribal Election Board at the place of canvassing at 4:00 p.m. on said date.

2. Upon delivery of said absentee ballot envelopes to the Tribal Election Board, said Board shall immediately commence to perform the preliminary duties inherent in the canvassing of the absentee ballots, i.e., opening the official outer return envelopes, checking the respective accompanying Affidavits for Voter Registration against the official Absentee Voters Request List, placing the obviously countable sealed ballot envelopes into the ballot box, and setting aside the potentially uncountable sealed ballot envelopes for subsequent ruling thereon by the Tribal Election Board.

3. The Tribal Election Board shall not commence its ruling on the respective potentially uncountable sealed ballots and the actual tallying of the countable ballots until after the Segment Election polling places have closed at 7:00 p.m.

4. Upon delivery of the first Segment Election ballot box to the Tribal Election Board at the place of canvassing, the Chairman and one (1) member of said Board shall remove themselves from the canvassing of the absentee ballots and commence performance of the duties inherent in checking in the Segment Election ballot box and the contents included therein. The three (3) remaining members of the Tribal Election Board shall continue to canvass the absentee ballots.

5. Upon completion by the three (3) remaining members of the Tribal Election Board of the tallying of the votes from all of the obviously countable absentee ballots included in the absentee ballot box, the Chairman and other member of said Board shall return to the canvassing of the absentee ballots for the purpose of ruling on all of the potentially uncountable absentee ballots set aside for the purpose of such ruling; and

WHEREAS, Having taken into consideration the request of the Tribal Election Board and the reasonable justification therefor, it is the considered judgment of the Tribal Business Council that said request is meritorious and that compliance therewith should operate to realize the completion of the canvassing of all the ballots cast in the extended 1982 Regular Election at an earlier and more reasonable time;

NOW, THEREFORE, BE IT RESOLVED, That, in the conduct and for the purpose exclusively of the extended 1982 Regular Election of the Three Affiliated Tribes, the Tribal Business Council, pursuant to its Constitutional power and authority, hereby makes a rule authorizing the Tribal Election Board to perform the duties inherent in the canvassing of absentee ballots cast in said Regular Election in the following manner:

1. All absentee ballot envelopes maintained in the Tribal Election Board post office box in New Town, North Dakota, shall be secured therefrom after 3:00 p.m., on November 2, 1982, and delivered to the Tribal Election Board at the place of canvassing at 4:00 p.m. on said date.
2. Upon delivery of said absentee ballot envelopes to the Tribal Election Board, said Board shall immediately commence to perform the preliminary duties inherent in the canvassing of the absentee ballots, i.e., opening the official outer return envelopes, checking the respective accompanying Affidavits for Voter Registration against the official Absentee Voters Request List, placing the obviously countable sealed ballot envelopes into the ballot box, and setting aside the potentially uncountable sealed ballot envelopes for subsequent ruling thereon by the Tribal Election Board.
3. The Tribal Election Board shall not commence its ruling on the respective potentially uncountable sealed ballots and the actual tallying of the countable ballots until after the Segment Election polling places have closed at 7:00 p.m.
4. Upon delivery of the first Segment Election ballot box to the Tribal Election board at the place of canvassing, the Chairman and one (1) member of said Board shall remove themselves from the canvassing of the absentee ballots and commence performance of the duties inherent in checking in the Segment Election ballot box and the contents included therein. The three (3) remaining members of the Tribal Election Board shall continue to canvass the absentee ballots.
5. Upon completion by the three (3) remaining members of the Tribal Election Board of the tallying of the votes from all of the obviously countable absentee ballots included in the absentee ballot box, the Chairman and other member of said Board shall return to the canvassing of the absentee ballots for the purpose of ruling on all of the potentially uncountable absentee ballots set aside for the purpose of such ruling;

BE IT FURTHER RESOLVED, That the rule made herein shall have the effect of forthwith superseding any and all conflicting provisions currently set forth in the Election Ordinance of the Three Affiliated Tribes.

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 11 members of whom 7 constitutes a quorum, 8 were present at Special Meeting, thereof duly called, noticed, convened and held on the 28 day of October, 1982; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 8 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 28 DAY OF OCTOBER, 1982.

Zilhi Walker
SECRETARY, TRIBAL BUSINESS COUNCIL

ATTEST:

Arthur H. Picotte
CHAIRMAN, TRIBAL BUSINESS COUNCIL