

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 (c) (4) of the Election Ordinance of the Three Affiliated Tribes provides, in part, that an illegal ballot may be rejected by a majority of the Tribal Election Board, defining an illegal ballot as a ballot so marked as to place in doubt the intention of the voter; and whereas, said Election Ordinance provision further provides that "(h)owever, the intent of this act is to give effect (to) all votes cast where there is no appearance of fraud, tampering or other wrongdoings" (emphasis added); and
- WHEREAS, Part VIII, Section 4 of the Election Ordinance of the Three Affiliated Tribes provides, in part, as follows:
- "This Ordinance is intended to establish procedures to insure fair elections. This Ordinance shall be interpreted liberally to accomplish such intent. Substantial compliance shall satisfy this Ordinance, except in instances wherein time limits are imposed."
- WHEREAS, The Tribal Election Board has recently raised the question as to whether, in the event that a voter should so mark his or her ballot as to place in doubt his or her intention or should otherwise incorrectly mark any portion of his or her ballot, such ballot should be deemed illegal in its entirety and no votes whatsoever should be tallied therefrom, or, in the alternative, only that portion of such ballot which has been so marked as to place in doubt the intention of the voter or has been otherwise incorrectly marked, should be deemed illegal, thereby permitting the votes cast on the remaining portion of such ballot to be tallied; and
- WHEREAS, The Tribal Election Board has, in addition, submitted a formal request to the Tribal Business Council that said Council make a rule clarifying the intent of the Tribal Election Ordinance relative to the question herein raised by the Tribal Election Board and resolving such issue; 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 should be complied with by said Council; and

WHEREAS, Based upon its consideration of the provisions of the Election Ordinance of the Three Affiliated Tribes identified hereinabove, it is the considered judgment of the Tribal Business Council that, relative to the specific question herein raised by the Tribal Election Board, the intent of the Tribal Election Ordinance would dictate that only that portion of any such ballot which has been so marked as to place in doubt the intention of the voter or has been otherwise incorrectly marked, should be deemed illegal, thereby permitting the votes cast on the remaining portion of such ballot to be tallied;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby rules that, upon the basis of the express intent of the Election Ordinance of the Three Affiliated Tribes, in that circumstance wherein a voter has so marked his or her ballot as to place in doubt his or her intention or has otherwise incorrectly marked any portion of his or her ballot, the Tribal Election Board, in the course of canvassing the ballots cast in an election of the Three Affiliated Tribes, must deem illegal only that portion of such ballot which has been so marked as to place in doubt the intention of the voter or has been otherwise incorrectly marked, and said Board must tally all votes cast on the remaining portion of such ballot.

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.


SECRETARY, TRIBAL BUSINESS COUNCIL

ATTEST:


CHAIRMAN, TRIBAL BUSINESS COUNCIL