

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, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS, Article IV, Section 5 of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to make rules and regulations governing all Tribal elections; and
- WHEREAS, The Tribal Election Board has informed the Tribal Business Council that a number of Tribal voters have approached the Election Board with the general claim that the procedure prescribed in Part VII of the Tribal Election Ordinance for securing an application for an absentee ballot is too restrictive, in that the procedure expressly prohibits the use by a resident voter of an agent for the purpose of securing such application; and
- WHEREAS, The Tribal Business Council has reviewed and considered the procedure at issue and has determined that the prohibition against such use of an agent constitutes an unreasonable burden upon many resident voters who are entitled to vote via absentee ballot, particularly in those instances wherein the voter is hospitalized or is physically incapacitated and restricted to his or her home; and
- WHEREAS, It is the considered judgment of the Tribal Business Council that the procedure at issue should be amended so as to authorize an absent voter to use an agent for the purpose of securing an application for an absentee ballot; and
- WHEREAS, The Tribal Election Board has further informed the Tribal Business Council that, pursuant to Section 1A of Part VII of the Election Ordinance, the Election Board has permitted students attending school off the Reservation and persons serving in the armed forces off the Reservation to vote via absentee ballot, due to the fact that such eligible voters are deemed, by law, to be legal residents of the Reservation; and

PART VII

PROCEDURES FOR RESIDENT VOTING
BY ABSENTEE BALLOT

SECTION 1. RESIDENT VOTERS WHO MAY USE PROCEDURE

A qualified voter, who is a legal resident of the Fort Berthold Reservation on the date of an election, whether a primary or a general election, may register to vote and cast his/her ballot in accordance with the procedures prescribed in this Part, only if one of the following conditions is satisfied:

A. he/she will be absent from the Reservation on the date on which the election is to be held and will be unable to be present at any segment polling place during the designated poll hours (e.g., absence due to a prior business commitment, or due to hospitalization, attendance at school, or service in the Armed Forces); or

B. he/she will be present on the Reservation on the date on which the election is to be held, but will be physically unable to travel to the appropriate segment polling place (e.g., inability due to extreme physical disability or due to hospitalization).

Any such qualified voter who satisfies either of such conditions shall hereinafter be referred to as an "absent voter."

SECTION 2. TIME AND METHOD FOR APPLICATION FOR RECEIPT OF BALLOT

A. An absent voter may make application for receipt of an absentee ballot at any time during the period from the date on which the Tribal Election Board has in its custody the printed ballots to 3:00 p.m. on the day before the date on which the election is to be held, provided that such application shall have been made to or reached the Election Board by such date and time.

B. An absent voter who has previous knowledge of his/her absence on the date on which the election is to be held (e.g., due to business off the Reservation or to hospitalization on or off the Reservation) may request receipt of an Application for an Absentee Ballot form from the Election Board either by mail, or in person, or through an agent. In all other cases, requests for receipt of such Application shall be made exclusively by mail. An absent voter shall request receipt of such Application himself/herself and shall not be permitted to use an agent for such purpose. This is the only stage of the procedures prescribed in this Part in which an absent voter may use an agent.

C. The Application for an Absentee Ballot form shall be maintained and furnished by the Tribal Election Board and shall require the following information to be furnished by the absent voter: (a) his/her name, (b) his/her current mailing address, (c) the

designation of the segment in which he/she resides, (d) the reason why he/she will be unable to be present at the appropriate polling place during the designated poll hours on the date on which the election is to be held, (e) an affirmation that he/she is a qualified voter of the Three Affiliated Tribes, and (f) an affirmation that he/she understands that it is a criminal offense to make a false statement in order to obtain an absentee ballot. Upon receipt of such Application, the absent voter shall fully complete and execute the same and shall deliver such application, by mail or in person as authorized in Section 3 of this Part, in a timely manner so as to ensure that such Application is made to or reaches the Tribal Election Board within the period prescribed in Subsection A of this Section.

SECTION 3. DELIVERY OF ABSENTEE BALLOT

A. Upon the timely receipt by the Tribal Election Board of an Application for an Absentee Ballot, the Election Board shall forthwith review such Application to ensure that it has been fully completed and executed by the absent voter. The Election Board shall refer to its listing of all qualified voters who are eligible to vote in the election, so as to ensure that such absent voter is so eligible. Upon confirming that such absent voter is eligible to vote in the election, the Election Board shall deliver an absentee ballot and accompanying materials to the absent voter in the appropriate manner, as provided for in either Subsection B or Subsection C of this Section.

B. Should an absent voter make a timely application for receipt of an absentee ballot to the Tribal Election Board in person, the Election Board, upon confirming that such absent voter is eligible to vote in the election shall personally deliver the absentee ballot and accompanying materials to the voter, at the time such application is made. The absent voter shall not cast his/her ballot in the presence of the Election Board.

C. Should an absent voter make a timely application for receipt of an absentee ballot to the Tribal Election Board by mail, the Election Board, upon confirming that such absent voter is eligible to vote in the election, shall, on the day of receipt of such application, deliver the absentee ballot and accompanying materials to the voter by first-class mail at the mailing address set forth on the Application for an Absentee Ballot.

D. Together with the absentee ballot, the Tribal Election Board shall deliver to each absent voter an Affidavit for Voter Registration, a small envelope, on the outside of which are printed the words "ABSENTEE BALLOT," and a large return envelope, on the outside of which is printed the address of the post office box maintained by the Election Board in New Town, North Dakota. Each absentee ballot delivered shall have affixed thereto the official absentee ballot seal and any absentee ballot returned, not having affixed thereto such official seal, shall not be counted in the canvassing of the ballots on the date of the election.

SECTION 4. PROCEDURE FOR CASTING ABSENTEE BALLOT

Upon receipt of the absentee ballot and accompanying materials, the absent voter shall strictly comply with the following procedure in casting his/her ballot:

A. mark his/her ballot as desired and enclose the ballot so marked in the small envelope, on the outside of which are printed the words "ABSENTEE BALLOT," and seal said envelope; and

B. fully complete and execute his/her Affidavit for Voter Registration form; and

C. enclose the sealed small envelope containing only the marked ballot and enclose the completed and executed Affidavit for Voter Registration form in the large envelope, on the outside of which is printed the address of the post office box maintained by the Election Board in New Town, North Dakota, and seal said large envelope; and

D. deposit said large return envelope in the U.S. Mail with the requisite postage prepaid.

SECTION 5. TIMELY AND PROPER RETURN AND RECEIPT OF ABSENTEE BALLOT

Only those absentee ballots properly cast by the absent voters in compliance with the procedure prescribed in Section 4 of this Part, which are returned to and reach the post office box maintained by the Tribal Election Board, in New Town, North Dakota, on or before the date of the election, shall be counted in the canvassing of the ballots on the date of the election. The hand-delivery of an absentee ballot to the Tribal Election Board, a Segment Election Committee, or the Secretary of the Tribal Business Council is prohibited and any such attempted delivery shall not be accepted thereby.

SECTION 6. MAINTENANCE OF RETURNED ABSENTEE BALLOTS

All absentee ballots, together with the accompanying materials enclosed in the sealed return envelopes, which have reached the post office box maintained by the Tribal Election Board, in New Town, North Dakota, on or before the date of the election, shall remain continuously in the custody of such United States Post Office, until such time as the absentee ballots are secured therefrom by the Tribal Election Board on the date of the election for delivery to the place of the canvassing of the ballots, as provided in Subsection A of Section 1 of Part VIII of this Ordinance. The United States Postmaster shall issue to no one keys to such post office box.

WHEREAS, The Tribal Business Council confirms the legislative intent of the Council in enacting the language set forth in Section 1A of Part VII of the Tribal Election Ordinance to authorize students attending school off the Reservation and persons serving in the armed forces off the Reservation to vote via absentee ballot, notwithstanding the fact that these classes of resident eligible voters are not expressly identified in said Section 1A of Part VII; and

WHEREAS, For the purpose of clarifying such legislative intent, it is the considered judgment of the Tribal Business Council that said Section 1A of Part VII should be amended, so as to include therein an express identification of such two classes of resident eligible voters as being authorized to vote via absentee ballot;


NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby formally approves and adopts the attached amendments to the Election Ordinance of the Three Affiliated Tribes and the incorporation thereof in the Election Ordinance.

BE IT FURTHER RESOLVED, That the attached amendments shall become effective for the purpose of the conduct of the 1988 and subsequent Tribal Business Council elections.

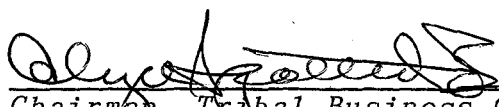
C E R T I F I C A T I O N

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 constitute a quorum, 7 were present at a SPECIAL Meeting thereof duly called, noticed, convened, and held on the 28th day of OCTOBER, 1986; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 28th day of OCTOBER, 1986.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council