Pomo of Upper Lake
Habematolel

9470 Main St.
Upper Lake, CA 95485

Correspondence
P.O. Box 516
Upper Lake, CA 95485

P 707.275.0737 | F 707.275.0757
www.hpultribe-NSN.gov

January 8 2026

RE: Call for Judicial Candidates for June 13, 2026 General Tribal Election

Dear Prospective Judicial Candidate:

Thank you for your interest in running for an Associate Judge or Associate Justice in the upcoming General Tribal Election on June 13, 2026. There are a total of five (5) judicial positions up for election:

Associate Judge (Tribal Member – 3 Positions)
Associate Justice (Tribal Member – 1 Position)
Associate Justice (Licensed Attorney – 1 Position)

The term of the position is for two (2) years. Your interest and participation in this application process is critical if your name is to appear on the Election Ballot. Please keep in mind that all prospective candidates must: 1) submit a Judicial Candidate Application by Friday, March 27, 2026 to the Tribe's Election Board, 2) submit to a background screening and drug test and 3) give a 5-7 minute oral presentation at the Candidate Presentation Meeting on Saturday, April 18, 2026, stating their desire, interests and qualifications regarding the position for which they are applying.

A candidate may only apply for one (1) position in accordance with Section 7.1 of the Election Ordinance. If you have been nominated for a position on the Executive Council for this election and accept the nomination, you will no longer be eligible to apply as a Judicial Candidate and your application will be void.

JUDICIAL CANDIDATE APPLICATION

The Judicial Candidate Application, including all required upload materials must be submitted electronically via SurveyMonkey Apply ***by 5:00 pm PDT on Friday, March 27, 2026***. Please note that your photo and information you submit in the Judicial Candidate Application, excluding your contact information and personal documents such as your driver's license and social security card, will be shared with the voters in the Election Board's Candidate Newsletter. Here is the link to create a SurveyMonkey Apply Account with the Tribe: https://www.hpultribe-nsn.gov/government/survey-monkey-enrollment/

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In addition, you must submit to the Drug Test and any background check requirements ***by 5:00 pm PDT on Friday, March 27, 2026.*** Information relating to the Drug Test and background check are contained in the application on SurveyMonkey Apply. To assist you through application and election process, enclosed are the following relevant Election materials.

1. **June 13, 2026 General Tribal Election Timeline:** This timeline outlines the deadlines and associated events related to the June 13, 2026 General Tribal Election. Please note that Judicial Candidate's only need to apply and are not nominated. Thus, Judicial Candidates are not required to participate in the Executive Council Nomination Meeting. If you have any questions regarding the Election Timeline, please reach out to the Tribe's Election Board at election@hpultribe-nsn.gov.

2. **Habematolel Pomo of Upper Lake Judicial Code:** This is a copy of the Tribe's Judicial Code. You are encouraged to review the Judicial Code and be familiar with its provisions, including the qualification requirements and duties of an Associate Judge and Associate Justice. As a quick reference, below are the qualification requirements for the positions of Associate Judge and Associate Justice based upon whether the individual is applying for a Tribal Member position or a Licensed Attorney position.

   Tribal Member Associate Judge/Justice Qualifications:
   1. Be an enrolled member of the Tribe in good standing;
   2. Be 30 years of age or older by the date of election;
   3. Have experience working in the tribal government and services functions as an employee, committee member, or elected official;
   4. May not be a sitting member of the Executive Council;
   5. May not have been convicted by a federal or state court of a felony;
   6. Must submit to a drug and alcohol test in accordance with Tribe's policies; and
   7. Must not be considered ineligible to serve in accordance with Section 5.6 of the Judicial Code or have requested/obtained a special exemption from the Executive Council.

   Licensed Attorney Associate Justice Qualifications:
   1. Be 30 years of age or older by the date of election;
   2. May not be a sitting member of the Executive Council;
   3. May not have been convicted by a federal or state court of a felony;
   4. Shall be a graduate of a law school accredited by the American Bar Association and a member of good standing of any state bar;
   5. Must have a minimum of (5) years of practice as an attorney or judge in the area of Indian

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law;
6. Must submit to a drug and alcohol test in accordance with Tribe's policies; and
7. Must not be considered ineligible to serve in accordance with Section 5.6 of the Judicial Code or have requested/obtained a special exemption from the Executive Council.

3. **Habematolel Pomo of Upper Lake Election Ordinance:** This is a copy of the Tribe's Election Ordinance. You are encouraged to review the Election Ordinance and be familiar with its provisions since the election process generally applies to the election of Judicial Candidates.

If you have any questions regarding the application or election process, please contact the Election Board by e-mail at election@hpultribe-nsn.gov. The Election Board wishes you good luck in this endeavor.

Sincerely,

Election Board
Nicole Grigg
Abi Burnett
Diane Jones
Carmella Icay Johnson
Jennifer Burnett

ELECTION CALENDAR

JUNE 13, 2026 GENERAL TRIBAL ELECTION

Thursday, January 8, 2026	EB Officially Calls June 13, 2026 General Tribal Election EB Issues Notice of Election, Candidate Apps & Nomination Forms
Friday, March 6, 2026	Deadline to submit Executive Council Nomination Form**
Saturday, March 7, 2026	**Executive Council Nomination Meeting** (For EC Candidates Only) **10AM - Zoom & RCC Conference Room**
Friday, March 27, 2026	Deadline to Submit Completed Candidate Packet/ Background Check/Drug Test @ 5 PM
Monday, April 6, 2026	EB Meeting to Certify Candidates
Monday, April 13, 2026	Candidate Newsletter Issued (Estimated)
Saturday, April 18, 2026	**Candidate Presentation Meeting: 10 AM Zoom &** **RCC Conference Room** **Deadline to Submit Updated Signature/Name Change**
Friday, May 1, 2026	Absentee Ballots Issued (Estimated)
Monday, June 8, 2026	**Final Day for EB to Process Absentee Ballot Replacement Requests**
Friday, June 12, 2026	**Absentee Ballots Due if Mailed**
Saturday, June 13, 2026	**General Tribal Election: Polls Open 10AM-2PM,** **Tribal Community Building**
Tuesday, June 16, 2026	Deadline to Submit Election Challenges to EB
Saturday, June 20, 2026	**Potential Installation of Election Winners (if no challenges)**
Monday, June 22, 2026	Deadline for EB to Issue Election Challenge Decision
Thursday, June 25, 2026	Deadline to Submit Election Appeal to Tribal Court
Tuesday, July 7, 2026	Deadline for Tribal Court to Issue Decision on Election Appeal
Saturday, July 11, 2026	**Run-Off Election (if needed): Polls Open 10AM-2PM,** **Tribal Community Building**
Tuesday, July 14, 2026	Deadline to Submit Run-Off Election Challenge to EB
Saturday, July 18, 2026	**Installation of Election Winners (including Run-off** **Winners if no challenges)**
Monday, July 20, 2026	Deadline for EB to Issue Decision on Run-Off Election Challenges
Thursday, July 23, 2026	Deadline to Submit Run-Off Election Appeal to Tribal Court
Tuesday, August 4, 2026	Deadline for Tribal Court to Issue Decision on Run-Off Election Appeal
Saturday, August 8, 2026	**Installation of Run-Off Winners, if needed**

HABEMATOLEL POMO OF UPPER LAKE

TITLE 2. JUDICIAL

CHAPTER 1. JUDICIAL CODE

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ARTICLE 1. TITLE

This chapter shall be titled the Habematolel Pomo of Upper Lake Judicial Code and may be cited as the HPUL Judicial Code. This chapter shall be codified as Chapter 1 of Title 2 of the Habematolel Pomo of Upper Lake Book of Codes.

ARTICLE 2. PURPOSE

The purpose of this Chapter is to provide an impartial forum in which to decide disputes and provide for the administration of justice. It shall strive to maintain peace by protecting the health, safety, and welfare of all that come before the Tribal Court System. The Tribal Court System shall fairly and consistently apply the Tribe's Constitution and laws and, where practical and appropriate, administer justice in a manner that reflects the Tribe's Pomo culture and traditions.

ARTICLE 3. JURISDICTION

SECTION 3.1. JURISDICTION OF THE TRIBAL COURT

(A) The Tribal Court System's jurisdiction is broadly defined in Article XII of the Constitution. It includes, but is not limited to, the following:

(1) The Tribal Court shall be a court of general jurisdiction and have the authority to fully exercise the Tribe's inherent judicial powers. The powers include, but are not limited to, matters relating to the governmental processes internal to the Tribe and over matters arising:

(a) Within the Tribe's traditional reservation boundaries, trust lands, and any interest in property that satisfies the requirements of Article II, Section 1, of the Constitution;
(b) Between all persons within any geographical area referred to above who are subject to the jurisdiction and governmental power of the Tribe, to the extent not prohibited by federal law;
(c) Between all members of the Tribe, enrolled or eligible for enrollment, regardless of the geographic location of the member;
(d) Over all entities and persons, including non-Indians, who enter into consensual relations with the Tribe or a member of the Tribe, or whose activities affect the political integrity, economic security, or the health or welfare of the Tribe or its members; or
(e) Any matters implied or delegated by the federal or a state government.

(2) The Tribal Court shall have exclusive original jurisdiction in all matters in which the Tribe or its officers or employees are parties in their official capacities.

(a) Nothing contained in the preceding paragraph or elsewhere in this Judicial Code shall be construed as a waiver of the sovereign immunity of the Tribe, its officers, or its enterprises. Waivers may only be valid if unequivocally expressed by formal resolution of the Executive Council.

(3) The jurisdiction invoked by this Judicial Code over any person, cause of action, or subject shall be concurrent with any valid jurisdiction over the same of the courts of the United States, any state, or any political subdivision thereof; provided, however, this Judicial Code does not recognize, grant, or cede jurisdiction to any other political or governmental entity in which jurisdiction does otherwise exist in law.

SECTION 3.2. JURISDICTION OF THE TRIBAL COURT OF APPEALS

The Tribal Court of Appeals has jurisdiction over any appeals from the Tribal Court pursuant to Article XII, Section 11, of the Constitution. The Tribal Court of Appeals also has jurisdiction over all other areas specifically assigned to it by the Constitution or pursuant to the Tribal Code.

SECTION 3.3. TRIBAL COURT SYSTEM RULES OF PROCEDURE

The Tribal Court of Appeals shall establish the Court Rules of Procedure consistent with the terms of Article XII of the Constitution. The Executive Council retains authority to change those Court Rules of Procedure or establish the initial Court Rules of Procedure consistent with Article XII, Section 3(D), of the Constitution.

SECTION 3.4. NO ACCEPTANCE OF STATE OR FOREIGN JURISDICTION

Nothing in this Judicial Code shall be deemed to constitute acceptance of, or deference to, the jurisdiction of the State of California or any other foreign over any civil or criminal matter, where such jurisdiction does not otherwise exist.

SECTION 3.5. LAW APPLICABLE IN CIVIL ACTIONS

(A) In all civil actions the Tribal Court System shall apply the Tribal Book of Codes and where applicable and appropriate, the Tribe's customs.

(B) In the event that an issue arises in an action which is not addressed by the Tribal Book of Codes, or the Tribe's customs, the Tribal Court System may recognize and apply statutes, regulations and case law of any federally recognized tribe, the federal government, or any state. Application of such law shall not be deemed an adoption of such law or an action to defer to the jurisdiction from which that law originates.

SECTION 3.6. SUITS AGAINST THE TRIBE

(A) The sovereign immunity from suit of the Tribe, every elected member of the Executive Council, tribal official, or tribal enterprise with respect to any action taken in an official capacity or in the exercise of the official powers of any such office, in any court, federal, state, or tribal is hereby affirmed. Nothing in this Code shall constitute a waiver of the Tribe's sovereign immunity. The Tribal Court shall have no jurisdiction over any suit brought against the Tribe or an elected tribal official acting in their official capacity absent an unequivocally expressed waiver of sovereign immunity by the Executive Council.

(B) No enforcement action taken pursuant to this Judicial Code, including the filing of an action by the Tribe or any agency of the Tribe in Tribal Court, shall constitute a waiver of sovereign immunity from suit of the Tribe, or any elected member of the Executive Council or tribal official with respect to any action taken in an official capacity, or in the exercise of the official powers of any such office, either as to any counterclaim, regardless of whether the counterclaim arises out of the same transaction or occurrence, or in any other respect.

(C) The sovereign immunity of the Tribe or any elected member of the Executive Council or tribal official with respect to any action taken in an official capacity, or in the exercise of the official powers of any such office, in any action filed in the Tribal Court with respect thereto, may only be waived by a formal resolution of the Executive Council after consultation with its attorneys. All waivers shall be unequivocally expressed in such resolution. No waiver of the Tribe's sovereign immunity from suit may be implied from any action or document. Waivers of sovereign immunity shall not be general but shall be specific and limited as to duration, grantee, action, and property or funds, if any, of the Tribe or any entity of the Tribe subject thereto. No express waiver of sovereign immunity by resolution of the Executive Council shall be deemed consent to the levy of any judgment, lien, or attachment upon property of the Tribe or any agency of the Tribe other than property specifically pledged or assigned therein.

ARTICLE 4. DEFINITIONS

SECTION 4.1. DEFINED TERMS

For purposes of this Chapter, the following terms shall have the meanings ascribed below:

(A) "**Book of Codes**" shall mean the compilation of Codes and Ordinances enacted by the Executive Council and any legislation adopted pursuant to the Initiative and Referendum provisions of Article XIV of the Constitution that would have the same legislative impact of a Code or Ordinance as compiled and updated pursuant to this Codification Code;

(B) **"Chapter"** shall mean Chapter 1. Judicial Code;

(C) **"Constitution"** shall mean the Constitution of the Habematolel Pomo of Upper Lake;

(D) **"Executive Council"** shall mean the governing body of the Habematolel Pomo of Upper Lake;

(E) **"Judicial Code"** shall mean this code;

(F) **"Membership"** shall mean all duly enrolled members of the Habematolel Pomo of Upper Lake in accordance with Article III of the Constitution;

(G) **"Reservation"** shall mean all lands within the exterior boundaries of the Habematolel Pomo of Upper Lake Reservation located in Lake County, California and all lands owned by the Tribe both fee and non-fee land and lands held in trust for individuals and all lands considered "Indian lands" under federal, state or tribal law;

(H) **"State" or "State Government"** shall mean the State of California and its government;

(I) **"Tribal Code"** shall mean all duly enacted laws and regulations of the Tribe;

(J) **"Tribal Court"** shall mean the Habematolel Tribal Court established pursuant to Tribal ordinance. If a Tribal Court is not in operation, the Executive Council or their designee shall operate as the Tribal Court;

(K) **"Tribal Court of Appeals"** shall mean the appellate and court of last resort for the Habematolel Pomo of Upper Lake Tribal Court System;

(L) **"Tribal Court System"** shall mean the Tribe's judiciary consisting of the Tribal Court and Tribal Court of Appeals;

(M) **"Tribal Member"** shall mean an enrolled member of the Habematolel Pomo of Upper Lake; and

(N) **"Tribe"** shall mean the Habematolel Pomo of Upper Lake, a federally- recognized Indian tribe, or an authorized official or agency thereof.

ARTICLE 5. JUDGES

SECTION 5.1. JUDGES GENERALLY

(A) The Tribal Court consists of one Chief Judge and three (3) Associate Judges. The Tribal Court shall be considered legally functioning upon the appointment of a Chief Judge so long as all other judges are elected within a year of the first Chief Judge Appointment.

(B) The Tribal Court of Appeals consists of one Chief Justice and two (2) Associate Justices. The Tribal Court of Appeals shall be considered legally functioning upon the appointment of a Chief Justice.

(C) The Executive Council may choose to give preference to enrolled Native Americans of any federally recognized tribe when appointing the Chief Judge and Chief Justice.

SECTION 5.2. TRIBAL COURT JUDGES

(A) Chief Judge.

(1) The Executive Council shall appoint, by the affirmative vote of five (5) members, one Chief Judge to the preside over the Tribal Court for a period of three (3) years pursuant to Article XII, Section 6 (A) of the Constitution. After appointment of the first Chief Judge, the Chief Judge shall be appointed at or around the same time as a regular election for the calendar year that their term is expiring. The Chief Judge is eligible for reappointment.

(2) The Chief Judge shall, hear all cases filed in the Tribal Court unless they have a conflict of interest or a scheduling conflict; refer matters to Associate Judges/Peacemakers for dispute resolution and mediation; and oversee court personnel in the daily administration of the judiciary.

(B) Associate Judges.

(1) The Executive Council, within a year of the appointment of the first Chief Judge, upon an affirmative vote of five (5) members, shall call for the election of three (3) Associate Judges of the Tribal Court pursuant to Article XII, Section 6, of the Constitution. Associate Judges' terms shall be for two (2) years. Associate Judges shall be eligible for re-election.

(2) An Associate Judge shall act as a peacemaker for the Tribal Court and attempt to resolve disputes through mediation and traditional peacemaking practices in cases involving at least one member members of the Tribe that are referred to them by the Chief Judge.

(3) An Associate Judge may not make final decisions in cases but may make recommendations for settlement and resolution to the Chief Judge for consideration in their final decision.

(4) An Associate Judge may also be known as a Peacemaker.

SECTION 5.3. TRIBAL COURT OF APPEALS JUSTICES

(A) Chief Justice.

(1) The Executive Council shall appoint, by the affirmative vote of five (5) members, one Chief Justice to reside over the Tribal Court of Appeal for a period of four (4) years pursuant to Article XII, Section 6 (B) of the Constitution. After appointment of the first Chief Justice, the Chief Justice shall be appointed at or around the same time as a regular election for the calendar year that their term is expiring. The Chief Justice is eligible for reappointment.

(2) The Chief Justice shall establish the Court Rules of Procedure in collaboration with the Executive Council and Chief Judge; preside over all Appeals unless there is a conflict of interest; decide motions for a full-panel review (en banc) by Associate Judges; and appoint Conflict Judges as

needed for the Tribal Court.

(B) Associate Justices.

(1) The Executive Council shall call for the election of two (2) Associate Justices of the Tribal Court of Appeals pursuant to Article XII, Section 6, of the Constitution. Associate Justices are eligible for re-election.
(2) Associate Justices will hear cases as assigned by the Chief Justice.
(3) Associate Justices who meet the qualifications of a Licensed Attorney Judge as stated in this law can hear any case assigned by the Chief Justice whether on a panel of all three justices or as an individual justice.
(4) Non-attorney Tribal Member justices can only be assigned to matters that will be heard by the panel of all three justices.

SECTION 5.4. TEMPORARY AND CONFLICT JUDGES

(A) When a conflict of interest arises, as defined under Section 6 of this Chapter, the Chief Justice may appoint a Temporary Conflict Justice to temporarily substitute as the judge or justice in a single case.

(B) A Temporary Conflict Justice shall carry out the duties of the judge or justice for whom they are substituting.

(C) A Temporary Conflict Judge or Justice must meet the same minimum qualifications as the judge or justice they are substituting for.

(D) The election process and requirements shall not apply to temporary judge appointments.

SECTION 5.5 MINIMUM QUALIFICATIONS

(A) Licensed Attorney Judges. The Chief Judge, Chief Justice, and at least one (1) Associate Justice must be licensed attorneys and shall meet the following minimum requirements:

(1) Attained the minimum age of thirty (30) years at the time of appointment or election;
(2) May not be a sitting member of the Executive Council;
(3) May not have been convicted by a court of the United States or of any state of the United States of a felony. A felony is defined by the laws of the jurisdiction where the presiding court resided;
(4) Shall be a graduate of a law school accredited by the American Bar Association and a member in good standing of any state bar;
(5) Must have a minimum of five (5) years of practice as an attorney or judge in the area of Indian law;
(6) Must submit to drug and alcohol testing in accordance with the Tribes policies for committee members.

(B) Tribal Member Judges: Up to three (3) associate judges and up to one (1) associate justice may be elected as tribal member judges if they meet the following requirements:

(1) Be an enrolled member of the Tribe, in good standing;
(2) Attained the minimum age of thirty (30) years at the time of appointment or election;.
(3) Experience working in the tribal government and services functions as an employee, committee member, or elected official;
(4) May not be a sitting member of the Executive Council;.
(5) May not have been convicted by a court of the United States or of any state of the United States of a felony. A felony is defined by the laws of the jurisdiction where the presiding court resided;.
(6) Must submit to drug and alcohol testing in accordance with the Tribes policies for committee members;

SECTION 5.6 DISQUALIFIED AS JUDGE

(A) Generally, the Chief Judge, Associate Judges (Peacemakers), Chief Justice, and Associate Justices will be considered ineligible to serve if:

(1) They have current or ongoing additional business relations with the Tribe; or
(2) They currently represent the Tribe as legal counsel, including working at a law firm that represents the Tribe; or
(3) They have formerly (in the past) served as legal counsel to the Tribe; or
(4) They have ever served as legal counsel for an opposing party to the Tribe in litigation, negotiations, or any other matters.

(B) Individuals who would otherwise be disqualified under this section may, at the time they are applying as a candidate for election or appointment, petition the Executive Council for an approved a special exception in order for the individual to be considered for an appointment or to be added to an election ballot. The Executive Council must officially consider these petitions on as a case-by-case basis and approve or deny each petition by resolution through the resolution process.

SECTION 5.7 JUDICIAL ELECTIONS

(A) All elected judges and justices shall be elected during the General Tribal Election regular tribal elections on a two-year cycle.

(B) In advance of the election, the Executive Council shall put out a call for interested Licensed Attorney Judges and Tribal Member Judges to submit their qualifications in a process set forth by the Executive Council.

(C) The Executive Council shall screen all interested candidates to ensure that they meet

the minimum qualifications and that they have no current or prior relationships with or against the tribe that would disqualify them from serving as a judge or justice for the Tribe.

(D) The Executive Council may use the Election Board for assistance in soliciting interested candidates and administering the judicial election.

(E) Interested candidates shall specify which position they are interested in running for. Tribal Members, who are licensed attorneys, may qualify for multiple positions and must specify which they are interested in running for:

(1) Associate Justice (these candidates must meet the qualifications for a Licensed Attorney Judge or for a Tribal Member Judge)
(2) Associate Judge – Peacemaker (these candidates must meet the qualifications for a Tribal Member Judge)

(F) Election Results shall be determined as follows:

(1) The candidate for Associate Justice who meets the qualifications for a Licensed Attorney Judge and receives the highest number of votes shall be awarded the first Associate Justice position. After one (1) Associate Justice position is filled with a Licensed Attorney Judge, the candidate with the highest number of votes from among the remaining candidates shall be awarded the second Associate Justice Position.
(2) The candidates who ran for Associate Judge – Peacemaker, who receive the first, second and third highest number of votes that meet or exceed the majority vote requirement shall be seated.

SECTION 5.8. OATH OF OFFICE

Each person, prior to assuming the office of Judge or Justice in the Tribal Court System, shall take the following oath before the Chairperson of the Executive Council:

> "I swear that I will support and defend the Constitution, laws, and regulations of the Habematolel Pomo of Upper Lake, and the Constitution of the United States, and that I will faithfully and diligently perform my duties (insert office) to the utmost of my ability, with impartiality and without improper favor, to the end that justice may be fully served."

SECTION 5.9. CONFLICTS OF INTEREST

(A) A Judge or Justice shall remove themselves from hearing a case or controversy involving first degree relatives including parents, children, spouses, romantic partners, siblings, grandparents, grandchildren, or anyone living in their same home.

(B) A Judge or Justice shall remove themselves from any cases in which they have

a significant, personal, financial, or other interest.

(C) A Judge or Justice shall remove themselves from hearing any case in which they cannot offer fair adjudication for any reason.

(D) A Judge or Justice shall inform the Chief Judge or Chief Justice of their inability to participate in any case where there is a conflict of interest or bias. In the case of the Chief Judge or Chief Justice, they shall inform the Executive Council of their inability to participate in any case where there is a conflict of interest or bias. In the event that the Chief Judge or Chief Justice removes themselves from a case, the Executive Council may appoint a temporary Chief Judge or Chief Justice for the sole purpose of presiding over the case where the conflict of interest or bias arose. The appointment shall be made by the affirmative vote of five (5) members of the Executive Council.

(E) When determining whether a conflict or bias exists the Judge or Justice shall utilize a "reasonable appearance" standard.

SECTION 5.10. REMOVAL FROM OFFICE

The Executive Council may suspend, dismiss, or remove any Judge or Justice for the reasons outlined in the Article XII, Section 10 of the Constitution utilizing the procedures established therein. Failure of a Judge or Justice to remove themselves from cases in violation of Section 5 of this Chapter shall constitute grounds for suspension, dismissal, or removal from the Tribal Court System.

SECTION 5.11. VACANCIES

The Executive Council shall appoint a person to fill any vacancy that occurs on the Tribal Court or Tribal Court of Appeals because of death, resignation, or any other reason. The appointed person shall fill the vacancy for the remainder of the term. The appointment of a Chief Judge or Chief Justice shall require the affirmative vote of five (5) members of the Executive Council. Associate Judges and Associate Justices only require a simple majority vote of the Executive Council.

SECTION 5.12. SALARY

The Chief Judge, Associate Judges, Chief Justice, and Associate Justices shall be paid either a salary to be determined by the Executive Council or pursuant to the terms of a contract approved by resolution of the Executive Council. The salary of any Chief Judge, Associate Judge, Chief Justice, or Associate Justice shall not be reduced during their term of office.

ARTICLE 6. COURT CLERK

SECTION 6.1. APPOINTMENT, SALARY, & DISCHARGE

The Executive Council shall appoint a Tribal Court Clerk by a simple majority vote. The Executive Council shall prescribe the salary of the Tribal Court Clerk. A Tribal Court Clerk may be discharged from the position for any reason upon the affirmative vote of five (5) members of the Executive Council.

SECTION 6.2. DUTIES

The Tribal Court Clerk shall be responsible for the administration of the Tribal Court and the Tribal Court of Appeals, and for such other administrative and ministerial duties as may be prescribed by the Judicial Code, or assigned to them by the Executive Council, Chief Judge, or Chief Justice. The duties will include, but are not limited to, the following:

(A) Administering oaths and witnessing execution of documents.

(B) Maintaining the records of the Tribal Court and Tribal Court of Appeals.

(C) Maintaining all pleadings, documents, and other materials filed with the Tribal Court and Tribal Court of Appeals.

(D) Maintaining all evidentiary materials, transcripts, and records of testimony filed with the Tribal Court and Tribal Court of Appeals.

(E) Collecting and accounting for fines and other monies and properties taken into custody by the Tribal Court or Tribal Court of Appeals.

(F) Preparing and serving notices, summons, subpoenas, warrants, rulings, findings, opinions, and orders as prescribed by the Judicial Code and as may be designated by the Chief Judge or Chief Justice.

(G) Assisting persons in the drafting and execution of complaints, petitions, answers, motions, and other pleadings and documents for Tribal Court and Tribal Court of Appeals proceedings; provided, however, the Tribal Court Clerk shall not give advice on questions of law, nor shall they appear or act on behalf of any person in any Tribal Court or Tribal Court of Appeals proceedings.

(H) Providing copies of documents in the Tribal Court and Tribal Court of Appeals files to other persons upon request, and upon receipt of a charge therefore to be prescribed by the Tribal Court Clerk to cover the costs of such services; provided, however, there shall be no charge for such service to the Judges or Justices of the Tribal Court System.

(1) No copies of documents shall be provided from files which are to be kept confidential or unavailable for public inspection pursuant to any provisions

of the Judicial Code, Tribal Court Rules, Tribal Code, or if prohibited by any court order.

(I) Maintaining the security of all files, documents, and materials filed with or in the custody of the Tribal Court or Tribal Court of Appeals, and insuring that they are not removed from the offices of the Tribal Court Clerk and the Tribal Court System except upon specific instruction of the Chief Judge, Judge, Chief Justice, or Justice of the Tribal Court System.

(J) Maintaining the confidences of matters within the Tribal Court System. Breaching the confidences of the Tribal Court System by releasing in any matter, including verbally, confidential information will be cause of immediate termination by the Executive Council or disciplinary action by the Tribal Court System.

ARTICLE 7. COUNSEL

SECTION 7.1. LEGAL REPRESENTATION

Any person who is a party in any civil trial or proceeding before the Tribal Court System may represent themselves, be represented by any other member of the Tribe, a lay advocate that is licensed to practice before the Tribal Court System, or be represented by a professional attorney who is licensed to practice law before the Tribal Court System. The Tribal Court Clerk, staff of the Tribal Court System, and members of the Executive Council may not represent individuals before the Tribal Court System.

SECTION 7.2. TRIBAL LICENSING OF PROFESSIONAL ATTORNEYS

Professional attorneys may appear on behalf of any party in any trial or proceeding before the Tribal Court System, provided they are licensed to practice law before the Tribal Court System. Such licenses shall be issued by the Tribal Court Clerk upon compliance with the following:

(A) Filing an affidavit with the Tribal Court Clerk stating that the applicant is licensed to practice law before the highest court of any state.

(B) Filing an affidavit with the Tribal Court Clerk stating that the applicant is familiar with the Tribe's Constitution and laws, Title 25 of the United States Code, and Title 25 of the Code of Federal Regulations.

(C) Paying the annual license fee.

(1) The annual license fee shall be proposed by the Chief Judge and submitted to the Executive Council for approval. The Executive Council may approve, deny, or amend the license fee. If the Executive Council does not act within thirty (30) days of receipt of the proposal it shall be deemed approved. The annual license fee shall be publicly posted at the Office of the Tribal Court Clerk.

(D) Taking the following oath before the Tribal Court Clerk:

> "I do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the Habematolel Pomo of Upper Lake; I will maintain the respect due to the Tribal Court System and its judicial offices; I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly valid or debatable under the law; I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and I will never mislead any judge by any false statement or misrepresentation of fact or law; In the conduct of my duties as an attorney I will not impugn the morals, character, honesty, good faith, or competence of any person, nor advance any fact prejudicial to the honor or reputation of any person, unless required by the justice of the cause with which I am charged."

SECTION 7.3. LAY ADVOCATE

A lay advocate is a person who is not a licensed attorney but is licensed to practice law before the Tribal Court System. Licenses shall be issued to lay advocates by the Tribal Court Clerk upon compliance with the following:

(A) Filing an affidavit with the Tribal Court Clerk stating that the applicant is versed in the Tribe's Constitution, laws, and court procedures.

(B) Paying the annual license fee.

(1) The annual license fee shall be proposed by the Chief Judge and submitted to the Executive Council for approval. The Executive Council may approve, deny, or amend the license fee. If the Executive Council does not act within thirty (30) days of receipt of the proposal it shall be deemed approved. The annual license fee shall be publicly posted at the Office of the Tribal Court Clerk.

(C) Taking the following oath before the Tribal Court Clerk:

> "I do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the Habematolel Pomo of Upper Lake; I will maintain the respect due to the Tribal Court System and its judicial offices; I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly valid or debatable under the law; I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and I will never mislead any judge by any false statement or misrepresentation of fact or law; In the conduct of my duties as a lay advocate I will not impugn the morals, character, honesty, good faith, or competence of any person, nor advance any fact prejudicial to the honor or reputation of any person, unless required by the justice of the cause with which I am charged."

SECTION 7.4. REVOCATION OF A PROFESSIONAL ATTORNEY'S OR LAY ADVOCATE'S TRIBAL LICENSE

A license issued pursuant to Section 7.2 of this Chapter may be revoked or suspended by the Tribal Court of Appeals. Such action may be taken on its own motion or upon sworn complaint by any member of the Tribe or the Tribal Court System. Revocation or suspensions shall be ordered only after written notice to the licensee of the motion or complaint and after a hearing before all judges of the Tribal Court System unless a conflict of interest prohibits such participation. Following a hearing, the Tribal Court of Appeals may revoke or suspend the license upon a finding that the licensee has been disbarred or suspended from the practice of law by any court of the United States, any state court, or any tribal court, or has filed a false affidavit with the Tribal Court Clerk to obtain their license, or has violated their oath made pursuant to Sections 7.3 or 7.4 of this Chapter, or has engaged in misconduct or unethical conduct in the performance of their duties as an attorney, or has been found in contempt of court by the Tribal Court System.

ARTICLE 8. CONTEMPT OF COURT

SECTION 8.1. DEFINITION OF CONTEMPT

Contempt of court is any willful misbehavior by any person which disrupts, obstructs, or otherwise interferes with the conduct of any proceeding in the Tribal Court System, or which obstructs or interferes with the administration of justice by the Tribal Court System, or which constitutes disobedience or resistance to or interference with any lawful summons, subpoena, process, order, rule, decree, or command of the Tribal Court System. The willful failure of a party to comply with the terms of a judgment directed against them, with which they are able to comply, shall be contempt of court, which will be punished by the Tribal Court System in the manner prescribed by the Judicial Code.

SECTION 8.2. CONTEMPT IN PRESENCE OF COURT

When contempt of court is committed in the presence of the Chief Judge, Associate Judge, Chief Justice, or Associate Chief Justice it may be punished summarily by that judge or justice. In such case an order shall then be made reciting the facts constituting the contempt, adjudging the person guilty of contempt, and prescribing the punishment in accordance with Section 4 of this Chapter.

SECTION 8.3. CONTEMPT OUTSIDE PRESENCE OF COURT

When it appears to the Tribal Court System that a contempt may have been committed outside of the presence of the Tribal Court System, the Chief Judge may issue a summons to the person so charged directing them to appear at a time and place designated for a hearing on the matter. If such person served with the summons fails to appear at the time and place so designated, the Chief Judge shall proceed with conducting a hearing, and if it finds them guilty of contempt, an order shall then be made reciting the facts constituting the contempt, adjudging the person

guilty of contempt, and prescribing the punishment in accordance with Section 8.4 of this Chapter.

SECTION 8.4. PUNISHMENT FOR CONTEMPT

The presiding judge or justice may issue a civil fine not to exceed the contempt penalty schedule posted at the Office of the Tribal Court Clerk per offense to any person found in contempt of court or of any ordinance of the Tribe while in the presence of the court. The Chief Judge may issue a civil fine not to exceed the contempt penalty schedule posted at the Office of the Tribal Court Clerk per offense to any person found in contempt of court or of any ordinance of the Tribe while outside the presence of the court.

(A) The contempt penalty schedule shall be proposed by the Chief Judge and submitted to the Executive Council for approval. The Executive Council may approve, deny, or amend the contempt penalty schedule. If the Executive Council does not act within thirty (30) days of receipt of the proposal it shall be deemed approved. The annual contempt penalty schedule shall be publicly posted at the Office of the Tribal Court Clerk.

ARTICLE 9. FOREIGN JUDGMENTS

SECTION 9.1. DEFINITION OF VALID FOREIGN JUDGMENTS

A "valid foreign judgment" is any final judgment, decree or order of a court of the United States or any other court which is entitled to full faith and credit by the Habematolel Pomo of Upper Lake either by authority of the Tribe's Laws or other controlling federal law. The Tribe shall grant full faith and credit to judgments from other courts, on a case-by case determination, provided the other court jurisdiction grants full faith and credit to judgments from the Tribal Court System.

SECTION 9.2. FILING AND STATUS OF VALID FOREIGN JUDGMENTS

A certified copy of any valid foreign judgment may be filed with the Tribal Court Clerk. The Tribal Court shall then verify the validity of the foreign judgement citing the legal authority for granting full faith and credit to the judgement. The Tribal Court Clerk shall treat the valid foreign judgment in the same manner as a judgment from the Tribal Court System. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment of the Tribal Court System, and may be enforced or satisfied in like manner.

SECTION 9.3. FEES

Any person filing a foreign judgment shall pay to the Tribal Court Clerk the same fee as provided for filing a civil action in Tribal Court. Fees for docketing, transcription, or other enforcement proceedings shall be as provided for judgments of the Tribal Court.

ARTICLE 10. OTHER PROVISIONS

SECTION 10.1. SOVEREIGN IMMUNITY

Nothing in the provisions of this Chapter constitutes consent by the Habematolel Pomo of Upper Lake or its sub-organizations to be sued in any court. Neither this Title nor any action (or inaction) taken by the Habematolel Pomo of Upper Lake or its sub-organizations pursuant to this Title represents a waiver of the Tribe's sovereign immunity for any purpose.

SECTION 10.2. AMENDMENTS

This Chapter, or any section herein, may be amended by a majority vote of the Executive Council.

SECTION 10.3. SEVERABILITY

If any part of this Chapter is found void and without legal effect, the remainder of the Chapter shall continue to remain in full force and effect, as though such part had not been contained therein.

SECTION 10.4. EFFECTIVE DATE

This Chapter shall take effect on the date it is approved by the Executive Council.

CERTIFICATION

As a duly elected official of the Habematolel Pomo of Upper Lake, I do hereby certify that, at a meeting duly called, noticed, and convened on the 10th day of December, 2021, at which time a quorum of 7 was present, Chapter 1. Topic was duly adopted by a vote of 6 FOR, 0 AGAINST, 1 ABSTAINED, and said Chapter has not been rescinded or amended in any form.

_____ _____

Executive Council Chairperson Date

ATTEST:

_____ _____

Executive Council Secretary Date

HABEMATOLEL POMO OF UPPER LAKE

TITLE 1. TRIBAL GOVERNANCE

CHAPTER 1.1 ELECTION ORDINANCE

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ARTICLE 1. TITLE

This Chapter shall be titled the Habematolel Pomo of Upper Lake Election Ordinance and may be cited as the HPUL Election Ordinance. This Chapter shall be codified as Chapter 1 of Title 1 of the Habematolel Pomo of Upper Lake Book of Codes.

ARTICLE 2. PURPOSE

The purpose of this Ordinance is to set forth the structure and procedure of all elections for the Habematolel Pomo of Upper Lake ("HPUL") as required by Article VI, Nomination and Elections of the Constitution of the Habematolel Pomo of Upper Lake.

ARTICLE 3. JURISDICTION

The Habematolel Pomo of Upper Lake Tribal Court shall have authority to adjudicate appeals as described in Section 13.3. If no Tribal Court is in operation, an established Inter-Tribal Court, as outlined in Section 13.3, shall act as the Tribal Court or Tribal Court of Appeals for all references within this Chapter.

ARTICLE 4. DEFINITIONS

SECTION 4.1. DEFINED TERMS

For purposes of this Chapter, the following terms shall have the meanings ascribed below:

(A) **"Accept"** shall mean the process whereby an individual formally Accepts a nomination to run for office. All individuals shall formally Accept only one (1) nomination to run for office. Prior to the close of the Nomination Meeting, if an individual has been nominated for more than one (1) position in an election and he or she has preliminarily accepted the nomination, he or she shall formally Accept a nomination by declaring the one (1) position he or she shall formally Accept and run in the election and decline nomination for all other positions nominated in the election.

(B) **"Absentee Ballot"** shall mean an official document listing all valid Candidates or ballot issues in an election and marked "Absentee" r.

(C) **"Appeal"** shall mean the act of calling upon some other authority for a decision or opinion, such as a request of the Tribal Court to hear an Election Challenge, the Tribal Court of Appeals to hear the removal of an elected official from office, or submittal of a

Petition from the General Membership to appeal a decision made to remove an elected official from office in accordance with the Tribe's Constitution.

(D) **"Ballot(s)"** shall mean an official document listing all valid Candidates or ballot issues for an election. The Election Board, or his or her designee, shall prepare, distribute and manage all official ballots.

(E) **"Candidate"** shall mean an eligible member of the Tribe seeking an elected office of the Tribe who has been certified by the Election Board as a candidate.

(F) **"Chapter"** shall mean this Chapter 1.1. Election Ordinance.

(G) **"Constitution"** shall mean the Constitution of the Habematolel Pomo of Upper Lake.

(H) **"Constitutional Amendment"** shall mean a proposed amendment to the Constitution of the Habematolel Pomo of Upper Lake.

(I) **"Count"** shall mean the process of tallying the Ballots and votes in accordance with the provisions of this Election Ordinance and corresponding Election Board Policies and Procedures.

(J) **"Days"** shall mean calendar days unless specifically stated otherwise.

(K) **"Duly"** shall mean rightfully; at the right time; as required; sufficiently.

(L) **"Election Board"** shall mean a group of at least four (4) eligible individuals appointed in accordance with Sections 5.1 and 5.2 to implement and enforce this Election Ordinance and carry out the duties described herein.

(M) **"Election Challenge"** shall mean a contest of the results of an election based on the contention that there was an irregularity in the election.

(N) **"Election Cycle"** shall mean from the time an election is called and continuing until installation of all Candidates and/or resolution of all election challenges, whichever comes last, and/or three (3) business days after election results are certified.

(O) **"Election Day"** shall mean the day or days the polls are open and/or Absentee Ballots are due.

(P) **"Eligible Voter"** shall mean an individual who is eighteen (18) years of age or older, an enrolled member of the Habematolel Pomo of Upper Lake and therefore, eligible to vote if he or she properly registers with the Election Board.

(Q) **"Executive Council"** or **"Council"** shall mean the governing body of the Habematolel Pomo of Upper Lake.

(R) **"Executive Officers of the Executive Council"** shall mean the Chairperson, Vice-Chairperson, Treasurer and Secretary of the Executive Council. Executive Officers may also be referred to as Administrative Officers.

(S) **"Felony"** shall mean a crime, which is punishable with death or by imprisonment in state or federal prison.

(T) **"Forfeiture"** shall mean the act of giving up an elected office as a result of some action of the incumbent in accordance with Article VIII, Section 4 of the Tribe's Constitution.

(U) **"General Membership"** shall mean the group of adult persons who are enrolled members of the Tribe.

(V) **"General Tribal Election"** shall mean an election held every even year in order to elect individuals to fill imminent vacancies on the Executive Council.

(W) **"Hospitalized Absentee Voter"** shall mean a Registered Voter who is currently admitted to a hospital.

(X) **"HPUL"** shall mean a short reference for the Habematolel Pomo of Upper Lake.

(Y) **"Initiative"** shall mean the origination of an idea, matter, method etc. by Tribal Member(s) and presented via petition to the General Membership for a direct vote.

(Z) **"Initiative Petition"** shall mean an origination of an idea, matter, method, etc. presented via a Petition to the Election Board for a direct vote of the General Membership in an initiative election.

(AA) **"Invalid Vote"** shall mean one or more votes on an officially cast Ballot that has been marked in such a way that it is not possible to determine the intent of the voter, as memorialized by a vote of the Election Board. Any invalid votes on an official Ballot shall not be counted for purposes of tallying votes under this Ordinance. Note: Valid votes on the same ballot shall still be counted in tallying votes under this Ordinance. The entire ballot shall be counted in tabulating the total number of Ballots cast in conjunction with determining whether the required percentage of the Registered Voters has participated in the election (i.e., whether a Quorum is present).

(BB) **"Inter-Tribal Court"** shall mean a court that is established for the purpose of hearing multiple tribes' cases when individual tribal courts or tribal court of appeals are not established. When hearing cases from the Habematolel Pomo of Upper Lake, the Inter-Tribal Court shall only apply the laws of the Habematolel Pomo of Upper Lake.

(CC) **"List of Registered Voters"** shall mean a list of all individuals, at the time of publishing, who are registered to vote in accordance with this Ordinance and the Election Board Policies and Procedures.

(DD) **"Loiter"** shall mean an individual who stands, sits or waits around the polling location, or is within 100 yards of the polling location, excluding the interior of the Tribal Offices, beyond the time it takes him or her to complete the voting process.

(EE) **"Majority"** shall mean the greater part or larger number; more than half of a total.

(FF) **"Misdemeanor"** shall mean any minor criminal offense for which punishment is lesser than a Felony.

(GG) **"Nomination Meeting"** shall mean a meeting conducted by the Election Board where individuals are nominated for an elected office and all nominees give an oral presentation regarding their desire, ability and qualifications to fill that office.

(HH) **"Notice of Election"** shall mean a notice issued by the Election Board that provides the General Membership with information regarding the election.

(II) **"Petition"** shall mean a written formal request for an issue to be voted upon by the Eligible Voters of the Tribe.

(JJ) **"Petitioner"** shall mean an individual who signed a Petition for an Initiative, constitutional amendment, Recall or removal appeal.

(KK) **"Present"** shall mean that for purposes of Accepting a nomination or nominating an individual at the Nomination Meeting, an individual shall be considered present if he or she is physically at the meeting location or physically visible via video conferencing.

(LL) **"Proxy"** shall mean a document empowering a person to act for another. Note: Proxy voting is not allowed under this Ordinance. In accordance with Sections 10.1(B)(5) and 10.4, individuals shall not be considered to be voting by proxy when he or she has another person drop off his or her sealed Absentee Ballot to the election box or utilizes the Election Board's voter assistance provisions.

(MM) **"Quorum"** shall mean the minimum number of Registered Voters required to submit a Ballot in a particular election for the election to be valid. If the quorum requirement is not met for the election, the election shall be considered invalid and there shall be no declared winners.

(NN) **"Recall"** shall mean the process of removing, or right to remove, an official from office by majority vote, usually after using a Petition to call for such a vote.

(OO) **"Referendum"** shall mean a law or ruling, proposed or already in effect, submitted by the Executive Council for a direct vote of the General Membership.

(PP) **"Registered Voter"** shall mean an enrolled member who has attained the age of eighteen (18) years prior to or on the date of election and has returned a completed Registration

Form, and any required documentation, to the Election Board and has been approved by the Election Board as a Registered Voter.

(QQ) **"Registration Form"** shall mean a form that is completed by Eligible Voters in order to be allowed to vote. Eligible names are placed on the official List of Registered Voters. The signature on the form shall be used to verify the authenticity of signatures used on Absentee Ballots and Petitions.

(RR) **"Rejected Ballot"** shall mean an official Ballot that 1) has been officially cast but is marked in such a way that it is not possible to determine the intent of the voter for the entire Ballot, as memorialized by a vote of the Election Board or 2) has not been officially cast because it was rejected by a majority vote of the Election Board (i.e., an Absentee Ballot where the signature on the outside of the Ballot cannot be verified), as memorialized by a vote of the Election Board. A Rejected Ballot shall not be counted for purposes of tabulating votes in any circumstance under this Ordinance. If the Ballot was officially cast (i.e., scenario one (1) described above), a Rejected Ballot shall only be counted in tabulating the total number of votes cast in conjunction with determining whether the required percentage of the Registered Voters has participated in the election (i.e., whether a quorum is present).

(SS) **"Reservation"** shall mean all lands within the exterior boundaries of the Habematolel Pomo of Upper Lake Reservation located in Lake County, California and all lands owned by the Tribe both fee and non-fee land and lands held in trust for individuals and all lands considered "Indian lands" under federal, state or tribal law.

(TT) **"Run-Off Election"** shall mean a Special Election held to determine the result of a tie in a previous election. The Run-Off Election shall only consist of the tied Candidates or ballot issues.

(UU) **"Special Election"** shall mean any election that is held outside of the General Tribal Election. Special Elections include elections for the following purposes, if not held on the second Saturday of June: constitutional amendment, Initiative, Recall, Referendum, removal appeal, run-off, vacancy, and any other election to fill the seat of an elected official.

(VV) **"Spoiled Ballot"** shall mean an official Ballot that has been determined to be defective by the voter or the tabulation device. There are three types: 1) An Absentee Ballot that is spoiled and not cast (i.e., a voter made a mistake in marking the Ballot). In this case, the voter may request a replacement for the Spoiled Ballot and a replacement may be issued by the Election Board. No additional time will be provided for the new Ballot to be received by the Election Board. 2) A Ballot that is cast by a voter at the polling location that is immediately rejected by the tabulation device. The Spoiled Ballot shall be exchanged for a new one and the voter shall complete and cast the new Ballot before leaving the polling location. No additional time will be provided for the new Ballot to be received by the Election Board. 3) A voter casting a Ballot at the polling location determines that they made an error in the marking of their Ballot. The Spoiled Ballot

shall be exchanged for a new one and the voter shall complete and cast the new Ballot before leaving the polling location.

(WW) **"Tribal Court"** shall mean the Habematolel Tribal Court established pursuant to the Tribe's Constitution. If a Tribal Court is not in operation, an established Inter-Tribal Court, contracted with the Tribe for that purpose, shall act as the Tribal Court.

(XX) **"Tribal Member"** shall mean an enrolled member of the Habematolel Pomo of Upper Lake according to the Tribe's membership criteria as outlined in the Tribe's Constitution and Enrollment Ordinance.

(YY) **"Tribe"** shall mean the Habematolel Pomo of Upper Lake, a federally recognized Indian tribe, or an authorized official or agency thereof.

(ZZ) **"Valid Vote"** shall mean a vote on an officially cast Ballot that has been marked in such a way that the intent of the voter is clear. Valid votes on an official Ballot shall be counted for purposes of tallying votes under this Ordinance and the entire Ballot shall be counted in tabulating the total Ballots cast in conjunction with determining whether the required percentage of the Registered Voters has participated in the election (i.e., whether a quorum is present).

(AAA) **"Volunteer Observation Form"** shall mean a form that is completed by an election volunteer and submitted to the Election Board, in accordance with Section 10.5(A), to document any concerns regarding the conduct of the election by the election volunteer, especially concerns of non-compliance with the Election Ordinance, during his or her observance of a particular election.

(BBB) **"Voter Assistance Form"** shall mean a form that is completed by an Election Board member and an individual assisting a Registered Voter in marking his or her ballot in accordance with Section 10.4(A). Specifically, the Voter Assistance Form shall include an oath of impartiality and certification that the Registered Voter was of a sound mind and able to express his or her choices on each ballot item.

(CCC) **"Write-in Votes"** shall mean Candidate options or Ballot issues handwritten onto the Ballot that have not been approved to be on the Ballot by the Election Board. Write-in Votes are not authorized under this Ordinance. Any Ballots containing a write-in name or Ballot issue will be tabulated as if the write-in did not occur.

ARTICLE 5. ELECTION BOARD

SECTION 5.1. APPOINTMENT

The Executive Council shall appoint by majority vote an Election Board (formerly known as the Election Committee).

SECTION 5.2. COMPOSITION AND ELIGIBILITY

The Election Board shall consist of no less than four (4) persons.

(A) Qualifications of Election Board. Election Board members shall be twenty-one (21) years of age or older. It is the preference of the Tribe that each Election Board member has had the opportunity to vote in at least one (1) election prior to service on the Election Board, if eligible. Election Board members must be enrolled members of the Tribe. No person shall be appointed who is: (1) a current member of the Executive Council, or (2) planning to be a Candidate for elected office during his/her term of service. If an Election Board member is nominated to run for an elected office and Accepts the nomination, he or she shall immediately resign from the Election Board. If he or she does not resign, the Executive Council may immediately remove him or her from the Election Board. If the Election Board member is not elected to the elected office, he or she may request to the Executive Council to be reappointed to the Election Board once all election results, run-offs, challenges and installations are finalized. Reappointment is not guaranteed.

(B) Appointment of Election Board Officers. The Election Board shall meet and appoint a Chairperson and Secretary by majority vote of a quorum present. The Chairperson shall be responsible to call and conduct all meetings of the Election Board and shall serve as the representative of the Election Board for all matters unless he or she delegates such responsibility. The Secretary shall be responsible to take minutes of all meetings, receive communication and formal documents directed to the Election Board and issue official communications from the Election Board.

(C) Members of the Election Board may be removed from office by the Executive Council for any reason at any time. However, during an Election Cycle, a member of the Election Board may only be removed by the Executive Council if 1) he or she is nominated as a Candidate in a Tribal election and Accepts that nomination but fails to resign as required by Section 5.2(A) or 2) by an order of the Tribal Court after finding intentional and willful violations of this Ordinance and/or the Tribe's Constitution.

SECTION 5.3. TERM AND BOARD OPERATION

(A) Term. Individuals shall serve on the Election Board for a two (2) year term and may be re-appointed for additional terms. There shall be no limit on how many terms an individual may serve. Should a vacancy occur, and a replacement be appointed, the appointment will be for the remainder of the original Election Board member's term.

Election Board terms shall be staggered so as to best utilize the members of the Election Board's experience. Upon passage of this Ordinance, staggered terms will begin for all new appointments made following the effective date of this Ordinance. Following approval of this Ordinance, any new appointment made by the Executive Council shall be in the following manner until all Election Board members terms are staggered: the Executive Council shall appoint two (2) individuals to a one (1) year term (or three (3)

individuals to a one (1) year term if there are more than six (6) members on the Election Board) and all remaining individuals to a two-year term.

(B) The Election Board shall operate in accordance with its policies and procedures, as approved by the Executive Council, and any applicable Tribal policies pertaining to the operation of boards, committees, etc.

(C) The Election Board shall make all official decisions by Majority vote of a quorum present. An Election Board member shall be considered present if they are there physically, by video, by phone and/or by email. A quorum shall consist of a Majority of the members of the Election Board.

SECTION 5.4. DUTIES AND RESPONSIBILITIES

The Election Board shall implement and enforce the provisions contained within this Election Ordinance. Specifically, the Election Board shall have the following duties and powers:

(A) Preside over all elections;

(B) Assist all eligible members in registering to vote and accept Registration Forms and other associated documentation, submitted by the Eligible Voter, for use in elections;

(C) Develop and publish a list to the General Membership of eligible and Registered Voters;

(D) Determine the date and time of all elections;

(E) Publish notifications of all elections, deadlines, timelines, meetings and polling locations to the General Membership;

(F) Preside over nominations for Executive Council elections;

(G) Verify that Candidates for elected office meet the qualifications for candidacy under Article IV, Section 2 of the Tribe's Constitution and Sections 7.2 and 7.3 of this Ordinance and any other appropriate Ordinance;

(H) Verify signatures of individuals signing Petitions (i.e., Initiative, Recall, etc.) and all other duties and responsibilities required of the Election Board in the Initiative and Referendum Ordinance;

(I) Prepare and distribute all election related documentation, including official Ballots;

(J) Procure, lock and set out Ballot boxes for the return of Absentee Ballots in accordance with the Election Board's Policies and Procedures. Note: The Election Board may determine that multiple Ballot boxes are needed for an election. Ballot boxes shall always remain in a secure location, accessible to Tribal Members, under camera surveillance, at a business office of the Tribe in Upper Lake, California ;

(K) Verify signatures on Absentee Ballots against the most current signature submitted to the Election Board for each Registered Voter;

(L) Count the votes cast on both Ballots and Absentee Ballots;

(M) Post and certify election results;

(N) Report election results to the General Membership;

(O) Receive and respond to Election Challenges as outlined herein, including conducting hearings as outlined in Section 13.1(D), as needed;

(P) Maintain original Registration Forms and all election related materials in a locked, safe and secure place located at an office of the Tribe, unless exigent circumstances necessitate storage at a different location as approved by a majority vote of the Election Board, and securely maintain electronic information under password protection;

(Q) Maintain Ballots in a sealed and locked container at an office of the Tribe, unless exigent circumstances necessitate storage at a different location as approved by a majority vote of the Election Board, for at least ninety (90) Days after an election;

(R) Develop policies, procedures and protocols, as described in Section 5.5 below, detailing how the Election Board shall conduct an election. This shall include the creation of emergency protocols and procedures in order to handle exigent circumstances;

(S) Inform the Bureau of Indian Affairs ("BIA") of election results; and

(T) Participate as an Election Board in at least one (1) election related training that is organized, sponsored, and/or provided by the Tribe during each term as an Election Board member.

SECTION 5.5. ELECTION PROTOCOLS AND PROCEDURES

(A) The Election Board shall have the authority to create policies, procedures, and protocols, as needed, in order to effectively implement and enforce this Ordinance. All policies, procedures, and protocols shall be approved by the Executive Council. The Election Board shall retain authority to approve procedures and protocols in exigent circumstances without Executive Council approval as long as such procedures and protocol are within the spirit of this Election Ordinance and the Tribe's Constitution. All policies, procedures, and protocols shall be published in full, by at least email to the General Membership and posted at the Tribal Office and on the Tribe's website, prior to the opening of polls. A copy of all policies, procedures, and protocols shall be available at the polling location for inspection or review by Eligible Voters during the hours the polls are open.

(1) Additionally, the Election Board, in exigent circumstances, is authorized to take any other actions necessary to conduct an election consistent with the terms and spirit of the Tribe's Constitution and Election Ordinance.

(B) All elections shall be conducted by the Election Board. The Election Board, or its designee, shall be solely responsible for the creation, distribution and management of all official election Ballots. In no way shall staff in any offices of the Tribe be authorized to create, distribute or manage official election Ballots. The Election Board may contract with third-party providers, who shall be considered designees of the Election Board, to assist with elections to the extent determined by the Election Board in coordination with the Executive Council and the Election Board Policies and Procedures. In no way shall third-party providers be blood related to any Candidates, the Election Board or members of the Executive Council. The Election Board may also use any available technology to perform its duties in the most efficient and just method possible in coordination with the Tribe's Constitution and this Ordinance.

SECTION 5.6. CONFLICTS OF INTEREST

(A) The Election Board is a neutral body who shall, as a body, neither support nor oppose any Candidates or Ballot issues. No Election Board member shall engage in or sanction conduct which could prevent a fair election. Election Board members have a duty to identify, address and challenge any conduct which could prevent a fair election.

(B) Avoidance of Conflicts of Interest. In order to avoid and minimize conflicts of interest, any Election Board member shall abstain from voting on any Election Board matter or participating in election challenges directly involving his or her immediate family member, as defined in the Tribe's Code of Ethics Ordinance. Examples of abstentions include, but are not limited to, abstaining from certifying an immediate family member's qualification for candidacy and abstaining from participating in and ultimately deciding an election challenge directly related to an immediate family members candidacy or campaign activities.

SECTION 5.7. CONFIDENTIALITY

The Election Board shall keep all information and/or documentation received and/or generated as part of the election process confidential, including but not limited to, election registration information, Ballots, personal identifying information (including who voted during an election), drug test and background check results, etc. Information shall be allowed to be released as outlined in this Ordinance and the Tribe's Constitution. Hard copies of information and documents shall be maintained in a locked office and inside a sealed container or locked drawers. Information and documents kept electronically, at a minimum, shall be password protected to maintain confidentiality.

ARTICLE 6. ELECTION CALENDAR

SECTION 6.1. CALLING AND NOTICE OF ELECTION

The Election Board shall formally call an election by a Majority vote of the Election Board as memorialized in its meeting minutes. Once the Election Board has formally called an election, it shall provide a Notice of Election to the General Membership containing at a minimum the date and location of the election and its associated polling hours. Throughout an election, the Election Board may issue additional Notice(s) of Election containing supplemental election information, including the Election Calendar as described in Section 6.2 below and information regarding registration and Absentee Ballots.

SECTION 6.2. ELECTION CALENDAR

The Election Board shall set an Election Calendar at the time an election is formally called or in January in years when elections are regularly held to fill Executive Council positions.

(A) The Election Calendar shall contain the following dates:

(1) Date Candidate Packets Available, if applicable
(2) Nomination Meeting Date, if applicable
(3) Date for Return of Candidate Packets, if applicable
(4) Date for Certification of Candidate Packets, if applicable
(5) Date for Candidate Drug/Background test, if applicable
(6) Date of Election Day, including polling times and location
(7) Deadline to Submit an Election Challenge
(8) Deadline for the Election Board to Issue its Decision to an Election Challenge, if applicable
(9) Deadline to Submit an Appeal of the Election Board's Decision on an Election Challenge, if applicable
(10) Deadline for Tribal Court to Issue Decision to Election Challenge, if applicable
(11) Date of Installation, if applicable
(12) Date of Run-Off Election, including polling times and location, if applicable
(13) Deadline to Submit an Election Challenge to the Run-Off Election, if applicable
(14) Deadline for the Election Board to Issue its Decision to an Election Challenge regarding the Run-Off Election, if applicable
(15) Deadline to Submit an Appeal of the Election Board's Decision on an Election Challenge regarding the Run-Off Election, if applicable
(16) Deadline for the Tribal Court to Issue Decision to Election Challenge regarding the Run-Off Election, if applicable
(17) Date of Installation for Run-Off Election, if applicable

SECTION 6.3. ELECTION DATES

(A) General Tribal Elections. General Tribal Elections shall be held on the second Saturday in June every even year. At the General Tribal Election, elections will be held for all positions on the Executive Council whose term will be expiring in July of that year.

(B) Special Elections. Special Elections shall be held as required under the Tribe's Constitution and this Election Ordinance.

(C) Run-Offs. Run-Offs, if necessary, shall be held three (3) weeks after the election in which the tie occurred. The date of the proposed Run-Off Election shall be noticed as part of the Election Calendar so as to provide at least thirty (30) calendar Days' notice to all members of the Run-Off Election.

SECTION 6.4. NOTICE OF ELECTION CALENDAR

The Election Board shall provide notice of the Election Calendar at least thirty (30) calendar Days in advance of any Nomination Meeting for a General Tribal Election or at least twenty (20) calendar Days before Election Day for a Special Election. Notice shall be provided to the General Membership by email, mail and publication at the Tribal Office and on the Tribe's website.

ARTICLE 7. ELECTED OFFICES/QUALIFICATIONS FOR OFFICE

SECTION 7.1

A person may only Accept a nomination and be certified as a candidate for one (1) position during an election (i.e., A person may only formally Accept the nomination for one (1) position on either the Executive Council or one (1) position on the Tribal Court during an election. A person may not formally Accept the nomination for two (2) positions on the Executive Council during an election or one (1) position on the Executive Council and one (1) position on the Tribal Court during an election).

SECTION 7.2. EXECUTIVE COUNCIL – GOVERNING BODY

In accordance with Article IV – Governing Body of the Constitution, the governing body of the Tribe shall be known as the Executive Council and shall consist of seven (7) members elected at large from the Registered Voters of the Tribe.

(A) Composition. The Executive Council shall consist of a Chairperson, Vice-Chairperson, Secretary, Treasurer and three (3) Members-at-Large.

(B) Executive Officers. The Chairperson, Vice-Chairperson, Treasurer and Secretary shall be known as the Executive Officers of the Executive Council. Executive Officers may also be referred to as Administrative Officers.

(C) Term. All members of the Executive Council shall be elected to four (4) year terms and shall serve, with all rights, powers, and duties, until their successors are elected and installed. Terms shall be staggered so that no more than four (4) Executive Council seats shall be elected in any one (1) year, unless as required as part of a Special Election. Terms for Executive Council members shall begin on the second Saturday in July following an election in June. The term of an elected official sworn in at a date later than the second Saturday in July shall be considered as starting on the second Saturday in July of the year he or she is elected.

SECTION 7.3. QUALIFICATIONS OF THE EXECUTIVE COUNCIL

The qualifications of a Candidate for the position of Executive Council member shall be as follows:

(A) Candidate must be an enrolled member of the Tribe.

(B) Candidate must have Tribal governing experience, including a minimum of twelve (12) months experience and/or observation of Council meetings. Such experience may include committee membership, an internship, and employment by the Tribe and/or employment by a Tribal program. All Candidates must demonstrate such governing experience in accordance with the matrix outlined in Section 7.4 below.

(C) Candidate must be twenty-five (25) years of age on or before Election Day.

(D) Candidate must reside physically in the State of California for at least one (1) year immediately prior to either (a) the election in which the Candidate seeks nomination and election to office, or (b) the prospective appointee's appointment to office.

(E) Candidate must not have been convicted of a Felony within the five (5) years immediately prior to either (a) the election in which the Candidate seeks nomination and election to office, or (b) the prospective appointee's appointment to office, as verified by a background check.

(F) Candidate must not have been incarcerated at any time during the three (3) years immediately prior to either (a) the election in which the Candidate seeks nomination and election to office, or (b) the prospective appointee's appointment to office, as verified by a background check. Incarceration occurring solely in lieu of paying a fine ordered by the Court shall be exempt from this provision.

(G) Candidate must not be currently on probation or parole.

(H) Candidate must submit to and pass drug testing as part of the Candidate certification process.

(I) Candidate cannot serve on the Executive Council if he or she is related to more than one other Executive Council member *of the same household* in the following relations: mother, father, sister, brother, wife, husband, daughter or son.

(J) Candidate must read the Executive Council's "Code of Ethics Ordinance" and sign an acknowledgement of such.

(K) Candidate must sign any other requested documents in accordance with its prospective duties as a member of the Executive Council.

(L) Treasurer Candidates Only: Must have knowledge of record keeping and/or bookkeeping, as evidenced in his or her resume, in order to perform the Tribe's Treasurer duties.

SECTION 7.4. GOVERNING EXPERIENCE MATRIX

Candidates must demonstrate governing experience by providing evidence to the Election Board of <u>at least one</u> (1) qualifying experience from both Category A and B below (subsection A and B) <u>and</u> shall provide clarifying information if he or she has had any experiences listed in subsection C below.

(A) Category A:

(1) Served on the Executive Council:
(2) Served on a HPUL Tribal board, committee or commission for one (1) plus consecutive year within the last five (5) years; or
(3) Attended a combination of at least six (6) General Membership, Town Hall, and/or Executive Council meetings within the last twelve (12) months preceding his or her nomination.

(B) Category B:

(1) Voted in at least two (2) of the last five (5) elections conducted by the Election Board AND proof of at least five (5) hours/credits of coursework related to tribal governance;
(2) Served as an intern with the HPUL Executive Council for at least six (6) months in the last three (3) years;
(3) Be employed by HPUL or one of its entities AND meet the employment requirements in Subsection D below;
(4) Be employed by a local, state, or federal government, including the military, AND meet the employment requirements in Subsection D below;
(5) Be employed by another tribe (non-HPUL) AND meet the employment requirements in Subsection D below; or

(6) Served on a (non-HPUL) tribally related board, committee or commission for one (1) plus consecutive year within the last five (5) years.

(C) If a Candidate has had any of the experiences below, he or she must provide an explanation of the circumstances regarding such removal or termination:

(1) Removed from a board, committee, commission or elected office for lack of participation in the last five (5) years; and
(2) Terminated from employment for cause in the last five (5) years.

(D) Employment Requirements:

(1) Demonstrate leadership skills by regularly:
    (a) Engaging with policies and/or procedures;
    (b) Interacting with executive leadership;
    (c) Engaging with budgets and/or finances;
(2) Have supervisory experience; and
(3) Be employed for at least one (1) consecutive year within the last five (5) years.

SECTION 7.5. QUORUM FOR ELECTIONS OF THE EXECUTIVE COUNCIL

All members of the Executive Council shall be elected by a Majority vote of the voters participating in any such election provided at least 51% of the Registered Voters (as of the time the Election Board calls the election) have voted. If the quorum requirement is not met for the election, the election shall be considered invalid and there shall be no declared winners. Within five (5) calendar Days of the invalid election, the Election Board shall formally call a new election in accordance with Section 6.1 to fill the unfilled vacant seats. Pending the newly called election, the outgoing elected officers shall continue to serve in their elected positions on the Executive Council with all rights, powers and duties until the vacancies are filled and new elected officials are installed.

ARTICLE 8. NOMINATIONS AND CERTIFICATION OF CANDIDATES

SECTION 8.1. NOMINATIONS FOR EXECUTIVE COUNCIL

The Election Board shall hold a Nomination Meeting with the General Membership. Nominators (individuals nominating another) may nominate a Tribal Member by either 1) filling out a nomination form at least the day before the Nomination Meeting (Note: The Election Board must verify the authenticity of the nomination prior to the start of the Nomination Meeting) or 2) nominate someone at the Nomination Meeting (Note: if nominating someone at the Nomination Meeting, the nominator must be Present at the meeting). At the Nomination Meeting, all nominations submitted and verified prior to the beginning of the meeting shall be read into the record first and then all in-person nominations may be made. All nominees shall either accept or decline a nomination. Nominees may only formally Accept the nomination for office for one (1)

position during an election. Prior to the close of the Nomination Meeting, if an individual has been nominated for more than one (1) position in an election and he or she has preliminarily accepted the nomination, he or she shall formally Accept a nomination by declaring the one (1) position he or she shall formally Accept and run in the election and decline nomination for all other positions nominated in the election.

All nominees must be Present at the Nomination Meeting and shall give an oral presentation as to their desire, ability and qualifications regarding the position for which they have been nominated. It is preferred that the Nomination Meeting is conducted in person. However, the Nomination Meeting may be conducted electronically, including video conference, or both in person or electronically as needed or if local conditions do not allow meeting together in person. Nominees and Nominators shall be considered Present if they are physically present at the meeting location or can be physically seen via video conferencing.

SECTION 8.2. CERTIFICATION OF CANDIDATES

Individuals nominated to run for a position on the Executive Council shall have the duty to timely prove, based on the election calendar established by the Election Board, that he or she meets the qualifications for candidacy as outlined in Article IV, Section 2 of the Constitution and Sections 7.3 and 7.4 of this Ordinance. The Election Board shall be responsible for certifying that nominees meet the qualifications for candidacy as outlined in Article IV, Section 2 of the Constitution and Sections 7.3 and 7.4 of this Ordinance. The Election Board shall complete the certification process in accordance with the process outlined below.

(A) Candidate Packet. The Election Board shall create a Candidate Packet containing forms that all nominees must fill out in order to assist the Election Board in certifying his or her candidacy. The Election Board shall publish a list, at least thirty (30) calendar Days in advance of the submittal deadline, of the documents required to be completed and/or submitted in the Candidate Packet and the deadline for completion and submittal to the Election Board. At a minimum, completed Candidate Packets shall contain the following information and documents:

(1) Candidate Application
(2) Candidate Picture
(3) Copy of Candidate’s California Driver’s License or REAL ID
(4) Proof of California residency
(5) Copy of Candidate’s Social Security Card

Each nominee shall only submit one (1) completed Candidate Packet for the position he or she was nominated and formally Accepted. Completed Candidate Packets shall be submitted electronically to the Election Board or by hard copy to the Tribal Office. Candidate Packets submitted to the Tribal Office must be time stamped by Tribal staff upon submittal. Nominees who do not submit completed Candidate Packets by the established deadline will be deemed automatically ineligible for office, unless good cause exists. Nominees who anticipate they cannot submit a completed Packet by the deadline

may request a good cause exemption only in advance of the deadline. Good cause is determined at the sole discretion of the Election Board and shall not be appealable.

(B) Background and Drug Test. In order to comply with Section 7.3(H), all nominees shall be required to submit to both a background test and a drug test. The Election Board may require nominees to test at a particular time, location and with a particular provider. All drug test results shall be in compliance with the Tribe's Drug and Alcohol Abuse Policies and Procedures. The Election Board reserves the right to request nominees to submit to additional testing as needed. Furthermore, the Election Board may request proof of valid prescription drugs in order to confirm that a nominee is in compliance with the Tribe's Drug and Alcohol Abuse Policies and Procedures. All background and drug test results shall be sent by the third-party provider to the Election Board, or its designee, directly and shall not be submitted by the nominee.

(C) Election Board Review of Candidate Packet. Following the Candidate Packet submittal deadline, the Election Board shall meet to review the submitted Candidate Packets and results of the drug test and background checks. The Election Board will first determine if a Candidate Packet is complete. If it is not complete, the nominee will automatically be disqualified. If it is complete, the Election Board will review the Candidate Packet and results from the background and drug tests to certify whether the nominee is eligible to run for a seat on the Executive Council. The Election Board shall only consider the information provided in the Candidate Packet. However, it reserves the right to request additional information or clarification as necessary to confirm information contained in the Candidate Packet.

(D) Certification Decision of Election Board. Based on the review of the Candidate Packet and Background and Drug test results, the Election Board will determine whether a nominee is eligible to be certified as a Candidate. Decisions to certify or disqualify a Candidate shall be done by Majority vote of the Election Board and memorialized in the Election Board meeting minutes.

(E) Notice of Election Board Decision. The Election Board shall provide written notice, via email, to all individual nominees stating whether he or she has been certified as a Candidate. If the Election Board has determined that a nominee is not eligible for certification as a Candidate, the notice must state the exact qualifications the nominee did not meet, as outlined in Article IV, Section 2 of the Constitution and Sections 7.3 and 7.4 of this Ordinance. The Election Board shall also post its decisions on the Tribe's website in accordance with the Election Board Policies and Procedures.

(F) Challenge to Election Board Decision. Any Eligible Voter may challenge the Election Board's certification decision for a particular nominee, whether the decision is to certify or disqualify a nominee. A challenge must be submitted in writing to the Election Board by email or in person to the Tribal Office within 24 hours of notice to the nominee of the certification decision, based on the time stamp of the e-mail identified in subsection (E)

above. The challenge may elaborate on information already provided in the Candidate Packet to support a nominee's eligibility and/or present new evidence to support an individual's eligibility or ineligibility. The challenge must describe exactly why the Election Board erred in its certification decision. The Election Board shall make a determination on the challenge by Majority vote within 48 hours of receipt of the challenge. The Election Board may only overturn its original determination if clear and convincing evidence shows that it erred in its original determination. The Election Board shall provide notice of its decision, via email, to the nominee in question and the challenger. The Election Board's decision shall be final and is not eligible for Appeal.

(G) Confidentiality and Storage of Documents. Candidate Packets and the results of Background and Drug tests shall be stored by the Election Board during the Election Cycle and shall be securely maintained within the Election Board's records for a period of three (3) years after election results are final.

ARTICLE 9. VOTER REGISTRATION

SECTION 9.1. ELIGIBILITY TO VOTE

To be eligible to vote, an individual must:

(A) Be an enrolled member of the Habematolel Pomo of Upper Lake;

(B) Be at least eighteen (18) years of age on the date of the election; and

(C) Be registered to vote in accordance with Section 9.2 below.

SECTION 9.2. VOTER REGISTRATION PROCESS

All individuals eligible to vote, regardless of residence, must register to vote in accordance with this Ordinance and the Election Board's Policies and Procedures if they wish to vote in an election. Registration shall only be required once. Individuals who are eighteen (18) years of age or older on or before the day of an election may register to vote at any time, including on the day of the election at the polling location.

Individuals must formally register by completing and submitting a Registration Form directly to the Election Board with a copy of a current photo identification card. The signature on the form shall be used for verification of signatures on Absentee Ballots and Petitions submitted to the Election Board, or some other form designated for that purpose.

It is the responsibility of the Eligible Voters to register and keep the Election Board informed of any changes to his or her name, address and/or signature.

The Election Board has the authority to request individuals to regularly update his or her signature that is used for Absentee Ballot and Petition verification purposes. The most recent signature submitted to the Election Board shall be the one used to verify his or her signature on an Absentee Ballot.

SECTION 9.3. LIST OF REGISTERED VOTERS

At least thirty (30) calendar Days before an election, the Election Board shall compile, in alphabetical order, an official List of Registered Voters. This List of Registered Voters shall serve as notice to the General Membership of those who have registered to vote and the members of the Tribe who are or will have attained the age of eighteen (18) years of age by or on Election Day. The List of Registered Voters shall be posted at the Tribal Office and to the Tribal Website. If an Eligible Voter discovers an error on the List of Registered Voters, he or she shall be responsible to contact the Election Board immediately. If an error is found to be legitimate, the Election Board will correct the error. Once the error has been corrected, the Election Board will repost the updated List of Registered Voters as described above.

ARTICLE 10. VOTING

SECTION 10.1. BALLOT VOTING

(A) Ballots. Ballot voting is required for all elections to be valid. All elections shall be done by secret Ballot; there shall be no voting by Proxy. Ballots are to be prepared clearly and simply so that it is easy for the voters to indicate a choice. Each Registered Voter shall be allowed to cast one (1) Ballot in each election. A Ballot shall be considered cast when it (1) has been tendered to the Election Board by placing it in a Ballot box, (2) upon receipt of the Absentee Ballot in the Election Board's Post Office Box and subsequently collected by the Election Board in accordance with this Ordinance, or (3) placed into the tabulation device, if applicable. Spoiled Ballots shall not be considered cast if returned directly to an Election Board member with a request for a new Ballot as explained below.

Should any voter spoil a Ballot in the course of voting at a polling location, the voter shall destroy it in the presence of an Election Board member and submit it to the Election Board member to be placed with Spoiled Ballots. The Election Board member shall then make note of the destroyed Ballot and furnish the voter with a new Ballot. Any spoiled Absentee Ballot may be exchanged for a new Absentee Ballot by returning it to the Election Board accompanied by a request for another prior to the close of polls. The Election Board shall honor the request promptly and make note of the date the Ballot was returned, mark the Ballot as spoiled and place it with the Spoiled Ballots. No extension of time will be granted to return the new Ballot.

(B) Absentee Voting. All Registered Voters shall be provided an Absentee Ballot for each election. Voting may occur by Absentee Ballot as set forth below:

(1) At least thirty (30) calendar Days prior to an election, unless good cause exists, (such as Special Elections that must be completed within thirty (30) Days), the Election Board will issue an Absentee Ballot to each Registered Voter. The Absentee Ballot shall include pre-paid postage on the return envelope sufficient for the Registered Voter to be able to track the return of his or her Absentee Ballot, if utilized by the voter.
(2) The Absentee Ballot must be completed and signed by the Registered Voter, and he or she must arrange for its return in one of the manners set forth below before the close of Ballot voting on the Election Day, as identified on the applicable Notice of Election.
(3) Absentee Ballots may be returned by U.S. Mail, Federal Express, UPS, or any other established carrier. Ballots may also be hand delivered, either by the Registered Voter personally or by any other person on behalf of the Registered Voter. No special or separate form is required to establish that a person has authority to deliver another Registered Voter's Absentee Ballot. Instead, the Absentee Ballots shall be designed in a manner that establishes and maintains the authenticity of that Absentee Ballot as filled out by that individual Registered Voter, regardless of who actually delivers it to the Election Board.
(4) Neither the Tribe nor the Election Board accepts any responsibility for delivery delays, spoliation, or other mishandling of any Absentee Ballot to the extent such delay, spoliation or mishandling occurs while the Absentee Ballot is in the possession of any entity other than the Election Board or its designee. It is the responsibility of the Registered Voter casting an Absentee Ballot to submit it via one of the approved methods, and to ensure such Ballot is received, in acceptable and unspoiled form, by the Election Board in accordance with Subsection 5 by the close of Ballot voting on Election Day.
(5) All Absentee Ballots returned to the Election Board by the close of Ballot voting as identified on the applicable Notice of Election, and as set forth in Subsection (A) above, shall be considered a Duly cast Ballot to be counted in accordance with this Election Ordinance. Absentee Ballots are subject to the same standards for other Ballots (e.g., intent clarity, Invalid Votes, etc.) and are subject to signature verification as described in Section 11.2.
(6) Absentee Ballots submitted, discovered or received following the close of polls on Election Day and the final mail pickup shall be considered invalid and shall not be counted in the results for the Election. Such ballots shall be unopened, marked invalid and stored with all other election material. The Election Board will make a written record of the Absentee Ballots submitted, discovered or received following the close of polls on Election Day and keep the record in the official records of the election.
(7) Absentee Ballots may never be returned via fax, e-mail, text message or other such electronic means. Any Absentee Ballot returned in this manner will not be counted in the applicable election.
(8) Any Registered Voter who receives an Absentee Ballot but does not ultimately submit it may participate by standard Ballot voting on the date of the election, as identified on the applicable Notice of Election.

SECTION 10.2. WRITE-IN VOTES

Write-in Votes will not be allowed in any election. Any Ballots containing a write-in name or Ballot issue will be counted as if the write-in name or ballot issue did not occur. (For example, if a voter crossed out the name of Jane Doe, who is a certified Candidate on the Ballot, and wrote in the name John Pope instead and marked the voting box, the vote would still count for Jane Doe since the voting box was marked in correspondence with her name and no Write-in Votes are allowed.)

SECTION 10.3. POLLING LOCATION

(A) Polling Location. The official polling place for elections will be held at the Tribe's Community Building in Upper Lake, California, or another similar location as designated by the Election Board. If the location of the polling place is changed, Tribal Members shall be notified at least thirty (30) calendar Days in advance, unless good cause exists to change the location on shorter notice, by email, mail, and posting at the Tribal Office, Tribal Community Building and on the Tribe's Website.

(B) Poll Hours. Poll hours on the date of the election are: 10:00 a.m. to 2:00 p.m. Pacific time unless otherwise noted. The Election Board may change these hours at any time as long as the Eligible Voters are informed in the Notice of Election at least thirty (30) days in advance, unless good cause exists to provide shorter notice (such as exigent circumstances or Special Elections that must be completed within thirty (30) Days).

(C) Health and Safety Protocols. The Election Board may impose health and safety protocols at and around the polling location in order to respond to local health and safety conditions. The protocols shall include reasonable accommodations in order to ensure no Eligible Voter is prohibited or discouraged from voting while still protecting the health and safety of all persons involved.

(D) Decorum at Polling Location. No Candidate, person, or entity shall be allowed to Loiter, campaign, attempt to include or intimidate other voters, or display political advertisement, including on clothing or his or her person, within 100 yards of an official polling location while voting is taking place on Election Day. Note: Individuals shall not be considered to be Loitering if they are at work in their office at the Tribal Office or conducting official business at the Tribal Office. Individuals in violation of these decorum standards shall be sanctioned by the Tribal Court following submittal by the Election Board of a request for sanction.

SECTION 10.4. VOTER ASSISTANCE

(A) Assistance in Marking a Ballot. A Registered Voter who is unable to mark his or her Ballot because of (1) a physical or visual disability or infirmity, (2) is illiterate and cannot read and/or write, or (3) a Hospitalized Absentee Voter, is entitled to special assistance in voting. Either at the polling location or by Absentee Ballot, the Registered Voter may mark his or her own Ballot or he or she may choose to be assisted by an Election Board

member, volunteer, or person of his or her choosing. Upon a request for assistance, an Election Board member shall document the request, including identification of the individual assisting the voter. The individual assisting the voter shall (1) subscribe in writing, on the Voter Assistance Form, to an oath of impartiality, (2) in no way influence the vote of the Registered Voter and (3) certify that the Registered Voter was of a sound mind and able to express his or her choices on each ballot item. Any special assistance provided in voting shall be video recorded by an Election Board member and saved in accordance with Section 12.4.

(B) Drive-Thru Voting. A Registered Voter who is able to reach the polling location, but because of a physical disability or illness is unable to come inside, may be assisted outside at a designated drive-thru voting location. If offered in a particular election, the Election Board shall develop protocols to outline the requirements and procedure for drive-thru voting in accordance with this Ordinance.

SECTION 10.5. OBSERVANCE OF ELECTIONS

(A) Election Volunteers. The Election Board shall request the assistance of at least one (1) volunteer to observe the voting process and the counting of Ballots on Election Day. The volunteer(s) shall not participate in conducting the election or counting of the Ballots. The volunteers shall be allowed to vote, if eligible, while the election poll is open. The volunteer(s) shall strictly maintain the confidentiality of election information, including election results and identification of the members who participated in the election, as outlined in volunteer protocols established by the Election Board and the confidentiality agreement signed prior to service on Election Day. The election volunteer(s) shall bring any concerns, especially concerns of non-compliance with this Ordinance, to the Election Board immediately, but certainly prior to the certification of the results and the conclusion of his or her service as an Election volunteer, whichever comes first, by completing the Election Board's Volunteer Observation Form. No formal challenge or affidavit from an election volunteer regarding something he or she personally observed shall be considered valid unless he or she brought the concern to the Election Board, on the Election Board's Volunteer Observation Form, prior to the certification of the election results on Election Day.

(B) Electronic Broadcast of Election. The Election Board may allow the election, including counting of the Ballots, to be digitally broadcast to all Registered Voters. The digital broadcast shall not include audio such that the privacy of those within the polling location is maintained.

SECTION 10.6. CLOSE OF POLLING

At the designated end time for polling, the Election Board shall verbally announce that the polls are closed. At that time, any Eligible Voters who are present in line are permitted to vote, even if they actually cast their vote after the designated closing time. Individuals who arrive at the poll location after the Election Board has announced the closure of the polls will not be allowed to vote.

ARTICLE 11. COUNTING OF BALLOTS

SECTION 11.1. RETRIEVAL OF ABSENTEE BALLOTS

(A) Retrieval from the Post Office Box. At least two (2) members of the Election Board shall retrieve Absentee Ballots from the Election Board's Post Office Box during the last two (2) hours the Post Office counter is regularly scheduled to be open before Election Day. Upon retrieval, the Election Board shall note the tracking numbers of all Absentee Ballots in order to ensure accurate recordkeeping and cross reference any available tracking spreadsheets. Once recorded, Absentee Ballots shall immediately be placed in the Election Board's Ballot Box until Ballots are counted.

(B) Retrieval from Ballot Box. The Election Board shall not retrieve Absentee Ballots from any Ballot Box until the closure of the polling location. .

SECTION 11.2. ABSENTEE BALLOT SIGNATURE VERIFICATION

Following the close of polls on Election Day, the Election Board shall open the Ballot Box and retrieve all Absentee Ballots. The Election Board shall examine all retrieved Absentee Ballots to ensure that the outer envelope is signed. The Election Board will compare the signature of each outer envelope with the individual's most recent signature submitted to the Election Board. Signatures that cannot be verified by the Election Board will be determined to be invalid, not officially cast, and will be secured with all other Rejected Ballots and not counted for any purpose, including but not limited to, tabulating the total number of Ballots cast in conjunction with determining whether the required percentage of the Registered Voters has participated in the election (i.e., whether a Quorum is present).

SECTION 11.3. COUNTING OF BALLOTS

All Duly cast Ballots are to be counted as described below.

(A) Opening of Ballot Box(es). After all valid Absentee Ballots are added to the Ballot box(es), the Ballot box(es) shall be opened by the Election Board and all Absentee Ballots shall be retrieved for counting and signature verification.

(B) Opening of Absentee Ballots. Upon verification of all Absentee Ballot signatures, the Election Board shall open the valid Absentee Ballot outer envelopes. All inner envelopes shall be mixed, combined and then opened in order to preserve the anonymity of the Ballots. Once all Absentee Ballots are fully opened, they shall be combined with all other Ballots in the Ballot box(es) and then retrieved for counting.

(C) Counting of Ballots. The Election Board shall tally the votes for each Candidate or ballot issue. Votes shall be tabulated a minimum of two (2) times to ensure accuracy. If any variation in the tabulated results exists, the Election Board shall continue to tabulate the

votes until the results are exactly the same for at least two (2) separate consecutive tabulations. Votes shall be tabulated electronically in accordance with the Election Board's written procedures regarding electronic tabulation. If electronic tabulation is unavailable, the Election Board shall tally the votes manually in accordance with its written procedures regarding manual tabulation.

The specific types of Ballots and votes shall be tabulated as described below:

(1) Valid Vote. Valid Votes on a Duly cast Ballot shall be counted for all purposes.
(2) Invalid Votes. Invalid Votes on a Duly cast Ballot shall not be included in the tally of votes for each Candidate or ballot issue. However, any Valid Votes on a Duly cast Ballot shall be included in the tally of votes of each Candidate or Ballot issue. The Duly cast Ballot containing Invalid Votes shall be counted in tabulating the total Ballots cast in conjunction with determining whether the required percentage of Registered Voters has participated in the election (i.e., whether a Quorum is present).
(3) Spoiled Ballots. Ballots that are spoiled during the voting process shall not be counted for any purpose.
(4) Rejected Ballots. Absentee Ballots that are determined by the Election Board to not have a valid signature, shall be deemed a Rejected Ballot and shall not be counted for any purpose. Ballots determined by the Election Board to be validly cast but marked in such a way that it is not possible to determine the intent of the voter for the entire Ballot shall also be considered Rejected Ballots. These Rejected Ballots shall not be counted in the tally of votes for each Candidate or ballot issue. However, they shall be counted in tabulating the total Ballots cast in conjunction with determining whether the required percentage of Registered Voters has participated in the election (i.e., whether a Quorum is present).
(5) Write-in Ballots. Ballots containing Write-in Votes shall be tabulated as if the Write-in Ballot did not occur and they shall be counted in tabulating the total ballots cast in conjunction with determining whether the required percentage of Registered Voters has participated in the election (i.e., whether a Quorum is present).

(D) Tie Votes. If the vote totals reveal that two or more Candidates or Ballot issues have received an equal number of votes, the votes shall immediately be recounted in accordance with Section 12.2 of this Ordinance.

ARTICLE 12. ELECTION RESULTS

SECTION 12.1. WINNER

The Candidate or ballot issue receiving the highest number of votes for his or her position or ballot issue shall be declared the winner and/or elected. If more than one seat is vacant for a

particular position (i.e. the Member-at-Large position on the Executive Council), the Candidate receiving the highest vote of all individuals running for that position shall be declared the winner of the first vacant seat and the Candidate receiving the next highest vote of all individuals running for that position shall be declared the winner of the second vacant seat, and so on until all vacant seats for that position are filled.

SECTION 12.2. TIE VOTES

At the completion of counting the election results, in the event of a tie, the Election Board shall conduct an immediate recount of the Ballots cast. Should a tie still exist, the Election Board will call and conduct a special Run-Off Election consisting of only the tied Candidates or ballot issues. The Run-Off Election shall be held no more than thirty (30) calendar Days from the date of the election in which the tie vote occurred. The election shall be conducted in accordance with the election process outlined in this Ordinance. All Eligible Voters, provided they are registered on or before the day of the Run-Off Election, shall be allowed to vote in a Run-Off Election regardless of whether they voted in the election that resulted in a tie.

SECTION 12.3. POSTING AND CERTIFYING ELECTION RESULTS

The Election Board shall prepare, post and certify the results of the election. The results shall include the number of individuals voting in an election, the number of individuals who voted for a particular Candidate or ballot issue, and whether the Quorum requirement was met. The results shall be posted at the Tribal Office, on the Tribe's website and at other appropriate public places as determined by the Election Board. The Election Board shall certify the results of the election on the Certificate of Results of Election form and transmit it to the BIA.

SECTION 12.4. SECURE LOCATION FOR ELECTION MATERIALS

The Chairperson of the Election Board shall be responsible for ensuring that all election materials are kept in a secure and locked location within an office of the Tribe, unless exigent circumstances necessitate storage at a different location as approved by a majority vote of the Election Board, for at least ninety (90) calendar Days after each election in the event of an election challenge or recount request.

SECTION 12.5. RELEASE OF ELECTION INFORMATION

The Election Board may release information regarding the number of voters who participated in an election, including the total number that voted in person and by Absentee Ballot. However, in order to protect the privacy of the Registered Voters, the Election Board shall not release information to any party regarding the identity of the Registered Voters who voted in the Election.

ARTICLE 13. ELECTION CHALLENGES

SECTION 13.1. ELECTION CHALLENGE

(A) Eligibility. Any Registered Voter of the Tribe may contest the results of an election based on the contention that there was an irregularity in the election. An irregularity is a conduct, pattern of conduct or occurrence which does or is an attempt to interfere or manipulate the election process or the result of an election. An irregularity may include, but is not limited to, the following: fraudulent activity, violations at the polling site, refusal to allow individuals to vote, improper voting, and conflicts of interest that are improper, not avoided or minimized as discussed in Section 5.6.

Election Challenges regarding the eligibility determinations of a particular Candidate may only be made in accordance with Section 8.2(F).

(B) Election Challenge. A Registered Voter interested in filing a challenge must file a written Election Challenge describing the alleged violation in detail with the Secretary of the Election Board no later than 5:00 PM Pacific Time three (3) calendar Days following the certification of the election results ("Election Challenge Deadline"). The Election Challenge shall be notarized. The Election Challenge shall also contain evidence supporting the contest of the results of an election. If an Election Challenge includes evidence of another individual's election experience (i.e., something that happened to someone else or something someone else saw), a notarized affidavit must accompany the Election Challenge signed by the individual directly involved in the election experience.

The notarized Election Challenge may be filed via email to the Election Board Secretary or submitted to the Tribal Office. The Tribal Office, upon receipt of an Election Challenge, shall date and time stamp the documents. Within 24 hours of the Election Challenge Deadline, the Election Board will review the Election Challenge to ensure it is submitted by an eligible individual and for an eligible purpose as outlined in Subsection A. If the Election Challenge is eligible, the Election Board shall begin the investigation process. If the Election Challenge is not eligible, it shall be returned to the individual either by email or mail with a cover letter explaining the reason for return and that it will not be reviewed by the Election Board. The Election Board may also independently initiate an inquiry and set a hearing to review possible violations of this Ordinance.

The Election Board shall have the authority to join individual challenges together that are addressing, at least in part, one (1) or more similar issue(s). If the Election Board decides to join one (1) or more Election Challenges together, it shall provide written notice of such joinder to all individuals who submitted similar Election Challenges. At any hearing regarding these joined issue(s), all individuals who submitted Election Challenges on similar issue(s) shall be allowed to participate jointly. The Election Board shall provide one (1) decision on the joined issue(s) in response to all the similar Election Challenges.

(C) Investigation. Upon receipt of a valid Election Challenge, the Election Board, or its designee, shall begin an investigation into the claims included in the Election Challenge. As part of the investigation, the Election Board, or its designee, shall have the power to conduct interviews, issue subpoenas requesting documentation from the Challenger or any other individual having relevant information, request additional information from the Challenger or any other action needed to complete its investigation.

(D) Hearing. The Election Board may hold a hearing on the Election Challenge in order to obtain more information regarding the Election Challenge. If the Election Board deems it necessary to hold a hearing on the Election Challenge, the hearing shall be held prior to the Election Board's deadline to issue its response. The Election Board shall provide notice at least 48-hours in advance of any hearing to all individuals required to attend the hearing. The Election Board Chairperson shall preside at the hearing. Hearings may be held in person or virtually, via video conference with all participants physically visible on camera, at the discretion of the Election Board. Hearings shall be recorded by the Election Board for internal use only and shall be the property of the Election Board. In the case of an Appeal of the Election Board's decision, the Election Board shall release the recording as part of its record of the Election Challenge. Hearings shall be conducted in accordance with this Ordinance, the Election Board's Policies and Procedures and any specific hearing procedures provided to the participants at the time of notice of the hearing.

(E) Decision. The Election Board shall issue a decision on the Election Challenge by Noon Pacific Time on the sixth calendar day following the Election Challenge Deadline. The decision shall be in writing and shall detail the reasoning for the Election Board's decision, including supporting documentation as appropriate.

In the event that the Election Board finds that an irregularity has occurred, it shall have the power to:

(1) Issue a finding that the irregularity is not serious enough to require the imposition of a penalty or a new election;
(2) Issue a private or public reprimand; or
(3) Declare that the irregularity is of such magnitude that clear and convincing evidence shows that there was no possible way that a fair election occurred and that a new election, whether in whole or part, should be held with identical Candidates or issues. Note: Approval by the Executive Council to conduct a new election, whether in whole or part, shall not be required.

SECTION 13.2. RECOUNT REQUEST

A Candidate or Petitioner in an election may request a recount of the Ballots as part of his or her Election Challenge. The request must be accompanied by a fee of two-hundred and fifty dollars

($250.00) in order to minimize the cost of the recount for the Tribe. The fee shall be paid to the Tribal Office in any format accepted by the Tribe.

If a recount is requested by a Candidate or a Petitioner, and is accompanied by the fee, the recount shall occur prior to the deadline for the Election Board to issue its decision on the Election Challenge, but after the Election Board has concluded the investigations for all other Election Challenges. All valid Ballots cast by the close of polls on Election Day shall be included in the recount. The manner of counting (i.e., by hand or by electronic tabulation) shall be at the discretion of the Election Board. The Candidate or Petitioner requesting the recount shall have the right to be physically present in the room where the recount is taking place. If the recount totals are different than the original preliminary election results, the Election Board shall issue a revised election result. Similarly, the Election Board shall issue a decision to the Election Challenge reflecting the revised election result and refund the recount fee.

SECTION 13.3. ELECTION APPEAL

The Habematolel Pomo of Upper Lake Tribal Court shall have jurisdiction to hear an Appeal of the decision issued by the Election Board in accordance with Section 13.1. If no Tribal Court is in existence at the time of the Appeal, an established Inter-Tribal Court, contracted for this purpose, shall sit as the Tribal Court. A judge of the Inter-Tribal Court shall in no way be related to any Candidate, Election Board member, Executive Council member, third-party vendor working on the election in question, or have worked for the Tribe for any purpose at any time, except as an Inter-Tribal Court judge.

(A) Eligibility. A Challenger may Appeal the decision of the Election Board by submitting an Appeal to the Tribal Court no later than 5:00 PM Pacific Time three (3) calendar Days following the issuance of a decision by the Election Board.

(B) Appeal. The Appeal shall comply with all Tribal Court rules, procedure, and/or the Judicial Code. The Tribal Court may impose filing fees in accordance with its rules, procedures and/or the Judicial Code.

(C) Conflict of Interest. The Judge hearing the matter in the Tribal Court shall in no way participate in any Appeal involving his or her immediate family member, as defined in the Tribe's Code of Ethics Ordinance.

(D) Review and Burden of Proof. The Tribal Court shall give deferential review to the Election Board's decision. The Tribal Court shall only review the record created during the Election Challenge proceeding, including, but not limited to, evidence, pleadings, hearing record, and decisions. No new evidence or information shall be presented on Appeal. The Tribal Court shall only overturn a decision of the Election Board if the Tribal Court finds that there is clear and convincing evidence that the Election Board erred in whole or in part in its decision or there was a clear violation of the Tribe's Constitution or Election Ordinance.

(E) Hearing. The Tribal Court may set a hearing on the matter at its sole discretion. No new evidence or information shall be presented on Appeal. Hearings may be held in person or virtually via video, with all participants physically visible on camera, at the discretion of the Tribal Court. Hearings shall be conducted in accordance with Tribal Court rules, procedures or the Judicial Code.

(F) Decision. The Tribal Court shall issue a decision on the Appeal by Noon on the 12th calendar day following the Appeal Deadline. The decision shall be in writing and shall detail the reasoning for the Tribal Court's decision.

In the event that the Tribal Court finds clear and convincing evidence to overturn the Election Board's decision, it shall have the power to:

(1) Issue a finding that the irregularity is not serious enough to require the imposition of a penalty or a new election;
(2) Declare that the irregularity is of such magnitude that clear and convincing evidence shows that there was no possible way that a fair election occurred and that a new election, whether in whole or part, should be held by the Election Board with identical Candidates or ballot issues. Note: Approval by the Executive Council and/or Election Board to conduct a new election, whether in whole or part, shall not be required;
(3) Issue sanctions and/or fines; and
(4) Remove members of the Election Board found to have willfully and intentionally committed violations of this Ordinance and the Tribe's Constitution.

The decision of the Tribal Court shall be final. There shall be no additional opportunities to Appeal the decision and the Tribe shall grant no waiver of the Tribe's sovereign immunity.

ARTICLE 14. INSTALLATION

SECTION 14.1. NOTIFICATION AND INSTALLATION

(A) General Tribal Election. The certified winners of a General Tribal Election shall be installed on the second Saturday in July following the completion of the Election Challenge process, as described in Article 13 – Election Challenges. The certified winners shall be notified of the time, date and location of the installation. Candidates who are involved in a Run-Off Election shall not be installed until the Run-Off and challenge period is complete.

(B) Run-Off Election. The certified winners of a Run-Off Election shall be installed exactly one (1) month from the date of the Run-Off Election in order to allow for the completion of the Election Challenge process. If no challenges are submitted regarding the Run-Off

Election, the installation shall be one (1) week from the date of the Run-Off Election. The certified winner(s) shall be notified of the time, date and location of the installation.

(C) Special Election. The certified winners of a Special Election shall be installed exactly one (1) month from the date of the Special Election in order to allow for the completion of the Election Challenge process. If no challenges are submitted regarding the Special Election, the installation shall be one (1) week from the date of the Special Election. The certified winner(s) shall be notified of the time, date and location of the installation.

SECTION 14.2. OATH OF OFFICE

(A) The Oath of Office of each elected official is to be administered by a member of the Election Board, ideally the Chairperson of the Election Board.

(B) Each elected official shall take the following Oath of Office prior to assuming his/her duties, which is effective immediately upon recitation. The Oath of Office shall be as follows: "I, (your name), do solemnly swear that I will carry out faithfully and impartially the duties of my office, that I will do the best of my ability to achieve and maintain a respect for the traditions of our Pomo culture, and for the people that I represent and that I will uphold, promote, and protect the Constitution of Habematolel Pomo of Upper Lake."

SECTION 14.3. TRANSITION PERIOD

All out-going elected official(s) shall peacefully and professionally transition all documents and information to the newly elected official(s). A formal 14-day minimum transition period shall be instituted for all Executive Council officers (Executive Council Chairperson, Vice-Chairperson, Treasurer and Secretary). A formal 7-day transition period shall be instituted for all other elected officials. The transition period will begin on the date of installation. Out-going elected official(s) shall return any equipment, documents, and Tribal property to the Executive Council before the conclusion of the transition period.

ARTICLE 15. VACANCIES, RECALL, REMOVAL, APPEAL AND FORFEITURE

SECTION 15.1. VACANCIES

(A) Any seat of an elected Tribal Official that has been vacated, whether by removal, Recall, or Forfeiture, shall be filled in accordance with Article VII – Vacancies and Article VIII – Removal, Recall and Forfeiture of the Constitution. Specifically, if a vacancy occurs, and there is less than thirty (30) calendar days before the next General Membership quarterly meeting, the Election Board shall conduct the election to fill the vacancy at the following quarterly meeting in which thirty (30) calendar days' notice may be provided to the General Membership. The Election Board shall be considered to have provided thirty (30) calendar Days' notice to the General Membership if the election is held on the

30th day from the date of the notice. If the vacancy occurs during the Tribe's General Election cycle, and it is possible to add the vacancy to the General Tribal Election ballot (i.e., prior to issuance of Absentee Ballots), the Election Board may combine the elections.

(B) If an official has been Recalled, he or she is not eligible for nomination or seating in a capacity of the Tribe for a period of two (2) years from the time he or she was Recalled.

(C) Quorum for Vacancy Election. The Quorum for elections conducted to fill a vacancy shall be 51% of the Registered Voters (as of the time the Election Board calls the election), the same Quorum that is required during a General Tribal Election as outlined in Section 7.4. If the Quorum requirement is not met for the election, the election shall be considered invalid and there shall be no declared winners.

SECTION 15.2. RECALL

(A) A Recall of an elected official is initiated when the Election Board and Secretary of the Executive Council receives a Petition to Recall an elected Tribal official, signed by at least 51% of the Eligible Voters of the General Membership. Before an election may be called, the Election Board shall have five (5) business Days to certify that the Petition is signed by Eligible Voters of the Tribe. If the Election Board certifies that the Petition is signed by 51% of Eligible Voters, then it shall call and conduct an election within thirty (30) calendar Days to consider the Recall of any Tribal Official.

(B) The election shall be conducted in accordance with this Ordinance and Article VIII – Removal, Recall and Forfeiture of the Constitution.

(C) Notice. For Recall elections, the Election Board shall be considered to have provided thirty (30) calendar Days' notice to the General Membership if the election is held on the 30th day from the date of the notice.

(D) Quorum for Recall Elections. The Quorum for elections conducted following the submittal of a valid Recall Petition shall be 30% of the Registered Voters (as of the time the Election Board calls the election), the same as that is required for amendments to the Tribe's Constitution. If the Quorum requirement is not met for the election, the election shall be considered invalid and there shall be no declared winners.

SECTION 15.3. REMOVAL AND APPEAL

(A) In accordance with Article VIII of the Tribe's Constitution, Tribal Members wishing to Appeal the decision of the Tribal Court of Appeals regarding the removal of an elected tribal official from office, shall submit a Petition specifically stating what relief is sought and signed by at least 51% of the Eligible Voters of the General Membership. Before an election may be called, the Election Board shall have five (5) business Days to certify that the Petition is signed by a sufficient number of Eligible Voters of the Tribe. If the Election Board certifies that the Petition is signed by 51% of Eligible Voters, then it shall

call and conduct an election within thirty (30) calendar Days to consider the Recall of any elected tribal official.

(B) The election shall be conducted in accordance with this Ordinance and Article VIII – Removal, Recall and Forfeiture of the Constitution. The decision of the General Membership is final.

(C) Notice. For elections Appealing the removal of an elected tribal official, the Election Board shall be considered to have provided thirty (30) calendar Days' notice to the General Membership if the election is held on the 30th day from the date of the notice.

(D) Quorum for Removal Appeal Election. The Quorum for elections conducted following the submittal of a valid Petition to Appeal the Tribal Court of Appeal's decision regarding removal of an Executive Council member shall be 30% of the Registered Voters (as of the time the Election Board calls the election), the same as that required for amendments to the Tribe's Constitution. If the Quorum requirement is not met for the election, the election shall be considered invalid and there shall be no declared winners.

ARTICLE 16. INITIATIVE, REFERENDUM AND CONSTITUTIONAL AMENDMENTS

SECTION 16.1. INITIATIVE

(A) The Election Board shall process submitted Initiative Petitions and subsequent required elections in accordance with the Tribe's Initiative and Referendum Ordinance and Article XIV, Section 1 of the Tribe's Constitution.

(B) Quorum for Initiative Elections. The Quorum for elections conducted following the submittal of a valid Initiative Petition shall be 51% of the Registered Voters (as of the time the Election Board calls the election) as required in Article XIV, Section 1 of the Tribe's Constitution. If the Quorum requirement is not met for the election, the election shall be considered invalid and there shall be no declared winners.

SECTION 16.2. REFERENDUM

(A) The Election Board shall process legislation submitted to the Election Board and subsequent required elections in accordance with the Tribe's Initiative and Referendum Ordinance and Article XIV, Section 2 of the Tribe's Constitution.

(B) Quorum for Referendum Elections. The Quorum for elections conducted following the submittal of valid legislation requested for Referendum shall be 30% of the Registered Voters (as of the time the Election Board calls the election), the same as that required for amendments to the Tribe's Constitution. If the Quorum requirement is not met for the election, the election shall be considered invalid and there shall be no declared winners.

SECTION 16.3 CONSTITUTIONAL AMENDMENTS

(A) The Election Board shall process a proposed Constitutional Amendment submitted to the Election Board and subsequent required elections in accordance with Article XIX, Section 1 of the Tribe's Constitution.

(B) Quorum for Constitutional Amendment Elections. The Quorum for elections conducted following the submittal of a proposed Constitutional Amendment shall be 30% of Registered Voters (as of the time the Election Board calls the election), and the Constitutional Amendment must be approved by a two-thirds (2/3) vote of those actually voting in the election. If the Quorum requirement is not met for the election, the election shall be considered invalid and the proposed Constitutional Amendment shall not be approved.

ARTICLE 17. OTHER PROVISIONS

SECTION 17.1. SOVEREIGN IMMUNITY

Nothing in the provisions of this Chapter constitutes consent by the Habematolel Pomo of Upper Lake or its sub-organizations to be sued in any court. Neither this Chapter nor any action (or inaction) taken by the Habematolel Pomo of Upper Lake or its sub-organizations pursuant to this Chapter represent a waiver of the Tribe's sovereign immunity for any purpose.

SECTION 17.2. AMENDMENTS

This Chapter, or any section herein, may be amended by a Majority vote of the Executive Council at any properly called meeting, general or special, with a Quorum present.

SECTION 17.3. SEVERABILITY

If any part of this Chapter is found void and without legal effect, the remainder shall continue in full force and effect, as though such part had not been contained therein.

SECTION 17.4. EFFECTIVE DATE

This Chapter shall take effect on the date it is approved by the Executive Council.

CERTIFICATION

As a duly elected official of the Habematolel Pomo of Upper Lake, I do hereby certify that a poll vote was convened on the 10TH day of DECEMBER 2024, at which time a quorum of 5 was present, this Chapter 1.1. Election Ordinance was duly adopted by a vote of 4 FOR, 0 AGAINST, 1 ABSTAINED, and said Chapter has not been rescinded or amended in any form.

Danielle Cirelli 12/13/2024

Danielle Cirelli, Executive Council Chairperson

ATTEST:

Iris Picton 12/16/2024

Iris Picton, Executive Council Secretary