

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the Tribal Council has been advised by the Tribal Election Commission that there is a need to revise Tribal Election Ordinance No. 56 in order to provide for voter registration procedures and to clarify the procedure for registering and voting in tribal elections; and

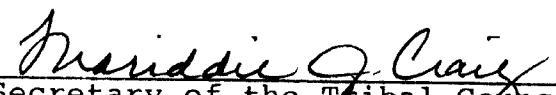
WHEREAS, a proposed amendment to Tribal Ordinance No. 56 has been presented to the Tribal Council and has been found to be acceptable by the Tribal Council.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that Ordinance No. 56 is hereby amended by the enactment of Ordinance No. 155, a copy of which is attached hereto.

BE IT FURTHER RESOLVED that the Tribal Council Secretary is hereby directed to post said ordinance for ten (10) days as required by the Tribal Constitution and Bylaws.

The foregoing resolution was on July 9, 1987, duly adopted by a vote of TEN for and ONE against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article VIII, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council

RECEIVED

JUL 15 1987

Fort Apache Indian Agency
White River, Arizona

ORDINANCE OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

ELIGIBILITY OF VOTERS

BE IT ENACTED by the White Mountain Apache Tribal Council duly assembled; that the Tribal Election Code, Tribal Ordinance No. 56, be amended by rescinding Section II "Voters" and inserting the following as Section II, titled "Eligibility of Voters."

A. All members of the White Mountain Apache Tribe who are enrolled on the records of the Tribal Vital Statistics Office, and who have reached the age of eighteen (18) years, shall be eligibility to vote in tribal elections, provided they have registered for voting as set forth in this section.

B. Eligible Voters Lists. Lists of the eligible voters of each District shall be prepared by persons appointed by the Tribal Council. The Eligible Voters List for each District shall be presented to the Election Board of that District at least 10 days prior to an election day. Each District Board shall review its Eligible Voters List and remove the name of persons known to be dead and of persons known not to belong to that district, changing the names of women who have married or correcting the names of persons whose names have been misspelled, and adding the names of persons who have reached their eighteenth birthday or who are known to belong to the District but have been omitted. The corrected Eligible Voters List shall be posted at the polling place of the District at least 5 days prior to the election and a copy submitted to the Council at the same time.

C. Eligibility Criteria: All enrolled members of the White Mountain Apache Tribe who have reached the age of eighteen years are eligible to vote in Tribal Elections, provided that the following criteria are met:

- (a) Only those persons whose names appear on the list of eligible voters shall be allowed to vote in Tribal Elections.
- (b) Eligible voters may vote only in the district of their residence. The term "residence" is defined to mean the place of abode at which the voter intends to

remain for an undetermined period and with no present intention of removal from that place.

- (c) For the purpose of insuring proper voter registration, a voters residence shall be determined as follows:
- 1) The residence of a White Mountain Apache person is that place at which his place of abode is fixed and to which, when he or she is absent, he or she intends to return; or
 - 2) In the event that a person does not maintain a residence then his or her residence is presumed to be where his or her mother lives provided that the mother is an enrolled member of the White Mountain Apache Tribe, if residence cannot be determined by this method then the voters residence shall be presumed to be where the voters father resides, if the father is an enrolled member of the White Mountain Apache Tribe.
 - 3) In the event that the mother or father does not have a residence, then the voters residence is presumed to be where the voters mother owns farmland, and if the mother does not own farmland, then where the mother owns livestock, and if the voters residence cannot be determined by this method, then the voters residence shall be presumed to be where the father owns farmland, or where the father owns livestock.
 - 4) In the event that a voter's residence cannot be determined based on the above criteria, then said voter shall be registered in the district where the seat of tribal government is located.
 - 5) A White Mountain Apache person who is a registered voter does not lose his resident status for purposes of voting in Tribal Elections solely by his absence while employed off the Fort Apache Indian Reservation or while a student attending school off of the Fort Apache Indian Reservation or while in the military services; and
 - 6) A white Mountain Apache person may only register in the district in which he or she has been a resident for at least 120 days prior to registration.

D. Voter Registration

- (a) There shall be a registration of all eligible voters. A permanent role of eligible voters shall be kept by the Election Commission. The Election Commission shall keep the register open during all business hours, beginning 30 days after each tribal election and continuing until 30 days prior to the date of the next tribal election.
- (b) While the register is open any unregistered member of the White Mountain Apache Tribe, upon proving to the Election Commission or any designated registrar that he or she possesses the qualifications set forth in sub-section C above shall be permitted to register.
- (c) The registrar shall issue to all voters registering a copy of the registration bearing the name of the voter, date of birth, home address, polling place where they will be permitted to vote, and other pertinent information as may be required by the Election Commission.
- (d) The voter registration card will be in two (2) segments, each bearing the identical information. The registrar shall retain one segment for the records of the Election Commission and the other segment shall be given to the registered voter. At the close of the registration period, an alphabetically arranged list of all persons registered to vote in each election district shall be prepared by the Office of Vital Statistics. The list shall be certified by the Election Commission as accurate.
- (e) Any person desiring to register who is not permitted to register may appeal in writing to the Election Commission at least 30 days prior to the next election. The Election Commission must rule on said appeals no later than 20 days prior to an election. All decisions of the Election Commission shall be subject to final appeal as provided in subsection h below.
- (f) Cancellation of Registration. The Election Commission shall examine the eligible voters list containing the names of all eligible voters and add or remove the names of all individuals as may be necessary to make the lists accurate.

- (g) The existing lists' of eligible voters are accepted as they now exists. All new registrations of voters or changes of registration must meet the new criteria set forth in this ordinance.
- (h) Appeals. Any member of the Tribe whose name has been removed for any reason from an Eligible Voters List by an Election Board or the Election Commission, or whose name had been omitted previously but not added by the Election Board or the Election Commission, may appeal to the Tribal Council for inclusion on the list at least three days prior to the election day. The Tribal Council shall, if necessary, call a special meeting to decide such appeals. If the Council should decide that the appellant is an eligible voter, it shall decide in which District he is eligible and shall order the appellant's name be placed upon the Eligible Voters List of that district.