

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 amend the recently enacted Tribal Election Code, Chapter 3 of the Government Code of the White Mountain Apache Tribe in order to remove from it certain provisions which may be deemed objectionable by the Bureau of Indian Affairs; and

WHEREAS, the Tribal Council is of the opinion that the questionable provisions should be removed although in the opinion of the Tribal Council they are totally acceptable, in order to avoid any interference or hindrance with an orderly election process during the 1988 Tribal Election; and

WHEREAS, the provisions in question do not relate directly to the right of tribal members to participate in tribal elections but relate solely to matters arising out of improper voter conduct; and

WHEREAS, the Tribal Council has reviewed the proposed revisions of the Election Code, attached hereto and finds the proposal acceptable.

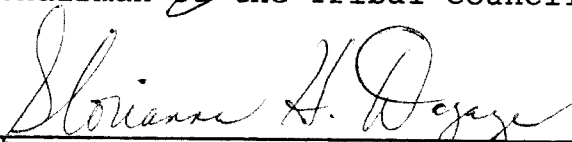
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the White Mountain Apache Tribal Government Code, Chapter 3, is hereby amended by the enactment of Ordinance No. 157, a copy of which is attached hereto.

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

The foregoing resolution was on December 14, 1987, duly adopted by a vote of NINE for and ONE against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article VIII, Section 8 (a) 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

ACTING 
Secretary of the Tribal Council

RECEIVED

FEB 05 1988

Fort Apache Indian Agency
Whiteriver, Arizona

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

BE IT ENACTED by the White Mountain Apache Tribal Council in Council assembled:

That Tribal Ordinance No. 156, Article 6, Subarticle 5, Section 3-6-18 is amended by deleting the words five thousand dollars and the numeral (\$5,000.00) and inserting in its place the words five hundred dollars and the numeral (\$500.00) so that Section 3-6-18 now reads as follows:

§ 3-6-18. Proceedings on Petitions Alleging Fraud.

When a petition alleging fraud concerning voting is filed, said petition must be accompanied by a cash bond of ~~five-thousand dollars--(\$5,000.00)~~ five hundred dollars (\$500.00). The same amount must accompany a petition alleging fraud concerning absentee voting. Said petitions shall be conditioned upon payment of any and all liabilities or judgments arising from the contest so filed. In said petition, contestant must allege that fraud occurred in certain polling locations or in the casting of absentee ballots. He must further allege the name of the polling locations wherein such fraud occurred, the specific act constituting such alleged fraud and the names of the alleged perpetrators of such fraud. If such a petition is filed in the manner herein provided, the Chief Judge of the Tribal Court, or such other justice as the Chief Judgment may assign, shall hear and determine said issue without delay or continuance of more than five (5) days. On the day of the hearing, the contestee may file an answer to such petition or may file a cross-petition, setting forth in detail, as required of a petitioner herein, such claim of fraud. The decision of said justice shall be final as to any changes in the total votes, and a copy of such judgment and decision shall be furnished to the Election Commission. In any case where fraud is proven on the part of a candidate, he shall be declared ineligible for the office for which he was a candidate. In all cases where a petition is filed which alleges fraud, but after a hearing said allegations are not reasonably sustained by competent evidence, the contestant shall be civilly liable in damages to the contestee for all damages sustained, including a reasonable attorney fee and all reasonable and proper costs of conducting such contest.

BE IT FURTHER ENACTED that Tribal Ordinance No. 156, Article 7 entitled "Penal Provisions" is hereby amended by

deleting the article in its entirety and substituting in its place Article 7 entitled Severability, § 3-7-1, which shall read as follows:

ARTICLE 7
Severability

§ 3-7-1. "If any part of this Ordinance shall be ruled invalid by a court of competent jurisdiction, then that portion shall cease to be operative, but the remainder of this ordinance shall continue in full force and effect.