

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

- WHEREAS,** the Constitution of the White Mountain Apache Tribe allows certain measures to be brought before the voters of the Tribe, through the referendum process; and
- WHEREAS,** the referendum process is a valuable right of the eligible voters of the Tribe; and
- WHEREAS,** to ensure that this right is available to the voters, regulations must be adopted to implement the referendum process; and
- WHEREAS,** procedures regulating constitutionally established rights of the people must be fair and assure orderly and conclusive results, which all parties will respect; and
- WHEREAS,** the Tribal Council has reviewed and discussed the proposed White Mountain Apache Election Commission Referendum Procedures and Regulations, which have been prepared by the Election Commission and the Tribal Legal Department; and
- WHEREAS,** the Tribal Council is satisfied that these procedures will fully ensure the rights of referendum granted to the people of the Tribe under the Constitution, and produce fair and reliable results.

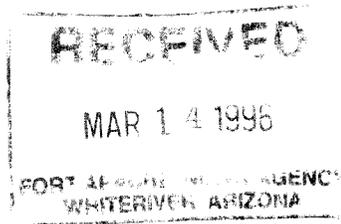
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the White Mountain Apache Election Commission Referendum Procedures and Regulations, attached and incorporated by reference herein, as the sole means by which referendum petitions may be prepared and presented to the people for popular vote.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Procedures and Regulations are effective immediately as the duly enacted regulations of the Election Commission, pursuant to the Tribal Government Code, Section 3.21(B).

Resolution No. 01-96-006

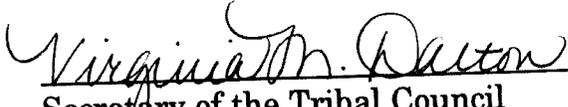
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the acts and deeds of the members of the Tribal Council necessary to carry out the intent and purpose of this Resolution be, and the same are hereby ratified, confirmed and adopted as the acts and deeds of the White Mountain Apache Tribe.

The foregoing resolution was on January 10, 1996, duly adopted by a vote of ten for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by the White Mountain Apache Tribal Constitution, including Article VI, Section 8 and Article IV, Sections 1 (a), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe on September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).





Chairman of the Tribal Council



Secretary of the Tribal Council

WHITE MOUNTAIN APACHE
ELECTION COMMISSION
REFERENDUM PROCEDURES AND REGULATIONS

Section 1. Exclusive Procedures:

These Regulations shall be the exclusive procedures for referendum elections.

Section 2. Form of Petitions:

The following shall be the form for referring to the Tribal people by referendum petition an enacted or proposed ordinance or resolution or portion thereof to the Tribal Council:

PETITION FOR REFERENDUM

To the Secretary of the Tribal Council:

We, the undersigned enrolled members and eligible voters of the White Mountain Apache Tribe of the Fort Apache Indian Reservation, respectfully order that Ordinance No. _____; Resolution No. _____, entitled (title of ordinance or Resolution number, and if the petition is against less than the whole act or ordinance then set forth here the item, section, or part, of any measure on which the referendum is used), adopted by the Tribal Council on _____, shall be referred to a vote of the eligible voters of the White Mountain Apache Tribe for their approval or rejection and each for himself says:

I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am an eligible voter of the White Mountain Apache Tribe of the Fort Apache Indian Reservation.

WARNING:

It is a criminal offense for any person to knowingly sign a referendum petition with a name other than his or her own, except in a circumstance where he or she signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his or her own name because of physical infirmity, or to

knowingly sign his or her name more than once for the same measure, or to knowingly sign such petition when he or she is not an eligible voter.

Signature _____

Name _____
(first and last name printed)

Voter Census Number _____

Residence Address (street & no. if any) _____

Arizona post office address _____

City or Town _____
(if any)

Date Signed _____

(Fifteen lines for signatures which shall be numbered)

The validity of signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on reverse side.

Assigned by Tribal Election Commission, Number _____

Section 3. Circulation of Petitions and Signatures:

A. A person or organization intending to file a referendum petition shall, before receiving said petition forms from the Commission, file with the Tribal Election Commission an application (Appendix 1), provided by the Commission, setting forth his or her name, or, if an organization, its name and the names and titles of its officers, address, his or her intention to circulate and file a petition, and the text of the proposed ordinance or resolution or portion thereof, to be referred, and applying for issuance of an official number to be printed in the lower right hand corner of both sides of the signature sheets of the petition.

B. If the matter to be referred in the application is not in conflict with the Tribal Constitution, the Commission shall within five (5) working days of receipt assign a number to the petition, which number shall appear on the face of each copy thereof, and issue that number and petition forms (Appendix 2) to the applicant. Numbers shall be

assigned to petitions by the Commission in numerical sequence and in the order of filing applications, and a record shall be maintained in the Tribal Council Secretary's office of each application received and of the number assigned and issued to the applicant.

C. The Commission shall print and shall furnish to each applicant, at the time it issues the number, a copy of the text of these regulations governing referendums.

D. The petitions must be filed with the Commission no later than ninety (90) calendar days after the Commission issues its official number for the petitions. Petitions filed after ninety (90) calendar days shall not be considered.

Section 4. Signatures and Verification:

A. Every eligible voter signing a petition shall do so in the presence of the person circulating the petition and who is to execute the affidavit of verification. At the time of signing, the eligible voter shall sign his or her first and last names in the spaces provided and the voter so signing or the person circulating the petition shall print his or her first and last names and write, in the appropriate spaces following the signature, the signer's voter census number, residence address, giving street and number, if any, and his or her post office address. The voter so signing or the person circulating the petition shall write, in the appropriate spaces following the voter's address, the date on which the voter signed the petition.

B. The person before whom the signatures and addresses were written on the signature sheet shall on the affidavit form pursuant to this section, subscribe and swear before a notary public, that each of the names on the sheet was signed and the name and address was printed in the presence of the voter and the circulator on the date indicated, and that in his or her belief each signer was an eligible voter of the Tribe. All signatures of petitioners on a signature sheet shall be those of eligible voters who are registered to vote in Tribal elections. The absence of a printed name shall invalidate that signature. Signature and handwriting comparisons may be made.

C. The affidavit shall be in the following form printed on the reverse side of each signature sheet:

Affidavit of Circulator

State of Arizona)
) ss.
County of)

I, (print name), an eligible voter of the White Mountain Apache Tribe, under the penalty of law, depose and say that each signed this sheet of the

foregoing petition in my presence on the date indicated, and I believe that each signer's name, residence address or post office address are correctly stated, and that each signer is an eligible voter of the White Mountain Apache Tribe and that at all times during the circulation of this signature sheet a copy of the title and text of the referred ordinance or resolution was attached to this signature sheet.

Signature of Affiant _____

Printed Name of Affiant _____

Voter Census Number _____

(Residence Address, street and number,
if any, of affiant) _____

(Post office address of affiant) _____

District where registered _____

If registered at a different address at any time during
circulation of this sheet, former address of affiant _____

SUBSCRIBED AND SWORN to before me this ____ day of
_____, 19____.

Notary Public

My Commission Expires:

Section 5. Procedure for Withdrawing Signatures:

A. An eligible voter who has signed a referendum petition may, by executing and filing with the Commission an affidavit in the form prescribed by this Section within ten (10) days from the day on which the petition is filed with the Commission, withdraw his or her signature from the petition. Any signature so withdrawn shall not be counted in determining the legal sufficiency of the petition. The affidavit shall:

1. Be signed and sworn to before a notary public.
2. Be in the given name and surname of the affiant.

Section 6. Prohibition on Circulating of Petitions by Members of the Tribal Election Commission:

No member of the Tribal Election Commission shall circulate a referendum petition and all signatures verified by any such person as circulator affiant shall be void and shall not be counted in determining the legal sufficiency of the petition.

Section 7. Prohibition on Signing Petition for Profit:

It is prohibited for any person to give or receive money or any other thing of value for signing a referendum petition, excluding payments made to a person for circulating such petition. Any signature obtained in violation of this section shall be void and shall not be counted in determining the legal sufficiency of the Petition.

Section 8. Signing Referendum Petitions:

A. Any eligible voter of the Tribe may sign a referendum petition upon any enacted or proposed ordinance or resolution of the Tribal Council which he or she is legally entitled to vote upon.

B. It is prohibited for any person to sign any name other than his or her own to a petition, except in a circumstance where he or she signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his or her own name, because of physical infirmity or knowingly signing his or her name more than once for the same measure, at one election, or who is not at the time of signing a qualified voter of the Tribe.

Section 9. Coercion or Intimidation with Respect to Petitions and Referendum Elections:

No person shall, directly or indirectly, make use of force, violence or restraint, or inflict or threaten infliction, by himself or herself or through any other person, of any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person, in order to induce or compel such person to sign or not to sign a referendum petition or to vote or refrain from voting for a particular measure at any referendum election. Any signature obtained in violation of this section shall be void and shall not be counted in determining the legal sufficiency of the Petition.

Section 10. Filing of Petition and Election:

Signature sheets; petitions; form; procedure for filing:

A. Every sheet for signatures shall:

1. Be in the form prescribed by these regulations.
2. Have printed in its lower right hand corner, on each side of such sheet, the number assigned to the petition by the Election Commission.
3. Be attached to a full and correct copy of the title and text of the enacted or proposed ordinance or resolution referred by the petition.

B. Petitions may be filed with the Election Commission in numbered sections for convenience in handling. Not more than fifteen signatures on one sheet shall be counted. When the petition is offered for filing, the Election Commission, in the presence of the person offering them for filing, shall:

1. Detach the petition sheets containing the signatures and affidavits from the text of the referred enacted or proposed ordinance or resolution.
2. Check to determine that each signature sheet bears the number assigned by him or her to the petition, and shall count the signatures on only those sheets bearing such number.
3. Cause all signature sheets to be grouped together and attach them to one or more printed copies of the referred enacted or proposed ordinance or resolution.
4. Number in the lower right hand corner both sides of the signature sheets in consecutive order. The same number shall appear on both sides of the sheet.

C. In no event shall the Election Commission accept a referendum petition filed later than ninety (90) calendar days after the Commission has issued its official number for that referendum petition pursuant to Section 3 B.

Section 11. Verification of Eligible Voters:

A. The Tribal Election Commission shall verify the signatures and claims of persons signing the Petition who claim to be registered and eligible Tribal voters within one hundred twenty (120) days following the Commission's assignment of its official number for that referendum petition. If investigation finds that persons signing the Petition are not eligible Tribal voters as of the date of signing the Petition, the Board shall certify:

1. The names, as well as the actual number, of persons selected by the Commission for verification found not to be eligible voters as of the date of signing the petition.

2. Whether the person whose signature appears in execution of each affidavit of circulator was an eligible voter at the time of circulating the petition.

B. The Commission's certification shall be in substantially the following form:

We, the Election Commission of the White Mountain Apache Tribe do hereby certify that we received the attached signature sheets, the affidavit of circulator page or pages and the attached list of page numbers in connection with referendum petition number _____, that we have caused such signatures to be compared with the records of this office and that those records disclose that the following persons whose signatures:

1. _____ were received were found not to be eligible voters at the time of signing the petition. A total of _____ persons out of those reviewed were found to be ineligible.

2. _____ appear in the execution of the affidavits of circulator were not eligible voters at the time of circulating the petition:

<u>Name</u>	<u>Address</u>	<u>Page Nos. of Sheets Circulated</u>	<u>Eligible Voters (Yes) or (No)</u>
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The records of this office show that each other person whose signature appears in execution of the affidavit of circulator was an eligible voter at the time of circulating the petition.

Dated: _____

Tribal Election Commission Chairperson

(Tribal Seal)

Section 12. Disposition of Petitions by Commission:

A. After its verification process is complete, if the number of valid signatures on the Petition sheets after subtracting ineligible names equals or exceeds the minimum required by the Constitution, the Election Commission shall issue the following receipt

to the person or organization that submitted the petitions:

_____ signature sheets bearing _____ signatures for referendum petition number _____ have been refused for filing in this office because the person circulating them was not an eligible voter at the time of circulating the petition or was prohibited by Section _____ at the time of circulating the petition. A total of _____ signatures were found to be ineligible. The actual number of remaining signatures for such referendum petition number _____ are equal to or in excess of the minimum required by the constitution to place a measure on the election ballot. The number of valid signatures filed with this petition, based on our review appears to be at least one hundred percent of the minimum required or through examination of each signature has been certified to be greater than the minimum required by the constitution.

Date: _____

Tribal Election Commission Chairperson

(Tribal Seal)

The Commission shall within five (5) calendar days of completion of its verification process notify the Tribal Council Chairman that a sufficient number of signatures has been filed and that the referendum shall be placed on the ballot at a special election called by the Tribal Council within ninety (90) days of said notification, provided that the special election may be held on the same date as any other tribal election if the date of the other tribal election is within one hundred fifty (150) days of the Commission's notification to the Tribal Council Chairman pursuant to this section.

B. If the number of valid signatures on the Petition sheets after subtracting ineligible names fails to equal or exceed the minimum required by the Constitution, the Commission shall immediately return the original signature sheets, to the person or organization that submitted them, together with a certified statement that for the following reasons, the petition lacks the minimum number of signatures to place it on the ballot:

1. Signature sheets bearing election commission page numbers _____ and bearing signatures of _____ persons were circulated by a person or persons prohibited from doing so under Section _____.

2. A total of _____ signatures included in the petition(s) have been certified by the Election Commission as ineligible by reason of not being eligible voters at the time of signing such petition.

Section 13. Form of Ballot.

A. The Commission shall transmit to each polling place a certified copy of the official title, the descriptive title and the number of each measure to be voted upon at the ensuing election.

B. The Commission shall print the official title, the descriptive title and the number of each measure upon the official ballot. A measure referred by the Tribal Council shall be designated "referred to the people by the Tribal Council," a measure referred by petition shall be designated "referendum ordered by petition of the people."

C. There shall be printed on the official ballot immediately below the number of the measure and the official title of each measure a descriptive title containing a summary of the principal provisions of the measure, not to exceed fifty words, which shall be prepared by the Commission and approved by the Tribal Attorney. Immediately following the descriptive title of each measure there shall be printed the phrases:

A "yes" vote shall have the effect of _____

A "no" vote shall have the effect of _____

The blank spaces shall be filled with a brief phrase prepared by the Commission and approved by the Tribal Attorney stating the essential change in the existing law should the measure receive a majority of votes cast in that particular manner. Opposite the phrases there shall be printed the number of the measure, and below the number of the measure and opposite each phrase there shall be printed the corresponding words "yes" or "no" and a square in which the voter may make a mark indicating his or her preference.

Section 14. Counting and Canvassing Votes; Tribal Chairman's Proclamation.

A. The votes shall be counted, canvassed and returned by the officers of the Election Commission, and the abstracts made by the clerks of the polling places of the White Mountain Apache voting districts shall be returned to the Commission on separate abstract sheets in the manner provided by law. The total vote shall then be canvassed and certified by the Commission.

B. If two or more conflicting measures are approved at the same election, the Tribal Election Commission shall declare and certify to the Tribal Council which of the measures received the greatest number of affirmative votes.

Section 15. Defeat of Referred Matter.

If a referendum election of any enacted or proposed ordinance or resolution, or portion thereof, of the Tribal Council is unsuccessful, no referendum petition on the defeated ordinance or resolution or portion thereof referred shall be permitted for a period of two (2) years from the date of the election results wherein the referendum failed.

APPLICATION FOR REFERENDUM PETITION NUMBER

Tribal Election Commission
 WHITE MOUNTAIN APACHE TRIBE
 P.O. Box 589
 Whiteriver, Arizona 85941

The undersigned eligible voter intends to circulate and file a REFERENDUM petition and hereby makes application for the issuance of an official referendum number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to the White Mountain Apache Referendum Procedures and Regulations, attached hereto is the full text, in no less than eight point type, of the RESOLUTION or ORDINANCE (circle appropriate word) intended to be REFERRED at a special election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the Resolution or Ordinance that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

 Signature of Applicant

 Name of Organization if any

 Printed Name of Applicant

 Address

 Address

 City State Zip

 City State Zip

 Telephone Number

 Telephone Number

 Name of Officer and Title

 Address

 City State Zip

 Telephone Number

 Name of Officer and Title

 Address

 City State Zip

 Telephone Number

Date of Application _____
Signature Required _____
Deadline for Filing _____
Referendum Number Issued _____
FOR TRIBAL ELECTION COMMISSION USE ONLY