

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

(Authorizing the Posting of Proposed Ordinance No. 243, Amending Section 5.3 A., B. and C.1. of the White Mountain Apache Election Code)

WHEREAS, pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe, and enact ordinances; and

WHEREAS, the Election Code was enacted by Ordinance No. 208 on May 16, 1997; and

WHEREAS, Section 5.3 of the White Mountain Apache Election Code pertains to Absentee Voting; and

WHEREAS, the Election Commission recommends an amendment of Section 5.3 A., B. and C.1, of the Election Code, which would read as follows:

SECTION 5.3 ABSENTEE VOTING

A. Request for ballot.

1. Any eligible voter who wishes to vote early and lives outside of a 150 mile radius from Whiteriver, Arizona or who expects to be absent from the district in which he or she is registered on any election day, or who expects to be physically unable to go to the voting place on such day, may request an absentee ballot by either coming in person to the office of the Tribal Council Secretary, or by sending a letter to the Election Commission. A person requesting an absentee ballot shall identify himself or herself using the name under which he or she is registered and shall state the district in which he or she is registered.

This process will be on a mail-out basis only. The absentee ballot will be mailed out to a post office box number or to a physical address (via certified or registered mail) where the applicant signs for his or her absentce ballot. NO GENERAL DELIVERY.

No more than three (3) absentee ballots will be mailed to one post office box number or physical address. Requests for absentee ballots will not be accepted via fax or phone calls, only per written request.

- 2. The applicant for an absentee ballot shall complete and sign the application before a Notary Public. The Notary Public before whom the applicant completes the application shall impress his or her seal on the application. Any person unable to sign the application shall place his or her mark and have the application signed by a witness. Applications for absentee voter ballots shall may be mailed or presented in person to the Election Commission.
- 3. Requests for absentee ballots shall be accepted until seven (7) days prior to effection dDay. Eligible voters may also make a written request in person at the Tribal Council Secretary's Office until 4:30 p.m. Mountain Standard Time on the Tuesday preceding the election.

- 4. All applications for absentee ballots shall be consecutively numbered by the Election Commission.
- 5. Any eligible voter who receives an Aabsentee Bhallot who does not complete and mail the ballot, but instead wishes to cast his or her vote in person, must first surrender his or her Aabsentee Bhallot to the Election Precinct Committee of his or her district on ellection dDay.
- 6. Any eligible voter who desires an Aabsentee Bballot for both pPrimary and gGeneral effections must request an Aabsentee Bballot prior to each election.

B. Delivery or m Mailing of documents to applicant.

Unless it is evident that the applicant is not an eligible voter, the Election Commission shall immediately cause the following documents to be delivered or mailed to such applicant.

- 1. An official ballot for the proposed absentee voter's district.
- 2. An affidavit envelope labeled "For Absentee Ballot Only" for the ballot to be put into after the voter has marked it.
- 3. An envelope with the address of the Election Commission printed on its front.
 - 4. The official application.

C. Form of application.

1. The form of application for the absentee ballot shall be substantially as follows:
STATE OF)
STATE OF
I,, do solemnly swear or affirm that I am an eligible voter of
the White Mountain Apache Tribe registered in District; that I wish to vote early;
or I expect to be absent from my District on the day of the next White Mountain Apache
Tribal Election or because of physical disability will not be able to go to the voting place
on such day. Therefore, I hereby make application to the Tribal Election Commission for
an absentee ballot.

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	Voter Signature
	Voter Name (Print)
	Voter Census Number
SIGNED SUBSCRIBED AND 20	D SWORN to before me this day of
	Notary Public or Commission Member

- WHEREAS, pursuant to Article XV of the Constitution of the White Mountain Apache Tribe, the proposed amendments shall be posted in each district for at least ten (10) days before final action by the Council; and
- WHEREAS, the Council has reviewed proposed Ordinance No. 243 carefully, and considered its recommendations and the implications thereof in great detail and finds that adoption of proposed Ordinance No. 243 would greatly improve the efficiency of the Tribal election process and is in the best interest of the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that proposed Ordinance 243 amending Section 5.3 of the Election Code is hereby recommended for posting by the Tribal Council. The proposed amendments shall read as follows:

SECTION 5.3 ABSENTEE VOTING

A. Request for ballot.

1. Any eligible voter who wishes to vote early and lives outside of a 150 mile radius from Whiteriver, Arizona may request an absentee ballot by either coming in person to the office of the Tribal Council Secretary, or by sending a letter to the Election Commission. A person requesting an absentee ballot shall identify himself or herself using the name under which he or she is registered and shall state the district in which he or she is registered.

This process will be on a mail-out basis only. The absentee ballot will be mailed out to a post office box number or to a physical address (via certified or registered mail) where the applicant signs for his or her absentee ballot. NO GENERAL DELIVERY.

No more than three (3) absentee ballots will be mailed to one post office box number or physical address. Requests for absentee ballots will not be accepted via fax or phone calls, only per written request.

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- 2. The applicant for an absentee ballot shall complete and sign the application before a Notary Public. The Notary Public before whom the applicant completes the application shall impress his or her seal on the application. Any person unable to sign the application shall place his or her mark and have the application signed by a witness. Applications for absentee voter ballots shall be mailed to the Election Commission.
- 3. Requests for absentee ballots shall be accepted until seven (7) days prior to Election Day.
- 4. All applications for absentee ballots shall be consecutively numbered by the Election Commission.
- 5. Any eligible voter who receives an absentee ballot who does not complete and mail the ballot, but instead wishes to cast his or her vote in person, must first surrender his or her absentee ballot to the Election Precinct Committee of his or her district on Election Day.
- **6.** Any eligible voter who desires an absentee ballot for both Primary and General Elections must request an absentee ballot prior to each election.

B. Mailing of documents to applicant.

Unless it is evident that the applicant is not an eligible voter, the Election Commission shall immediately cause the following documents to be mailed to such applicant.

- 1. An official ballot for the proposed absentee voter's district.
- 2. An affidavit envelope labeled "For Absentee Ballot Only" for the ballot to be put into after the voter has marked it.
- 3. An envelope with the address of the Election Commission printed on its front.
 - 4. The official application.

C. Form of application.

County of

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Ι,	_, do solemnly swear or affirm that I am an eligible voter of
the White Mountain Apach	e Tribe registered in District; that I wish to vote early.
	Voter Signature
	Voter Name (Print)
	Voter Census Number
SUBSCRIBED AND SWO	ORN to before me this day of, 20
	Notary Public or Commission Member

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe, as follows:

- 1. The Tribal Council Secretary is hereby authorized and directed to post this resolution, Ordinance No. 243, in each district for at least ten (10) days before final action by the Council. In addition, notices of the proposed ordinance shall be sent in the form of a press release to KNNB-FM and the Apache Scout.
- 2. Any and all comments concerning the Ordinance proposed herein may be sent to the attention of the Tribal Council Secretary, White Mountain Apache Tribe, P. O. Box 700, Whiteriver, AZ 85941.
- 3. Upon completion of the posting period, the Tribal Council Secretary is further directed to submit proof of posting to the Tribal Council as well as the Legal Department and to report any public comments to the Tribal Council, and schedule a meeting thereof for final action.

The foregoing resolution was on <u>MARCH 3, 2010</u> duly adopted by a vote of <u>EIGHT</u> for, <u>ZERO</u> against, and <u>ONE</u> abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (q), (s), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe 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