

# ELECTION CODE

## CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

**STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION**  
**As Amended through Resolution No. 25-037 (May 5, 2025)**

**ELECTION CODE**

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APPENDIX A. LEGISLATIVE HISTORY

APPENDIX B. GUIDELINES FOR DISCERNING VOTER INTENT, EXHIBIT 2 TO  
RESOLUTION 18-085 (11-19-2018)

## **ELECTION CODE**

### **CHAPTER 1. GENERAL PROVISIONS**

#### **SECTION 1.01. NAME**

This Code shall be known as the Election Code of the Confederated Tribes of the Umatilla Indian Reservation.

#### **SECTION 1.02. PURPOSE**

The purpose of this Code is to define procedures that will produce a Tribal election process that is fair, efficient and maximizes Tribal member participation in Tribal elections.

#### **SECTION 1.03. SCOPE**

The provisions of this Code shall apply to all elections, both regular and special, conducted by the Confederated Tribes of the Umatilla Indian Reservation.

#### **SECTION 1.04. LEGAL AUTHORITY**

This Election Code is enacted pursuant to Article VI, Section 1(d) of the Confederated Tribes' Constitution which authorizes the Board of Trustees "[t]o promulgate and enforce statutes governing the conduct of all persons and activities within the boundaries of the Umatilla Indian Reservation..." The establishment and appointment of the Election Commission as provided in Chapter 2 of this Code is authorized under Article VI, Section 1(c) of the Constitution.

#### **SECTION 1.05. DEFINITIONS**

- A. Except when context requires otherwise, for the purposes of this Code the following words shall be defined as follows:
1. Altered. The use of white out, marking, erasure or scribbling out to make a change.
  2. Board Member-Elect. A person who has been elected to serve on the Board of Trustees at a General or Special Election during the time period between the election and the person being sworn into office.
  3. Election Commission. The Election Commission is the entity established pursuant to section 2.01 of this Code, and is referred to in this Code either as the Election Commission or the Commission.
  4. Election Notice. The official Notice that an election will be held on a specific date established by the Election Commission.
  5. Enrollment Officer. The person employed by the Confederated Tribes of the Umatilla Indian Reservation to direct the operations of the Tribal Enrollment Office and whose duties are set forth in Section 2.03 of the Tribal Enrollment Code.
  6. General Election. The election, held in November of odd-numbered years, in which all Board of Trustees and General Council positions are filled.
  7. Log. The journal that states activities at a General or Special Election (e.g., voting assistance).
  8. Poll Watcher. A person, chosen by a candidate for a position on the Board of Trustees or a General Council officer, to observe, on the candidate's behalf, the counting of ballots at a General Election or Special Election.

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9. Polling Official. An Election Commission member serving at the polls on election day.
  10. Qualified Voter. Any enrolled member of the Confederated Tribes of the Umatilla Indian Reservation who is 18 years of age or older on the date of a General Election or Special Election.
  11. Reservation Residency Requirement. The requirement imposed by Article VI, Section 2 of the Confederated Tribes Constitution and Section 3.06 of this Code that the Board of Trustees members must be a resident of the Umatilla Indian Reservation as defined by Article 1 of the Treaty of 1855 at the time the Board member is sworn into office and throughout his/her term of office.
  12. Registration Record. The official record of Qualified Voters that shall include each Qualified Voter's name, address and signature (if required to receive an absentee ballot), and other related information as provided in this Code, which record shall be developed, updated and maintained by the Election Commission in a manual or electronic format.
  13. Special Election. An election held at a time other than the General Election.
  14. Spoiled Ballot. A Spoiled Ballot is a ballot that is:
    - a. Cast by a person who is not a Qualified Voter;
    - b. Is cast by a Qualified Voter by absentee ballot in a return envelope that has not been signed by the Qualified Voter;
    - c. Received by the Election Commission after the date of the General Election or Special Election;
    - d. Mistakenly marked by a Qualified Voter who returns the ballot to the Election Commission in exchange for a new ballot; or
    - e. Fails to meet a requirement of this Code.
  15. Spoiled Ballot Box. The Spoiled Ballot Box shall be the container where all ballots cast by persons who are not Qualified Voters shall be deposited.
  16. Tribal Ballot Box. The Tribal Ballot Box shall be the container where all ballots cast in a General Election or Special Election shall be deposited prior to and on the date of the General Election or Special Election. The Tribal Ballot Box shall remain locked and secure until 8:00 p.m. on the date of the General Election or Special Election at which time the ballots shall be removed by the Election Commission and counted as provided in this Code.
  17. Voting Assistant. Any person chosen by a Qualified Voter to assist with the voting process.
- B. All references in this Code to the number of days required for an action to occur shall be measured in calendar days, except where the Code makes specific reference to working days which shall be defined as a day in which the Confederated Tribes is open for business.

## **CHAPTER 2. ELECTION COMMISSION**

### **SECTION 2.01. ESTABLISHMENT**

The Election Commission of the Confederated Tribes is hereby authorized to be established for the purposes of conducting and supervising all Tribal elections, regular or special, in accordance with the mandates of this Code, resolving election disputes as provided in this Code, promulgating such

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additional regulations as may be necessary from time to time and providing information and education to members of the Confederated Tribes about the Tribal election process.

**SECTION 2.02. COMPOSITION**

- A. The Election Commission shall consist of eight (8) members. The Commission shall elect by majority vote one of their members to serve in the following capacities: Chairperson, Vice Chairperson, Secretary and Treasurer.
- B. The Officers of the Commission shall be as follows:
  - 1. Chairperson. The Chairperson shall preside over all meetings of the Commission, affix his/her signature to official Commission documents and shall vote only in case of ties.
  - 2. Vice Chairperson. The Vice Chairperson shall preside at meetings and otherwise act in the full capacity of the Chairperson in the absence or disability of the Chairperson, or at his/her request.
  - 3. Secretary. The Secretary shall conduct all correspondence, issue public notices, take minutes, record official actions, have custody of all files and records of the Commission, including the Registration Record, and affix his/her signature to the official documents of the Commission. The Secretary shall also perform other duties as assigned by the Commission.
  - 4. Treasurer. The Treasurer shall accept, receipt for, and safeguard all funds of the Commission under his/her custody as directed by the Commission, and keep a complete record of receipts and expenditures. The Treasurer shall also be responsible for the performance of duties as assigned by the Commission.
- C. Officer Terms. The Commissions officers shall be elected to serve terms of two (2) years.
- D. Election of Officers. The Commission members shall elect their officers and provide an orientation for new members of the Commission on the Election Code and duties of Commission members at the Commission's first meeting in each even-numbered year.
- E. Notary Public Requirement. At least one Commission officer shall be a notary public to facilitate General Council members becoming Qualified Voters. If no Commission officer is a notary public upon the election of the Commission officers, at least one officer shall become a notary public within sixty (60) days of that election.
- F. Commission Quorum. Official action taken by the Election Commission shall require a quorum of five (5) members of the Election Commission.

**SECTION 2.03. APPOINTMENT**

- A. The members of the Election Commission shall be enrolled members of the Confederated Tribes of the Umatilla Indian Reservation, over 18 years of age, who have applied for or wish to participate in Commission work.
- B. The eight (8) members of the Election Commission shall be appointed as follows: four (4) shall be appointed by the General Council officers and four (4) shall be appointed by the Board of Trustees. To keep track of Commission member appointments and terms, each Commission member position shall be numbered one (1) through eight (8). The General Council officers shall appoint Commission members numbered 1, 3, 5, and 7. The Board of Trustees shall appoint Commission members numbered 2, 4, 6 and 8.
- C. Any person appointed to the Election Commission may decline the appointment, in which case, another appointment shall be made by the General Council officers or the Board of Trustees, as appropriate.

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- D. The members of the Commission shall be appointed on or before January 1 of each year in which new Commission members are required to be appointed under this Code.
- E. Members appointed to the Election Commission shall be sworn in by a Judge of the Umatilla Tribal Court.

**SECTION 2.04. TERMS OF OFFICE FOR ELECTION COMMISSION MEMBERS**

- A. Except as provided in this section, the terms of appointment for members of the Election Commission shall be four (4) years. The terms for Commission members shall be staggered so that two Commission members appointed by the General Council officers and two Commission members appointed by the Board of Trustees shall be appointed in every other even numbered year. The term of each Commission member shall commence on January 1 of their year of appointment and shall expire on December 31 four (4) years later, provided that a Commission member whose term has expired shall continue to serve until such time as the Commission member has been replaced.
- B. The General Council officers and the Board of Trustees shall initially appoint Election Commission member positions numbered 1, 2, 3 and 4 to terms that shall commence as of the date of appointment and shall expire on December 31, 2013, and thereafter to terms that expire four (4) years later.
- C. The General Council officers and the Board of Trustees shall initially appoint Election Commission member positions numbered 5, 6, 7 and 8 to terms that shall commence as of the date of appointment and shall expire on December 31, 2015, and thereafter to terms that expire four (4) years later.

**SECTION 2.05. CONFLICTS OF INTEREST**

- A. In the event that any Commission member is nominated as a candidate for an office to be filled during his/her term on the Commission, he or she shall withdraw from the Commission and a replacement shall be appointed to serve in his or her place.
- B. Members of the Election Commission shall not sign nomination petitions for candidates for Tribal office, recall petitions or other petitions that are directly related to a General Election, Special Election or that involve matters subject to the control or regulation by the Election Commission. Any member found in violation of this subsection shall be subject to immediate removal from the Commission.
- C. Members of the Commission shall not publicly campaign for any person running for a Tribal office or any other matter on the ballot (in a General Election or Special Election). Any Commission member found in violation of this subsection shall be subject to immediate removal from the Commission.
- D. Members of the Commission may not make a motion, second a motion or vote on a General Council matter that may be placed on a Tribal election ballot.
- E. Members of the Commission shall take no action on an issue that may be on Tribal ballot that would compromise the integrity or neutrality of the Election Commission.

**SECTION 2.06. STIPENDS**

- A. For each meeting of the Commission where a quorum is present, any Commission members who are in attendance for at least two thirds of the length of the meeting shall be paid a stipend. The amount of the stipend shall be the standard amount paid by the Tribal government to members of subsidiary bodies of the Board of Trustees.
- B. Each Commission member shall be paid the Commission stipend for each two hour period of Commission service as set forth in this Code, including but not limited to, a candidate's forum,

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ballot mail outs, collection and counting, conducting a recount, and conducting an investigation or hearings of charges of unlawful campaign practices. No stipend shall be paid unless a Commission member works at least one hour of a two hour period.

- C. Each Commission member shall be paid the Commission stipend for documented attendance at a Board of Trustees work session that is called to review amendments to the Election Code or to review the operations of the Commission.

**SECTION 2.07. RULEMAKING AUTHORITY**

- A. The Election Commission shall have authority to promulgate and enforce such rule(s) as they may deem necessary, by a majority vote, to provide for fair and efficient elections under this Code. Any rule(s) promulgated by the Commission must be in writing and be posted where all election notices are posted.
- B. Any rule promulgated under the authority of this section shall not be inconsistent with the provisions of this Code or the Constitution and By-Laws of the Confederated Tribes.
- C. Any rule promulgated by the Commission pursuant to this section shall, upon the conclusion of the election during which said rule was promulgated, be submitted by the Commission to the Board of Trustees along with an explanation of the reason for its promulgation, for the purpose of considering the inclusion of that rule in this Code.
- D. No rule promulgated by the Commission shall be applied to a Tribal General or Special Election unless the rule was promulgated at least 90 days prior to such election.

**SECTION 2.08. VACANCIES**

- A. The General Council officers or Board of Trustees that appointed the member who is leaving the Commission shall then have the authority to designate a new Commission member to fill the vacancy. Any person so appointed shall serve for the duration of the term of his/her predecessor.
- B. A Commission member shall be deemed to have vacated their position in the event that member has:
  - 1. Three (3) consecutive unexcused absences from meetings of the Election Commission. For purposes of this subsection, an unexcused absence is where the Commission member fails to provide written notice of their absence, and the basis for such absence, which notice must be provided to an officer of the Election Commission prior to or within 24 hours after the Election Commission meeting; or
  - 2. Has missed fifty (50) percent of Commission meetings in any six (6) month period.
- C. The Election Commission shall notify the Board of Trustees and General Council officers in the event that a vacancy has been created on the Commission.

**SECTION 2.09. REMOVAL**

- A. Any member of the Election Commission may be removed from office for cause. Removal shall be by action of the Board of Trustees or the General Council officers, depending upon which body appointed the Commission member being removed. The removal of a Commission member may be initiated either by the Election Commission, the Board of Trustees or the General Council officers, as appropriate. In either case, the Commission member subject to removal shall be provided notice setting forth the grounds for removal and the opportunity for a hearing.
- B. If removal is initiated by the Election Commission, the Commission shall schedule any hearing to review the removal of a member within 48 hours of the issuance of the notice of removal. If



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the Election Commission votes to remove the Commission member, the Commission shall prepare and submit a written memorandum to the Board of Trustees or General Council officers, as appropriate, identifying the Commission member subject to removal, the basis therefor, a summary of the notice and hearing on the removal charges and the action taken by the Commission approving removal of the Commission member. The removal of the Commission member shall become effective if approved the Board of Trustees or the General Council, as appropriate. Prior to taking official action on the Election Commission recommendation for removal, the Board of Trustees or the General Council officers may, but shall not be required to, schedule a hearing on the basis for removal.

- C. If removal is initiated by the Board of Trustees or General Council officers, the Commission member subject to the removal shall be provided an opportunity for a hearing to present his/her response to the removal charges. Upon completion of the hearing, the Board of Trustees or General Council, as appropriate, shall take official action of whether to remove the Commission member.

#### **SECTION 2.10. CAMPAIGN FAIRS**

The Election Commission is authorized, but is not required, to schedule and conduct campaign fairs in which candidates for Board of Trustee officer and at-large member positions and General Council officers would be permitted to speak to and answer questions posed by eligible voters, members of the Election Commission or by other persons as determined appropriate by the Election Commission.

#### **SECTION 2.11. COMMISSION STAFF**

The Election Commission budget shall include funding for up to two temporary employees to provide staff assistance to the Commission on an as needed basis during the 90 day time period before each Tribal General Election and any Tribal Special Election. The temporary employees shall be hired through the Tribal Human Resources Office (Temporary Employee procedures), shall be supervised by the Commission Chair and shall be subject to the provisions of the Tribal Personnel Policy Manual applicable to Temporary Employees.

#### **SECTION 2.12. COMMISSION ACCESS TO INFORMATION NEEDED TO CONDUCT ELECTIONS**

The conduct of Tribal elections and the handling of absentee ballot requests and the distribution of absentee ballots is the sole responsibility of the Election Commission. The Commission shall provide the Enrollment Office with their current list of all Qualified Voters who have requested an absentee ballot fifty (50) days prior to each General or Special Election. The Enrollment Office's responsibility shall include providing the Election Commission with the information on Qualified Voters' names and addresses needed by the Commission to conduct Tribal elections including the provision of absentee ballots to a Qualified Voter who has requested an absentee ballot as provided by this Code. The Commission and the Enrollment Office shall work cooperatively in the updating and provision of this information in a timely fashion. The Commission shall take the appropriate action to ensure that the information is kept confidential and is used for no purposes other than meeting its obligations under this Code.

### **CHAPTER 3. ELECTION PROCEDURES**

#### **SECTION 3.01. ELECTION DATES**

The Tribal General Election shall be held on the first Tuesday in November in odd-numbered years. Tribal Special Elections shall be held on dates set by the Election Commission.

#### **SECTION 3.02. VOTING HOURS**

Voting hours for Tribal elections shall be between 8:00 a.m. and 8:00 p.m.

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**SECTION 3.03. VOTING PLACE**

The Election Commission shall designate an appropriate public building within the Mission area to serve as the main voting place. The Commission may also establish additional voting places elsewhere within the Umatilla Indian Reservation as the Commission deems appropriate.

**SECTION 3.04. COLLECTION OF BALLOTS**

- A. Absentee Ballots. Absentee ballots shall be returned to the Nixyaawii Governance Center ATTENTION ELECTION COMMISSION either by U.S. mail or by depositing the absentee ballot in the ballot drop box located in the front of the Nixyaawii Governance Center. The Election Commission shall ensure that procedures are in place to ensure that absentee ballots returned by mail to the Nixyaawii Governance Center are not opened and are promptly deposited in a secure ballot box.
- B. Ballot Drop Off Site. The Election Commission shall designate and provide a ballot drop off site(s) in or adjacent to the Nixyaawii Governance Center where Qualified Voters can drop off their absentee ballots in a General Election or a Special Election. The Commission may also establish additional ballot drop off site(s) elsewhere within the Umatilla Indian Reservation as the Commission deems appropriate. The Election Commission shall ensure that each ballot drop off site is secure and that absentee ballots cast are not lost, damaged or altered.
- C. Collection of Ballots at Ballot Drop Off Sites. The Election Commission shall collect absentee ballots returned by mail to the Nixyaawii Governance Center or deposited at the ballot drop off site(s) periodically prior to the date of a General Election or Special Election and a final pick up on or shortly after 8:00 p.m. on the date of a General Election or a Special Election.
- D. Ballot Collection Procedures. The following procedures shall be used by the Election Commission when collecting absentee ballots under subsection (C) of this section:
  - 1. No fewer than two (2) Commission members shall participate in each ballot collection trip.
  - 2. The Commission members shall collect the absentee ballots from the secure ballot box in the Nixyaawii Governance Center mailroom and/or the ballot drop off site(s) and transport the ballots to be deposited in the Tribal Ballot Box.

**SECTION 3.05. NOTICES**

The Election Commission shall issue such notices as are necessary to inform Tribal members of the dates, times, places, and procedures for nominations and elections. The Commission shall issue election notices ninety (90) days prior to the General Election date established in section 3.01 of this Code, for run-off election in the event of a tie, and for special elections to fill a vacancy, which notices shall be posted at all locations deemed appropriate by the Commission. Notice of the Tribal elections shall be published in the Tribal newspaper, posted on the Tribal website and announced on the Tribal radio station. The Commission shall also take reasonable measures to notify Tribal members living outside the Umatilla Indian Reservation of the time, place and procedures for Tribal elections.

**SECTION 3.06. QUALIFICATIONS FOR HOLDING OFFICE**

Any enrolled member of the Confederated Tribes over 18 years of age may hold office on the General Council or the Board of Trustees; Provided, that no person shall be eligible to be an officer of the General Council or a member or officer of the Board of Trustees unless that person resides within the boundaries of the Umatilla Indian Reservation as defined in Article I of the Treaty of 1855 at the time the elected official is sworn into office as provided in section 3.17 (B) and (C) of this Code and throughout the course of his/her term.

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**SECTION 3.07. TERMS OF OFFICE FOR TRIBAL ELECTED OFFICIALS**

- A. Officers of the General Council shall serve for terms of two (2) years or until their successors are elected and take office.
- B. Members of the Board of Trustees shall serve for terms of two (2) years or until their successors are elected and take office.
- C. Members of the Board of Trustees elected to serve as Board Officers shall serve their two (2) year term in said office.
- D. There shall be no limit on the number of terms to which an officer of the General Council or an officer or member of the Board of Trustees can be elected.

**SECTION 3.08. NOMINATIONS**

- A. The Election Commission shall prepare nominating petitions for each Board of Trustee and General Council officer position and for the Board of Trustee at large positions. Each nominating petition shall be numbered by the Election Commission. Each nomination petition shall contain signature lines for at least sixty (60) persons and shall include space for the signature, printed name and Tribal enrollment number for each petition signer. Each nomination petition shall also include space for the Tribal candidate to identify their home and email address to permit the Election Commission to notify the candidate regarding the disposition of their petition. Only nomination petitions prepared by the Election Commission may be used to collect signatures for Tribal candidates. The Election Commission shall ensure that nomination petitions are readily available to potential Tribal candidates.
- B. Any Tribal member who will be 18 years old on the date of the General Election or Special Election who meets the qualifications for a Tribal elected position, may be nominated by submitting a nomination petition signed by at least fifty (50) Qualified Voters. The nomination petition must also be signed by the candidate. All signatures on a nomination petition must be original signatures. The Election Commission shall not accept nomination petitions that were not prepared and issued by the Election Commission, that have been photocopied, that have been altered, or have not been signed by the candidate. For the purposes of this section, a nomination petition has been altered if the Tribal elected position or the name of the candidate on the petition has been altered, erased or changed.
- C. Except for a person filing a nomination petition for both the Board of Trustees Chair and General Council Chair positions, a person can file a nomination petition for only one position in a Tribal election. Consistent with Article VI, Section 3 of the Constitution, a person may file for, be elected to and serve as Chair of both the Board of Trustees and the General Council. Except for a person filing a nomination petition for both the Board of Trustees Chair and General Council Chair positions, the Election Commission shall reject all nomination petitions filed by a person where that person has filed petitions for more than one Tribal elected position.
- D. Nomination petitions shall be deposited in a locked ballot box provided by the Election Commission and located at the Nixyáawii Governance Center no later than 4:00 p.m. seventy (70) days prior to the date of the General Election as set by this Code or the date of the Special Election as set by the Election Commission. Upon the date set for the close of nominations the Commission shall:
  - 1. Review all nomination petitions received,
  - 2. Determine whether or not the person nominated for a particular office is a member of the Confederated Tribes, will be 18 years old on the date of the General Election or Special Election and otherwise meets any other requirements of this Code,
  - 3. Determine whether or not each person signing a nomination petition is a Qualified Voter,

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4. Determine whether at least fifty (50) Qualified Voters have signed the petition, and
  5. Determine whether or not the nomination petition has been altered in the spaces for the person running or the position they are running for.
- E. Upon the determination of which candidates are properly nominated and otherwise eligible to serve in the position for which they are nominated, the Commission shall post public notices of the eligible candidates, and notify each candidate at their address provided on the nomination petition, and shall direct the preparation of the official ballots. The Commission shall also prepare a written explanation for any nomination petition it rejected because of a failure to meet the requirements of this Code, which explanation shall be provided to the candidate(s) at the address provided on the nomination petition.

**SECTION 3.09. WITHDRAWAL**

A candidate may withdraw their nomination petition within eight (8) days after the closing date for the filing of nomination petitions as set forth in section 3.08(D) of this Code. Withdrawals must be in writing, signed by the candidate, and notarized by a notary public. Withdrawals are final upon delivery to the Election Commission. In the event of the death of a candidate before the official ballot is printed, the Election Commission shall remove the candidate's name from the ballot. Candidate withdrawals should be acknowledged and referenced in the meeting minutes by the Election Commission at their meeting following receipt of the withdrawal. The Commission shall maintain candidate withdrawal requests in the Commission files.

**SECTION 3.10. BALLOTS**

- A. The Election Commission shall prescribe the form of the ballot to be used in each election. Tribal ballots shall contain the names of the candidates, the offices for which they are candidates, and a place for the voter to mark his/her selection. The ballot shall be numbered and printed.
- B. The Commission shall provide space for the casting of write-in votes for each elected position on the Tribal ballot.
- C. Should any Qualified Voter spoil his/her ballot in their effort to vote, he/she may return the Spoiled Ballot to the Election Commission. The Election Commission shall provide such Qualified Voter with a replacement ballot. The election official shall write on the proper blank line on the stub of the Spoiled Ballot the word "Spoiled." The Commission shall keep a record of all Spoiled Ballots.
- D. The Election Commission shall keep the ballots, ballot box and the voting list under lock and key until the General Election or Special Election is completed and any election recount is conducted, any election dispute is resolved and the election results are certified. Immediately after the swearing in of the new officers and members of the Board of Trustees and the new officers of the General Council, the Election Commission shall supervise the destruction of all paper materials (except the ballots) and secure storage of the ballot box. The Election Commission shall destroy the ballots on the later of the following: 1) thirty (30) days after the election results have been certified; or 2) in the case of an election dispute, immediately after the Umatilla Tribal Court issues its final decision.

**SECTION 3.11. ABSENTEE VOTING**

- A. Absentee ballots shall be sent to Qualified Voters as follows:
  1. To Qualified Voters who previously returned a notarized absentee ballot request form. Such voters shall receive absentee ballots for every Tribal General and Special Election after the submission of the notarized absentee ballot request form until such time as the voter rescinds the request in writing;

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2. To Qualified Voters who submit a written request for an absentee ballot signed by the voter requesting the ballot, which signature must be verified by the Election Commission. Such voters shall receive absentee ballots for every Tribal General and Special Election after the submission of their absentee ballot request and signature to the Election Commission until such time as the voter rescinds the request in writing;
  3. Each absentee ballot provided to a Qualified Voter shall include a return self-addressed envelope with pre-paid postage.
- B. Any written request for an absentee ballot must be signed by the voter requesting the ballot, and his/her signature must be verified by the Election Commission. All requests for absentee ballots shall be kept on file by the Commission in the Nixyáawii Governance Center.
1. Absentee ballot requests shall be available to be picked up or mailed, as requested, to all Qualified Voters fifty (50) days prior to a General or Special Election. The Election Commission shall use the Tribal newspaper and website to provide information about absentee balloting and how to request absentee ballots to Tribal members.
  2. Absentee ballots shall be sent by mail to Qualified Voters authorized to receive absentee ballots as provided in Subsection A(1) and (2) of this Section no less than thirty (30) days before the General or Special Election date.
  3. A request by a Qualified Voter for an absentee ballot that needs to be mailed to the Qualified Voter must be received by the Election Commission no less than twenty (20) days before the General or Special Election.
  4. Qualified Voters can request an absentee ballot up to and including the date of the General or Special Election by hand delivering the absentee ballot request form to the Election Commission. Upon Commission verification of the information and signature contained in the absentee ballot request form, the Commission shall issue to the Qualified Voter an absentee ballot, voting instructions and required envelopes.
- C. Execution and Return of Absentee Ballots by Mail.
1. The Qualified Voter shall mark and fold the absentee ballot and enclose it in the inner envelope marked “absentee ballot” supplied by the Election Commission. It shall then be inserted in the preaddressed outer envelope (on which the Qualified Voter must sign his/her name) and sealed.
  2. The absentee ballot may be returned either by placing the envelope in the U.S. Mail, or by dropping it off at a ballot drop-off site at the Nixyaawii Governance Center provided for absentee ballots. Absentee ballots must be received prior to the close of voting hours for a General or Special Election to be counted
  3. Any absentee ballot not properly submitted in accordance with these instructions for absentee balloting shall not be counted.
- D. Any Qualified Voter who receives an absentee ballot pursuant to subsections A or B of this Section shall be permitted to cast their vote at the Voting Place on Election Day either by:
1. Depositing their absentee ballot at the Voting Place; or
  2. Voting on an official ballot at the Voting Place, provided that the official ballot shall be the one counted, and any absentee ballot mailed or deposited by the voter shall be marked “spoiled” and shall not be counted.

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**SECTION 3.12. VOTING METHOD**

- A. Verification of Enrollment. On the date of the election at least three (3) members of the Commission shall be present at the ballot box during voting hours and they shall verify the enrollment of each person casting a ballot and make the appropriate entries in the registration record.
- B. General Council. Each voter may cast one (1) vote for the candidate of the voter's choice for the office of Chairman, one (1) vote for the candidate of the voter's choice for Vice Chairman and so on until a vote has been cast for each office to be filled. The candidate having the highest number of votes shall be declared the winner. The voting for General Council Officers shall take place on the date set for the General Election as provided in section 3.01 of this Code.
- C. Board of Trustees. Each voter may cast one (1) vote for the candidate of the voter's choice for the office of Chairman, one (1) vote for the candidate of the voter's choice for the Vice Chairman and so on until a vote has been cast for each office to be filled. Each voter shall also cast one (1) vote for each of the four (4) at large Board positions. For Board Officers, the candidates having the highest number of votes shall be declared the winner. For Board at large positions, the four candidates receiving the highest number of votes shall be declared the winners.
- D. Recalls, Removals, Constitutional Amendments and Vacancies. Each voter may cast one (1) vote whether for or against the proposed recall, removal, or constitutional amendment, and one (1) vote for the candidate of the voter's choice for any vacant position.

**SECTION 3.13. COUNTING OF VOTES**

- A. At 8:00 p.m. on the date of a General Election or Special Election, the Commission shall examine all ballots cast as of that time, and eliminate any invalid or improperly completed ballots. The Commission shall also count all absentee ballots that are received on or before the date of the General Election or Special Election. The Election Commission shall conduct its examination and count of ballots in an appropriate facility within the Nixyáawii Governance Center. Upon the completion of the vote count, the Commission shall determine the number of votes cast for each candidate whose name appears on the ballot.
- B. The Election Commission shall not count votes for an elected position or for other matter(s) on the ballot where the Qualified Voter has:
  - 1. failed to follow the ballot instructions in voting for that position or matter; and
  - 2. the intent of the Qualified Voter is not clearly discernible.

The Commission shall use the Voter Intent rules attached to this Code as Exhibit 1, or other rule promulgated by the Commission pursuant to Section 2.07 of this Code, to determine whether the intent of the Qualified Voter is clearly discernible.

- C. Poll Watchers. Each candidate for a Board of Trustees and General Council officer position is entitled to choose one person to observe, on his/her behalf, the counting of ballots by the Election Commission. Candidates shall notify the Election Commission in writing at least three (3) days before the General Election or Special Election identifying their poll watcher. In elections to vote on issues, the Election Commission may designate two (2) representatives to observe the counting of the ballots, one to represent each side of the question under consideration. No representative shall in any way interfere with or hinder the Election Commission in carrying out its duties under this Code. If interference occurs, the Election Commission Chairperson shall call for a suspension in the count until the individual or individuals responsible for the interference are removed from the room. Duplicate ballot counts by poll watchers will not be allowed.

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- D. The Election Commission shall post election results upon the completion of the count of all ballots received as of the General Election or Special Election date. The election results shall be posted on the Tribal website and at other sites as determined appropriate by the Commission.
- E. The Election Commission shall determine the method by which ballots are to be counted, which vote count may be by machine, and may be performed by a contractor on behalf of the Commission.

**SECTION 3.14. CERTIFICATION OF ELECTION**

- A. Upon the completion of the counting of votes, the Commission shall prepare a certification of the results of the election which shall be signed by the Commission Chairperson upon a majority vote of the Commission and which shall contain the following information:
  - 1. The number of ballots cast,
  - 2. The number of invalid ballots eliminated,
  - 3. The total number of valid ballots,
  - 4. The votes received by all persons on the ballot,
  - 5. The persons elected to office and the office to which they were elected,
  - 6. The votes for and against any other matter on the ballot.
- B. The write-in votes for eligible candidates need only to be reported if the write-in candidate receives at least twenty (20) votes.
- C. By noon on the day following a General Election, or a Special Election, the Commission Chairperson shall transmit the Commission's certification to the Chairman and Secretary of the General Council for acceptance. A form for Election Commission certification of the election results is attached as an Appendix to this Code. The Commission's certification of election results shall contain signature lines for the General Council Chair and Secretary indicating their acceptance of the Commission's election results and certification.
- D. The Chairman and Secretary of the General Council shall accept the certification and submit it to the Board of Trustees by 4 p.m. of the day following the General Election or Special Election.

**SECTION 3.15. RECOUNT OF VOTES**

- A. Recounts of Tribal election results shall occur as follows:
  - 1. In the event that the person receiving the highest number of votes for an office has ten (10) or less votes more than the person receiving the next highest number of votes, the latter may, upon written request, have the votes for that particular office recounted by the Election Commission; and
  - 2. In the event of any other matter on the Tribal election ballot, such as a Constitutional amendment, recall or removal, the Election Commission shall automatically conduct a recount if the matter is decided by ten (10) or fewer votes.
- B. Any request for a recount shall be delivered to the Chairman of the Commission no later than 48 hours after the results of the election have been certified.
- C. The Commission shall conduct and complete the recount within 48 hours of the receipt of a recount request that meets the requirements of this section, or within 48 hours of an election in the case of an automatic recount.

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- D. The Commission shall permit each candidate, including write-in candidates, to a race that is the subject of a recount, to be present at and oversee the conduct of the recount. The candidate may also designate a representative to oversee the recount. Candidates must notify the Commission in writing of the identity of their representative at the recount. Such notice must be submitted to the Commission prior to the commencement of the recount. Such representatives may observe and take notes on the recount procedure, but may not disrupt the conduct of the recount by the Commission.
- E. The Election Commission shall determine the method by which ballots are to be recounted, which vote recount may be by machine, and may be performed by a contractor on behalf of the Commission.
- F. Upon completion of the recount, the Commission shall prepare a certification of the results of the recount which shall be signed by the Commission Chairperson upon a majority vote of the Commission. The recount certification shall set forth following information regarding the race results that are the subject of the recount: the number of ballots cast, the number of invalid ballots eliminated, the total number of valid ballots, the votes received by each candidate and the person elected to office in the race that was the subject of the recount. The Commission's recount certification shall include signature lines for the General Council Chair and Secretary indicating their acceptance of the Commission's election recount results and certification. A form for Election Commission certification of election recount results is attached as an Appendix to this Code. This certification of the recount shall be transmitted to the Chairman and Secretary of the General Council by noon on the day following the completion of the recount. The Chairman and Secretary of the General Council shall accept the certification of the recount and submit it to the Board of Trustees by 4:00 p.m. on the day they receive the Commission's certification of the recount.

**SECTION 3.16. VOTING ASSISTANCE**

- A. Voting With Assistance. If a voter requests assistance in voting because of a handicap a Polling Official or Voting Assistant will assist.
- B. The Polling Official or the Voting Assistant must not tell the voter whom to vote for. Any Polling Official or Voting Assistant doing this is liable for a fine of up to five hundred (\$500) dollars upon conviction by the Tribal Court.
- C. If the voter is unable to mark the ballot normally, the voter should direct that either the Polling Official or the Voting Assistant, mark the ballot for him/her. Any Polling Official or other person who willfully marks the ballot against the wishes of the voter is liable for a fine of up to five hundred (\$500) dollars upon conviction by the Tribal Court.
- D. A Polling Official should note that voting had taken place with assistance, in the Registration Record and in the Log.
- E. Voting Assistance on Election Day. If a Qualified Voter is unable to enter the voting place to cast his or her ballot on election day due to the voter's disability, age or sickness, such voter may request that the Polling Officials provide the voter with an absentee ballot. Such election day absentee balloting may be permitted under the following procedures:
  - 1. A written request for an absentee ballot must be signed by the Qualified Voter. A Voting Assistant may be used to bring the request to the voting place.
  - 2. A Polling Official will then check the Registration Record to make sure an absentee ballot has not already been mailed. An absentee ballot and envelopes will then be issued to the Qualified Voter or Voting Assistant.
  - 3. The Qualified Voter shall mark and fold the ballot and enclose it in the inner envelope supplied by the Election Commission. The ballot shall be folded and be placed in the inner envelope marked "absentee ballot" and the envelope sealed. It shall then be



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inserted in the preaddressed outer envelope (on which the voter must sign his/her name) and sealed.

4. The envelope when returned to the voting place will then be put in the locked ballot box provided for absentee ballots.

**SECTION 3.17. VERIFICATION OF RESERVATION RESIDENCY**

- A. Prior to the swearing in of new Board of Trustees members following a General or Special Election, the Election Commission shall verify that the Board Member-Elect satisfies the Reservation Residency Requirement in Article VI, Section 2 of the Constitution and Section 3.06 of this Code.
- B. No later than four (4) days after the certification of election results of a General or Special Election, or any recount, or the conclusion of an election procedure dispute authorized under this Code, the Election Commission shall require each Board Member-Elect to document that they will satisfy the Reservation Residency Requirement on the swearing in date. Such documentation shall be consistent with the factors set forth in section 3.17(C) below. The Election Commission shall prepare a form for this purpose. The Election Commission may determine what documentation the Board Member-Elect shall provide to verify Reservation residency.
- C. The Election Commission shall review the documentation provided by each Board Member-Elect and verify compliance with the Reservation Residency Requirement based on the following factors:
  1. the address for the person currently used by the Tribal Enrollment Office for the distribution of gaming dividends and other Tribal benefits;
  2. the address listed on the person's driver's license, automobile registration, voter registration and on the person's federal and/or state tax returns;
  3. the person's mailing address for credit card and utility bills and general correspondence;
  4. the GIS Online Web Map for the 1855 Reservation Boundary; and
  5. information on where the Board Member-Elect will reside as of the swearing-in date and throughout his/her term.

Upon completion of the Commission's review of the documentation submitted, the Commission shall provide each Board Member-Elect a written decision on whether he/she has satisfied the Reservation Residency Requirement no later than seven (7) days before the swearing-in date.

- D. On the Monday prior to the swearing-in date the Election Commission shall provide a written report to both the outgoing and the incoming Board of Trustees on the Commission's verification of whether each Board Member-Elect satisfies the Reservation Residency Requirement. Any Board Member-Elect that the Election Commission has determined will not reside within the Umatilla Indian Reservation as required by the Constitution and this Code as of the swearing-in date shall not be sworn into office.
- E. A Board Member-Elect may appeal a determination by the Election Commission that the Board Member-Elect has not satisfied the Reservation Residency Requirement as provided in Section 5.04(B) of this Code.
- F. In the event that a Board Member-Elect is determined by the Election Commission to not meet the Reservation Residency Requirement, the position shall be declared vacant and the vacancy shall be filled as provided in Section 4.02 of this Code upon the conclusion of any appeal under Section 3.17(E) of this Code.

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- G. A Board Member-Elect who provides false information on the form certifying compliance with the Reservation Residency Requirement may be charged with perjury or forgery under the Tribal Criminal Code. Upon a determination that information provided by a Board Member-Elect is false, the Commission shall submit the falsified document(s) to the Tribal Prosecutor.
- H. The Election Commission shall take appropriate measures to protect the confidentiality of the information provided by a Board Member-Elect to demonstrate that he/she satisfies the Reservation Residency Requirement and shall return such documentation to the Board Member-Elect upon completion of the verification process.

**SECTION 3.18. SWEARING IN OF BOARD OF TRUSTEE AND GENERAL COUNCIL OFFICERS AND MEMBERS**

- A. Board Members and Officers and General Council Officers shall continue to serve in their positions until formally replaced as provided in this section.
- B. Board Members and Officers. New Officers and Members of the Board of Trustees shall be sworn in by a Judge of the Umatilla Tribal Court on the Wednesday after Thanksgiving in the year of a General Election, provided that the swearing in for some or all Board of Trustees Officers and Members may be delayed by an order of the Umatilla Tribal Court to permit the resolution of an election dispute under Sections 5.03 and 5.04 of this Code. Once sworn into office, the new Board members and officers shall assume the duties of their offices.
- C. General Council Officers. New General Council officers shall be sworn in by a Judge of the Umatilla Tribal Court at the same time as Board members and officers are, provided that the swearing in for some or all General Council officers may be delayed by an order of the Umatilla Tribal Court to permit the resolution of an election dispute under Sections 5.03 and 5.04 of this Code. Once sworn into office, the new General Council officers shall assume the duties of their offices.
- D. Swearing In Date After a Run-off Election. An officer or member of the Board of Trustees or an officer of the General Council who wins a run-off election under Section 4.01 of this Code shall be sworn in to the office as provided in Section 4.02(E) of this Code.

**CHAPTER 4. RULES GOVERNING SPECIFIC TYPES OF ELECTIONS**

**SECTION 4.01. TIES**

- A. In any race for a position as an officer of the Board of Trustees or General Council, if more than one candidate receives the highest number of votes due to a tie, then a run-off election shall be held between the candidates who tied.
- B. In the election of at-large members of the Board of Trustees, if there is a tie between two or more candidates for the fourth at-large position, then a run-off election shall be held between the candidates who tied.
- C. A run-off election shall be held by all qualified voters casting their vote on a ballot prepared by the Election Commission to break the tie. The candidate receiving the highest number of votes in the run-off election shall be deemed elected to the position. In any run-off election, the Commission shall provide ninety (90) days' notice of the run-off election and allow for vote by absentee ballot, in a manner consistent with this Code.

**SECTION 4.02. FILLING A VACANCY**

- A. Except as provided in this section, a Special Election shall be called in the event that any officer or member of the Board of Trustees or officer of the General Council is unable, for whatever reason, to complete the term to which he/she was elected. The Special Election shall be called by the Chairman of the General Council for the purpose of filling the vacancy. In the event the

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vacancy to be filled is the position of General Council Chairman, the Vice-Chairman of the General Council shall call for the Special Election to fill that vacancy.

- B. Because of the time required to conduct a Special Election, there shall be no Special Election to fill a vacancy on the Board of Trustees or officer of the General Council if that vacancy occurs within 180 days of a Tribal General Election. In such an event, the vacant position shall be filled at the next Tribal General Election.
- C. Except as provided in Section 4.02(B), a Special Election shall be held as soon as practicable after an office is left vacant. The Special Election to fill the vacancy shall be subject to the following requirements:
  - 1. The Election Commission shall immediately post a notice on the Tribal website regarding the vacancy, which notice shall establish the deadline for the submission of nomination petitions and the date of the Special Election, which date shall be at least ninety (90) days after the notice;
  - 2. The deadline for the submission of nomination petitions shall be fourteen (14) days from the Election Commission posting of the notice of the vacancy and the date for the Special Election.
- D. This Code shall govern the holding of a Special Election except where its provisions are inconsistent with this Section 4.02 or are clearly inapplicable.
- E. Any person elected to fill a vacancy on the Board of Trustees or as an officer of the General Council shall be sworn into office on the first Monday following the certification of the election results. If, at that time, a dispute over the election is still pending resolution by the Election Commission or the Umatilla Tribal Court, then the winning candidate shall be sworn in within the next business day following the final resolution of that dispute.

**SECTION 4.03. RECALL**

- A. **Manner of Collecting Petition Signatures.** Any member of the General Council may initiate a recall petition against an officer or member of the Board of Trustees or officer of the General Council. Only members of the General Council may sign such a petition. To be found “in proper form” a petition must comply with the standards listed in this section. Persons gathering petition signatures must ask each signer to read the petition before allowing them to sign it. It is illegal to obtain (or attempt to obtain) a person’s signature on a petition by means of coercion or threats. It is also illegal to pay a person to sign a petition, or to offer to pay them. This is true whether the payment is in the form of cash, goods or services.
- B. **Form of Recall Petition.**
  - 1. Each recall petition shall be directed at one officer or member of the Board of Trustees or officer of the General Council, and shall contain allegations specific to that individual.
  - 2. Each recall petition shall:
    - a. state the name and title of the person whose recall is being sought;
    - b. state clearly the charges against that person (A clearly stated charge is one that will permit the individual subject to recall to understand the charge against him or her and to permit the individual to respond to that charge as provided below.);
    - c. state the full name, address and enrollment number of the lead petitioner(s).
  - 3. Each signature must appear on the same sheet of paper as the petition (either on the same or reverse side) or on a piece of paper stapled to the petition. Multiple copies of

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the petition, containing different signatures, are permitted. Signatures must be written in ink. In addition to providing his or her signature, each person signing the petition must print his or her full name, enrollment number, and the date of his or her signature. Any signature lacking this information shall not be considered valid. Any signature which the Election Commission or Umatilla Tribal Court determines was obtained by illegal means shall not be considered valid. All valid signatures are final as of the date of signing, and cannot be retracted.

4. Each copy of the petition must contain the following information in uppercase type of a size at least equivalent to Times New Roman 10 point font:
  - a. PERSONS CIRCULATING THIS RECALL PETITION ARE PROHIBITED FROM USING COERCION, THREATS OR PAYMENT (OF CASH, GOODS OR SERVICES) TO INDUCE YOU TO SIGN THIS PETITION. IF YOU FEEL YOU ARE BEING HARASSED, FORCED OR BRIBED INTO SIGNING THIS PETITION, CONTACT THE UMATILLA TRIBAL POLICE AT 541/278-0550 OR THE ELECTION COMMISSION;
  - b. BEFORE YOU SIGN THIS RECALL PETITION, READ AND BE AWARE OF THE CHARGES IT CONTAINS;
  - c. YOUR SIGNATURE ON THIS RECALL PETITION IS FINAL AND YOU MAY NOT LATER REQUEST THAT YOUR SIGNATURE BE REMOVED; AND
  - d. TO BE VALID, SIGNATURES MUST BE PLACED ON THE FRONT OR BACK OF THE SAME SHEET OF PAPER AS THE PETITION'S CHARGES OR ON A PIECE OF PAPER STAPLED TO THE SHEET CONTAINING THE PETITION'S CHARGES.
- C. Required Number of Signatures. The required number of valid signatures shall be determined by dividing the total number of General Council members (as determined by the Enrollment Office) by 10 and rounding the result to the nearest whole number. A General Council member is a person who meets the definition set forth in Article V, Section 1 of the Confederated Tribes' Constitution.
- D. Submission of Recall Petition. When the lead petitioner believes the petition satisfies all legal requirements (including having an adequate number of valid signatures) the petitioner may submit the petition to the Secretary of the Board of Trustees or his/her designee. Upon receipt of a recall petition, the Secretary shall record the time and date the petition was received. The Secretary shall promptly provide copies of the recall petition to all officers and members of the Board of Trustees and to officers of the General Council.
- E. Verification of Petition Signatures. The Board Secretary shall submit the recall petition and associated signatures to the Enrollment Officer. The Enrollment Officer shall examine each signature to determine if it is the signature of the person indicated and if the person is a member of the General Council. The Enrollment Officer shall also examine each signature to determine if it meets the standards listed in this section (in ink, etc). The Enrollment Officer shall report his or her findings to the Secretary of the Board of Trustees as soon as practicable, but at a minimum within five (5) days of receiving the petition from the Board Secretary.
- F. Findings by the Board of Trustees.
  1. Upon receipt of the findings of the Enrollment Officer, the Secretary of the Board of Trustees shall schedule a review of the recall petition for the next regular Board meeting.
  2. At such meeting, the Board of Trustees shall, by motion, make the following findings and determinations:

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- a. A finding as to whether the recall petition contains the required number of valid signatures by General Council members;
    - b. A finding as to whether the allegations in the recall petition contain charges that are clearly stated against the individual sought to be recalled;
    - c. A finding as to whether the recall petition complies with the requirements as to form contained in this section;
  3. The Board shall promptly notify the Election Commission of the Board's findings.
- G. Recall Election Date. In the event the Board of Trustees finds that the recall petition contains sufficient valid signatures, clearly states its charges, and is in proper form, then the Election Commission shall schedule a recall election. The Commission shall use the following guidelines when scheduling the election:
1. The Commission shall assure that the person subject to the recall election has received a complete copy of the petition, including signatures. The Commission shall schedule the recall election for a date at least twenty (20) days after the date the recall petition was presented to the person subject to the recall.
  2. The Commission shall schedule the recall election for a date no later than ninety (90) days after the Board of Trustees made the findings listed above.
  3. The recall election shall be scheduled on a date that permits adequate time for:
    - a. the mailing of notices to all General Council members regarding the recall election;
    - b. the preparation of a response to the charges, written by the person subject to the recall, for inclusion in that mailing.
    - c. the mailing of absentee ballot request forms to voters;
    - d. General Council members to request and receive absentee ballots.
- H. Conduct of Recall Election. Recall elections are Special Elections as defined by this Code. Pursuant to section 2.01, they are administered by the Election Commission.
1. The following sections of chapters 3 and 5 shall apply to the conduct of recall elections, except as limited or revised below in parentheses:
    - a. Section 3.02;
    - b. Section 3.03;
    - c. Section 3.05 (but the 90 day rule will not apply);
    - d. Section 3.10;
    - e. Section 3.13 (one Poll Watcher designated by the lead petition(s) and one by the person subject to the recall election);
    - f. Section 3.14(A)(1)-(3), (6), (C) and (D);
    - g. Section 3.15 (ten vote difference between yea and nay votes is sufficient to trigger recount; request may be filed by person subject to the recall election or the lead petitioner, as appropriate);

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- h. Section 3.16
  - i. Section 5.01;
  - j. Section 5.03;
  - k. Section 5.04.
- 2. Each officer or member of the Board of Trustees or officer of the General Council who is subject to a recall election shall have the right to respond to the recall charges filed against him/her. The person subject to recall shall be permitted to include a response to the recall petition charges in the mail-out to all General Council members providing notice of the recall election as set forth above. The person subject to recall shall also be authorized to have his/her response published in the Confederated Umatilla Journal (CUJ) or successor Tribal newspaper at no cost.
  - 3. Voting shall be by secret ballot. A simple majority is required to effect the recall. In the case of a tie vote, the recall fails.
- I. Effect of Recall.
- 1. If the majority of voters vote in favor of the recall, then the person subject to the recall shall immediately cease to exercise any duties as an officer or member of the Board or an officer of the General Council, regardless of whether the election results are contested.
  - 2. If the election results are contested, and the completion of the recount or dispute resolution process indicates that the recall effort failed, the person may resume his or her duties immediately.
  - 3. If the election results are not contested, or if they are contested but the completion of the recount or dispute resolution process does not change the election results, then the recalled person's seat shall be declared vacant. The recalled individual shall immediately vacate his or her office, return any Tribal property in his or her possession, and shall receive their final paycheck. The vacancy caused by the recall shall be filled using the procedures described in section 4.02 of this Code.

**SECTION 4.04. REMOVAL FROM BOARD OF TRUSTEES FOR GROSS NEGLECT OF DUTY**

A member of the Board of Trustees may be removed from office for gross neglect of duty, misconduct, corruption or harassment. The removal process shall only be initiated by a Board of Trustees Resolution approved by at least five (5) Board members that certifies the opinion of the Board of Trustees that the member has grossly neglected his/her duties or has engaged in misconduct, corruption or harassment. The Resolution shall also set forth the facts or reasons that justify the removal. A Special Election to ratify a Board of Trustees' determination to remove one of its members shall be conducted in compliance with Article VI, Section 5 and Article V, Section 7 of the Confederated Tribes' Constitution.

**SECTION 4.05. CONSTITUTIONAL AMENDMENTS**

- A. A proposed constitutional amendment shall only be placed on the ballot in the following ways:
  - 1. Approval by the Board of Trustees of a resolution to place the proposed amendment on the ballot, or
  - 2. Vote by the General Council to place the proposed amendment on the ballot.

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- B. In order to appear on the General Election ballot, the complete text of the proposed amendment must be delivered to the Election Commission at least ninety (90) days prior to the date of the General Election. Proposed amendments delivered at other times shall be voted on at Special Elections.
- C. The notice of the election (whether a General or Special Election) shall set forth the proposed amendment in full. Likewise, the ballot shall set forth the proposed amendment in full.
- D. A proposed constitutional amendment shall only take effect if both of the following occur:
  - 1. At least ten percent (10%) of Qualified Voters participate in the General Election or Special Election where the constitutional amendment is on the ballot; and
  - 2. At least three-fifths (60%) of the votes are received in favor of the constitutional amendment.

**CHAPTER 5. CODE ENFORCEMENT**

**SECTION 5.01. UNLAWFUL CAMPAIGN PRACTICES**

- A. No person shall campaign, attempt to persuade voters, place campaign literature or signs or otherwise attempt to influence the outcome of a Tribal election within 75 feet of the entrance to a voting place established by the Election Commission for a Tribal election. The Commission shall post a notice of this subsection at each voting place.
- B. No person shall use Tribal government or Tribal enterprise personnel, property, equipment or work time for purposes of influencing the outcome of a Tribal election or promoting the placement of an issue on the ballot (including preparing petitions or gathering signatures).
- C. No person shall attempt to influence a person's vote or obtain a person's signature on a petition by means of coercion or threats.
- D. No person shall mark the ballot of another Qualified Voter without that voter's express approval nor execute the signature of another Qualified Voter on the pre-addressed return envelope provided by the Election Commission.
- E. No person shall attempt to influence a person's vote or obtain a person's signature on a petition by making a direct and specific offer to that individual of cash, goods or services (including alcohol or drugs). This subsection is not intended to limit the making of "campaign promises", i.e., generalized suggestions that people will benefit from policies associated with particular candidates or issues on the ballot.
- F. The Election Commission may promulgate regulations setting forth a civil fine schedule pursuant to its rulemaking authority under section 2.07 of this Code. The civil fines imposed by the Election Commission shall not exceed \$1,000 per violation.
- G. Candidates for Tribal office shall remove all campaign signs supporting their candidacy within the boundaries of the Umatilla Indian Reservation as required under Chapter 18 of the Tribal Land Development Code.
- H. The Election Commission, a member of the public, or any business, governmental, or utility entity has the ability to initiate an investigation of violation with the Tribal Planning Office in the event they feel a political sign is in violation of the Tribal Land Development Code Chapter 18: Signs. Any report of violation will follow the procedures of the Tribal Land Development Code Chapter 15: Enforcement Procedures.
- I. Any violation of this section shall be subject to civil fines imposed by the Election Commission.

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***As Amended through Resolution No. 25-037 (May 5, 2025)***

**SECTION 5.02. INVESTIGATIONS AND FINES.**

- A. Investigations. The Election Commission shall be authorized to conduct or have conducted on its behalf, any such investigation it determines reasonable and necessary to carry out its obligations set forth in this Code. Such investigations may be associated with determining that a candidate meets the eligibility requirements for the position the candidate seeks, that nomination petitions are valid, the facts surrounding an election protest and allegations of unlawful campaign practices.
- B. Notice of Violation. Upon the completion of an investigation by the Commission of an unlawful campaign practice, the Commission shall issue a Notice of Violation to any person(s) the Commission determines has engaged in an unlawful campaign practice. The Notice of Violation shall contain the following information:
1. Name of person engaged in unlawful campaign practice.
  2. Nature of the unlawful campaign practice.
  3. Citation to Election Code that makes the campaign practice unlawful.
  4. The fine imposed by the Commission.
  5. The opportunity for the person receiving the Notice of Violation to challenge the finding of an unlawful campaign practice and the imposition of a fine, including the time, date and location for the hearing and that the person subject to the Notice of Violation has the right to be represented by an attorney or personal representative at the hearing.
- C. Hearings. The Commission shall conduct an informal hearing if requested in writing by a person receiving a Notice of Violation pursuant to this section. The request for hearing must be submitted to the Commission prior to the scheduled hearing date. The hearing shall be scheduled and conducted within five (5) days of the issuance of the Notice of Violation. The hearing shall be conducted by a quorum of the Commission, and shall be subject to informal rules of both procedure and evidence. The hearing shall open with the Commission setting forth the basis for its issuance of a Notice of Violation. The person receiving the Notice of Violation shall then have the opportunity to present testimony and evidence challenging the basis for the Notice of Violation. The Commission shall issue its written decision on the challenge to the Notice of Violation within three (3) working days following the hearing, and provide a copy of such written decision to the person who requested the appeal.
- D. Fines. The Election Commission has the ability to impose and collect fines on any person found to have engaged in unlawful campaign practices. The Commission may impose fines up to the following amounts for the following violations:
1. Failure to Remove Campaign Signs – pursuant to the authority in section 5.01(G), the Commission may fine a candidate for up to \$50.00 per election sign not removed within thirty (30) days after a General Election or Special Election.
  2. Unlawful Campaign Practices – pursuant to section 5.01(F), the Commission may fine persons who have engaged in unlawful campaign practices as defined in section 5.01 in an amount that shall not exceed \$1,000.00 per violation provided that in no event shall a person's first violation result in a fine that exceeds \$100.00 unless the Commission finds that the violation was willful and wanton and that the violation had the effect of compromising the integrity of a Tribal election.

**SECTION 5.03. ELECTION PROCEDURE DISPUTES.**

- A. The Election Commission shall decide all disputes arising during and concerning the election process and their decision shall be final, unless reversed by the Umatilla Tribal Court as provided in section 5.04 of this chapter.



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***As Amended through Resolution No. 25-037 (May 5, 2025)***

- B. Only persons charged with engaging in unlawful campaign practices or candidates for Tribal office who dispute the Commission's conduct of the election and counting the votes cast, shall have the standing to dispute the Commission's decision, action or inaction under this Code.
- C. A petition or complaint alleging an election dispute, including a claim that the Commission conducted an election in violation of this Code, must be filed with the Commission no later than the day after the Tribal General or Special Election, as appropriate.
- D. Each petition or complaint alleging an election dispute or a claim that the Commission conducted an election in violation of this Code shall include the following information:
  - 1. The specific facts and dates that form the basis for the alleged violation;
  - 2. Citation to the specific provision of the Election Code, or other applicable law, that is alleged to have been violated; and
  - 3. The remedy sought by the person filing such petition or complaint.Any petition or complaint failing to include these elements may be rejected by the Election Commission.
- E. In deciding any election disputes, the Commission shall gather all relevant facts and documents as are necessary for a resolution of the problem. The Commission shall provide any candidate who has filed an election dispute an opportunity for a hearing, which hearing process shall be subject to the Commission's obligation to render its decision on the election dispute as provided in this subsection. Any decision of the Commission shall be based on the evidence gathered by the Commission or submitted by the candidate or other person filing the election dispute. The Commission's decision shall be in writing and shall be by a majority vote thereof. The Commission shall render its decision as expeditiously as possible, but in no event later than the Friday after the election.

**SECTION 5.04. TRIBAL COURT REVIEW**

- A. Review of Fines Imposed for Unlawful Campaign Practices. The Umatilla Tribal Court shall have jurisdiction to review the imposition of a fine by the Election Commission against any person found to have engaged in an unlawful campaign practice as defined by section 5.01, provided that the person found in violation requested a hearing before the Commission to challenge the basis of the Notice of Violation as provided in section 5.02(B)(5) and (C). The person seeking Tribal Court review must file their suit challenging the Commission's imposition of a fine within five (5) working days following the date of the Commission's decision. The Tribal Court shall uphold the decision of the Commission unless it finds the Commission's decision arbitrary and capricious or otherwise not in accordance with applicable law.
- B. Review of Election Disputes. The Umatilla Tribal Court shall have jurisdiction to review the Commission's decisions on election disputes and a Commission determination that a Board Member-Elect has not satisfied the Reservation Residency Requirement. Any appeal brought under this section must be filed by the candidate, Board Member-Elect, or person directly affected by the Commission's election dispute decision and must be filed within three (3) working days of the final decision of the Commission. The appeal must specifically identify the portion of the Commission's decision being appealed, the factual and legal basis for the appeal and the remedy sought in the appeal. The Tribal Court shall uphold the decision of the Commission unless it finds the Commission's decision arbitrary and capricious or otherwise not in accordance with applicable law. The Tribal Court shall place any election suit filed under this Code as the highest priority on its docket.

## APPENDIX A

### LEGISLATIVE HISTORY

## **ELECTION CODE**

### **LEGISLATIVE HISTORY**

As enacted in 1949, the Constitution and By-Laws of the Confederated Tribes of the Umatilla Indian Reservation addressed election matters in the following sections: Art. V, sections 2, 5, and 6; Art. VI, sections 2, 3, 5, and 6, and Art. VII.

For many years elections were conducted using only the guidance provided in the Tribes' Constitution and certain customary rules. This occasionally leads to problems in the administration of elections (See Board of Trustees Resolution No. 71-18 (December 1, 1970)). In order to codify election processes which implement and elaborate upon the Constitutional provisions, the Board of Trustees enacted the Election Ordinance, in Resolution No. 77-10 (July 20, 1976).

On November 27, 1990 the General Council of the Confederated Tribes approved Amendment Four and Amendment Five to the Constitution and By-Laws of the Confederated Tribes of the Umatilla Indian Reservation. Amendment Four required direct election of the Officers of the Board of Trustees (Previously, Board Officers had been appointed by the Board itself from among its nine elected members.). Amendment Five extended the term of office of Officers of the General Council from one year to two. As these amendments significantly changed the election processes of the Confederated Tribes, revision of the Tribes' Election Ordinance became necessary. The Board enacted a revised Election Ordinance in Resolution 91-33 (June 19, 1991), and amended it once, in Resolution No. 92-12 (March 18, 1992).

On June 18, 1992 the General Council approved Amendment Six to the Constitution and By-Laws of the Confederated Tribes. This amendment established that all Tribal general elections shall take place in November of odd numbered years.

Subsequently, the revised Election Ordinance was amended an additional four times, by Resolutions No. 93-41(A) (September 29, 1993), No. 93-41(B) (September 29, 1993), No. 94-29 (April 20, 1994), and No. 97-52 (September 3, 1997).

In the *Statutes of the Confederated Tribes of the Umatilla Indian Reservation, July 1999 Compilation*, three editorial changes were made to the revised Election Ordinance. One of these changes was to change the name from "Election Ordinance" to "Election Code." The other changes are described in detail in the legislative history published with the Code in the *July 1999 Compilation*. The Board of Trustees approved these changes in Board Resolution No. 99-63 (July 28, 1999).

Following Board approval of the *Statutes of the Confederated Tribes of the Umatilla Indian Reservation, July 1999 Compilation*, the Board enacted a second revised Election Code in Resolution No. 01-087 (August 20, 2001). The second revised Election Code contained a number of technical amendments recommended by the Tribes' Election Commission, based upon experience in recent elections.

Unfortunately, several of the amendments recommended by the Election Commission were inadvertently left out of the text of the second revised Election Code. Consequently, two and a half months later the Board enacted a third revised Election Code, which incorporated additional technical amendments recommended by the Election Commission. The third revised Election Code was enacted by the Board of Trustees in Resolution No. 01-109 (November 5, 2001), in order to be available for the General Election to be held later that month.

As of the enactment of the third revised Election Code, no version of the Election Code had addressed the entire range of Tribal elections. The various versions of the Code had focused on regulating general elections of officers and members of the Board of Trustees and General Council officers. The Code had either overlooked entirely, or only partially addressed a number of other types of elections addressed in the Tribal Constitution, such as recalls and constitutional amendments. In addition, the organization of the Code was unnecessarily confusing and redundant. To correct these problems, the Board of Trustees enacted a fourth revised Election Code in Resolution No. 02-035 (April 15, 2002).

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***As Amended through Resolution No. 25-037 (May 5, 2025)***

The fourth revised Election Code was amended by the Board of Trustees in Resolution No. 02-079 (September 30, 2002). This amendment greatly expanded section 4.02 and added a subsection (D) to section 4.01.

The Board enacted a fifth revised Election Code in Resolution No. 05-006 (January 24, 2005). This revised code incorporated the changes to the recall procedure made by Amendment IX to the Constitution and Bylaws. It also added a new chapter 5 which addresses code enforcement. Finally, the fifth revised code included new provisions relating to tied elections, and made changes to provisions on ballots and absentee voting.

In response to problems arising in the conduct of the 2007 Tribal Election, in Resolution 08-109 (October 27, 2008), the Board enacted several amendments to the Election Code. Specifically, section 3.07, concerning the preparation and submission of nomination petitions, and section 3.08, concerning the withdrawal of candidates were amended.

In the November 2007 general election, tribal members approved Amendment XI to the Confederated Tribes' Constitution, which amended Article VII of the Constitution to remove the requirement that the Secretary of the Interior approve constitutional amendments prior to their taking effect. Section 4.05(D) of the Election Code, which also contained language requiring constitutional amendments to be approved by the Secretary of the Interior, was not immediately amended. The Board of Trustees corrected this inconsistency in Resolution 09-122 (October 19, 2009) by removing the requirement of secretarial approval.

In Resolution 11-078 (August 15, 2011), the Board of Trustees amended several provisions of the Election Code, primarily related to Election Commission eligibility, appointment, compensation and removal; the date on which Tribal General Elections are held; ballot collection procedures; nomination petitions; and recount procedures.

In Resolution 17-044 (July 10, 2017), the Board of Trustees amended the Election Code, at the recommendation of the Election Commission, to address issues that arose in the 2015 Tribal General Election. These amendments include authorization and budgeting to provide the Election Commission with temporary staff to assist with conducting elections, changes to the method for collecting absentee ballots, additional detail on voting methods, express authorization to delay the swearing in of Board of Trustees members and General Council officers in the event of an election dispute, and restrictions on filling vacancies by special election in the event the vacancy arises close to a General Election.

In Resolution 17-084 (December 11, 2017), the Board of Trustees enacted a new section 2.12 concerning the respective duties of the Election Commission and Enrollment Office in sharing and updating information regarding Qualified Voters in preparation for General and Special elections.

In Resolution 18-085 (November 19, 2018), the Board of Trustees enacted amendments to the Election Code that address procedures for discerning voter intent where voting instructions were not strictly followed, expressly authorize Commission stipends for attendance at Board of Trustees work sessions, clarify and reorganize requirements for absentee ballots, and indicate that the Board of Trustees has the sole authority to determine the qualifications of its members.

In Resolution 19-056 (August 26, 2019), the Board of Trustees amended the Election Code to add a new definition at Section 1.05(A)(15) defining the Umatilla Indian Reservation. Resolution 19-056 also amended Section 3.06 to clarify that the definition in Section 1.05(A)(15) applies in determining whether an individual is a resident of the Umatilla Indian Reservation eligible to serve on the Board of Trustees or as a General Council officer.

In Resolution 20-002 (January 6, 2020), the Board of Trustees amended the Election Code to remove the definition of the Umatilla Indian Reservation that had been adopted in Resolution 19-056. That definition was replaced with a statement in Section 3.06 indicating that for residency purposes, the boundaries of the Umatilla Indian Reservation are as defined in Article I of the Treaty of 1855. Resolution 20-002 also removed from Section 3.06 the statement that the Board of Trustees has the sole authority to determine the qualifications of its members.

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***As Amended through Resolution No. 25-037 (May 5, 2025)***

In Resolution 21-075 (August 30, 2021), the Board of Trustees amended the Election Code to establish a formal process whereby the Confederated Tribes' Election Commission verifies that each Board Member-Elect meets the reservation residency requirement in Article VI, Section 2 of the Constitution and Bylaws of the Confederated Tribes and Section 3.06 of the Election Code prior to swearing in as a member of the Board of Trustees. The Board of Trustees also added definitions of the terms "Board Member-Elect" and "Reservation Residency Requirement." Finally, the Board of Trustees amended Section 5.05(B) to authorize appeals to the Umatilla Tribal Court of Election Commission determinations that a Board Member-Elect does not meet the reservation residency requirement.

In Resolution 22-041 (May 2, 2022), the Board of Trustees amended sections 4.04 and 4.05 of the Election Code to incorporate language addressing two amendments to the Constitutional and Bylaws of the Confederated Tribes that were approved by the General Council in the 2021 election. The first of these amendments amended Article VI, Section 5 of the Constitution to expand the circumstances in which a Board of Trustees member may be removed from office to include instances of misconduct, corruption, or harassment. The second approved amendment amended Article VIII of the Constitution such that any future amendments require participation of at least 10% of eligible voters and approval by a three-fifths majority of such voters.

In Resolution 23-054 (June 12, 2023), the Board of Trustees amended Section 3.11 of the Election Code to simplify and streamline the process for participating in Tribal elections by use of an absentee ballot.

In Resolution 25-037 (May 5, 2025), the Board of Trustees amended Section 3.01 of the Election Code to change the date of Tribal General Elections from the second to the first Tuesday in November in odd-numbered years. This change was made to avoid the General Election occurring on Veteran's Day in 2025 and in future years.

## APPENDIX B

### GUIDELINES FOR DISCERNING VOTER INTENT, EXHIBIT 2 TO RESOLUTION 18-085 (11-19-2018)

## APPENDIX B

### GUIDELINES FOR DISCERNING VOTER INTENT, EXHIBIT 2 TO RESOLUTION 18-085 (11-19-2018)

# Exhibit

This helpful exhibit illustrates the important standards through the use of pictorial examples of voted ballots and how they should be interpreted by the Tribal Election Commission (TEC). No publication could anticipate all of the possible circumstances that arise in the counting process. In cases where the situation is not addressed in Tribal Law, Tribal Election Code that includes this exhibit, authority to determine voter intent rests with the Tribal Election Commission.

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## Rule A

### **Target Area**

Any marks made in the target area shall be counted as valid votes.

Any marks made outside of the target area shall be valid only if they form a pattern of similar marks as outlined in Rule B or qualify as written instructions in Rule E.

Marks that trace or outline the target area are not valid votes unless they form a pattern of similar marks as outlined in Rule B.

#### Exceptions to Rule A:

1. Obvious stray marks
2. Hesitation marks
3. Parts of written notes
4. Corrected votes (See Rule C and Rule E)


















## Target Area

### Rule A

## Rule A, Example 1

All choices marked are valid votes.


















In the following example, all choices marked will count because they are all marked in the target area and do not fall under one of the exceptions to Rule A.

Official Ballot – SAMPLE Mission, OR General Election November 6, 2222	
<b>Instructions to voters:</b> Fill in the arrow next to your choice. Vote like this: 	
<b>If you make a mistake:</b> Draw a line through the entire candidate's name like this: <del>George Washington</del> You then have the option of making another choice if you wish.	
<b>BOARD OF TRUSTEES CHAIRMAN</b>	<b>BOARD OF TRUSTEES VICE CHAIRMAN</b>
Teddy Roosevelt 	Dolley Payne Madison 
Abigail S. Adams 	Rosa Parks 
William Henry Harrison 	Dwight D. Eisenhower 
Write-in  _____	Write-in  _____
<b>BOARD OF TRUSTEES TREASURER</b>	<b>BOARD OF TRUSTEES SECRETARY</b>
Wing Luke 	James Monroe Elisha 
Thurgood Marshall 	P. Ferry 
Sacagawea 	Clara Barton 
Write-in  _____	Write-in  _____

## Rule A, Example 2

Only the vote for Teddy Roosevelt is valid.

In the following example, only the vote for Roosevelt will count. The other marks on this ballot are made outside of the target area and do not fulfill the pattern requirements of Rule B, so they are not valid votes.

Official Ballot – SAMPLE Mission, OR General Election November 6, 2222	
<b>Instructions to voters:</b> Fill in the arrow next to your choice. Vote like this:  <b>If you make a mistake:</b> Draw a line through the entire candidate's name like this: <del>George Washington</del> You then have the option of making another choice if you wish.	
<b>BOARD OF TRUSTEES CHAIRMAN</b>	<b>BOARD OF TRUSTEES VICE CHAIRMAN</b>
Teddy Roosevelt Abigail 	Dolley Payne Madison 
S. Adams 	Rosa Parks 
William Henry Harrison 	Dwight D. Eisenhower 
Write-in 	Write-in 
<b>BOARD OF TRUSTEES TREASURER</b>	<b>BOARD OF TRUSTEES SECRETARY</b>
Wing Luke 	James Monroe 
Thurgood Marshall 	Elisha P. Ferry 
Sacagawea 	Clara Barton 
Write-in 	Write-in 


















## Target Area

### Rule A

## Rule A, Example 3

All choices marked are valid votes.









In this example, the marks made on this ballot get smaller with each race, an implication of 'voter fatigue'. All marks are in the target area and are valid votes.

Official Ballot – SAMPLE Mission, OR General Election November 6, 2222	
<b>Instructions to voters:</b> Fill in the arrow next to your choice. Vote like this: 	
<b>If you make a mistake:</b> Draw a line through the entire candidate's name like this: <del>George Washington</del> You then have the option of making another choice if you wish.	
<b>BOARD OF TRUSTEES CHAIRMAN</b>	<b>BOARD OF TRUSTEES VICE CHAIRMAN</b>
Teddy Roosevelt 	Dolley Payne Madison 
Abigail S. Adams 	Rosa Parks 
William Henry Harrison 	Dwight D. Eisenhower 
Write-in 	Write-in 
<b>BOARD OF TRUSTEES TREASURER</b>	<b>BOARD OF TRUSTEES SECRETARY</b>
Wing Luke 	James Monroe 
Thurgood Marshall 	Elisha P. Ferry 
Sacagawea 	Clara Barton 
Write-in 	Write-in 

Rule A, Example 4

In the following example, marks that trace a target area are not valid. Marks that trace or outline a target area will not count unless they fulfill the pattern requirements of Rule B.

4.

<b>BOARD OF TRUSTEES</b>	
<b>CHAIRMAN</b>	
Teddy Roosevelt	 
Abigail S. Adams	 
William Henry Harrison	 
Write-in	 
<hr/>	


















## Target Area

### Rule A, Exception 1, Obvious Stray Marks

## Rule A, Exception 1, Example 5

The mark through the target area of Clara Barton is not a valid vote. All other choices marked are valid votes.

In this example, the mark in Clara Barton's target area is a stray mark and will not count. The vote for James Monroe is a valid vote.

Official Ballot – SAMPLE Mission, OR General Election November 6, 2222	
<b>Instructions to voters:</b> Fill in the arrow next to your choice. Vote like this: 	
<b>If you make a mistake:</b> Draw a line through the entire candidate's name like this: <del>George Washington</del> You then have the option of making another choice if you wish.	
<b>BOARD OF TRUSTEES CHAIRMAN</b>	<b>BOARD OF TRUSTEES VICE CHAIRMAN</b>
Teddy Roosevelt Abigail 	Dolley Payne Madison 
S. Adams 	Rosa Parks 
William Henry Harrison 	Dwight D. Eisenhower 
Write-in  _____	Write-in  _____
<b>BOARD OF TRUSTEES TREASURER</b>	<b>BOARD OF TRUSTEES SECRETARY</b>
Wing Luke 	James Monroe 
Thurgood Marshall 	Elisha P. Ferry 
Sacagawea 	Clara Barton 
Write-in  _____	Write-in  _____

## Target Area

### Rule A, Exception 2, Hesitation Marks





## Rule A, Exception 2, Examples 6-8

The vote for Teddy Roosevelt is the valid vote.





The marks in the target area of Abigail S. Adams are hesitation marks and do not count as valid votes. Marks made in the same race for Teddy Roosevelt are the clear choice.

This race is not overvoted.





6.

<b>BOARD OF TRUSTEES CHAIRMAN</b>	
Teddy Roosevelt	
Abigail S. Adams	
William Henry Harrison	
Write-in	
<hr/>	

7.

<b>BOARD OF TRUSTEES VICE CHAIR</b>	
Teddy Roosevelt	
Abigail S. Adams	
William Henry Harrison	
Write-in	
<hr/>	

8.

<b>BOARD OF TRUSTEES TREASURER</b>	
Teddy Roosevelt	
Abigail S. Adams	
William Henry Harrison	
Write-in	
<hr/>	


## Target Area

Rule A, Exception 3, Parts of written notes

### Rule A, Exception 3, Example 9

No marks are valid votes.

In this example, the marks that extend into the target areas are parts of written notes on the ballot and will not count as valid votes.

Official Ballot – Sample Mission, OR General Election November 6, 2222	
<b>Instructions to voters:</b> Fill in the arrow next to your choice. Vote like this:  <b>If you make a mistake:</b> Draw a line through the entire candidate's name like this: <del>George Washington</del> You then have the option of making another choice if you wish.	
<b>BOARD OF TRUSTEES CHAIRMAN</b>  Teddy Roosevelt Abigail S. Adams William Henry Harrison Write-in _____	<b>BOARD OF TRUSTEES VICE CHAIRMAN</b>  Dolley Payne Madison Rosa Parks Dwight Write-in _____
<b>Englewood Fire District Commissioner</b>  Wing Luke Thurgood Marshall Sacagawea Write-in _____	<b>Water District 12 Commissioner</b>  James Monroe Elisha P. Ferry Clara Barton Write-in _____

*Dear Election People,  
Thank you for the ballot  
but I prefer not to vote  
this time.  
Sincerely!  
B. Adams*



## Rule B

### Pattern of Similar Marks

Marks made outside of the target area shall be counted as valid votes as long as those marks form a pattern of similar marks. All races and issues for which the voter has indicated a choice outside the target area must have a similar mark.

Marks made outside of the target area may be counted as valid votes even if one pattern of similar marks is used on one page (side) of the ballot and another pattern of similar marks is used on another page of the ballot.

Marks made outside of the target area shall be counted as valid votes if one pattern of similar marks is used for measures and another pattern of similar marks is used for candidate races.

If some marks are in the target area and some are not, but the same **type** of mark is used, all such marks shall be counted as valid votes.

If the marks strike through candidate names or ballot measure responses in a pattern of similar marks throughout the ballot, all such marks shall be counted as valid votes.

A mark outside the target area on a ballot that contains only one race or measure is not required to form a pattern.

---

### One Mark on a Ballot


















When a voter returns a ballot having marked only one race or measure, the act of returning a ballot indicates the voter wished to cast a vote in that race or measure. Because a pattern cannot be established when a voter marks only one race or measure, marks made on a single race or measure must be considered a vote if the voter's intent can be determined.

**Pattern of Similar Marks**  
Rule B, One Mark on a Ballot

## Rule B, Example 1

All choices marked are valid votes.

In this example, the voter formed a pattern of similar marks throughout the ballot. Some marks are in the target area and some are not. Because the marks are the same **type** for each race, all votes on this ballot count as valid votes.

Official Ballot – SAMPLE Mission, OR General Election November 6, 2222	
<b>Instructions to voters:</b> Fill in the arrow next to your choice. Vote like this: 	
<b>If you make a mistake:</b> Draw a line through the entire candidate's name like this: <del>George Washington</del> You then have the option of making another choice if you wish.	
<b>BOARD OF TRUSTEES CHAIRMAN</b>	<b>BOARD OF TRUSTEES VICE CHAIRMAN</b>
Teddy Roosevelt 	Dolley Payne Madison Rosa 
Abigail S. Adams 	Parks 
<u>William Henry Harrison</u> 	Dwight D. Eisenhower 
Write-in 	Write-in 
<b>BOARD OF TRUSTEES TREASURER</b>	<b>BOARD OF TRUSTEES SECRETARY</b>
Wing Luke 	James Monroe 
Thurgood Marshall 	Elisha P. Ferry 
Sacagawea 	Clara Barton 
Write-in 	Write-in 


















## Pattern of Similar Marks

### Rule B

## Rule B, Example 2

All choices marked are valid votes.

In this example, the voter formed a pattern of similar marks throughout the ballot. Because the marks are the same **type** of mark for each race, all votes on this ballot count as valid votes.

Official Ballot – SAMPLE Mission, OR General Election November 6, 2222	
<b>Instructions to voters:</b> Fill in the arrow next to your choice. Vote like this: 	
<b>If you make a mistake:</b> Draw a line through the entire candidate's name like this: <del>George Washington</del> You then have the option of making another choice if you wish.	
<b>BOARD OF TRUSTEES CHAIRMAN</b>	<b>BOARD OF TRUSTEES VICE CHAIRMAN</b>
<del>Teddy Roosevelt</del> 	Dolley Payne Madison Rosa 
Abigail S. Adams 	Parks 
William Henry Harrison 	<del>Dwight D. Eisenhower</del> 
Write-in 	Write-in 
<b>BOARD OF TRUSTEES TREASURER</b>	<b>BOARD OF TRUSTEES SECRETARY</b>
Wing Luke 	James Monroe 
<del>Thurgood Marshall</del> 	Frida Kahlo 
Sacagawea 	<del>Clara Barton</del> 
Write-in 	Write-in 


















## Pattern of Similar Marks

### Rule B

### Rule B, Example 3

All choices marked are valid votes.

In this example, the voter formed a pattern of similar marks throughout the ballot. Some marks are in the target area and some are not. Because the marks are the same **type** for each race, all votes on this ballot count as valid votes.

Official Ballot – SAMPLE Mission, OR General Election November 6, 2222	
<b>Instructions to voters:</b> Fill in the arrow next to your choice. Vote like this: 	
<b>If you make a mistake:</b> Draw a line through the entire candidate's name like this: <del>George Washington</del> You then have the option of making another choice if you wish.	
<b>BOARD OF TRUSTEES CHAIRMAN</b>	<b>BOARD OF TRUSTEES VICE CHAIRMAN</b>
<del>Teddy Roosevelt</del> 	Dolley Payne Madison 
Abigail S. Adams 	Rosa Parks 
William Henry Harrison 	Dwight D. Eisenhower 
Write-in 	Write-in 
<b>BOARD OF TRUSTEES TREASURER</b>	<b>BOARD OF TRUSTEES SECRETARY</b>
Wing Luke 	James Monroe 
Thurgood Marshall 	Elisha P. Ferry 
Sacagawea 	Clara Barton 
Write-in 	Write-in 


































## Pattern of Similar Marks

### Rule B

#### Rule B, Example 4

Only the vote for Thurgood Marshall is valid.

In this example, one choice is marked in the target area and other types of marks are made outside the target area. Together, these marks do not form a pattern of similar marks. Only the vote for Marshall counts as a valid vote, because it is marked in the target area.

Official Ballot – SAMPLE Mission, OR General Election November 6, 2222			
<b>Instructions to voters:</b> Fill in the arrow next to your choice. Vote like this: 			
<b>If you make a mistake:</b> Draw a line through the entire candidate's name like this: <del>George Washington</del> You then have the option of making another choice if you wish.			
<b>BOARD OF TRUSTEES CHAIRMAN</b>		<b>BOARD OF TRUSTEES VICE CHAIRMAN</b>	
Teddy Roosevelt Abigail	 	Dolley Payne Madison	 
S. Adams	 	Rosa Parks	 
William Henry Harrison	 	Dwight D. Eisenhower	 
Write-in	 	Write-in	 
<b>BOARD OF TRUSTEES TREASURER</b>		<b>BOARD OF TRUSTEES SECRETARY</b>	
Wing Luke	 	James Monroe	 
Thurgood Marshall	 	Elisha P. Ferry	 
Sacagawea	 	Clara Barton	 
Write-in	 	Write-in	 

## Pattern of Similar Marks

### Rule B

## Rule B, Example 5

All choices marked are valid votes.

In this example, all choices marked by the voter form a pattern of similar marks. While some marks are made outside the target area, the marks form one pattern of similar marks for measures and another pattern of similar marks for candidate races.

Official Ballot – SAMPLE Mission, OR General Election November 6, 2222		Page 1 / 2
<small>Instructions: Fill in the arrow next to your choice. Vote like this:              Do not: Draw a line through the entire candidate's name like this: <u>George Washington</u>             or make another choice if you wish.</small>		
<b>Measure No. 1</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Measure No. 5</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Measure No. 2</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Measure No. 6</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
<b>Measure No. 3</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Measure No. 7</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Measure No. 4</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Continue voting next side	

Official Ballot – SAMPLE Mission, OR General Election November 6, 2222		Page 2 / 2
<b>BOARD OF TRUSTEES CHAIRMAN</b> Teddy Roosevelt <input checked="" type="checkbox"/> Abigail S. Adams <input checked="" type="checkbox"/> Write-in <input checked="" type="checkbox"/> <u>Abigail Adams</u>	<b>BOARD OF TRUSTEES VICE CHAIRMAN</b> Dwight D. Eisenhower <input checked="" type="checkbox"/> Belle Reeves <input checked="" type="checkbox"/> Write-in <input checked="" type="checkbox"/> <u>Belle Reeves</u>	
<b>BOARD OF TRUSTEES TREASURER</b> William Henry Harrison <input checked="" type="checkbox"/> Wing Luke <input checked="" type="checkbox"/> Write-in <input checked="" type="checkbox"/> <u>William Henry Harrison</u>	<b>BOARD OF TRUSTEES SECRETARY</b> Juan de Fuca <input checked="" type="checkbox"/> Chief Seattle <input checked="" type="checkbox"/> Write-in <input checked="" type="checkbox"/> <u>Juan de Fuca</u>	
<b>GENERAL COUNCIL CHAIRMAN</b> Thurgood Marshall <input checked="" type="checkbox"/> Sacagawea <input checked="" type="checkbox"/> Write-in <input checked="" type="checkbox"/> <u>Sacagawea</u>	<b>Proposition No. 1</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
<b>GENERAL COUNCIL VICE CHAIRMAN</b> Dolley Payne Madison <input checked="" type="checkbox"/> Rosa Parks <input checked="" type="checkbox"/> Write-in <input checked="" type="checkbox"/> <u>Dolley Payne Madison</u>	<b>End of ballot.</b> Thank you for voting!	



This is a multiple page ballot.



**Pattern of Similar Marks**  
**Rule B, One Mark on a Ballot**

**Rule B, One Mark on a Ballot, Examples 6-9**



Both examples 6 and 7 show one mark on a ballot and a valid vote for 'Yes.' Both examples 8 and 9 show one mark on a ballot and a valid vote for 'Approved.'

In the following examples from different ballots, the voters marked only **one race or measure** and a pattern cannot be established. Marks made on a single race or measure must be considered a vote if the voter's intent can be determined.



6.

<b>Proposition No. 1</b>	
Yes	
No	



7.

<b>Proposition No. 1</b>	
Yes	
No	

8.

<b>Proposition No. 1</b>	
Approved	
Rejected	

9.

<b>Proposition No. 1</b>	
Approved	
Rejected	

**Pattern of Similar Marks**  
**Rule B, One Mark on a Ballot**

## Rule B, One Mark on a Ballot, Examples 10-11

Each example shows one mark on a ballot and a valid vote for Teddy Roosevelt.

In the following examples from different ballots, the voters marked only **one race or measure** and a pattern cannot be established. Marks made on a single race or measure must be considered a vote if the voter's intent can be determined.

10.

BOARD OF TRUSTEES CHAIRMAN	
Teddy Roosevelt	←
Abigail S. Adams	←
William Henry Harrison	←
Write-in	←

11.

BOARD OF TRUSTEES CHAIRMAN	
Teddy Roosevelt	X ←
Abigail S. Adams	←
William Henry Harrison	←
Write-in	←

## Rule B, One Mark on a Ballot, Example 12

This example shows one mark on a ballot and a valid vote for the choice marked.

In the following example, the voters marked only **one race or measure** and a pattern cannot be established. Marks made on a single race or measure must be considered a vote if the voter's intent can be determined. If the mark is not the only mark on a single race or measure, see Rule C, Corrected Votes.

12.

BOARD OF TRUSTEES CHAIRMAN	
Teddy Roosevelt	←
Abigail S. Adams	←
William Henry Harrison	←
Write-in	←



**Pattern of Similar Marks**  
**Rule B, One Mark on a Ballot**

## Rule B, One Mark on a Ballot, Example 13

The only mark on the ballot is a valid vote for May Hutton / Isaac Stevens.

In the following example, the voter marked only **one race or measure** and a pattern cannot be established. Marks made on a single race or measure must be considered a vote if the voter's intent can be determined. See also Rule E, Written Instructions.

Official Ballot – SAMPLE Mission, OR General Election November 6, 2222		Page 1 / 2
<small>Instructions: Fill in the arrow next to your choice. Vote like this:              Do not: Draw a line through the entire candidate's name like this:              or make any other choice if you wish.</small>		
<b>Measure No. 1</b> Yes No	<b>BOARD OF TRUSTEES CHAIRMAN / VICE CHAIRMAN</b> May Hutton / Isaac Stevens Robert Gray / John R. Rogers Lard Hall Peters / Peter Puget Juan de Fuca / Chief Seattle Write-in _____	
<b>Measure No. 2</b> Yes No	_____ _____	
<b>Measure No. 3</b> Yes No	_____ _____	
<b>Measure No. 4</b> Yes No	_____ _____	
Continue voting next side		

Official Ballot – SAMPLE Mission, OR General Election November 6, 2222		Page 2 / 2
<b>BOARD OF TRUSTEES CHAIRMAN</b> Teddy Roosevelt Abigail S. Adams Write-in _____	<b>GENERAL COUNCIL CHAIRMAN</b> Dwight D. Eisenhower Belle Reeves Write-in _____	
<b>BOARD OF TRUSTEES VICE CHAIRMAN</b> William Henry Harrison Wing Luke Write-in _____	<b>Proposition No. 1</b> Yes No	
<b>BOARD OF TRUSTEES TREASURER</b> Thurgood Marshall Sacagawea Write-in _____	<b>End of ballot. Thank you for voting!</b>	
<b>BOARD OF TRUSTEES SECRETARY</b> Dolley Payne Madison Rosa Parks Write-in _____		



This is a multiple page ballot.

## Rule C

### **Corrected Votes**

If the voter has followed the instructions for correcting a vote, the stricken vote shall not be counted.

If a second choice is marked, it shall be counted as a valid vote. If a second choice is not marked, the race shall be considered undervoted.

If the voter has marked two target areas and placed an 'X' or slash over one of the marked areas, the choice without the 'X' or slash shall be counted as a valid vote.

## Corrected Votes

### Rule C

#### Rule C, Example 1

The vote for William Henry Harrison is the valid vote.

In the following example, the voter followed instructions for correcting a vote.

1.

BOARD OF TRUSTEES CHAIRMAN	
<del>Teddy Roosevelt</del>	←
Abigail S. Adams	←
William Henry Harrison	←
Write-in	←
<hr/>	

#### Rule C, Example 2

This example shows a correction. Unless the voter marked only one race or measure, these marks are not valid votes. When a voter marks more than one race or measure on a ballot, a correction does not count as a valid vote.

In the following example, the voter followed instructions for correcting a vote. If the voter marked a line through each race or measure throughout the ballot, see Rule B, Pattern of Similar Marks.

2.





BOARD OF TRUSTEES CHAIRMAN	
<del>Teddy Roosevelt</del>	←
Abigail S. Adams	←
William Henry Harrison	←
Write-in	←
<hr/>	
Sam Wolf	

## Rule C, Example 3

The vote for William Henry Harrison is the valid vote.

In the following example, the voter marked two target areas **and** also placed an 'X' over one of the marked areas. The choice without the 'X' is the valid vote.

3.





BOARD OF TRUSTEES CHAIRMAN	
Teddy Roosevelt	
Abigail S. Adams	
William Henry Harrison	
Write-in	
<hr/>	

## Rule C, Example 4

The vote for Abigail S. Adams is the valid vote.

In the following example, the voter marked two target areas and also placed a slash over one of the marked areas. The choice without the slash is the valid vote.

4.

BOARD OF TRUSTEES CHAIRMAN	
Teddy Roosevelt	
Abigail S. Adams	
William Henry Harrison	
Write-in	
<hr/>	

## Rule D                      **Not a Correction**

If the voter has both marked a choice correctly **and** placed an 'X' in the same target area, but has not marked a second target area, it shall be counted as a valid vote.

Changes made by the voter to wording printed on the ballot will not invalidate votes cast for that race or measure.

---

### Rule D, Example 1

The following example is a valid vote for William Henry Harrison.

1.

<b>BOARD OF TRUSTEES CHAIRMAN</b>	
Teddy Roosevelt	←    ▢
Abigail S. Adams	←    ▢
William Henry Harrison	← <del>▢</del>
Write-in	←    ▢
<hr/>	

## Rule E

## Written Instructions

If the voter has attempted to vote or correct a vote by providing written instruction regarding his or her intent, it shall be counted as the voter instructed. Written instructions can include words, circles, lines, or arrows.

---

### Rule E, Example 1

The vote for Abigail S. Adams is the valid vote.

Written instructions, including words, circles, lines, or arrows may be used to determine voter intent. In this example, the voter attempted to vote or correct a vote and provided written instructions.

1.

<b>BOARD OF TRUSTEES CHAIRMAN</b>	
Teddy Roosevelt	← <input type="checkbox"/>
Abigail S. Adams	← <input checked="" type="checkbox"/>
✓ William Henry Harrison	← <input type="checkbox"/>
Write-in	← <input type="checkbox"/>
<hr/>	

*This one* ←


















## Rule F Identifying Marks

Marks identifying the voter, such as initials, signatures, or addresses, do not disqualify a ballot.

### Rule F, Example 1

The ballot must be accepted.

The following example has initials on its face. This will **not** disqualify the ballot.

Official Ballot – SAMPLE Mission, OR General Election November 6, 2222	
<b>Instructions to voters:</b> Fill in the arrow next to your choice. Vote like this: 	
<b>If you make a mistake:</b> Draw a line through the entire candidate's name like this: <del>George Washington</del> You then have the option of making another choice if you wish.	
<b>BOARD OF TRUSTEES CHAIRMAN</b>	<b>BOARD OF TRUSTEES VICE CHAIRMAN</b>
Teddy Roosevelt 	Dolley Payne Madison Rosa 
Abigail S. Adams 	Parks 
William Henry Harrison 	Dwight D. Eisenhower 
Write-in 	Write-in 
<b>BOARD OF TRUSTEES TREASURER</b>	<b>BOARD OF TRUSTEES SECRETARY</b>
Wing Luke 	James Monroe 
Thurgood Marshall 	Elisha P. Ferry 
Sacagawea 	Clara Barton 
Write-in 	Write-in 

I changed my mind and don't want  
to vote for water district commissioner.  
JR

## Rule G

## Overvotes

Races or issues that have more target areas marked than are allowed are overvotes. No votes for that race or issue shall be counted.

### Exception to Rule G:

Write-in votes for a candidate already printed on the ballot.  
(See Rule I)

---

### Rule G, Example 1

These are not valid votes for any candidate.

The following example has more target areas marked than are allowed. These are tallied as overvotes, not valid votes for any candidate.

1.

<b>BOARD OF TRUSTEES CHAIRMAN</b>	
Teddy Roosevelt	← █
Abigail S. Adams	← █
William Henry Harrison	← █
Write-in	← █
<hr/>	



## Rule H

### Write-in: Blank Target Area

If a name is written on a write-in line, it shall be counted as a valid write-in vote regardless of whether the corresponding target area is marked.

---

### Rule H, Example 1

The following example is a valid vote for Sam Dee.

1.

<b>BOARD OF TRUSTEES</b>	
<b>CHAIRMAN</b>	
Teddy Roosevelt	←    ▢
Abigail S. Adams	←    ▢
William Henry Harrison	←    ▢
Write-in Sam Dee	←    ▢

## Rule I

### Write-in: Already on the Ballot

If the name of a candidate who is already printed on the ballot is written in, that vote shall not be tallied as an overvote, but shall be counted as a valid vote for the printed candidate. This applies even if both target areas are marked or no target areas are marked.

---

### Rule I, Example 1

The following example is a valid vote for Abigail S. Adams.

1.

<b>BOARD OF TRUSTEES CHAIRMAN</b>	
Teddy Roosevelt	← █
Abigail S. Adams	← █
William Henry Harrison	← █
Write-in	← █
<i>Abigail S. Adams</i>	

## Rule J

### Write-in: Name Variations

If a write-in vote is cast for a **declared** write-in candidate using a commonly recognizable nickname or spelling variation, it shall be counted as a valid vote for that candidate.

---

### Rule J, Example 1

The following example is a valid vote for the declared write-in candidate Thomas Smith.

Name variations may also be considered for undeclared write-in candidates when the TEC can determine the voter's intent.

1.

<b>BOARD OF TRUSTEES CHAIRMAN</b>	
Teddy Roosevelt	← <input type="checkbox"/>
Abigail S. Adams	← <input type="checkbox"/>
William Henry Harrison	← <input type="checkbox"/>
Write-in	← <input checked="" type="checkbox"/>
<u>Tom Smythe</u>	

## Rule K

### Write-in: Blank Line

If the write-in target area is marked, but no name is written on the line, it shall not be counted as a valid vote, even though it **may** be tallied as a write-in vote by the tabulation system.

---

### Rule K, Example 1

The following marks are not valid votes and will not count for any candidates.

1.

<b>BOARD OF TRUSTEES CHAIRMAN</b>	
Teddy Roosevelt	← █
Abigail S. Adams	← █
William Henry Harrison	← █
Write-in	← █
<hr/>	

## Rule L

### Write-in: Blank Line and Candidate

If a candidate's target area is marked, **and** the write-in target area is marked but no name is written on the line, it shall not be tallied as an overvote, but shall be counted as a valid vote for the printed candidate.

---

### Rule L, Example 1

The following marks are valid votes for William Henry Harrison.

In the example, the race is not considered an overvote because a candidate's target area is marked, **and** no name is written on the write-in line.

1.

<b>BOARD OF TRUSTEES CHAIRMAN</b>	
Teddy Roosevelt	← █
Abigail S. Adams	← █
William Henry Harrison	← █
Write-in	← █
<hr/>	

## Rule M

## Write-in: Name Combinations

If a write-in vote is cast for a candidate with a combination of names already on the ballot, it shall **not** be counted as a vote for either printed candidate. Instead, it shall be counted as a valid vote for the name written.

---

### Rule M, Example 1

The following marks are valid votes for Bill Roosevelt.

1.

<b>BOARD OF TRUSTEES CHAIRMAN</b>	
Teddy Roosevelt	← <input checked="" type="checkbox"/>
Abigail S. Adams	← <input checked="" type="checkbox"/>
William Henry Harrison	← <input checked="" type="checkbox"/>
Write-in <u>Bill Roosevelt</u>	← <input checked="" type="checkbox"/>

Rule N

Write-in: Overvotes

If a candidate’s target area is marked and something other than that candidate’s name is written in the write-in response area, it shall be counted as an overvote and not a valid vote for any candidate. This applies whether or not the target area for the write-in is marked.

Rule N, Examples 1-3

The following marks are tallied as overvotes, and not valid votes for any candidate.

1.

BOARD OF TRUSTEES  
CHAIRMAN

Teddy Roosevelt

Abigail S. Adams

William Henry Harrison

Write-in

Lily Scott

2.

BOARD OF TRUSTEES  
CHAIRMAN

Teddy Roosevelt

Abigail S. Adams

William Henry Harrison

Write-in

Abby Roosevelt

3.

BOARD OF TRUSTEES  
CHAIRMAN

Teddy Roosevelt

Abigail S. Adams

William Henry Harrison

Write-in

Mom

## Rule O

### **Write-in: Not Eligible**

A write-in vote for a race not appearing on the voter's ballot shall not be counted.

#### Exception to Rule O:

Provisional ballots. If a provisional ballot has been cast and the voter has written in an office or measure that is not on the ballot, that vote shall be counted if it is determined, based on the voter's registration, that he or she is eligible to vote for that office or measure.





















**Write-in: Not Eligible**  
**Rule O**

**Rule O, Example 1**

The write-in vote intended for the Seattle Monorail measure is not valid.

The voter has written in a vote for a race that did not appear on the ballot. This voter is not eligible to vote for the Seattle Monorail, and the vote for that race will not count. All other votes on this ballot are valid and will count.

Official Ballot – SAMPLE Mission, OR General Election November 6, 2222	
<b>Instructions to voters:</b> Fill in the arrow next to your choice. Vote like this: 	
<b>If you make a mistake:</b> Draw a line through the entire candidate's name like this: <del>George Washington</del> You then have the option of making another choice if you wish.	
<b>BOARD OF TRUSTEES CHAIRMAN</b>	<b>BOARD OF TRUSTEES VICE CHAIRMAN</b>
Teddy Roosevelt 	Dolley Payne Madison 
Abigail S. Adams 	Rosa Parks 
William Henry Harrison 	Dwight D. Eisenhower 
Write-in 	Write-in 
<b>GENERAL COUNCIL CHAIRMAN</b>	<b>GENERAL COUNCIL VICE CHAIRMAN</b>
Wing Luke 	James Monroe Elisha 
Thurgood Marshall 	P. Ferry 
Sacagawea 	Clara Barton 
Write-in 	Write-in 

Seattle Monorail  
yes  
no way 

## Rule P

## Write-in: Vote in the Wrong Place

A write-in vote for a race appearing elsewhere on the ballot shall be counted as a valid vote, as long as all other requirements are fulfilled and the office, position number and political party, if applicable, are clearly indicated.

### Rule P, Example 1

The write-in vote for Teddy Roosevelt is valid.

The voter has written a write-in vote for a race that is already on the ballot, but in a different location. This must count as a valid vote for Roosevelt for State Representative District 14, Position 1.

Official Ballot – SAMPLE Mission, OR General Election November 6, 2222	
<b>Instructions to voters:</b> Fill in the oval next to your choice. Vote like this: <input checked="" type="radio"/>	
<b>If you make a mistake:</b> Draw a line through the entire candidate's name like this: <del>George Washington</del> You then have the option of making another choice if you wish.	
<b>BOARD OF TRUSTEES CHAIRMAN</b> <input checked="" type="radio"/> <del>Teddy Roosevelt</del> <input checked="" type="radio"/> <del>Abigail S. Adams</del> <input type="radio"/> William Henry Harrison <input type="radio"/> Write-in	<b>BOARD OF TRUSTEES VICE CHAIRMAN</b> <input type="radio"/> Dolley Payne Madison <input type="radio"/> Rosa Parks <input type="radio"/> Dwight D. Eisenhower <input type="radio"/> Write-in
<b>GENERAL COUNCIL CHAIRMAN</b> <input type="radio"/> Wing Luke <input type="radio"/> Thurgood Marshall <input type="radio"/> Sacagawea <input type="radio"/> Write-in	<b>GENERAL COUNCIL VICE CHAIRMAN</b> <input type="radio"/> James Monroe <input type="radio"/> Elisha P. Ferry <input type="radio"/> Clara Barton <input type="radio"/> Write-in

State Rep Dist 14 Pos 1  
☒ Teddy Roosevelt

## Rule Q

## Messy Marks

When otherwise valid votes marked in a target area partially extend into the response area, it shall be counted as a vote if most of the mark is in the target area and intent can easily be discerned.

---

### Rule Q, Example 1

The following marks is a valid vote for William Henry Harrison.

Even though the marks in these examples partially extend into other target areas, each shows a valid vote for one candidate.

1.

<b>BOARD OF TRUSTEES CHAIRMAN</b>	
Teddy Roosevelt	← <input type="checkbox"/>
Abigail S. Adams	← <input type="checkbox"/>
William Henry Harrison	← <input checked="" type="checkbox"/>
Write-in	← <input type="checkbox"/>
<hr/>	