



TRIBAL ELECTION RULES & PROCEDURES

**REVIEWED AND RATIFIED BY THE TRIBAL BODY ON SATURDAY,
December 30, 2017**

**- includes ratified amendments made on Saturday, January 4, 2020 -
(This document supersedes any/all previous Election Rules and Procedures)**

**NARRAGANSETT INDIAN TRIBE
ELECTION RULES AND PROCEDURES**

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ARTICLE I. AUTHORITY

The Authority of the rules and procedures is contained in the Constitution and By-laws of the Narragansett Indian Tribe, as amended, and the Narragansett Indian Comprehensive Codes of Justice. Also, to include the Narragansett Indian Tribal Profile, as amended.

ARTICLE II. PURPOSE

It is the intent of the rules and procedures to establish guidelines, rules, and procedures to be precisely administered to ensure that the election process is fair and equitable as well as to ensure government stability that in turn, ensures community stability for its members.

ARTICLE III. ELECTION COMMITTEE

Section 1: Establishment

The Tribal Election Committee (TEC) of the Narragansett Indian Tribe will be established for the purposes of conducting and supervising all Tribal elections in accordance with the rules and procedures, resolving election disputes as provided in the rules and procedures, promulgating such additional regulations as may be necessary with approval by the Tribal Assembly, and to provide notice and education to members of the Narragansett Indian Tribe about the Tribal election process.

Section 2: Composition

- A. The Tribal Election Committee will consist of seven (7) members.
- B. Five (5) TEC members will constitute a quorum.
- C. The members of the TEC will be sworn in by the Chief Sachem or Tribal Secretary of the Tribe.
- D. The Members of the TEC will choose its officers: Chairperson, Vice-Chairperson, Secretary.
- E. In the event any seats are vacant for any reason(s), The Tribal Assembly will fill all vacancies at a duly called meeting, per the Constitution and By-Laws.
- F. No candidate for an elective Tribal office may serve on the TEC.

- G. Terms will be three (3) seats for four (4) years; and four (4) seats for two (2) years to be determined by the Committee
- H. Election of TEC officers will occur during an odd year to offset the regular Tribal Election.

Section 3: Roles

- A. The Chairperson must ensure that the TEC functions properly.
- B. To ensure the TEC functions properly, the Chairperson is responsible for making sure that each meeting is planned effectively and according to the Tribes Constitution and By-Laws, Narragansett Indian Comprehensive Code Justice and Tribal profile. The chairperson will delegate various duties to other members of the committee to insure efficiency.
- C. The Chairperson will coordinate meeting dates with the committee.
- D. The Chairperson will oversee all monetary matters relevant to conducting the Tribal Election.
- E. The Vice Chairperson will carry out said duties in the absence of the Chairperson.
- F. The Secretary will keep a record of all minutes of the TEC meetings. When the committee meets with the Tribal Assembly the TEC Secretary will take minutes of the meeting and those minutes will be made available and ratified at the next Tribal Assembly meeting.

Section 4: (Duties)/Responsibilities

- A. The TEC is responsible for conducting all Tribal Elections and will request secured space for the maintenance and storage of all election materials and records.
- B. The TEC will have access to and make use of all election records, books, forms and materials.
- C. The TEC will request Tribal Law Enforcement presence on Election Day and will also use bailiffs.
- D. The TEC will handle and oversee the actual voting and ballot tabulations on Election Day.
- E. The TEC will hold a public Meeting (“Rally”) (after the deadline for filing and the candidate has met all requirements) so those candidates seeking Tribal Office can be heard by the Tribe.
- F. The TEC will announce the Election results immediately upon tabulation, tabulation results will be posted on doors and walls at the election site to be determined by the TEC.

Section 5: Obligations

- A. The TEC will all sign and adhere to a proper confidentiality statement.

- B. Any member of the TEC that misses three (3) consecutive meetings without proper justification will be considered removed. Proper justification will be determined by the TEC.
- C. TEC members, Tribal Clerk, Bailiffs, and Security cannot utilize cell phones or other communication devices on Election Day (with exception of an emergency).
- D. The TEC members will not engage in detailed conversation and will not mingle with voters or candidates.
- E. The TEC will have the ability to remove any member for just cause (i.e., rude, vulgar, combative and/or avoidable conflict) provided such removal will require a 2/3 vote of the members of the TEC at a meeting at which a quorum is present. Resolution of this conflict will include a mediation process.
- F. All replacements of vacancies for whatever purpose will be filled according to the Tribe's Constitution and By-Laws and the Tribal Election Rules and Procedures.
- G. TEC Members, Tribal Clerk, Bailiffs and Security are not allowed to leave during the election unless they have a family/medical emergency; at which time, the person being excused is excused for the remainder of the Election Day.

ARTICLE IV. ELECTION PROCEDURES

Section 1: Regular Elections

- A. There will be a Chief Sachem Election held the third Saturday in October during an odd year, for a term of five (5) years (Per Tribal Assembly Resolution No. TA-09271997-01 – Chief Sachem Five-Year Term).
- B. There shall be a Council of nine (9). There shall be a Council Election held the last Saturday in January of an even year, every two (2) years. (In accordance with Tribal Assembly Resolution TA123000.01 and document approved by the Tribal Assembly regarding stagger of terms) amendment of Article I, Section 3 of the Narragansett Indian Constitution and By-Laws is hereby amended to the following: The Council of nine (9) shall act as the executive board on matters pertaining to all tribal affairs, and may be re-elected. The staggered terms of Tribal Council are as follows: Three (3) Council members are seated for a period of two (2) years; three (3) Council members are seated for a period of four (4) years; and three (3) Council members are seated for a period of six (6) years. Said stagger of terms of the Council members provides for an election of Tribal Council every two (2) years, commencing from the year 2000 Tribal Council Election. The candidates with the highest votes will receive the longest terms.
- C. There will be a Tribal Secretary and Assistant Tribal Secretary for a two (2) year term.
- D. There will be a bonded Tribal Treasurer and bonded Assistant Tribal Treasurer for a two (2) year term.

Section 2: Primary Elections

There will be a Primary Election when there are more than three (3) Candidates running for the position of Chief Sachem.

Section 3: Run-Off Elections

In the case of a tie between two or more candidates, a runoff election will be held.

Section 4: Notice of Election

Notice of Tribal Election will be issued by the Tribal Election Committee (TEC) and give the date, time and place of the Tribal Election. Election notices will be posted no more than sixty (60) days and not less than thirty (30) days prior to the Election. The Notice of Tribal Election will be posted (for the duration of the election process only), on the Tribe's official Website, as a press release in local newspapers, made available at Tribal Meetings, posted at all Tribal Offices, and sent to all members via mail and Email.

Section 5: Voting Place

The voting place for the Tribal Election will be held at the Four Winds Community Center, North Building, 4477 South County Trail, Narragansett Indian Reservation, Charlestown, Rhode Island or other designated area if necessary.

Section 6: Campaigning

No campaigning will take place within one hundred (100) feet of the voting address on Election Day.

ARTICLE V. QUALIFICATION OF VOTERS

Section 1. Qualifications of Voters

Qualification of voters - Enrolled members of the Narragansett Indian Tribe who will be eighteen (18) years of age or older on Election Day (MUST PROVIDE A VALID GOVERNMENT ISSUED PHOTO ID).

ARTICLE VI. ELECTION MATERIALS AND INSTRUCTIONS

Section 1: Ballots

- A. The TEC is responsible for the preparation and obtaining ballots from the Rhode Island Board of Elections.
- B. TEC will secure voting machines from the Rhode Island Board of Elections.
- C. A ballot showing the names of the candidates for each office will be printed. The names of the candidates will be placed on the same ballot for each office by surname alphabetically.
- D. Write-in votes on ballot will not be counted.
- E. The words "Official Ballot" will be printed on the top and front of each ballot.

Section 2: Ballot Box

In the event voting machines are unattainable the TEC will secure and maintain the ballots.

Section 3: Poll Books, Forms and Instructions

The TEC will be responsible for the preparation and maintenance of all poll books, forms and instructions required to conduct the election.

ARTICLE VII. CANDIDATES

Section 1: Candidacy Requirement

Any member of the Narragansett Indian Tribe of Rhode Island may become a candidate for any elective office or position to be filled by Tribal Election whom meets the qualifications as listed below:

A. Chief Sachem

1. The Chief Sachem must be an enrolled member of the Narragansett Indian Tribe and at least thirty-five (35) years of age on the date of nominations for office.
2. Must be present, nominated and seconded at a duly called meeting by the TEC specifically called for this purpose and must be present to accept nomination.
3. TEC will require the candidate to sign a Certificate of Candidacy upon accepting nomination
4. Candidate must provide proof of a High School Diploma or GED and/or transcripts to qualify for placement on the ballot.
5. Candidate will furnish the TEC with BCI, NCIC and Tribal background checks that include all charges. The Candidate must not have a felony conviction.
6. Besides the Annual August Meeting and other cultural events, the Candidate must have at least seven (7) years involvement with the Tribe in succession prior to the slated date of scheduled/current Election such as; attending monthly meetings, committee meetings, Elders' meetings, or donating time to the Tribe at rallies or issues of support. To verify such, the TEC will inquire to the appropriate committee/commission to review a sign in book or sign in sheets. The TEC can also request said information from the Tribal Secretary and Tribal Clerk upon proper written request. Fifty percent (50%) of attendance is acceptable.
7. Candidates must be in good standing and have socio-economic ties to the Tribe.

8. Must live in the state of Rhode Island or within a fifty (50) mile radius of the Tribe's Reservation and must provide two (2) proofs of residency (i.e. a valid Rhode Island Driver's License, utility bill, employment verification, State issued voter card, rent receipt, Lease Agreement, Mortgage Statement, Income tax return). Candidates must provide proof of actual physical residence. Mailing address without a street designation or addresses with Post Office Boxes will not be accepted.
9. The Candidate will give a written statement with their registration packet and their verbal statement during the public Meeting ("Rally") on their plans for the Tribe and what he/she has done for the Tribe.
10. The Candidate must be family oriented, know how to address the public and have a business sense. Requires Tribal Assembly input
11. The Candidate must be sensitive to the needs of all Tribal members and will have an active interest in the Tribe. Requires Tribal Assembly input
12. The Candidate will honor the culture and tradition of the Tribe at all times. Requires Tribal Assembly input
13. The Candidate will be able to settle differences without getting angry or violent. Tribal Assembly input
14. Any Candidate elected to office and is a current employee of the Narragansett Indian Tribe, will resign his or her employment position prior to being sworn in.
15. Candidates must not have held the title of Chief of any other Tribe recognized Federally, by any State or other jurisdiction.
16. The Candidate will be deemed ineligible for office if he/she has outstanding balances of \$500 or more owed to the Tribe from their time seated as an elected official.

B. Tribal Council, Secretary and Treasurer

1. Candidates must be an enrolled member of the Narragansett Indian Tribe of Rhode Island.
2. Candidates for Tribal Council must be at least twenty-five (25) years of age or older as the date of filing for registration.
3. Candidates for Secretary and Treasurer must be at least twenty-one (21) years of age or older as the date of filing for registration.
4. Candidates must submit a Certificate of Candidacy.
5. Candidates must provide proof of a High School Diploma, GED, and/or transcripts.
6. The Candidate will have nothing in their background that is going to be embarrassing to the Tribe-recommend removing language and furnish the TEC with BCI, NCIC and Tribal background checks that include all charges. The Candidate must not have a felony conviction. Requires Tribal Assembly input

7. Besides the Annual August Meeting and other cultural events, the Candidate must have at least two (2) years involvement with the Tribe in succession prior to the slated date of scheduled/current Election such as; attending monthly meetings, committee meetings, elder's meetings, or donating time to the Tribe at rallies or issues of support. To verify such, the TEC will inquire to the appropriate committee/commission to review a sign in book or sign in sheets. The TEC can also request said information from the Tribal Secretary and Tribal Clerk upon proper written request.
8. Candidates must be in good standing and have socio economic ties to the Tribe. Requires Tribal Assembly input
9. Candidates must provide a valid Tribal ID, license or State issued ID, and must provide two (2) proofs of residency (i.e. a valid State Driver's License, utility bill, employment verification, State issued voter card, rent receipt, Lease Agreement, Mortgage Statement, Income tax return, vehicle registration). Candidates must provide proof of actual physical residence. Mailing addresses without a street designation or addresses with Post Office Boxes will not be accepted.
10. Candidates must submit a current resume. Candidates will give a written and verbal statement on their plans for the Tribe at the scheduled public Meeting ("Rally").
11. Every two years at election registration all current government officials or appointees after the election, and Candidates must submit to BCI, NCIC and Tribal Background checks to the TEC.
12. Any Candidate elected to office and is a current employee of the Narragansett Indian Tribe, will resign his or her employment position prior to being sworn in.
13. The Candidate will be deemed ineligible for office if he/she has outstanding balances of \$500 or more owed to the Tribe from their time seated as an elected official

ARTICLE VIII - ABSENTEE VOTING

Section 1: Absentee Ballot

- A. Requests for absentee ballots shall be submitted in writing. Only those enrolled members that are disabled, housebound, or in the military shall be allowed to request an absentee ballot.
- B. The TEC shall forward to the absentee voter an envelope containing:
 1. A Self-addressed return envelope,
 2. Ballot envelope marked "Absentee Ballot",
 3. Absentee Ballot.
- C. The TEC shall write, print or mark on each absentee ballot the Words "ABSENTEE BALLOT" and date of issuance.
- D. There shall be enclosed another envelope on which has been imprinted:

1. "ABSENTEE BALLOT"
 2. The following Address: Narragansett Indian Tribe, Tribal Election Committee, P.O. 330 Charlestown, R.I. 02813
 3. An Inner envelope on which has been imprinted the Words "ABSENTEE BALLOT".
- D. The absentee voter shall enclose only his/her own ballot in the inner envelope. The inner envelope shall than be sealed by the voter and enclosed in the outer envelope. The voter shall print his name in the space provided in the outer envelope.
- E. Absentee Ballots shall be automatically mailed to the recipient two (2) to three (3) weeks prior to election. Absentee Ballots must be received by the TEC on the Friday before the Saturday election. Any other ballots received after this date will not be counted.

ARTICLE IX – ELECTION CERTIFICATION

- A. Upon closing of the polls after voting hours, the Tribal Election Committee shall open the locked ballot box, count the number of ballots cast against the number of signatures in the Eligible Voter Book, count the number of votes cast for each candidate, and display the results of the final tabulation(along with the Electronic Tabulation Sheet). The outcome of the counting of all votes shall be announced immediately by the TEC.
- B. TEC shall prepare a certification of the results of the Election which shall be signed by each member of the TEC and shall contain the following information:
1. The number of ballots cast;
 2. The number of signatures in the Eligible Voter Book;
 3. The number of absentee ballots
 4. The number of spoiled ballots
 - 5.** The persons elected to office, the number of votes received by those persons, the office to which they were elected, the terms for which they are elected, and the date at which they will assume office.
- C. No official Tribal election shall be voided by the TEC in response to a complaint unless the complaint clearly demonstrates that an alleged irregularity was of sufficient importance that it could potentially have altered the outcome of the election in question.
- D. The Election Committee will inform, as a courtesy, the results of the Election to the Bureau of Indian Affairs.

ARTICLE X - GRIEVANCE, COMPLAINT, RE-COUNT AND APPEAL PROCEDURES

Section 1: Procedures

If a Tribal Member believes that irregularities have occurred in connection with the handling of an official Tribal election, he/she may file a grievance/complaint in accordance with the appeals and grievance procedures outlined below:

- A. The complaint or grievance must be placed in writing and mailed certified to the TEC and Tribal Council within five (5) business days following the election in which the irregularity is alleged to have occurred. The complainant should retain two (2) copies of any complaints submitted. The Committee will not accept any hand delivery or any other forms of delivery. All complaints must be mailed to the following address: **Narragansett Indian Tribal Election Committee, P.O. Box 330, Charlestown, RI 02813.**
- B. The Tribal Election Committee must investigate each complaint submitted and issue a written statement of these findings to the complainant within seven (7) business days of receipt of each complaint. A copy of these findings shall also be forwarded to the Chief Sachem and Tribal Council, and to all candidates elected in the contested election, within five (5) business days of the issuance of said findings. The grievant and /or complainant shall be responded to by certified mail.
- C. The following guidelines shall be followed by the Tribal Election Committee when considering complaints submitted: No Official Tribal Election shall be voided by order of the Tribal Election Committee in response to a complaint unless the complaint clearly demonstrates that the irregularity alleged was of sufficient importance that its occurrence could potentially have altered the outcome of the election in question.
- D. Following receipt and review of a properly executed complaint the Tribal Election Committee shall issue (the following) findings:
 1. To dismiss the complaint as unfounded.
 2. To acknowledge the merit of the complaint but to reaffirm the election position in question on the grounds that the irregularity was not of sufficient importance to void the election position(s); or
 3. To acknowledge the merit of the complaint and to void the elected position(s) in question as provided under Section D (2) above. If necessary, the committee shall call another election to fill the position(s) affected by the voiding of the position(s).

Section 2: Conflict of Interest

Any member of the Tribal Government, Chief Sachem, Tribal Council or incumbent, who is, or was a Candidate for election to any tribal position during the on-going election, shall not participate in the appeal procedure.

Section 3: Appeals

- A. If the complainant or any person certified as elected in the election in question is not satisfied with the findings of the Tribal Election Committee, he may petition the Tribal Council/Chief Sachem for review of the complaint by submitting a written request by certified mail to the

Secretary of the Council within five (5) business days of receipt of the response from the Tribal Election Committee to P.O. Box 268, Charlestown, Rhode Island 02813.

- B. The Secretary of the Council shall present all complaints contesting the findings of the Tribal Election Committee to the Tribal Council or the Chief Sachem at a special called Council meeting. However, the grievant/complainant shall be responded to by certified mail.
- C. Following receipt and review of a properly executed complaint within five (5) business days, the Tribal Council shall review the original complaint and the findings of the TEC and either uphold or overturn the findings of the TEC. The decision of the Chief Sachem/Tribal Council shall be final. If, in the event that the grievant feels various laws have been violated, he/she may file with the Tribal Body for a special meeting. The Tribal Body decision must carry by 2/3 vote of the people present. The decision of the Tribal Body is final.

DEFINITIONS

The following words and phrases, when used in the Election Rules and Procedures, shall be defined as follows:

“Candidate” means a qualified Tribal Member who has filed a Declaration of Candidacy with the Tribal Election Committee, and has been determined by the TEC as an eligible candidate for an elected position for the Narragansett Indian Tribe of Rhode Island.

“Chief/Chief Sachem” means the Narragansett Indian Chief Sachem and is the Chief Executive of the Tribe.

“Conflict of Interest” means when hearing appeals any member of the Tribal Government, Chief Sachem, Tribal Council or incumbent, who is, or was a Candidate for election to any tribal position during the on-going election, shall not participate in the appeal procedure.

“Constitution & By-Laws” means the Narragansett Indian Tribe’s Constitution & By-Laws as amended on November 10, 1984, by unanimous vote of the Tribal Body, and so accepted by the Department of Interior, Bureau of Indian Affairs.

“Council” means the Narragansett Indian Tribal Council, and/or Tribal Government, duly elected or appointed, and is the executive board of the Tribe.

“Eligible Voter” means an enrolled Tribal Member of the Narragansett Indian Tribe and who is eighteen (18) years of age or older on the day of an election.

“In Good Standing:” means all members shall observe and strictly obey all the Laws, Rules and Regulations of the Narragansett Indian Tribe (NIT) with behavior that is consistent with the Tribe’s current standards of professional behavior and that shows an absence of ill-will as per the Tribe’s Constitution and By-Laws. In order to be in Good Standing, individuals running for any office of NIT, shall adhere to the highest standards of professional behavior at all times, **and must not:**

- a. Enter into a dialogue with other Tribal, Federal, State and Local Executive Government Officials or discussions considered confidential at any level without the consent and/or approval of the Chief Sachem or Executive Board;
- b. Display or otherwise conduct themselves in any way that would subject the offender to criminal sanctions, whether charges are brought or not (i.e. hostile takeovers, stealing from NIT, desecration of Tribal property and sacred traditions etc.);
- c. Conduct themselves in such a way that their moral reasoning is brought to question by the Tribal Membership and/or Chief Sachem or Executive Board;
- d. Steal, prevent the use of, destroy, deface, or otherwise damage the property of the Narragansett Indian Tribe or any person(s);
- e. Initiate any physical altercations or assaults or threaten such towards any person(s) at any time;
- f. Use of abusive and/or derogatory language towards any person(s) at any time.
- g. Must not have any crimes or actions against the Tribe that can be proven.

“Moral Turpitude”; means acts of vileness and conduct that is contrary to justice, honesty, or morality or so extreme a departure from ordinary standards of honesty, good morals, justice or ethics as to be shocking to the moral sense of the Narragansett people.

“Narragansett Indian Tribal Profile”; means a document of the profile of the Narragansett Indian Tribe of Rhode Island as amended in 1998.

“Primary Election” means an election in which eligible voters vote when there are more than three (3) candidates running for the position of Chief Sachem; to limit the number of candidates to no more than (3) candidates to fill the position of Chief Sachem.

“Rally” means a platform where candidates are given the opportunity to express themselves as to why they should be elected to a position within the Tribal Governing Body.

“Regular Election(s)” means the official general election for the position of Chief Sachem or Tribal Council, Scribe, and Treasurer.

“Run-Off Election” means in the event there is a tie vote for an elected position. If a Run-Off Election has been determined, only those eligible voters listed in the poll book as of the date of the election shall be allowed to vote.

“Socio-Economic” means, but not limited to, participation in traditional, Tribal, cultural, and social Narragansett Indian activities, such as; the (1) Annual August Meeting Powwow, (2) Elder’s Day, (3) Great Swamp Memorial, (4) October Thanksgiving, (5) Tribal Body meetings/Elder’s meetings, and (6) participation in other Tribal activities. It is presumed that

the candidate knows the meaning of the inclusive activities and such knowledge is an indication of active community involvement. The Narragansett Indian Tribe is a living, functioning entity, consisting of families that have existed on or near Tribal land since time immemorial. The continued existence of the Tribe has been based on these families living and surviving together against all odds. To be a candidate it is expected and required that the candidate continues to contribute to the spiritual, social, and overall well-being of the Tribe.

"Tribal Background Check" (references "In Good Standing" language) means, a record of a member's tribal criminal history on file with the Tribal Police Department and/or Tribal Court and any formal complaint(s) submitted to the Tribal Police and/or Tribal Court regarding unlawful activity, assault, gross misconduct, ill will, or any action involving an absence of moral turpitude by tribal member(s) against member(s) of the Tribe.

"Tribal Election Committee (TEC)" means a body of persons appointed by the Tribal membership and confirmed by the Tribal Council who shall preside over tribal elections in accordance with the Tribal Election