

CHAPTER 8-2 PROCEDURES FOR PROPOSING CONSTITUTIONAL AMENDMENTS BY PETITION

8-2-1 Determination of Number of Eligible Voters

(a) In order to comply with the provisions of Tribal Constitutional Amendment VIII, it will be necessary at the time of each annual, tribal general election for the Colville Business Council to determine and publish the exact number of tribal members who, on the date of that general election are over the age of 18 years and were eligible to vote in that general election. One third (1/3) of the published number shall be the number of eligible voters whose authenticated, numbered and dated signature shall validate the properly written and filed petition to place a proposed constitutional amendment on the next general election ballot of the Colville Confederated Tribes, pursuant to Tribal Constitutional Amendment VIII.

(b) The Election Committee of the Colville Business Council shall, with the assistance of the tribal administrative officer in charge of conducting the annual tribal general election and the tribal enrollment officer of the Colville Confederated Tribes, determine and publish by written resolution, within forty-five (45) days of the date that final totals and results in the tribal general election are determined, the number of tribal members who were over the age of 18 years and eligible to vote in that tribal general election. This published number shall be used to qualify and validate petitions for proposed constitutional amendments filed at the next general election, pursuant to Amendment VIII of the Colville Tribal Constitution.

8-2-2 Validation of Signatures

(a) A signature placed on a valid petition page shall be valid unless the signature:

- (1) Is not legible;
- (2) Is not included on a petition page that conforms with the requirements for petitions set out in this statute;
- (3) Is not dated or the date is not legible;
- (4) Does not include a valid enrollment number or the enrollment number is not legible or the number is not the enrollment number of the signator;
- (5) Is dated more than 180 days prior to the submission to the Business Council of the final valid petition page;
- (6) Is of a person not enrolled in the Colville Confederated Tribes at the time the signature was placed upon the petition;
- (7) Is dated less than ninety (90) days prior to the next general election.

(b) Individual signatures that are found to be invalid appearing in an otherwise valid petition page shall:

- (1) Not be counted in the total necessary to validate the petition;
- (2) Shall not invalidate any other valid signature(s) found on the same valid petition page.

(c) All signatures on an invalid petition page shall be considered invalid.

(d) The Tribal Enrollment Department or other persons appointed by the Election Committee of the Colville Business Council shall be responsible for the validation or invalidation of the signatures on any properly printed and submitted petition. Validation or invalidation of each signature shall be marked directly on the petition page where the signature appears. If the signature is not validated the reason(s) for invalidation shall be marked directly on the petition page where the signature appears.

(e) In the event that a tribal member's signature appears on a petition more than once, all but one of the signatures shall be stricken as invalid.

(f) Signatures on a petition page must be authenticated in the following manner:

The collector of signatures on each petition page shall appear before a notary or a clerk of the Colville Tribal Court and sign in the presence of the clerk or notary, on each sheet of the petition, a statement attesting under oath and penalty of perjury that the signatures were made on the petition page on the date shown and by the individuals whose names appear on the petition, and that to the best of his/her knowledge the signatories are eligible Colville tribal voters.

(g) Only an eligible Colville tribal voter shall be recognized as a valid collector of petition signatures and authenticator of petition pages by sworn statement.

8-2-3 Contests of Petition

(a) Words or statements required to be placed on a petition page by this statute shall be clearly typewritten or printed in clear, legible type. When words or statements required to be placed on each petition page by this statute are not present, or are faded, obscured, smeared, or otherwise illegible, that entire petition page shall be invalid and all signatures placed on such a petition page shall also be declared invalid and shall not be counted for the purposes of validating the petition. All signatures to be valid must appear on a petition page that conforms to the requirements of the statute. No separate signature sheets, whether attached to a valid petition page or not, shall be allowed, and shall be invalid. All signatures appearing on a separate signature shall not be counted for purposes of validating the petition.

(b) No petition page shall contain more than one proposed amendment.

(c) Each petition page upon which signatures of petitioners shall appear shall contain the following words, statements and spaces:

(1) At the top of the petition page shall appear the words:

“Petition to place before the voters of the Colville Confederated Tribes a referendum to amend the Constitution of the Colville Confederated Tribes.”

(2) On the next line below (1) shall appear the words:

“Read before signing - Only Colville tribal members over the age of 18 years may sign.”

(3) On the next lines below (2) shall appear the words:

“I petition the BUSINESS COUNCIL of the Colville Confederated Tribes to place on the ballot at the next tribal general election for ratification by the tribal membership the following proposed amendment to the Colville Tribal Constitution.”

(4) On the next lines below (3) shall appear the precise and exact words of the proposed amendment as drafted by the proponents of the amendment. Petition pages, to be valid, must contain the exact same proposed amendment language as that printed on the first petition filed. No further statements regarding the meaning or interpretation of the proposed amendment shall appear on the petition page.

(5) On the next lines below (4) shall appear the following spaces for the signing of the petition:

(A) A space for the signature of the petitioner;

(B) A space for the printed name of the petitioner;

(C) A space for the enrollment number of the petitioner;

(D) A space for the age of the petitioner;

(E) A space for the date petitioner signed the petition page;

(F) A space for the Colville Business Council or its designee to mark the validation or invalidation, with reasons, of the signature.

FORM

Signature	Printed Name	Enrollment Number	Date of Birth	Date of Signature	Validation

(more lines)

(6) On the next lines below (5) shall appear the following statement:

(Name of collector - Print), being duly sworn on oath and under penalty of perjury, deposes and says that he or she is an enrolled member of the Colville Confederated Tribes and an eligible voter of the Tribes. That the signatures on this petition page were collected by me and to the best of my knowledge and belief, the signatures were made on the dates shown and by the individuals whose names appear on the petition, and the signatories are eligible Colville tribal voters.

Signature of collector/enrollment number of collector

SUBSCRIBED AND SWORN to before me this ___ day of ____, 20__.

Clerk of the Colville Tribal Court, or Notary Public in
and for the State of _____, residing at
_____.

8-2-4 Delivery or Filing of Petitions and Signatures for Validation

(a) Petitions to be filed pursuant to the provisions of Amendment VIII shall be filed pursuant to this statute. Petitions and signatures filed out of conformity with this statute shall be invalid.

(b) Petition submission and election time line: Petitions submitted pursuant to provisions of Amendment VIII shall conform to the following time line:

(1) Signatures may begin collected 180 days prior to submission of the final valid petition page containing signatures to be validated. All signatures dated prior to this date shall be invalidated as untimely.

(2) Ninety (90) days prior to annual tribal general election: All petition pages containing signatures to be validated shall be duly filed with the Colville Business Council prior to this date. All petition pages submitted after or signatures dated after this date shall be invalidated as untimely.

(3) Forty-five (45) days prior to annual tribal general election: All signatures shall be validated by Election Committee of the Colville Business Council. Election Committee shall determine whether proposed amendment does or does not qualify for the ballot by formal, written, published resolution. Any appeal or grievance shall be handled pursuant to Chapter 8-3 of this Code.

(4) Twenty-five (25) days prior to annual tribal general election: Proponents and opponents of amendments qualified for ballot may submit statements to be published in a voters pamphlet arguing for and against the amendments. Tribal attorneys shall submit a neutral statement describing effects of the amendment. A word limit shall be determined by the Election Committee of the Colville Business Council.

8-2-5 Filing of Petitions

(a) Personal delivery of the first petition page:

(1) The first signed petition page to be filed proposing any amendment to the Tribal Constitution pursuant to Amendment VIII, shall be filed by personally delivering that petition page to the Chairman, Vice-Chairman, or Secretary of the Colville Business Council, or to the Executive Director of the Colville Confederated Tribes or to the Tribal Executive Office delegated responsibility to administer and conduct tribal elections, at the Colville Tribal Office at Nespelem during regular tribal working hours.

(2) If the persons specified in (a)(1) above are not available for delivery and filing of the first signed petition page, the first petition page may be personally delivered to any member of the Colville Business Council, at the Colville Tribal Office at Nespelem, during regular tribal working hours.

(3) The receipt for the first petition page shall be signed by the person receiving it; and when not received by a council person or officer designated in (a)(1) above, will state that the persons designated by (a)(1) above were unavailable for service.

(b) Delivery of subsequent petition pages:

(1) All petition pages other than the first filed petition page shall not be required to be delivered personally and shall not be required to be delivered all at one time. However, all petition pages, to be considered valid, must be either received by personal delivery at the Tribal Office pursuant to 8-2-5(a)(1) above, or postmarked within the time limits set out in this statute and mailed, certified mail, return receipt requested to:

Chairman, Colville Business Council
P O Box 150
Nespelem, WA 99155

Petition pages sent by certified mail shall be considered delivered on the postmarked date of mailing. Petition pages not sent by certified mail shall be invalid.

(2) Persons delivering petition pages personally or by certified mail pursuant to Amendment VIII shall obtain a tribal receipt from the Colville Confederated Tribes showing the name of the person to whom the petitions were delivered, the date of delivery of the petitions and the number of pages delivered in order to authenticate delivery. The burden of obtaining the receipts and producing them to authenticate delivery shall be upon the person delivering the petitions.

8-2-6 Duration of Petition

Any petition submitted under this statute, shall be considered only for the purpose stated in the petition. Once a petition has been submitted for validation and acted upon (certified for election or not certified for election as lacking sufficient valid signatures) it shall not be used again.

(Chapter 8-2 Adopted 9/24/84, Resolution 1984-612)