

SECRETARIAL ELECTION PROCESS UNDER THE IRA

Tribe:

Submits requests for Secretarial Election to the Local Bureau Official accompanied with:

- Proposed document containing exact language to be voted on;
- Resolution requesting the BIA to call and conduct a Secretarial Election; and
- List of all tribal members, in sortable electronic format, who will be 18 years of age and older within 120 days of the date of request consisting of:
 - Names;
 - Last known address;
 - Date of birth; and
 - Voting districts (if applicable).

If the Local Bureau Official is the Agency Superintendent or Field Representative

Local Bureau Official:

Reviews documents to ensure the request is complete;

Prepares transmittal of request to the Regional Office accompanied with:

- Proposed document;
- Resolution requesting the BIA to call and conduct a Secretarial Election; and
- List of all tribal members, in sortable electronic format, who will be 18 years of age and older within 120 days of the date of request consisting of:
 - Names;
 - Last known address;
 - Date of birth; and
 - Voting districts (if applicable).
- Background information on the tribe (i.e. constitution's history and past voting practices)

If the Local Bureau Official is the Regional Director

Local Bureau Official:

- Reviews documents to ensure the request is complete;
- Requests legal review of the proposed document and technical comments from the Field Solicitor;
- Issues technical comment letter to the tribe based on legal review, and advises tribe if any provision in the proposed document is contrary to applicable law with suggestions to make proposed document not contrary to applicable law.

Tribe:

- Accepts or rejects technical comments;
- Submits final request to the Regional Director based on its decision to accept or reject comments, accompanied by:
 - Proposed document containing the final language to be voted upon; and
 - Resolution certifying that the proposed document contains the final language to be voted upon at the requested Secretarial Election.

Authorizing Official of the BIA:

- Issues authorization memo to the Local Bureau Official:
 - To call and conduct the election:
 - within 90 days for amendments to current governing document; or
 - 180 days for a new governing document, a complete revision to replace the current governing document or revocation of the current governing document;
 - To advise the Local Bureau Official:
 - the authorization is only valid for 90 days;
 - to appoint himself as the Chairman of the Secretarial Election Board, or appoint another BIA employee to serve as the Chairman.
 - to advise the Tribe to appoint at least two tribal members, 18 years of age or older, to serve as Secretarial Election Board Members within 10 days of receipt of notice that the Secretarial Election has been authorized.
 - If the tribe fails to appoint at least two tribal members within 10 days, the Secretarial Election Board Chairman must appoint two tribal members to serve on the 11th day.
- Provides the following attachments with the authorization memo, with instructions that no changes can be made to either document:
 - Proposed document to be voted on;
 - Certificate of Results of Election.

Secretarial Election Board:

- Sets date, time, site, and appropriate deadlines for election;
- Prepares election notice packet containing:
 - Explanation of reason for election;
 - Election notice;
 - date of election;
 - deadline for registration;
 - Registration form;
 - Document to be voted upon;
 - Notice and Rules of Secretarial Election (tri-fold) further explaining:
 - Election Date;
 - Election By Mail (or polling places, if applicable);
 - Eligible Voters – who is eligible to register to vote in the election;
 - Registration – the need to register to vote in the election;
 - Registered Voters List – who is eligible to vote in the election;
 - Eligibility Disputes – who, when, and how to challenge someone listed on Registered Voters List;
 - Mailout Ballots or Absentee Voting (if applicable);
 - Posting of Election Results – when and where results are posted;
 - Contesting Election Result – who, when, and how to challenge the election results;
 - Adoption – when the document becomes effective;
 - Request for absentee ballot, if applicable;
 - Polling site locations, if applicable
 - Self-addressed return envelope;
- Mails Secretarial Election Notice packets to all persons on Eligible Voters List at least 30

- days but not more than 60 days from the date of the election;
- Receives registration forms;
- Develops Registered Voters List from those registration forms received before deadline for registration;
- Posts the Registered Voters list (names only);
- Decides challenges to the registered voters list – decision is final for the Department;
- Posts corrected Registered Voters List, if necessary;
- Sends out mailout ballots to all registered voters day after corrected Registered Voters List is posted;
- Monitors election process on election day;
- Counts mailout ballots cast, if applicable, counts ballots cast at polling place and absentee ballots;
- Certifies election results by completing Certificate of Results of Election;
- Posts copy of Certificate of Results of Election at the local BIA office, tribal office and any other designated location;
- Receives any challenges to the election results; and
- Submits to the Local Bureau Official:
 - Copy of Election Package sent to eligible tribal members;
 - Registered Voters List;
 - Corrected Registered Voters List, if applicable;
 - Copy of mailout ballot, and, if applicable, poll site ballot and absentee ballot;
 - Proposed Document;
 - Certificate of Results of Election; and
 - Challenges to the election results.

The Local Bureau Official:

- Transmits to the Authorizing Bureau Official:
 - All information submitted by the Chairman of the Secretarial Election Board, and;
 - Report on the conduct of the Secretarial Election.

The Bureau Authorizing Official:

- Decides challenges to the election results, decision is final for the Department;
 - If challenge is determined valid, authorizes a recount of the ballots or a new election; or
 - If challenge is determined not valid, dismisses or denies challenge;
- Approves or disapproves the document and election results – decision is final for the Department;
 - If approved, notifies the tribe that the proposed document was approved, with the original document, Certificate of Approval, and Certificate of Results of Election; or
 - If disapproved, notifies the tribe of the reasons for disapproval, and offers technical assistance for future requests.
- Sends copies of approval or disapproval to appropriate Local Bureau Official and the Director of the BIA; and
- Retains all election documents for constitution file.

