



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

(Rescind Resolution No. 10-2009-347 : Absentee Voting Procedures)

- WHEREAS,** pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** the Tribal Council finds that the Election Code is enacted in accordance with Article VI, Section 8 of the Constitution of the White Mountain Apache Tribe that has long served the Tribe and its members with legal provisions set forth to challenge any disputes or claims of unfairness as an essential part the elective process; and
- WHEREAS,** the Tribal Council has heard claims in the past regarding absentee ballot procedures that may create concerns over voting irregularities and general concerns of fairness and it is noted that prior Election Commissions has not provided any recommended policy or procedural changes after such elections in accordance with the Election Code itself; and
- WHEREAS,** the Tribal Council acknowledges that the absentee ballot process may be perceived as having potential for improprieties or that there may be abuses or that the process itself taxes the Elections Commission but in fairness to those members who are not able to participate due to any number of reasonable circumstances that the Absentee Ballot process provides a means of participating in the elective process; and
- WHEREAS,** the Tribal Council acknowledges that the absentee ballot system may require an amendment to the procedures but any such changes to the process should first be presented in writing as an amendment to the code prior to a Primary or General Election, to prevent substantive procedural changes from occurring that may deprive individuals from participating in the 2010 elective process; and
- WHEREAS,** the Tribal Council, after consideration of Tribal Resolution 10-2009-347 agrees that any changes or determinations of the Election Commission or its officers should first be approved by the Tribal Council so that the process itself is conducted under a rule of standard written procedures that all can understand, rather than granting the committee broad authority to amend its procedures during any given election period; and
- WHEREAS,** the Tribal Council finds it in the best interest of the Tribe to rescind Resolution No. 10-2009-347 to ensure that all eligible voters are protected and afforded the right to vote under the Constitution and Election Code of the White Mountain Apache Tribe; and
- WHEREAS,** given the urgency of the request, the Tribal Council further finds that this needs to be considered and made outside of its regularly scheduled meeting; and
- WHEREAS,** the Tribal Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this

Resolution, (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Tribal Council members is against this Resolution, (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that Tribal Resolution 10-2009-347 is hereby rescinded effective immediately to ensure that every eligible Tribal Member is allowed to vote during the Primary and General Election.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Election Commission may submit in writing prior to the Primary or General Election any such changes for review and consideration by the Tribal Council in order to be in effect prior to the date of any such election consistent with the Election Code in order to avoid the problems that were cited in Tribal Resolution 10-2009-347 pertaining to voting irregularities and promoting a fair elections process.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that given the urgency of the request described herein, this Resolution may be voted upon outside of Council's regularly scheduled meeting as follows: (a) by signature of a member of the Tribal Council, including the Chairman of the Tribal Council and the Vice-Chairwoman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary shall attempt to obtain signatures for members of the Tribal Council personally, (c) no signature shall mean that the respective Tribal Council member is against this Resolution, (d) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all document necessary to effectuate the intent of this Resolution.

The foregoing resolution was on ___ duly adopted by a vote of ___ for and ___ against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

WALK-THRU

NOT COMPLETED

Chairman of the Tribal Council

Secretary of the Tribal Council