



ENACTMENT OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

(Adopting Ordinance No. 243, Amending Section
5.3 A., B. and C.1. of the White Mountain Apache Election Code)

- 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 enact ordinances; and
- WHEREAS,** the Election Code was enacted by Ordinance No. 208 on May 16, 1997 and Section 5.3 of the Election Code pertains to Absentee Voting; and
- WHEREAS,** pursuant to Article XV, Section 2 of the Constitution, and Section 1.6 of the White Mountain Apache Judicial Code, "All proposed ordinances of the Council shall be posted in each district at least ten days before final action by the Council," and the codes of the Tribe may be "amended by the adoption of ordinances by the Tribal Council"; and
- WHEREAS,** the Election Commission recommended an amendment of Section 5.3 A., B. and C.1. of the Election Code in Ordinance No. 243, attached hereto and incorporated herein; and
- WHEREAS,** pursuant to Resolution No. 03-2010-49, a proposed amendment to Section 5.3 A., B., and C.1. of the Election Code was posted for ten (10) days from March 5, 2010 to March 16, 2010; and
- WHEREAS,** the Office of the Tribal Council Secretary has not received any comments regarding the proposed changes; and
- WHEREAS,** the Council has reviewed proposed Ordinance No. 243 carefully, and considered its recommendations and the implications thereof in great detail and finds that adoption of proposed Ordinance No. 243 would greatly improve the efficiency of the Tribal election process and is in the best interest of the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that proposed Ordinance 243 amending Section 5.3 of the Election Code is hereby adopted as an amendment to the Election Code with the following provisions:

SECTION 5.3 ABSENTEE VOTING

A. Request for ballot.

1. Any eligible voter who wishes to vote early and lives outside of a 150 road mile radius from Whiteriver, Arizona may request an absentee ballot by either coming in person to the office of the Tribal Council Secretary, or by sending a letter to the Election Commission. A person requesting an absentee ballot shall identify himself or herself using the name under which he or she is registered and shall state the district in which he or she is registered.

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This process will be on a mail-out basis only. The absentee ballot will be mailed out to a post office box number or to a physical address (via certified or registered mail) where the applicant signs for his or her absentee ballot. NO GENERAL DELIVERY.

No more than three (3) absentee ballots will be mailed to one post office box number or physical address. Requests for absentee ballots will not be accepted via fax or phone calls, only per written request.

2. The applicant for an absentee ballot shall complete and sign the application before a Notary Public. The Notary Public before whom the applicant completes the application shall impress his or her seal on the application. Any person unable to sign the application shall place his or her mark and have the application signed by a witness. Applications for absentee voter ballots shall be mailed to the Election Commission.

3. Requests for absentee ballots shall be accepted until seven (7) days prior to Election Day.

4. All applications for absentee ballots shall be consecutively numbered by the Election Commission.

5. Any eligible voter who receives an absentee ballot who does not complete and mail the ballot, but instead wishes to cast his or her vote in person, must first surrender his or her absentee ballot to the Election Precinct Committee of his or her district on Election Day.

6. Any eligible voter who desires an absentee ballot for both Primary and General Elections must request an absentee ballot prior to each election.

B. Mailing of documents to applicant.

Unless it is evident that the applicant is not an eligible voter, the Election Commission shall immediately cause the following documents to be mailed to such applicant.

1. An official ballot for the proposed absentee voter's district.
2. An affidavit envelope labeled "For Absentee Ballot Only" for the ballot to be put into after the voter has marked it.
3. An envelope with the address of the Election Commission printed on its front.
4. The official application.

C. Form of application.

1. The form of application for the absentee ballot shall be substantially as follows:

STATE OF _____)

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County of _____) ss:
)

I, _____, do solemnly swear or affirm that I am an eligible voter of the White Mountain Apache Tribe registered in District _____; that I wish to vote early.

Voter Signature

Voter Name (Print)

Voter Census Number

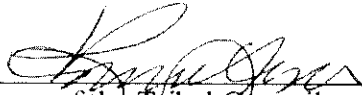
SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

Notary Public or Commission Member

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 documents necessary to effectuate the intent of this Resolution.

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.

The foregoing resolution was on **MARCH 16, 2010** duly adopted by a vote of **NINE** for and **ONE** against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (q), (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).



Chairman of the Tribal Council



Secretary of the Tribal Council

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

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 243, amending White Mountain Apache Election Code, Section 5.3 A. B. and C., *Absentee Voting*, as follows:

SECTION 5.3 ABSENTEE VOTING

A. Request for ballot.

1. Any eligible voter who wishes to vote early and lives outside of a 150 road mile radius from Whiteriver, Arizona ~~or who expects to be absent from the district in which he or she is registered on any election day, or who expects to be physically unable to go to the voting place on such day,~~ may request an absentee ballot by either coming in person to the office of the Tribal Council Secretary, or by sending a letter to the Election Commission. A person requesting an absentee ballot shall identify himself or herself using the name under which he or she is registered and shall state the district in which he or she is registered.

This process will be on a mail-out basis only. The absentee ballot will be mailed out to a post office box number or to a physical address (via certified or registered mail) where the applicant signs for his or her absentee ballot. NO GENERAL DELIVERY.

No more than three (3) absentee ballots will be mailed to one post office box number or physical address. Requests for absentee ballots will not be accepted via fax or phone calls, only per written request.

2. The applicant for an absentee ballot shall complete and sign the application before a Notary Public. The Notary Public before whom the applicant completes the application shall impress his or her seal on the application. Any person unable to sign the application shall place his or her mark and have the application signed by a witness. Applications for absentee voter ballots shall ~~may be mailed or presented in person~~ to the Election Commission.

3. Requests for absentee ballots shall be accepted until seven (7) days prior to eElection dDay. ~~Eligible voters may also make a written request in person~~

~~at the Tribal Council Secretary's Office until 4:30 p.m. Mountain Standard Time on the Tuesday preceding the election.~~

4. All applications for absentee ballots shall be consecutively numbered by the Election Commission.

5. Any eligible voter who receives an ~~A~~absentee ~~B~~ballot who does not complete and mail the ballot, but instead wishes to cast his or her vote in person, must first surrender his or her ~~A~~absentee ~~B~~ballot to the Election Precinct Committee of his or her district on ~~e~~Election ~~d~~Day.

6. Any eligible voter who desires an ~~A~~absentee ~~B~~ballot for both ~~p~~Primary and ~~g~~General ~~e~~Elections must request an ~~A~~absentee ~~B~~ballot prior to each election.

B. ~~Delivery or m~~Mailing of documents to applicant.

Unless it is evident that the applicant is not an eligible voter, the Election Commission shall immediately cause the following documents to be ~~delivered~~ or mailed to such applicant.

1. An official ballot for the proposed absentee voter's district.

2. An affidavit envelope labeled "For Absentee Ballot Only" for the ballot to be put into after the voter has marked it.

3. An envelope with the address of the Election Commission printed on its front.

4. The official application.

C. Form of application.

1. The form of application for the absentee ballot shall be substantially as follows:

STATE OF _____)
) ss:
County of _____)

I, _____, do solemnly swear or affirm that I am an eligible voter of the White Mountain Apache Tribe registered in District _____; that I wish to vote early, ~~or I expect to be absent~~

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~~from my District on the day of the next White Mountain Apache Tribal Election or because of physical disability will not be able to go to the voting place on such day. Therefore, I hereby make application to the Tribal Election Commission for an absentee ballot.~~

Voter Signature

Voter Name (Print)

Voter Census Number

~~SIGNED~~ SUBSCRIBED AND SWORN to before me this ____ day of _____,
20____.

Notary Public or Commission Member