



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

**(Enactment of Ordinance No. 281, Amending the Election
Code of the White Mountain Apache Tribe)**

WHEREAS, the Tribal Council of the White Mountain Apache Tribe ("Tribe") is entrusted by the Tribe's Constitution, Article IV, Section 1(q) to act in all matters that concern the welfare of the Tribe, including but not limited to, the amendment of codes through the adoption of ordinances; and

WHEREAS, Ordinance No. 281 proposed changes to the Election Code; and

WHEREAS, on October 19, 2016 the Tribal Council authorized the posting of Ordinance No. 281 through Resolution No. 10-2016-215, pursuant to Article XV of the Constitution of the White Mountain Apache Tribe and it was posted in October, 2016. Since that time, the Office of the Tribal Council Secretary has received no comments regarding the proposed changes; and

WHEREAS, the Council has reviewed Ordinance No. 281 carefully, and considered the recommendations and implications thereof in great detail and finds the adoption of the amendments to the Election Code, as set forth in Ordinance No. 281 to be in the best interest of the White Mountain Apache Tribe.

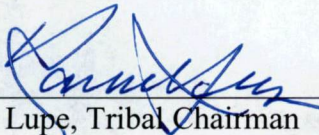
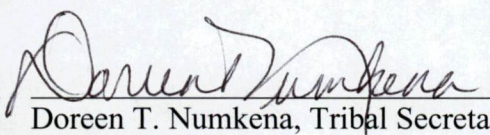
BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe that it hereby adopts Ordinance No. 281, attached hereto and incorporated by reference, which amends the Election Code.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

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

The foregoing resolution was on **DECEMBER 13, 2016** duly adopted by a vote of **TEN** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

 1/26/17  1-26-2017
Ronnie Lupe, Tribal Chairman Date Doreen T. Numkena, Tribal Secretary Date

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. 281, amending White Mountain Apache Election Code Sections 3.3, 4.5, 4.6, 4.9, 5.1, 5.2, 5.3, 5.5, 7.6 and 8.1, as follows:
8.2 & 8.3

CHAPTER THREE QUALIFICATION AND REGISTRATION OF VOTERS

[NOTE: Sections 3.1, 3.2, 3.3 and 3.4 were amended by Ordinance No. 252, enacted on November 16, 2011.]

SECTION 3.3 ELIGIBLE VOTERS LIST

A. The Election Commission shall maintain a list of eligible voters for each District. At the close of any voter registration period, and at other times on a periodic basis, the Commission shall prepare and certify the Eligible Voters list. The Eligible Voters list shall be posted at the polling location of the District at least ten (10) days prior to the election ~~and a copy submitted to the Council at the same time.~~

B. The current lists of eligible voters are accepted as they now exist. All new registration of voters or changes of registration must meet the criteria established by this Chapter.

CHAPTER FOUR QUALIFICATION AND NOMINATION OF CANDIDATES

[NOTE: Sections 4.4, 4.5, 4.6, 4.7 and 4.9 were amended by Ordinance No. 252, enacted on November 16, 2011; Sections 4.5, 4.6, 4.8, 4.9, 4.10 and 4.11 were amended by Ordinance No. 259, enacted May 16, 2013; and Section 4.8 and 4.9 were amended by Ordinance No. 278, enacted November 12, 2015.]

SECTION 4.5 NOMINATION OF CHAIRMAN AND VICE CHAIRMAN

A. Any person who seeks to become a candidate for the office of Chairman or Vice Chairman must complete and submit to the Commission, an affidavit, which shall be substantially the same form as shown in Appendix A-1, to demonstrate that he or she possesses the qualifications for the office sought. After making a preliminary verification of the qualifications from the affidavit, subject to final verification as provided in Section 4.8, the Commission shall issue nomination petitions to the nomination applicant which shall be substantially the same form as shown in Appendix B-1 and B-2. The ~~affidavit and~~ nomination petition forms shall be released to the nomination applicant only, and not to any person acting on behalf of any nomination

applicant and shall be available not sooner than ~~sixty (60)~~ sixty-five (65) days before the primary election. If the 65th day falls on a weekend or Tribal holiday, the nomination petition forms shall be released on the first business day immediately prior to the 65th day.

B. Not ~~less later~~ than ~~fifty (50)~~ fifty-five (55) days before the primary election, the nomination applicant shall present nomination petitions signed by at least five percent (5%) of the resident eligible voters to the Tribal Council Secretary, or to the Tribal Chairman, or in his absence, to the Vice Chairman. If the 55th day falls on a weekend or Tribal holiday, the nomination petition forms shall be due not later than the next business day.

SECTION 4.6 NOMINATION OF COUNCIL MEMBER CANDIDATES

A. Any person who seeks to become a candidate for the office of Tribal Council member must complete and submit to the Commission, an affidavit, which shall be substantially the same form as shown in Appendix A-2, to demonstrate that he or she possesses the qualifications for the office sought. After making a preliminary verification of the qualifications from the affidavit, subject to final verification as provided in Section 4.8, the Commission shall issue nomination petitions to the nomination applicant which shall be substantially the same form as shown in Appendix B-3. The ~~affidavit and~~ nomination petition forms shall be released to the nomination applicant only, and not to any person acting on behalf of any nomination applicant and shall be available not sooner than ~~sixty-five (65)~~ (60) days before the primary election. If the 65th day falls on a weekend or Tribal holiday, the nomination petition forms shall be released on the first business day immediately prior to the 65th day.

B. Not ~~less later~~ than ~~fifty (50)~~ fifty-five (55) days before the primary election, the nomination applicant shall present nomination petitions signed by at least five percent (5%) of the resident eligible voters of the district in which the nomination applicant seeks to be a candidate to the Tribal Council Secretary, or to the Tribal Chairman, or in his absence, to the Vice Chairman. If the 55th day falls on a weekend or Tribal holiday, the nomination petition forms shall be due not later than the next business day.

SECTION 4.9 CHALLENGES TO COMMISSION FINDINGS

A. A challenge may be brought against a final Commission finding on eligibility by a nomination applicant who was found ineligible or by an applicant who was found eligible, but who challenges a finding of eligibility of another applicant to be certified as a candidate for the same office. No other person may bring an action to challenge Commission findings.

B. A challenge must be filed with the Tribal Court not later than 5:00 p.m. of the second day after the issuance of the Commission finding, not including weekends or Tribal holidays, and be accompanied by a cash bond of Five Hundred Dollars (\$500.00). The challenge must identify the Commission action which is alleged to violate this Code and the specific legal basis for such claim. The challenge must also demonstrate how the

challenger has been harmed by such action. A copy of the challenge and proof of bond payment must be filed with the Commission not later than thirty (30) minutes from the time it is filed with the Tribal Court. ~~within the same forty-eight (48) hour period.~~ The Tribal Court shall dismiss the challenge without hearing if it does not conform in full with the requirements of this Section.

C. If the challenge conforms in full with the requirements of this Section, the Tribal Court shall schedule a hearing on the matter to occur within seven (7) five (5) days after the filing of the action, ~~including weekends, but excluding Tribal holidays.~~ If the seventh day falls on a weekend or Tribal holiday, the hearing may be scheduled for the next business day. The hearing may not be continued for any reason. The Commission, the challenger, and any other applicant found eligible to run for the same office shall be parties in the matter.

D. For a challenge brought by a nomination applicant concerning his or her own application, the Tribal Court review shall be limited to the information which was provided by the applicant to the Commission within the time period required by this Chapter, including signed nomination petitions and applicant materials, plus the Commission's own record of review and deliberation. For a challenge brought by an eligible applicant against another applicant, in addition to the foregoing, the Tribal Court review may include other evidence directly relevant to the challenged applicant's eligibility. Prior to the hearing, a party may file a request with the Court to inspect nomination records. The request shall specify the records to be inspected and reason why such inspection is needed. Upon a finding of good cause for the request, the Court will authorize an inspection of the specified records. The inspection shall take place in the presence of all parties and the legal custodian of the records.

E. The Tribal Court authority shall be limited to affirming or overturning the Commission finding, and the Court shall affirm such finding unless it concludes that the finding is contrary to law, arbitrary and capricious, or an abuse of discretion. The Tribal Court shall have no authority to order any other relief or to award costs to any party, other than the forfeiture of bond funds deposited by a losing challenger in the amount needed to pay attorney fees and costs. The Tribal Court shall issue its written decision, which shall contain findings of fact and conclusions of law, not later than 5:00 p.m. of the day following the scheduled day of the hearing.

F. The Commission shall be bound by the Tribal Court decision in providing its findings to the Tribal Council if such decision is made in conformity with the requirements of this Section. No jurisdiction is vested in the Tribal Court over any matter under this Chapter except as expressly provided herein, and in no event shall the jurisdiction of the Tribal Court under this Section be construed to extend to the Tribal Council or to other officials or representatives of the Tribe, or to alter the election schedule established in the Constitution.

CHAPTER FIVE CONDUCT OF ELECTIONS

[NOTE: Section 5.3 of the Election Code was revised by Ordinance No. 243, enacted on March 16, 2010; Sections 5.2, 5.3, 5.4, and 5.5 were revised by Ordinance No. 252, enacted on November 16, 2011; and Section 5.1 was revised by Ordinance No. 263, enacted on November 1, 2013.]

SECTION 5.1 ELECTION DATES

The following dates are the official dates for Tribal elections:

A. Registration of Voters. The last day to register to vote shall be the 30th day before any election.

B. Filing of Nominating Petitions. Candidates may file nominating petitions for office from the ~~sixtieth (60th)~~ sixty-fifth (65th) day prior to the primary, through the ~~fiftieth (50th)~~ fifty-fifth (55th) day prior to the primary election. ~~Nominating petitions must be returned to the Tribal Council Secretary by the close of business on the fiftieth (50th) day prior to the primary election day.~~ No petitions or supplement to filed petitions shall be accepted after that date.

C. Primary Election. The Primary Election shall be held on the first Wednesday of February of the election year. No Primary Election shall be conducted for a particular Council office if only two (2) or fewer candidates are seeking that office. In each district that elects two (2) Council Members, no primary election shall be conducted if only four (4) or fewer candidates are seeking those two (2) council seats.

D. General or Regular Election. The General or Regular Election shall be held on the first Wednesday of April of the election year.

E. Special Election. Special elections shall be called by the Council as required by Article VIII (Referendum), and Article X (Secretarial Elections), of the Tribal Constitution.

F. Oath of Office. Members of the Council shall take office on the first Wednesday of the first month after their election.

SECTION 5.2 ELECTION PROCEDURES

A. Voting places and hours; notice. An eligible voter may vote only in the District where registered and only at the polling location designated in the voter's registration card. Polling locations shall be designated by the Election Commission ~~with Council approval,~~ and shall be open during the hours of 6:00 a.m. to 7:00 p.m. Mountain Standard Time on the day of the election. The Election Commission shall announce all elections by special notice posted at least fifteen (15) days before the election at the voting places and other convenient public places.

B. Manner of voting generally. Voting shall be by secret ballot. Voters may vote for only one candidate for each open elected position. Except as otherwise provided, any eligible voter may vote by appearing at the voter's prescribed polling location, announcing to the Election Precinct Committee his or her name and address, signing the ballot sign out sheet, and by marking and placing in the ballot box the ballot which shall be handed to the voter. The Election Precinct Committee may ask for proof

of identification, such as a voter's registration card or drivers license, before permitting the eligible voter to vote.

C. Electioneering. No person shall be allowed to electioneer within two hundred (200) feet of the entrance to any polling location while an election is in progress, nor shall any person, except election officials and other persons authorized by law, be allowed to approach the ballot box while an election is in progress or remain within fifty (50) feet of the polling place except while actually voting. No written or printed material other than that provided by the Election Commission shall be publicly placed or exposed on public or private property within two hundred (200) feet of the entrance to any polling location while an election is in progress.

D. Voting by person with physical disabilities or language barriers. If a voter presents himself and states that he or she, because of a physical disability or language barrier, is unable to mark the ballot, assistance shall be provided by at least two (2) members of the Election Precinct Committee or Election Commission. At the request of the voter, a member of the voter's family may also be present to assist the voter.

E. Poll watchers. Candidates for the office of the Chairman, Vice Chairman, and each candidate for the Council may submit in writing two (2) names each as their respective designated watchers at each polling location. No candidate for any elected office of the White Mountain Apache Tribe shall be a watcher. Watchers are prohibited from conversing with voters and Election Precinct Committee members and shall be restricted to a location from which voters cannot be intimidated by their presence. Any disruption by watchers will be cause for their removal from the polling place. Poll watchers are to remain only in designated areas.

SECTION 5.3 ABSENTEE VOTING

A. Conditions for Voting by Absentee Ballot.

Only the following persons may vote by absentee ballot:

1. An eligible voter who lives more than one hundred fifty (150) road miles from Whiteriver, Arizona; or
2. An eligible voter who lives within one hundred fifty (150) road miles of Whiteriver, Arizona, who is a resident of a nursing home, hospital or other long term care facility accredited by a federal agency or the local, tribal, or state jurisdiction in which it is located, and due to health reasons is unable to travel to the polling location.

B. Request for ballot.

1. An eligible voter who satisfies the conditions of Subsection A may request an absentee ballot by either coming in person to the office of the Tribal Council Secretary and submitting a request in writing, or by sending a letter by U.S. Mail to the Election Commission, identifying himself or herself using the

name under which he or she is registered and the district in which he or she is registered. Requests for absentee ballots must be received not later than the seventh (7th) day prior to the day of the election.

2. 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. Except for ballots sent to residents in a facility specified in Section 5.3 A. (2), no more than five (5) absentee ballots will be mailed to one post office box number or physical address. Absentee ballots may not be sent by general delivery.

~~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 official seal on the application. Any person unable to sign the application shall sign 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.~~

35. 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.

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

C. Mailing of documents to applicant.

Unless it is evident that the applicant is not an eligible voter, and after verifying that the eligible voter is entitled to vote by absentee ballot, the Election Commission shall immediately cause the following documents to be mailed to such applicant.

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

D. 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 by absentee ballot because:

- (i) I live more than 150 road miles from Whiteriver, Arizona;
or
- (ii) I am a resident of a nursing home, hospital or other long term care facility accredited by a federal agency or local, tribal or state jurisdiction in which it is located, and due to health reasons I am unable to travel to my polling location.

Voter Signature

Voter Name (Print)

Voter Census Number

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

Notary Public or Commission Member

2. The applications shall be consecutively numbered and shall include
~~Tribal Council Secretary shall supply~~ printed instructions to absentee voters substantially as follows:

a. Sign both the affidavit envelope and the application before any Notary Public or other officer authorized by law to administer oaths. Any person unable to sign the application shall sign his or her mark and have the application signed by a witness.

b. Display ballot unmarked before the officer or Notary Public in his or her presence, but in such a manner that he or she cannot see your vote, mark your ballot, and seal it in the white envelope marked, "For Absentee Ballot Only". PLEASE DO NOT ENCLOSE THE APPLICATION WITH THE BALLOT.

c. Sign the oath on the back of the white affidavit envelope marked, "For Absentee Ballot Only".

d. Place the application for ballot, complete with signature and acknowledgment, together with the white envelope containing your ballot, in the enclosed self addressed envelope. Check to see that the application is not enclosed in the envelope marked, "For Absentee Ballot Only", and mail. The ballot and application must be in the office of the Tribal Council Secretary or the Tribal Election Commission before 7:00 p.m. Mountain Standard Time on Election Day. Any ballot received after that time will not be counted.

E. Ballot affidavit; form.

The absentee ballot shall be accompanied by an envelope bearing upon the front a printed affidavit in substantially the following form:

STATE OF _____)
) ss:
County of _____)

I, _____, do solemnly swear that I am an eligible voter of District _____, of the Fort Apache Indian Reservation. I further swear or affirm that I personally voted the enclosed ballot (or that it was marked according to my instructions because I was unable to do so).

Signature of Voter

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

I further certify that the Affiant exhibited the enclosed ballot to me unmarked. Then, in my presence, the Affiant personally and privately marked such ballot in such a manner that neither I, nor any other person, was able to see the Affiant vote, or it was marked by me according to the Affiant's instructions and enclosed and sealed in this envelope. While marking the ballot, the affiant was not solicited or advised by any person to vote for or against any candidate or measure.

Notary Public or Commission Member

F. Receipt of voter's ballot.

Upon receipt of the envelope containing the absentee ballot and the completed application, the Election Commission shall compare the signatures thereon with the signatures of the voter on the voter's affidavit of registration. If satisfied that the signatures correspond and that the application and the affidavit are sufficient, the Election Commission shall hold them unopened in accordance with the rules and regulations of the Election Commission.

G. Casting absentee ballot.

1. The Election Commission shall as provided by this Section, tabulate separately for each District the absentee ballots which have been received. The Commission shall check the voter's application and the voter's affidavit on the envelope containing the absentee ballot. If these are found to be sufficient, the Commission shall check the voter's name on the precinct register. If the Commission then finds that the applicant is an eligible voter of the District, the vote shall be allowed. If the application or the affidavit is insufficient, or if the applicant is not an eligible voter of the District, the vote shall not be allowed. Enclosing an application in error with a ballot shall not void the absentee ballot.

2. If the vote is allowed, the Commission shall open the envelope containing the ballot in such a manner that the affidavit thereon is not destroyed, take out the ballot without unfolding or permitting it to be opened or examined, endorse the stub in the same manner that the other ballots are endorsed, deposit the ballot only in the ballot box and retain the envelope in which it was enclosed in accordance with Section 5.3G, and show by the records of the election that the voter has voted.

3. If the vote is not allowed, the affidavit envelope containing the absentee ballot shall not be opened and the Commission shall mark across the face of such envelope the grounds for rejecting the ballot. The affidavit envelope with its contents shall then be deposited with the open affidavit envelopes and shall be preserved with official returns.

H. Retention of materials.

All material used for procuring and casting an absentee ballot shall remain under the Election Commission's control for a period of one (1) year after the day of the election.

SECTION 5.5 RECOUNTS; AUTOMATIC AND REQUESTED

A. Automatic Recount. If the tally shows that the vote cast for the two (2) candidates for an office with the highest vote is tied, or if the highest vote is greater than the next highest vote by less than one percent (1%) of the votes cast for that office, there shall be an automatic recount.

B. Request for Recount. Only candidates for office may ask for a recount and only for the office that he or she sought. A candidate requesting a recount shall file a written petition with the chairman of the Tribal Election Commission: ~~and include a~~

~~cashiers check or money order payment to the Election Commission in the amount of An advance fee One Hundred Dollars (\$100.00) per polling location. to cover costs of the recount of One Hundred Dollars (\$100.00) per polling location will be charged the candidate requesting the recount, and must accompany the written petition. Payment shall be by cashier's check or money order only.~~ No personal checks will be accepted. The time limit for filing a request for a recount shall expire five (5) calendar days after the Election Commission's certification of election results. Recounts shall be conducted by the Tribal Election Commission.

C. Recount candidates shall not be certified by the Commission to the Tribal Council until the recount is completed. The Tribal Council shall certify all other elected candidates not affected by the results of a recount.

D. **Referendum Election.** An automatic recount pursuant to 5.5A shall be applicable to all referendum elections. Any eligible voter of the Tribe may request a recount, in a referendum election, in accordance with Section 5.5B.

CHAPTER SEVEN REFERENDUM ELECTIONS

[NOTE: Sections 7.4, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16, 7.17, and 7.18 were revised by Ordinance No. 252, enacted on November 16, 2011.]

SECTION 7.6 FILING OF PETITION AND ELECTION

Signature sheets; petitions; form; procedure for filing:

A. Every sheet for signatures shall:

1. Be in the form prescribed by this Chapter.
2. Have printed in its lower right hand corner, on each side of such sheet, the number assigned to the petition by the Election Commission.
3. Be attached to a full and correct copy of the title and text of the enacted or proposed ordinance or resolution referred by the petition.

B. Petitions may be filed with the Election Commission in numbered sections for convenience in handling. Not more than fifteen (15) signatures on one sheet shall be counted. When the petition is offered for filing, the Election Commission, in the presence of the person offering them for filing, shall:

1. Detach the petition sheets containing the signatures and affidavits from the text of the referred enacted or proposed ordinance or resolution.
2. Check to determine that each signature sheet bears the number assigned by him or her to the petition, and shall count the signatures on only those sheets bearing such number.

3. Cause all signature sheets to be grouped together and attach them to one or more printed copies of the referred enacted or proposed ordinance or resolution.

4. Number in the lower right hand corner both sides of the signature sheets in consecutive order. The same number shall appear on both sides of the sheet.

C. In no event shall the Election Commission accept a referendum petition filed later than ninety (90) calendar days after the Commission has issued its official number for that referendum petition pursuant to Section ~~7.2 B~~ 7.3 B.

CHAPTER EIGHT VIOLATIONS

[NOTE: Chapter Eight, Violations, was added by Ordinance No. 252, enacted on November 16, 2011; and Section 8.2 was amended by Ordinance No. 278, enacted November 12, 2015.]

SECTION 8.1 VOTING VIOLATIONS

A. A person is guilty of violation of this Code who:

1. Knowingly votes more than once or attempts to vote more than once at any one election; or

2. Not being entitled to vote, knowingly votes or attempts to vote; or

3. Hinders the voting of others; or

4. Threatens unlawful harm to any person with the purpose to influence a person's vote; or

5. Offers, confers, agrees to confer upon another, or solicits, accepts or agrees to accept from another any benefit including any pecuniary benefit as consideration for the recipient's vote; or

6. After having received a ballot as a voter, knowingly fails to cast the ballot or return the ballot to the Election Precinct judge before leaving the polling place or going outside the voting area; or

7. Knowingly adds a ballot to those legally cast at any election by fraudulently introducing the ballot into the ballot box or mixing the ballot with other ballots lawfully cast while they are being canvassed or counted; or

8. Knowingly detains, destroys, alters, or mutilates a ballot or election return; or

9. Intentionally disables or removes from the polling place or custody of an election official, a voting machine, ballot box, or voting record; or

10. While at a voting location, refuses to obey a lawful order of a member of the Election Commission or Precinct Committee.

B. Penalties.

1. Any person ~~violating-who violates~~ the provisions of this Section is guilty of a criminal offense, and upon conviction, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00), or a term of imprisonment not to exceed one hundred eighty (180) days, or both.

2. Persons not subject to the criminal jurisdiction of the Tribal Court shall be subject to exclusion from the Reservation.

SECTION 8.2 PETITION VIOLATIONS

A. A person is guilty of violation of this Code who:

1. Threatens unlawful harm to any person with the purpose to induce or compel a person to sign or not sign any petition; or

2. Offers, confers, agrees to confer upon another, or solicits, accepts or agrees to accept from another any benefit including any pecuniary benefit as consideration for the recipient to sign or not sign any petition; or

3. ~~Signing-Signs~~ a petition using any name other than one's own name, except in a circumstance where he or she signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his or her own name, because of physical infirmity; or

4. Knowingly ~~signing-signs~~ more than one nomination petition for the same office in one election; or

5. Knowingly ~~signing-signs~~ more than one referendum petition for the same measure in one election; or

6. Knowingly ~~signing-signs~~ a petition at a time at which the signer is not an eligible voter; or

7. Knowingly ~~destroying-destroys~~ or ~~suppressing-suppresses~~ a petition; or

8. ~~Providing-Provides~~ false information on any petition; or

9. Willfully ~~violating~~violates any provision of this Code or regulation issued by the Commission in connection with the circulation, signing, or submission of any petition.

B. Penalties.

1. Any person ~~violating who violates~~ the provisions of this Section is guilty of a criminal offense, and upon conviction, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00), or a term of imprisonment not to exceed one hundred eighty (180) days, or both.

2. Any signature obtained in violation of this Section shall be void and shall not be counted in determining the legal sufficiency of the petition.

3. Persons not subject to the criminal jurisdiction of the Tribal Court shall be subject to exclusion from the Reservation.

SECTION 8.3 GENERAL VIOLATIONS

A. A person is guilty of violation of this Code who:

1. Knowingly violates any provision of this Code or duly issued regulation of the Election Commission; or

2. Knowingly submits false documentation to the Election Commission or knowingly making-makes any false certification or false statement or representation in any document arising under this Code.

B. Penalties.

1. Any person ~~violating who violates~~ the provisions of the Section is guilty of a criminal offense, and upon conviction, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00), or a term of imprisonment not to exceed one hundred eighty (180) days, or both.

2. Persons not subject to the criminal jurisdiction of the Tribal Court shall be subject to exclusion from the Reservation.

APPENDIX A-1

AFFIDAVIT OF QUALIFICATIONS FOR TRIBAL CHAIRMAN OR VICE CHAIRMAN

STATE OF ARIZONA)
) ss:
County of _____)

I, _____, being first duly sworn upon my oath
hereby depose and state:

1. I am an enrolled member of the White Mountain Apache Tribe;
2. I am twenty-five (25) years of age or more;
3. I can speak Apache;
4. I am a resident of the Fort Apache Indian Reservation;
5. I have not been convicted of a felony nor have I, within the preceding year, been convicted of a crime involving moral integrity. The following crimes are considered crimes involving moral integrity; such as:— adultery, bribery, embezzlement, extortion, fraud, forgery, misbranding, perjury, theft or public intoxication.

Dated this _____ day of _____, 20_____.

SUBSCRIBED AND SWORN to before me the undersigned Notary Public this _____ day of _____, 20____.

Notary Public

My Commission expires:

AFFIDAVIT OF QUALIFICATIONS FOR TRIBAL COUNCIL

STATE OF ARIZONA)
) ss:
 County of _____)

I, _____, being first duly sworn upon my oath
 hereby depose and state:

1. I am an enrolled member of the White Mountain Apache Tribe;
2. I am twenty-five (25) years of age or more;
3. I can speak Apache;
4. I am a resident of the district for which I am seeking the Tribal Council position, or I operate cattle within the district, or I have a farmland assignment in the district. Proof of residency, cattle operation or farmland assignment is attached hereto and incorporated by reference herein;
5. I have not been convicted of a felony nor have I, within the preceding year, been convicted of a crime involving moral integrity. The following crimes are considered crimes involving moral integrity; such as: adultery, bribery, embezzlement, extortion, fraud, forgery, misbranding, perjury, theft or public intoxication.

Dated this _____ day of _____, 20____.

 SUBSCRIBED AND SWORN to before me the undersigned Notary Public this _____
 day of _____, 20____.

My commission expires:

 Notary Public