

## SECTION 16. CANVASS OF ELECTION RESULTS.

The Election Board will count and record the votes as soon as the polls close in accordance with this section. When canvass of election results has been completed, all marked and unmarked ballots will be turned over to the Chairman of the Election Board who, with the assistance of the other members of the Election Board, will have the marked ballots sealed and locked in a lock file cabinet provided, for a period of two (2) years, before being destroyed, where they shall be available for inspection by the Election Board. Unmarked ballots will be destroyed at this time.

### 16-a. Poll Watchers.

Each candidate for a position on the Tribal Council is entitled to choose one person to observe on his behalf, the counting of ballots at the polling place. In elections to vote on issues, the Election Board may designate two (2) watchers to observe the counting of the ballots; one to represent each side of the question under consideration. No watcher shall in any way interfere with or hinder the election officials in exercising their responsibility. If interference occurs, the Election Board Chairman shall call for a suspension in the count until the individual or individuals responsible for the interference are eliminated from the room. Duplicate count by poll watchers will not be allowed. Poll watchers shall not be seated at the Election Board table when the count is taking place. They must remain a distance of at least ten feet (10') from this table.

### 16-b. Counting the Ballots.

After the polls have closed, the Chairman, in the presence of the Election Board and any poll watchers, shall unlock the locked ballot box containing the executed ballots. The list of those signing in to vote during the election day will be counted, and the number of those signing in to vote must conform with the number of executed ballots.

The election officials shall then count the ballots cast by hand or electronic tabulating machines.

Hand count shall be conducted in the following manner. As the ballots are opened, a Board member selected by the drawing of straws (that member drawing the longest straw), shall verbally announce the choice or choices indicated on the ballot. The Election Board members shall record such information on tally sheets provided for such purpose. Upon completion of the tally, the Board shall note on their tally sheets the number of votes cast ed. by those voting in person.

Electronic tabulating machines shall be used in accordance with the manufacturer's instructions. The Board shall print out results from an electronic tabulator displaying the number of votes casted.

### 16-c. Counting Challenged Ballots.

A challenged ballot shall be counted only if it is determined by the Election Board that the ballot should be declared valid. This determination shall be made during the 'Preparation for Counting Absentee Ballots' procedure. If declared valid the ballot will be prepared for counting in the same manner as absentee ballots and will be counted at the same time as absentee ballots. If a voter returns his absentee ballot, and his challenge ballot, the challenge ballot will not be counted. The challenge ballot will remain unopened and kept on file for two years in accordance with ~~Section 19,~~ of this Ordinance.

### 16-d. Preparation for Counting Absentee Ballots.

After the count has been completed of those ballots executed in person, the Chairman, in the presence of the other Election Board members and any poll watchers, shall unlock the absentee ballot box. The list of those who have voted by absentee ballot shall be compared to the envelopes in the ballot boxes to confirm that the ballots have been returned in accordance with absentee voter regulations. Should any envelope reviewed not conform with the regulations set forth in this Ordinance, it will remain unopened and shall be marked 'spoiled'. ~~Each member of the Election Board shall initial the envelope in which the ballot is improperly returned. Those envelopes marked 'spoiled' shall be sealed and reserved along with other executed ballots at the end of the count.~~

Upon completion of the review of the envelopes, the outer envelopes shall be opened and the inner envelopes containing the ballots removed. The outer envelopes from those ballots determined to have been properly returned, shall at this point be set aside until after the count at which time they will be placed in the election file cabinet with other materials from the election.

### 16-e. Improperly Marked Ballots.

Should a portion of a ballot be improperly marked, it shall not exclude from the tally, the part which is correctly executed. Any ballot on which the intent of the voter cannot be determined, shall be preserved and filed with ballots submitted to the Election Board Chairman for safekeeping with the notation placed on the face of the ballot indicating it was not counted.

16-f. Primary Election.

In the event that, at the completion of the canvass of Primary Election results as prescribed in this section, the tally reveals that any candidate has received the same number of votes received by another candidate in that contest, the Election Board will conduct a recount of the ballots cast in the contest. Should a tie exist at the completion of the recount, and no candidate has received a majority of votes cast in that contest, candidates receiving the same number of votes shall be candidates at the ensuing General Election whether or not there are more candidates at the General Election than prescribed by this Ordinance. In no case shall the candidates determine the tie by lot.

16-g. General Election.

In the event that, at the completion of the canvass of the General Election results as prescribed in Section 16, the tally reveals that any candidate has received the same number of votes received by another candidate in that contest, the Election Board will conduct a recount of the ballots cast in that contest. Should a tie exist at the completion of the recount the Election Board will conduct a special 'run-off' election limited to the tied candidates. Such run-off election shall be immediately noticed to be held not more than forty-five (45) days from the date of the General Election, unless delayed by a judicial review of the General Election results. Should three (3) names appear on the General Election ballot because of a tie in the Primary Election, the winner shall be determined by a plurality vote rather than requiring a majority.

16-h. Tie Votes Involving Issues, Referendum, Recall or Constitutional Amendments.

In the event that, at the completion of the canvass of results of any election involving issues, referendum, recall or constitutional amendments as prescribed in this Section 16, the affirmative and negative votes are tied, the Election Board will conduct a recount of the ballots cast. Should a tie vote exist at the completion of the recount the Election Board shall conduct a special election limited to the tied issue, referendum, recall or constitutional amendment contest. Such special election shall be immediately noticed to be held not more than forty-five (45) days from the date of the election in which the tie vote occurred. Except if such tie vote occurs at a primary election the special election shall be held in conjunction with the ensuing general election.

16-i. Announcement of Results.

An uncertified statement shall be issued and posted to announce the election results within three (3) days following completion of the canvass of the election.