Memorandum

To: Superintendent, Eastern Nevada Agency

From: Acting Regional Director

Subject: Confederated Tribes of the Goshute Reservation - Secretarial Election

On January 8, 2008, you submitted the Resolution No. 07-G-134 of the Confederated Tribes of Goshute requesting that the Secretary of the Interior conduct a Secretarial election. The Goshute Business Council enacted Resolution No. 07-G-134 to allow the eligible voters of the Confederated Tribes of Goshute to vote on the acceptance or rejection of the proposed amendment to the Constitution and Bylaws of the Confederated Tribes of the Goshute Reservation, Utah. Under Resolution No. 07-G-134, the proposed amendment is set forth for consideration by the eligible voters.

The eligible voters are the qualified resident voters of the Confederated Tribes of the Goshute Reservation. Qualified voters are all recognized members who are 21 years of age, or over, shall have the right to vote. (Article V - Section 2. Amendment 1.)

The proposed Amendment A, is to change the qualification to run for tribal council, from no age limit, to age 24 and over, which reads as follows:

"Article V, Nominations and Elections, Section 5. Any qualified voter, over the age of 24, may become a candidate for the Business Council. Any candidate for the Business Council shall file notice of candidacy with the Secretary of the Business Council at least thirty (30) days prior to the election. The list of candidates shall be posted by the Secretary of the Business Council in at least three conspicuous places within the reservation not less than twenty-nine (29) days prior to the election."

The proposed Amendment B, is to change the age to vote in tribal elections, from 21 years of age, to 18 years of age, which reads as follows:

"Article VII. Bill of Rights Section 1. All members of the Confederated Tribes of the Goshute Reservation who are eighteen (18) years or older shall have the right to vote in all tribal election."
The review of Resolution 07-G-134 has been completed. Therefore, pursuant to the authority of the Secretary, and delegated to me by BIAM Bulletin No. 9901, you are hereby authorized to call and conduct a Secretarial election for the purpose of amending the Constitution and Bylaws of the Confederated Tribes of the Goshute Reservation pursuant to 25 CFR Part 81. A copy of Part 81 is attached.

Under 25 CFR 81.8, an Election Board composed of a Chairman and at least two representatives recommended by the Business Council, or an authorized representative committee, is required. The Board shall furnish suitable ballots and supervise the conduct of the election.

It is important that the Election Board Chairman coordinate the election activities with the Tribe, as the Board must identify the eligible voters. We call to your attention to 25 CFR 81.11, 81.13, and 81.14, regarding the need to develop a list of persons duly registered to vote and the deadlines involved. The registration list must be posted at least twenty (20) days prior to the election, which does not include the dates of posting and the election date. The date of the election shall be set by you, in cooperation with the Business Council, and shall not be less than thirty (30) days, nor more than sixty (60) days from the date of posting notices of election.

In accordance with 25 CFR 81.5(f), this authorization shall be considered void unless acted upon within ninety (90) days from the date of issuance. Once the authorization has been granted by the Secretary, or his representative, no modification including correction, deletion, or retyping of the authorized version of the proposed amendment to the Constitution and Bylaws, including the certificate of results of election shall be made by the Agency. Should any modification be necessary, please contact the Regional Branch of Tribal Government Services.

The preliminary election results must be faxed to the Regional Branch of Tribal Government Services and the Regional Director as soon as they become known. After the three-day contest period ends, you must then submit the adopted Constitutional amendment, the original certificates of results of election, the eligible voters list, the voters packet, a copy of the ballot(s), and a written report on the election activities, by mail, for approval action. The adopted amendment will not become effective until approved by the Regional Director. If no action is taken within forty-five (45) days, from receipt by the Regional Director, the amendment will become effective by law.

Once the proposed amendment has been duly adopted and approved, it will then be designated as Amendment No. V to the Constitution and Bylaws of the Confederated Tribes of the Goshute Reservation, Utah.

Attached are the documents pertinent to conduct the Secretarial election. If you have any questions, or need assistance, please contact the Branch of Tribal Government Services at (602) 379-6786.

Attachments

cc: Chairman, Goshute Tribal Council
    Director, Branch of Tribal Relations, MS 320-SIB, Washington, D. C. 24040
Proposed Amendment No. A.

Article V – Nominations and Elections, Section 5, shall be amended to read as follows:

Section 5. Any qualified voter, over the age of 24, may become a candidate for the Business Council. Any candidate for Business Council shall file notice of candidacy with the Secretary of the Business Council at least thirty (30) days prior to the election. The list of candidates shall be posted by the Secretary of the Business Council in at least three conspicuous places within the reservation not less than twenty-nine (29) days prior to the election.
CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial Election authorized by the Western Regional Director, on January 2008, Amendment A, to the Constitution and Bylaws of the Confederated Tribes of Goshute of Utah/Nevada, was submitted to the registered voters of the Confederated Band of Goshute and on was duly adopted/rejected by a vote of, for, and against, and cast ballots found spoiled or mutilated in an election, in which at least thirty percent (30%) of the members entitled to vote, cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Chairman, Election Board

Election Board Member

Election Board Member

Date:________________________
Proposed Amendment No. B.

Article VII – Bill of Rights, Section 1, shall be amended to read as follows:

Section 5. "Article VII, Bill of Rights Section 1. All members of the Confederated Tribes of the Goshute Reservation who are eighteen (18) years or older shall have the right to vote in all tribal election."
CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial Election authorized by the Western Regional Director, on January 2008, Amendment B, to the Constitution and Bylaws of the Confederated Tribes of Goshute of Utah/Nevada, was submitted to the registered voters of the Confederated Band of Goshute and on ________________, was duly adopted/rejected by a vote of, for, and____ against, and __ cast ballots found spoiled or mutilated in an election, in which at least thirty percent (30%) of the _____ members entitled to vote, cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

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Chairman, Election Board

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Election Board Member

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Election Board Member

Date:_____________________