

ATTENTION NOOKSACK TRIBAL VOTERS

ON JANUARY 06, 2021 THERE WILL BE A CONSTITUTIONAL ELECTION HELD BY MAIL IN BALLOT TO ALLOW ELIGIBLE VOTERS TO VOTE TO ADOPT OR REJECT A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE NOOKSACK INDIAN TRIBE. YOU MUST COMPLETE AND RETURN THE ENCLOSED REGISTRATION FORM TO BE ELIGIBLE TO VOTE.

ENCLOSED ARE THE FOLLOWING:

- **VOTERS PAMPHLET, WHICH INCLUDES:**
 - **NOTICE OF ELECTION LETTER**
 - **RULES OF ELECTION**
 - **COPY OF TRIBAL RESOLUTION #20-143**
 - **COPY OF PROPOSED AMENDMENT TO CONSTITUTION**
- **OFFICIAL REGISTRATION FORM**
- **SELF-ADDRESSED, POSTAGE-PAID RETURN ENVELOPE FOR MAILING YOUR OFFICIAL REGISTRATION FORM TO THE SECRETARIAL ELECTION BOARD**

IT IS CRITICAL THAT YOU PARTICIPATE IN THIS CONSTITUTIONAL ELECTION.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Puget Sound Agency

2707 Colby Avenue, Suite 1101

Everett, Washington 98201

NOTICE OF SECRETARIAL ELECTION

October 22, 2020

Dear Tribal Voter:

The Nooksack Tribal Council of the Nooksack Indian Tribe submitted Resolution No. 20-143 to the Bureau of Indian Affairs, Northwest Region, Puget Sound Agency. The resolution proposed an amendment to the Constitution of the Nooksack Indian Tribe and requested that the Secretary of Interior conduct an election to allow Nooksack tribal members the opportunity to vote to adopt or reject the proposed amendment to the constitution.

On October 15, 2020 the Regional Director, Northwest Region, approved and authorized a Secretarial Election. Subsequently, the Local Bureau Official was appointed as the Chairman of the Election Board. The Chairman's responsibility is to conduct the Secretarial Election pursuant to regulations found in 25 CFR Part 81. **The election date is set for January 06, 2021 (all ballots to be returned by January 06, 2021).**

You now have the opportunity to vote on the adoption or rejection of the proposed amendment to the Constitution of the Nooksack Indian Tribe. Enclosed is a copy of the Nooksack Tribal Council Resolution No. 20-143 submitted to the Bureau of Indian Affairs.

First, however, you must register with the Agency to vote in this Secretarial Election. If you wish to vote in this election, please sign and return the enclosed Voter Registration Form in the pre-addressed envelope provided. Be sure to print your name and address, sign your name, and date the form. **All registration forms must be received by the Secretarial Election Board by mail at P.O. Box 1889, Everett, Washington 98206 by 3:00 p.m. on November 23, 2020 to be considered valid.** Only adult Tribal members who are 18 years or older on the date of the election and who have registered with the Secretary of the Interior's designated representative--the Puget Sound Agency--shall be entitled to vote on the adoption or rejection of the proposed amendment to the Constitution.

This notice is being mailed to all members 18 years or older at the addresses listed on the current Tribal membership roll. Please note, some 17-year-old Tribal members will receive this notice if they will be at least 18 years old on the date of the election.

On January 12, 2021, the results of the election will be posted on the front door of the BIA Puget Sound Agency, 2707 Colby Avenue, Suite 1101, Everett, WA, 98201, and on the front doors of the Nooksack Administration Building 5016 Deming Road, Deming, Washington 98244. Should you have any questions, please contact the Puget Sound Agency at (425) 258-2651 or the Nooksack Tribe Tribal Enrollment Office at (360) 592-5176.

Respectfully,

Sharon Jackson

Chairman, Secretarial Election Board

RULES OF SECRETARIAL ELECTION

THE FOLLOWING RULES GOVERN THE SECRETARIAL ELECTION TO VOTE ON WHETHER TO ADOPT OR REJECT THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE NOOKSACK INDIAN TRIBE. THESE RULES ARE IN ACCORDANCE WITH TITLE 25, PART 81, OF THE CODE OF FEDERAL REGULATIONS.

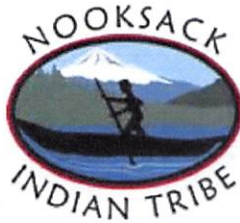
1. **ELECTION DATE:** **January 06, 2021**
2. **ELECTION METHOD:** This election will be conducted by mail-in ballot. NO POLL VOTING WILL BE ALLOWED. Voters may mail-in ballots to the Puget Sound Agency at P.O. Box 1889, Everett, WA 98206. All Ballots must be received at the Puget Sound Agency PO Box by 3:00 p.m. on **January 06, 2021**. Ballots delivered later than 3:00 p.m. will be considered invalid.
3. **ELIGIBLE VOTERS:** All enrolled members who are 18 years old or older on the day of the election and **who have duly-registered with the Secretary of the Interior (designated representative Puget Sound Agency)** will be permitted to vote.
4. **REGISTRATION:** The enclosed Voter Registration Form MUST be completed and received by the Secretarial Election Board Chairman no later than 3:00 p.m. on November 23, 2020. A pre-addressed envelope is enclosed for you to use in returning your completed registration form. **Registration forms must be received by mail at the Puget Sound Agency Post Office Box no later than November 23, 2020.** REMEMBER, THIS IS A FEDERAL ELECTION, NOT A TRIBAL ELECTION - YOU MUST REGISTER TO VOTE. **Be sure to sign your form exactly as your name appears on the mailing label on the Voter Registration Form.** Mail the Voter Registration Form to: BIA Puget Sound Agency P.O. Box 1889, Everett, WA 98206.
5. **REGISTERED VOTER LIST:** The proposed registered voter list will be posted in alphabetical order for review at the following places on November 24, 2020:
 - BIA, Puget Sound Agency, 2707 Colby Avenue, Suite 1101, Everett, WA 98201
 - Nooksack Administration Building 5016 Deming Road, Deming, WA 98244
6. **ELIGIBILITY DISPUTES:** Any individual whose name does not appear on the official eligible voter list can claim the right to vote by presenting a written claim to the Election Board Chairman no later than 3:00 p.m. on November 28, 2020. The right to vote of anyone whose name is on the list may also be challenged in writing, submitted to the Election Board Chairman, Sharon Jackson, Bureau of Indian Affairs, Puget Sound Agency, P.O. Box 1889, Everett, WA 98201. Written claims and challenges must be presented to or received by the Election Board Chairman by 3:00 p.m. on November 28, 2020. The Election Board will meet that same day to act on any claims or challenges. **THE DECISION OF THE ELECTION BOARD SHALL BE FINAL ON November**

31, 2020. THE FINAL VOTERS LIST WILL BE POSTED IN THE ABOVE-LISTED LOCATIONS ON NOVEMBER 24, 2020.

7. **POSTING ELECTION RESULTS:** The election results will be posted at the locations listed in Item number 5 on January 6, 2021.
8. **CONTESTING OF ELECTION RESULTS:** Any eligible voter may challenge the election **WITHIN FIVE (5) CALENDAR DAYS** following posting of the results of the election. The challenge **MUST** be in writing, filed with the Secretary of Interior through the Secretarial Election Board Chairman, and must give the grounds for the challenge with **substantiating evidence**. If, in the opinion of the Secretary, the objections are valid and warrant a recount or new election, the Secretary shall so order. The results of the recount or new election shall be final.

**CHALLENGES MUST BE FILED BY 3:00 P.M. ON January 11, 2020 AT:
BUREAU OF INDIAN AFFAIRS
PUGET SOUND AGENCY
ATTN: NOOKSACK SECRETARIAL ELECTION
PO BOX 1889
EVERETT, WA 98206**

9. **ADOPTION:** A proposed amendment to the constitution shall be considered adopted if the majority vote in favor of adoption; provided, at least thirty percent (30%) of the registered voters have cast ballots in the election. The Secretary will then have 45 days to take action to approve.



Nooksack Tribal Council

4979 Mt. Baker Hwy, Suite G.
PO Box 63
Deming, WA 98244

Ph: (360) 592-5164 Fx: (360) 592-4506

RESOLUTION #20-143 October 7, 2020

TITLE: REQUEST FOR SECRETARIAL ELECTION ON AMENDMENT TO TRIBAL CONSTITUTION AND BYLAWS AND APPOINTMENT OF ROSWELL CLINE SR. AND ELIZABETH KING GEORGE TO THE SECRETARIAL ELECTION BOARD

WHEREAS, the Nooksack Tribal Council is the governing body of the Nooksack Tribe of Indians, a recognized tribe under the Treaty of 1855, in accordance with its Constitution and By-Laws approved by the Deputy Assistant Secretary of Indian Affairs on September 23, 1973, and in accordance with the Indian Reorganization Act of June 18, 1934; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the Nooksack Indian Tribe; and

WHEREAS, the Nooksack Tribal Council has the power and authority to request Secretarial elections on amendments to the Tribal Constitution, under Article X of the Constitution of the Nooksack Indian Tribe; and

WHEREAS, the Tribal Council is proposing amendments to Article X of the Tribal Constitution and to Article III of Bylaws to remove the requirement for Secretarial involvement in the approval of amendments; and

WHEREAS, the requirement for Secretarial involvement is a vestige and contravenes the policy of tribal self-determination; and

WHEREAS, the Nooksack Tribal Constitution, 25 U.S.C. § 476, and 25 CFR Part 81 authorize the requested Secretarial election; and

WHEREAS, the Tribal Council believes it is in the best interests of the Tribe to have a Secretarial election on the proposed attached amendment to the Tribal Constitution; and

WHEREAS, the regulations governing Secretarial Elections require the Tribe to appoint two tribal members to serve as members of the Secretarial Election Board, which oversees the Secretarial Election.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council hereby requests that the

Secretary of the Interior, or his delegate, hold a Secretarial election on the proposed attached amendments to the Tribal Constitution and Bylaws, to amend Article X – Amendments of the Constitution and Article III – Adoption of the Bylaws; and

BE IT FURTHER RESOLVED, that the Tribal Council hereby appoints Roswell Cline Sr. and Elizabeth King George to serve on the Secretarial Election Board for the requested Secretarial Election and to cooperate with the duly appointed Secretarial Election Board Chair to conduct and to oversee the requested Secretarial Election; and

BE IT FINALLY RESOLVED, that the Chairman (or Vice-Chairman in his absence) is hereby authorized and directed to execute this resolution and any documents connected here within, and the Vice Chairman is authorized and directed to execute the following certification.

C E R T I F I C A T I O N

I, the undersigned do hereby certify that the Nooksack Tribal Council is composed of eight (8) members, of which 8 were present, constituting a quorum of a duly called meeting thereof held on this 7 day of October, 2020, and that the above Resolution #20-~~143~~ requesting a Secretarial Election on Amendments to Tribal Constitution and Bylaws and Appointment of Roswell Cline, Sr. and Elizabeth King George was duly enacted by the Council Members vote of: 7 FOR, 0 OPPOSED, and 0 ABSTENTIONS, and since its approval this Resolution has not been altered, rescinded, or amended in any way

Dated this 7 day of October, 2020.



Ross Cline, Sr., Chair
Nooksack Tribal Council

ATTEST:



Frank Leyva, Secretary
Nooksack Tribal Council

AMENDMENTS (PROPOSED)
CONSTITUTION AND BYLAWS
of the NOOKSACK INDIAN TRIBE

ARTICLE X - AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the Nooksack Indian Tribe voting in an election called for that purpose, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election, and such amendment shall be effective from the date of approval. It shall be the duty of the tribal council to call an election on a proposed amendment at the request of the tribal council or upon receipt of a petition signed by one-third (1/3) of the eligible voters of the tribe.

ARTICLE III – ADOPTION

This constitution and bylaws, when approved by a majority vote of the qualified voters of the Nooksack Indian Tribe, voting at an election called for that purpose, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election, shall be effective from the date of approval and shall repeal the existing constitution and bylaws of the Nooksack Indian Tribe.

CONSTITUTION OF THE NOOKSACK INDIAN TRIBE OF WASHINGTON

ARTICLE X - AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the Nooksack Indian Tribe voting in an election called for that purpose ~~by the Secretary of the Interior;~~ provided, that at least thirty percent (30%) of those entitled to vote shall vote in such election, and such amendment shall be effective from the date of approval. ~~; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.~~ It shall be the duty of the ~~Secretary of the Interior tribal council~~ to call an election on a proposed amendment at the request of the tribal council or upon receipt of a petition signed by one-third (1/3) of the eligible voters of the tribe.

BYLAWS OF THE NOOKSACK INDIAN TRIBE OF WASHINGTON

ARTICLE III – ADOPTION

This constitution and bylaws, when ~~ratified~~ approved by a majority vote of the qualified voters of the Nooksack Indian Tribe, voting at an election called for that purpose, ~~by the Secretary of the Interior;~~ provided that at least thirty percent (30%) of those entitled to vote shall vote in such election, shall be effective submitted to the Secretary of the Interior, and if approved, shall be effective from the date of approval and shall repeal the existing constitution and bylaws of the Nooksack Indian Tribe.

Proposed Amendment To The

Constitution of the Nooksack Tribe

Current Language	Proposed Language
<p>ARTICLE X-AMENDMENTS</p> <p>This constitution and bylaws may be amended by a majority vote of the qualified voters of the Nooksack Indian Tribe voting in an election called for that purpose by the Secretary of the Interior; provided, that at least thirty percent (30%) of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on a proposed amendment at the request of the tribal council or upon receipt of a petition signed by one-third (1 /3) of the eligible voters of the tribe.</p>	<p>This constitution and bylaws may be amended by a majority vote of the qualified voters of the Nooksack Indian Tribe voting in an election called for that purpose, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election, and such amendment shall be effective from the date of approval. It shall be the duty of the tribal council to call an election on a proposed amendment at the request of the tribal council or upon receipt of a petition signed by one-third (1 /3) of the eligible voters of the tribe.</p>

ARTICLE III-ADOPTION

This constitution and bylaws, when **ratified** by a majority vote of the qualified voters of the Nooksack Indian Tribe voting at an election called for that purpose **by the Secretary of the Interior**, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election, shall be **submitted to the Secretary of the Interior, and if approved, shall be** effective from the date of approval.

This constitution and bylaws, when **approved** by a majority vote of the qualified voters of the Nooksack Indian Tribe, voting at an election called for that purpose, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election, shall be **effective** from the date of approval and **shall repeal the existing constitution and bylaws of the Nooksack Indian Tribe.**

SECRETARIAL ELECTION VOTER REGISTRATION FORM

Last Name	First Name	Middle Name	Jr/Sr/III
Address <u>where you live</u>			
City	State	Zip Code	
Address <u>where you get your mail</u> (if mail is not delivered to your home)			Date of Birth

I hereby certify that I am a member of the Nooksack Tribe and that I am at least 18 years of age or will be at least 18 years of age on the date of the Secretarial Election January 06, 2021

Signature (*must sign to be valid*)

(Date)

- Completing and returning this registration is necessary if you desire to vote in the forthcoming Secretarial election;
- This form, upon completion and return to the Secretarial Election Board, will be the basis for determining whether your name will be placed upon the list of registered voters, and therefore may receive a ballot;
- Completion and return of this form is voluntary, but failure to do so will prevent you from participating in the Secretarial election;
- Print your name and address;
- Sign your name and date; and
- Return this Voter Registration Form in the pre-addressed envelope provided.

PRIVACY ACT STATEMENT

25 CFR Part 81 authorizes the collection of this information. The information is confidential and is never disclosed without written clearance and consent of the applicant. The primary use of this information is to determine an Indian individual's eligibility to vote in a Secretarial election. Additional disclosures of this information may be to other BIA or tribal officials in the conduct of their official duties pertaining to the preparation for and conduct of a Secretarial election, or in the conduct of program review and to the Office of Inspector General or the General Accounting Office when conducting an audit of BIA Programs, or local Law Enforcement agency when the agency becomes aware of violation or possible violation of civil or criminal law, and to the General Services Administration in connection with its responsibility for records management. This information will be entered into the BIA, Tribal Rolls, Interior/BIA-7 (76 FR 59733), which can be obtained upon request from the Chief, Division of Tribal Government Services, 1849 C Street, N.W., MS-3645-MIB, Washington DC 20240. No record contained therein may be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with prior written consent of the individual to whom the records pertain.

Under the Privacy Act, BIA may not give out your information except that BIA may share the information with other Federal, State, and Tribal offices and programs that have a responsibility to facilitate the Secretarial election. The information can also be given to those agencies for law enforcement purposes. This can be done without your consent. For any other person or program wanting information from your case file, you must first give your written consent. You have the right to know what records exist on you and you can ask to see them. If you believe some information in on you is inaccurate, you may contact the Chief, Division of Tribal Government Services, to request a correction.

PAPER WORK REDUCTION ACT STATEMENT

This information is being collected to determine eligibility for voting in a Secretarial election. Response to this collection is required to obtain benefits under 25 CFR 81. A Federal Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Public reporting for this form is estimated to average 15 minutes per response, including the time for reviewing instructions, gathering and maintaining data, completing the form. Direct comment regarding the burden estimate or any other aspect of this form to: Information Collection Clearance Officer, Office of Regulatory Affairs & Collaborative Action – Indian Affairs, 1849 C Street, N.W., MS-3642-MIB, Washington, D.C. 20240.