

**SECRETARIAL ELECTION
PROCEDURES
25 C.F.R. §81**



**BIA ALASKA REGION
BRANCH OF TRIBAL OPERATIONS**

WHEN DOES THE SECRETARIAL ELECTION PROCESS APPLY?

§81.2

If a tribe wants to . . .	And . . .
(1) Adopt a new governing document to reorganize under Federal statute	The Federal statute requires an election before or after Secretarial approval.
(2) Adopt a new governing document to reorganize outside Federal statute	The governing document requires approval under the Secretary's general authority to approve.
(3) Amend or revoke a governing document adopted under Federal statute	The Federal statute requires an election and approval for amendment or revocation.
(4) Amend or revoke a governing document adopted outside Federal statute	The governing document requires Secretarial approval of an amendment or revocation.
(5) Ratify a federal charter of incorporation	The charter requires Secretarial approval or is being ratified under the Oklahoma Indian Welfare Act (OIWA).
(6) Amend a federal charter of incorporation	The charter requires a Secretarial election to amend.
(7) Take other action	A Federal statute or tribal law requires a Secretarial election in order to take that action.
(8) Remove the requirement for a Secretarial approval from a governing document	A Federal statute or tribal law requires a Secretarial election in order to take that action.



HOW IS A SECRETARIAL ELECTION REQUESTED?

§81.6

Submit to Alaska Region Tribal Operations Office:

- Proposed document containing exact language to be voted on;
- Resolution requesting the BIA to call and conduct a Secretarial Election; and
- List of all tribal members, in sortable electronic format, who will be 18 years of age and older within 120 days of the date of request consisting of:
 - Names;
 - Last known address;
 - Date of birth; and
 - Voting districts (if applicable).

WHAT HAPPENS AFTER A REQUEST IS RECEIVED?

§81.7

Tribal Operations Office reviews documents to ensure the request is complete with:

- Proposed document;
- Resolution requesting the BIA to call and conduct a Secretarial Election; and
- List of all tribal members, in sortable electronic format, who will be 18 years of age and older within 120 days of the date of request consisting of:
 - Names;
 - Last known address;
 - Date of birth; and
 - Voting districts (if applicable).
- Background information on the tribe (i.e. constitution's history and past voting practices)

WHAT HAPPENS AFTER A REQUEST IS REVIEWED?

§81.7

The Alaska Regional Director

- Reviews documents to ensure the request is complete;
- Requests legal review of the proposed document and technical comments from the Field Solicitor;
- Issues technical comment letter to the tribe based on legal review, and advises tribe if any provision in the proposed document is contrary to applicable law with suggestions to make proposed document not contrary to applicable law.



TRIBE REVIEW OF TECHNICAL COMMENTS

§81.9

- Accepts or rejects technical comments;
- Submits final request to the Regional Director based on its decision to accept or reject comments, accompanied by:
 - Proposed document containing the final language to be voted upon; and
 - Resolution certifying that the proposed document contains the final language to be voted upon at the requested Secretarial Election.

SECRETARIAL ELECTION AUTHORIZATION

§81.19

- Issues authorization memo to the Local Bureau Official to call and conduct the election:
 - within 90 days for amendments to current governing document; or
 - 180 days for a new governing document, a complete revision to replace the current governing document or revocation of the current governing document
- Provides the following attachments with the authorization memo, with instructions that no changes can be made to either document;
 - Proposed document to be voted on
 - Certificate of Results of Election



SECRETARIAL ELECTION AUTHORIZATION

§81.19

- Bureau employee appointed Secretarial Election Board Chair
- Requests the Tribe:
 - To appoint at least two tribal members, 18 years of age or older, to serve as Secretarial Election Board Members within 10 days of receipt of notice that the Secretarial Election has been authorized.
 - If the tribe fails to appoint at least two tribal members within 10 days, the Secretarial Election Board Chairman must appoint two tribal members to serve on the 11th day.

SECRETARIAL ELECTION BOARD CHAIR AND BOARD DUTIES

§81.20
And
§81.21

- Within 5 days after the Secretarial Election Board representatives are appointed, the Chair must hold the first meeting.
- The Secretarial Election Board conducts the election. Except as provided in §81.43, decisions of the Secretarial Election Board are not subject to administrative appeal.

SECRETARIAL ELECTION BOARD DUTIES

§81.22

- Sets date, time, site, and appropriate deadlines for election;
 - Sends Notice Packet to Eligible Voters
 - Develops Registered Voters List
 - Decides Challenges to Registered Voter List
 - Sends Ballot(s) to Registered Voters
 - Receives ballots
 - Counts the ballots
 - Signs Certificate of Results of Election



WHAT IS INCLUDED IN THE SECRETARIAL ELECTION NOTICE PACKET?

§81.23

- Secretarial Election Notice
- Registration Form with instructions for returning completed form
- A self-addressed return envelope
- A copy of proposed document including the proposed language
- A side-by-side comparison showing current language to be changed, if applicable, in the left column and the proposed language in the right column
- Poling site information, if required by the amendment of adoption articles of the tribe's governing document

WHAT INFORMATION IS INCLUDED IN THE SECRETARIAL ELECTION NOTICE?

§81.24

- Date of election
- Date which registration forms must be received by Secretarial Election Board
- A Description of the purpose of the Secretarial Election
- A Description of the statutory and tribal authority under which the Secretarial Election is held
- Date of the deadline to file challenges to the Registered Voters List
- A statement as to whether the Secretarial Election is being held entirely by mailout ballot or with polling sites, in accordance with the tribe's governing document's amendment or adoption articles
- If applicable, when polling sites are used
 - the date absentee ballot requests must be received
 - The locations and hours of established polling sites



INFORMATION ON THE REGISTRATION FORM?

§81.26

OMB Control No. 1076-0183
Expires: 02/28/2022

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 [BIA - INSERT TRIBE NAME] 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 ([BIA - INSERT ELECTION DATE]).

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.



CHALLENGING THE REGISTERED VOTERS LIST

§81.32

- In Writing to the Secretarial Election Board, the inclusion or exclusion of a name may be challenged by providing:
 - The name of the affected individual or individuals
 - The reason why the individual's name should be added or removed
 - Supporting documentation
- If an individual failed to submit his/her registration form prior to the established deadline, that individual is precluded from challenging the omission of his/her name from the list.

RESPONSE TO CHALLENGES TO THE REGISTERED VOTERS LIST

§81.33

- Must be resolved by COB of the 3rd day after the established challenge deadline
- All Secretarial Election Board decisions are final
- Challenges received after the deadline are automatically denied



WHAT WILL THE MAILOUT BALLOT PACKET INCLUDE?

§81.36

- A cover letter summarizing what the ballot packet contains, noting if there is more than one ballot
- A mailout ballot; if more than one, each printed on a different colored sheet if possible
- Instructions for voting by mailout ballot, including the date the ballot must be received by the Secretarial Election Board
- An inner envelope with words “Mailout Ballot” printed on the outside
- A copy of the proposed governing document or amendment
- A pre-addressed outer envelope with a voter certification printed on the back



WHEN ARE BALLOTS COUNTED?

- Under the supervision of the Secretarial Election Board, after the deadline established for receiving all ballots, or at the closing of the polls, if applicable.

DETERMINING IF REQUIRED PERCENTAGE WAS REACHED

Number of valid ballots
+ Number of cast spoiled ballots
= voter participation

Number of voter participation
÷ Number of Registered Voters
= % Voter Participation

HOW ARE THE RESULTS OF THE ELECTION CHALLENGED?

§81.43

- Any person who was listed on the Eligible Voters List and who submitted a voter registration may challenge the results of the election within 5 days after the results are posted.
- In writing to the Chairman of the Secretarial Election Board with substantiating evidence
- Challenges received after the 5th day will not be considered

WHAT DOCUMENTS ARE SENT TO THE AUTHORIZING OFFICIAL?

§81.44

- The original text of the material voted on
- The Eligible Voters List;
- The Registered Voters List;
- The Secretarial Election Notice Packet;
- Any challenges to the Secretarial Election Results; and
- The Certificate of Results of Election



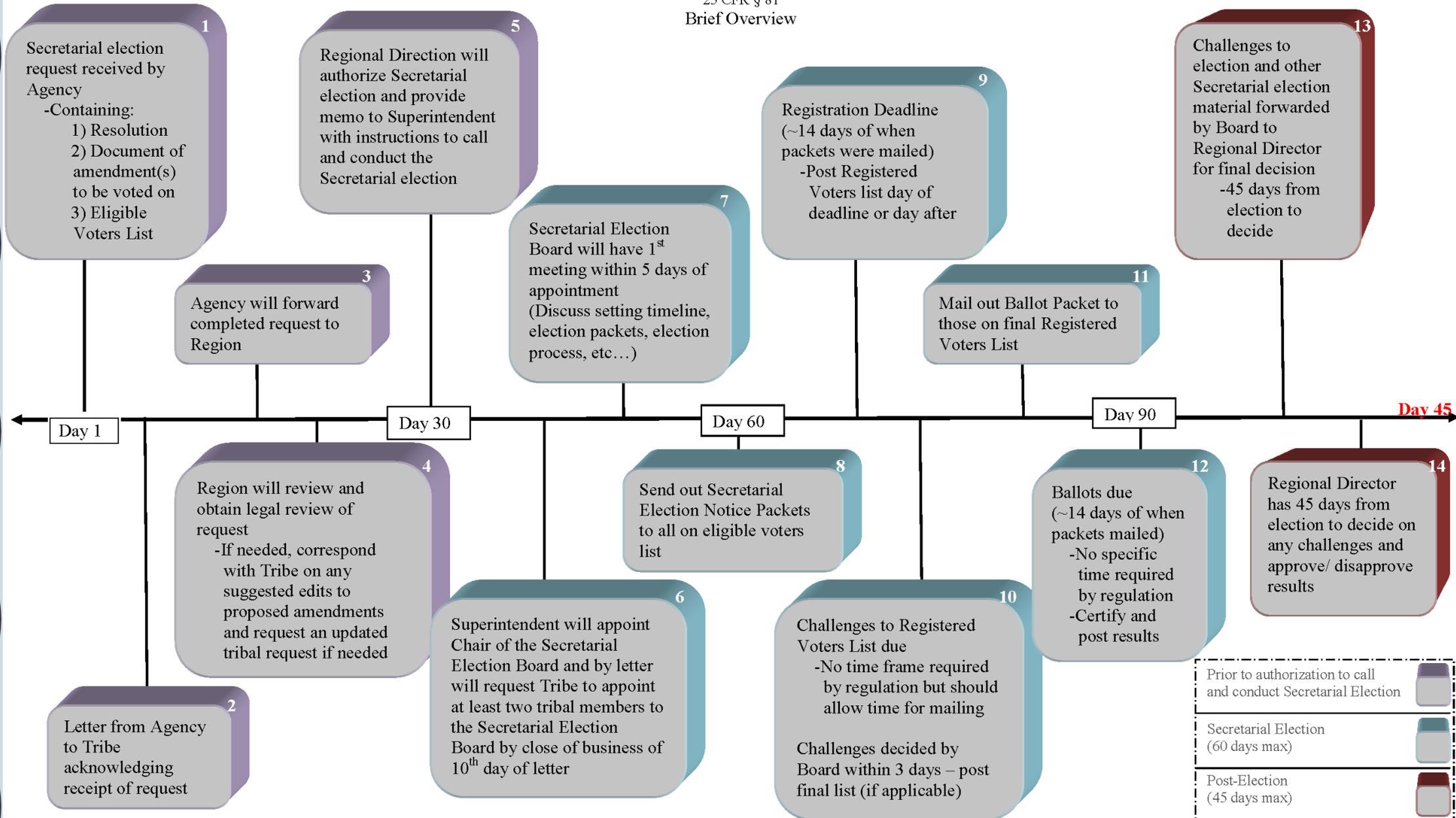
WHEN ARE THE RESULTS OF THE SECRETARIAL ELECTION FINAL?

§81.45

- Authorizing Official reviews results and challenges, if any
 - If challenges alleges errors that would invalidate the election, and the Authorizing Official sustains any such challenges, the Authorizing Official must authorize a recount or call for a new Secretarial Election.
 - Notifies the tribe in writing of the decisions on challenges, the outcome of the voting, and whether the results of the election are approved or disapproved.

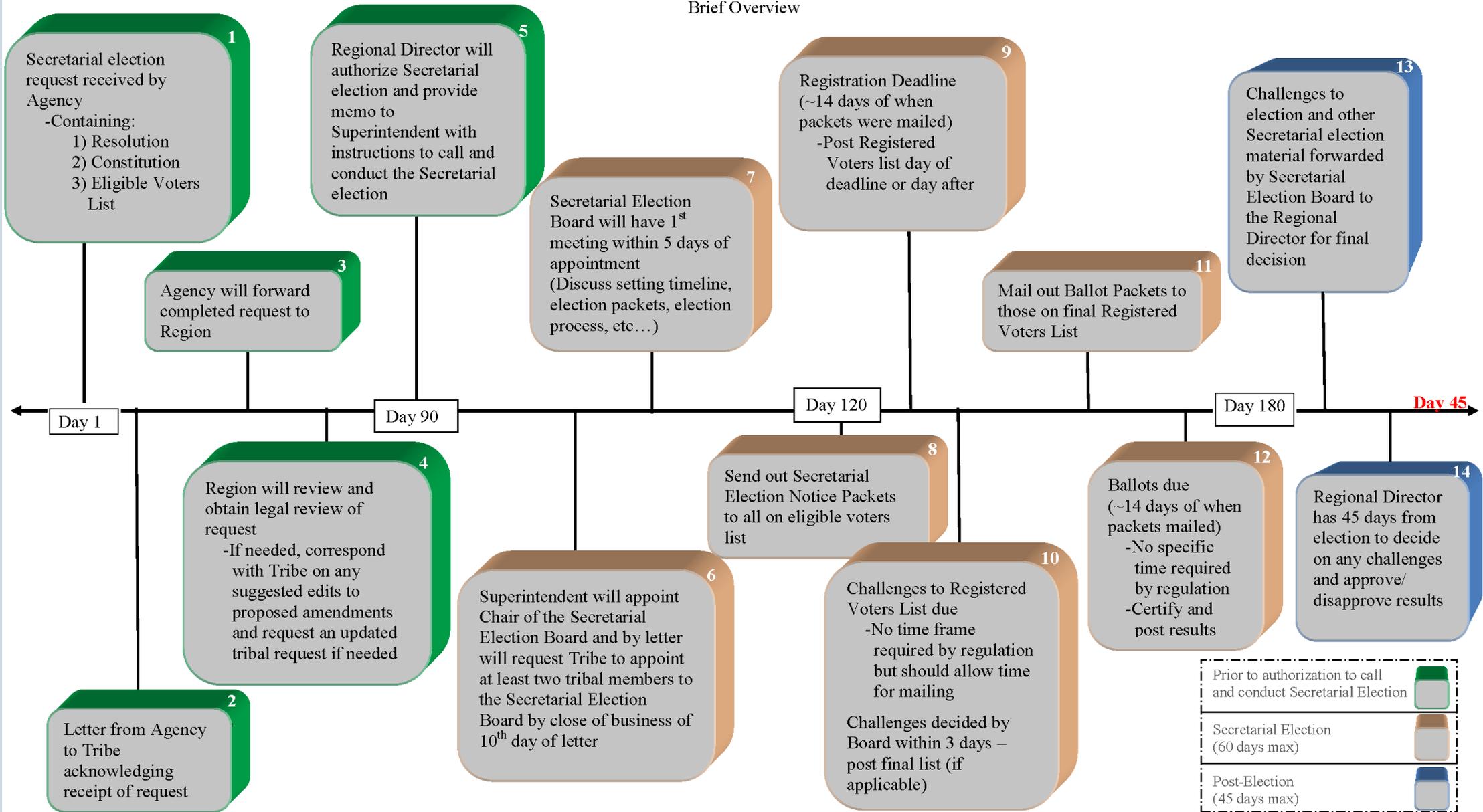
90 Day Secretarial Election Timeline – Amendments

25 CFR § 81
Brief Overview



180 Day Secretarial Election Timeline – Revision/New Constitution

25 CFR § 81
Brief Overview



Prior to authorization to call and conduct Secretarial Election	
Secretarial Election (60 days max)	
Post-Election (45 days max)	



July						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

August						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

September						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

October						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

	Secretarial Election Schedule	Notes
Secretarial Election Request Received	July 3	§81.19(b)(1)(i) - Amendment - 90 day requirement ends October 2
Authorization	July 5	Date Regional Director authorized Secretarial Election
1st Meeting with Board	July 10	§81.20 - 1st Meeting with Board within 5 days of appointment
Election Notice Packet	August 8	§81.22(b) - 60 days (max allowed) mailout notice packets to all voters on list
Registration Deadline	August 29	No time required by regulations, but should allow at least 14 days for mail
Post Registered Voters List	August 30	No time required by regulations - locations: BIA and tribal offices
Challenges Due for Registered Voters list	September 4	No time required by regulations, but should account for time it takes for mailing
Challenges Decided by Board	September 7	§81.33 - Decisions by close of business of 3rd day after deadline
Final Registered Voters List Posted (if applicable)	September 7	Post final list same day, if any decisions corrected list
Mail Out Ballot Packet	September 11	§81.35 No specific time required - "promptly" after list is posted
Election Day - Ballots Due	October 2	§81.35 No specific required - provide enough time for mailing
Post Election Results	October 2	Locations: BIA and Tribal Offices
Challenges Due for Results	October 7	§81.43 - Due 5 days after results posted
Mail Election Results Packet to Regional Director	October 8	§81.44 - No required time, but RD required to make decision within 45 days of receiving results

Authorized Days	
July	26
August	31
September	31
October	2
	90





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