

RECEIVED

MAR 22 2023

ELKO BAND COUNCIL  
ADMINISTRATION

**DATE: MARCH 21, 2023**

**TO: ELKO BAND COUNCIL  
ELKO BAND REGISTERED VOTERS AND COMMUNITY MEMBERS  
SPECIAL ELECTION CANDIDATES**

**FROM: ELKO BAND ELECTION COMMITTEE**

**SUBJECT: PROTESTS OF THE MARCH 17, 2023, ELKO BAND COUNCIL SPECIAL ELECTION  
AND DECISION OF THE ELKO BAND ELECTION COMMITTEE**

The Special Election for the Elko Band Council vacancies was held on March 17, 2023, 7:00 A.M. - 7:00 P.M., at the Elko Band Wellness Center. Immediately thereafter, an unofficial count was posted. Certification of the election was to be determined within five days of the Special Election.

The Elko Band Election Committee (Committee) received two (2) protests and corresponding fees within the 24-hour (starting 3/17/23 at 7:01 P.M. ending 3/18/23 at 7:00 P.M.) protest period.

On March 20, 2023 at 5:00 P.M., both protests were heard and based upon the information received, the Committee determined both protests to be valid. Please see the summaries below:

Protest #1: Cited Te-Moak Election Ordinance 03-ORD-TM-01 Title 13 Election Procedures "Section 13-4-6" Special Band Elections (a) Band Vacancy Election: 2. This election shall be conducted in the respective Band within thirty (30) days after the Band Council has declared the position vacant.

Protest #1: Further cited that the "Committee" could not conduct business until after March 2, 2023, when a third member officially took their oath of office, thereby meeting the Election Committee requirements of "...three (3) or more... but no more than five (5) persons," pursuant to the Te-Moak Constitution and Election Ordinance. This time frame, thus, forced potential candidates, absentee voter ballots, etc., to lose out on approximately sixteen (16) days of participation in this Special Election.

**The Committee found Protest #1 to be valid, as the thirty (30) day time frame for conducting this Special Election was not met, pursuant to Te-Moak Constitution and Te-Moak Election Ordinance requirements.**

Protest #2. Cited Te-Moak Election Ordinance Chapter 10 Section "13-4-7" Date of Events, as the Special Election did not comply with the timelines required in section 13-4-7. The failure to follow these election timelines caused the election to not be

conducted objectively and fairly; caused no opportunity to request an absentee ballot for an off-colony registered voter because no posting of such information was available on the Elko Band Council webpage; and, caused no knowledge of the eligible candidates for an off-colony registered voter because no posting of such information was available on the Elko Band Council webpage.

**The Committee found Protest #2 to be valid, as this Special Election failed to comply with the required timelines listed in Section 13-4-7. Date of Events of the Te-Moak Election Ordinance 03-ORD-TM-01.**

Based on the facts, findings and hearings of these protests, the Committee declares the Elko Band Council Special Election of March 17, 2023, to be **INVALID**.

The Committee hereby requests the Elko Band Council to notify the Committee of its scheduling of another Special Election, pursuant to Chapter 10. Election Disputes of the Te-Moak Election Ordinance.

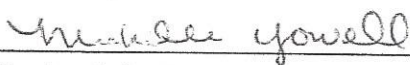
Signed,

  
\_\_\_\_\_  
Elko Band Election Committee Chairperson

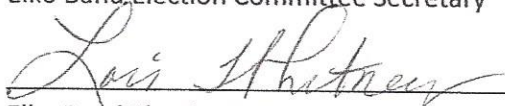
Date: 3/21/23

\_\_\_\_\_  
Elko Band Election Committee Vice-Chairperson

Date: \_\_\_\_\_

  
\_\_\_\_\_  
Elko Band Election Committee Secretary

Date: 3/21/23

  
\_\_\_\_\_  
Elko Band Election Committee Member

Date: 3/21/23

\_\_\_\_\_  
Elko Band Election Committee Member

Date: \_\_\_\_\_

**RECEIVED**  
MAR 23 2023  
ELKO BAND COUNCIL  
ATTG