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For Immediate Release

Shoshone-Bannock Tribal Elections and Recall Information & Resources

Fort Hall – The Fort Hall Business Council met with the Tribal Election Board on October 24, 2023 on the recall petitions that were submitted on Council members Gaylen Edmo and Sammy Matsaw Jr. The Business Council asked for a legal review from Tribal Attorney, Bill Bacon, to provide a recommendation to the Council so that next steps can be determined.

The Business Council recognizes the civil rights afforded to the tribal citizenry and wants to reassure all tribal members that no political retaliation will occur to registered voters who signed the petitions.

The Election Board has been working diligently to process the petitions, and the Business Council thanks the Board members for their hard work throughout this process. “We respect the authority of the Election Board, and we want to ensure that due diligence is occurring to ensure the Tribal Constitution and Ordinances are being properly interpreted and followed,” stated Chairman Lee Juan Tyler.

The Tribal Constitution and Bylaws, along with the Tribal Elections Act determine the process for elections and recalls. The Business Council encourages all Tribal members to become familiar with that process. The Shoshone-Bannock Tribes Law and Order Code is available online at the Municode website. Links to the Tribal Elections and Recall sections have been provided below.

Tribal Elections/Votes

https://library.municode.com/tribes_and_tribal_nations/shoshone-bannock_tribes/codes/the_law_and_order_code?nodeId=CD_TIT2TRAFGO_CH2TREL_PTIT_RELVO

For the most recent version of the Elections Ordinance filed with the BIA go to Chapter 2. – Tribal Elections > Click on the blue hyperlink [ELEC-2020-S2](#) (as pictured below).

VERSION: OCT 6, 2023 (CURRENT) FROM TRIBAL LAND

- CHAPTER 2. - TRIBAL ELECTIONS
 - PART I. - TITLE, AUTHORITY, PURPOSE, DEFINITIONS, FEES
 - Sec. 2-2-1. - Title.
 - Sec. 2-2-2. - Authority.
 - Sec. 2-2-3. - Purpose.
 - Sec. 2-2-4. - General Definitions.
 - PART II. - TRIBAL ELECTIONS/VOTES
 - PART III. - TRIBAL ELECTION BOARD
 - PART IV. - SUPPORT STAFF TO THE TRIBAL ELECTION BOARD
 - PART V. - FORT HALL BUSINESS COUNCIL ELECTIONS
 - PART VI. - RECALLS
 - Sec. 2-2-58. - Authorization of Recall.
 - Sec. 2-2-59. - Filing for and Returning Recall Petitions.

CHAPTER 2. - TRIBAL ELECTIONS^[1]

Footnotes:
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Editor's note— Ord. No. [ELEC-2020-S2](#), adopted Jan. 7, 2020, amended Ch. 2 in its entirety to read as set out herein. The historical notations have been retained with the amended provisions for reference purposes.

PART I. - TITLE, AUTHORITY, PURPOSE, DEFINITIONS, FEES^[2]

Footnotes:
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Editor's note— Ord. No. [ELEC-2020-S2](#), adopted Jan. 7, 2020, changed the title of Part I from title, authority, purpose, definitions to title, authority, purpose, definitions, fees.

Sec. 2-2-1. - Title.

This Chapter shall be known and cited as the "Tribal Elections Act of the Shoshone-Bannock Tribes of the Fort Hall Reservation." This Chapter may also be cited as the "Tribal Elections Act" for short.
(Ord. No. ELEC-2011-S1, § 101, 10-25-2011; Ord. No. [ELEC-2020-S2](#), § 101, 1-7-2020)

Sec. 2-2-2. - Authority.

The Tribal Elections Act is established by the Tribal Election Board, through the Fort Hall Business Council, the governing body under the authority of the Constitution and Bylaws for the Shoshone-Bannock Tribes including, but not limited to, the authority found in the Constitution, Articles III, IV, V, VI, VII, IX, X, and the Bylaws, Articles I, II, III, V and VI.
(Ord. No. ELEC-2011-S1, § 102, 10-25-2011; Ord. No. [ELEC-2020-S2](#), § 102, 1-7-2020)

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Shoshone - Bannock Tribes

Within the link is a letter from the BIA on their authority:

The Shoshone-Bannock Tribes' Ordinance No. ELEC-2020-S2, enacted on January 7, 2020, was received at the Fort Hall Agency via email correspondence on January 17, 2020 and the Original copy on January 21, 2020 and is within the ten-day period.

Whereas, the Shoshone-Bannock Tribe's does site the Constitution at Article VI, Section 1(r). That section states that the Business Council shall have the power to, "...adopt regulating the procedure of the Council itself and of other tribal agencies and other tribal officials of the reservation." There is nothing in that section that requires or authorizes the Secretary to approve the enactment.

Further and although FHBC does not cite it, Article IV, Section 2, of the Constitution is very clear: "The business council or an election board appointed by the council shall determine all rules and regulations governing all elections." Again, there is no mention of any Secretarial approval requirement.

Our authority to review tribal enactments is based on and limited to that authority provided in the tribal constitution. Since election ordinances are not required or authorized to be approved by the Secretary, we have no authority to review this tribal enactment. Any legal or technical review must be conducted within the tribe.

If you have any questions, please contact Ms. Georgette Running Eagle at (208) 238-2316, or feel free to contact me at (208) 238-2301.

The most recent version states the following highlighting the authority

Respectfully,



Preston Smith
Acting Superintendent

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FEB 03 2020

SHOSHONE-BANNOCK TRIBES
TRIBAL ADMINISTRATION DEPARTMENT

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Here are the definitions in the Tribal Elections Act, and relevant ones highlighted below:

Sec. 2-2-4. - General Definitions.



Subject to additional definitions contained herein, which are applicable to specific Articles or Sections for the purposes of the Tribal Elections Act:

Business days shall include those days the Shoshone-Bannock Tribes regularly conduct business and shall exclude weekends and tribal holidays.

Bylaws shall mean the Bylaws of the Shoshone-Bannock Tribes of Fort Hall Reservation of Idaho, as amended.

Constitution shall mean the Constitution of the Shoshone-Bannock Tribes of Fort Hall Reservation of Idaho, as amended.

Convicted shall mean when a person has been found guilty of a criminal offense upon a criminal trial, a plea agreement, or a plea of nolo contendere/no contest.

Current Voter List shall mean the current official list of registered voters, as administered by the Tribal Election Board.

Days shall include each and every day of the year, including all weekends and holidays.

Eligible voter shall mean any enrolled member of the Shoshone-Bannock Tribes who meets the criteria set forth in the Constitution. Article IV, Section 5 or Article VII, Section 1, who may or may not currently be registered to vote in Tribal elections.

Immediate family member shall mean and include the following: Mother, father, sibling (including full or half siblings), son, daughter, spouse, or other persons similarly related by marriage, tribal custom or traditions.

Registered voter shall mean any enrolled member of the Shoshone-Bannock Tribes who is registered to vote in Tribal elections and listed on the Current Voter List.

Resident shall mean a tribal member who has residence on the Fort Hall Indian Reservation for one year or more and/or maintains a blue card status showing proof of residency with the Shoshone-Bannock Enrollment Department.

Voter Log-In shall mean the booklet or sheet that registered voters shall be required to sign at the polling places prior to receiving a ballot to vote in a Tribal election.

Voting districts shall be defined in Attachment A and Attachment B to this Chapter.

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Recalls

https://library.municode.com/tribes_and_tribal_nations/shoshone-bannock_tribes/codes/the_law_and_order_code?nodeId=CD_TIT2TRAFGO_CH2TREL_PTVI_RE

Here are the duties of the Election Board and Fort Hall Business Council in review of the Recall Petitions:

Sec. 2-2-61. - Recall Petition Review.



(a) *Tribal Election Board Review.*

- (1) Once the recall petition/s is/are given to the Chair of the Tribal Election Board a meeting of the Tribal Election Board will be called. The Tribal Election Board shall review all petitions to confirm that the petitions are in conformity with this Act. The Tribal Election Board shall submit their findings within ten business days to the Fort Hall Business Council.
- (2) If a member of the Election Board has personal or professional knowledge or if the Election Board receives a written complaint or concern that calls into question any petition signature, the Election Board shall fully investigated such signature. The burden shall be on the person/persons seeking to have the signature removed from the petition.

(b) *Fort Hall Business Council Review.* The Fort Hall Business Council shall make the final determination on the recall petition/s in accordance with Article V, Section 3 of the Constitution.

- (1) If the Fort Hall Business Council declares a recall petition does not meet the requirements of the Constitution as cited under Article V, Section 3, it shall be declared invalid. No election shall be held.
- (2) If the Fort Hall Business Council declares a recall petition does meet the requirements of the Constitution as cited under Article V, Section 3, it shall be declared valid. A special recall election shall be held within 40 days of declaring a petition valid.
- (3) The Fort Hall Business Council shall set the special recall election the same day they declare the recall petition is valid.

(Ord. No. ELEC-2011-S1, § 604, 10-25-2011; Ord. No. [ELEC-2020-S2](#), § 604, 1-7-2020)

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The specific reference to the constitution and bylaws as stated in the review:

ARTICLE V-VACANCIES AND REMOVAL FROM OFFICE.

... SECTION 1. If a member of the business council shall die, resign, be removed or recalled from office, permanently leave the Reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal court, the business council shall declare the position vacant. A general election conducted on a Reservation-wide basis shall be held within 60 days of the date that the vacancy occurs to fill the unexpired term if at least 180 days of that term remain on the date the vacancy occurs. Any qualified member of the Tribes may announce his or her candidacy for such general election by a petition signed by not less than 12 eligible voters, which shall be filed with the secretary of the business council at least 30 days prior to such general election. It shall be the duty of the secretary to post in at least three public places on the reservation at least two weeks before any such general election the names of all candidates for the vacant position who have met these requirements. No primary election shall be held to fill any vacated position prior to expiration of the term of office. (Amendment No. VI, adopted February 15, 1985, approved by Portland Area director March 13, 1985.) ... SEC. 2. The business council may by four affirmative votes expel any member for neglect of duty or gross misconduct. Before any vote for expulsion is taken on the matter, such member or official shall be given a written statement of the charges against him at least 5 days before the meeting of the business council before which he is to appear, and an opportunity to answer any and all charges at such designated council meeting. The decision of the business council shall be final. ... SEC. 3. Upon receipt of a petition signed by one-third of the eligible voters on a reservation-wide basis calling for the recall of any member of the council, it shall be the duty of the council to call an election on such recall petition. No member may be recalled in any such election unless at least 30 percent of all the eligible voters on a reservation-wide basis shall vote at such election, and a majority of those voting are in favor of the recall. (Amendment No. V, adopted February 15, 1985, approved by Portland Area Director March 13, 1985.)

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