

**INSTRUCTIONS AND REGULATIONS COVERING
THE HOLDING OF THE REFERENDUM VOTE UNDER
SECTION 18 OF THE INDIAN REORGANIZATION ACT
OF JUNE 18, 1934 (Public No. 583-73d Congress)
WHICH WAS FINALLY PASSED IN PLACE OF THE WHITTIER-
HOWARD BILL.**

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Upon receipt of definite advice that the Secretary of the Interior has called an election for a referendum vote by certain designated tribes or jurisdictions, there should be posted immediately notices throughout the reservations designated that on the date specified there shall be a vote by secret ballot among the Indians under the terms of Section 18 of the Act of June 18, 1934, Public No. 583, to determine whether the Indians of such reservation want to exclude themselves from the application of the Indian Reorganization Act.

The Act provides that this election shall be held upon thirty days' notice. Therefore, this notice should be posted as soon as to come within the provisions of said act and so that the election may be held on the date specified. Additional notices may be posted subsequently to assist in getting information to all entitled to vote. The reservation should be thoroughly posted so that all entitled to vote may know of the election and when and where they are to vote.

For the information of each Superintendent involved, it must be stated very definitely that no funds have as yet been appropriated under the act for the expense of organizing the tribes and therefore, all expenses incident to holding this election must come from his present budget. Official ballots will be sent from Washington to the designated Superintendents in sufficient number to care for the adult population of each jurisdiction. These ballots should be counted and carefully guarded at all times both prior to and subsequent to the election.

Election booths shall be provided at various places throughout the reservation in order to meet the needs and convenience of the Indians. The selection of these places where other elections are usually held will be satisfactory; likewise, the selection of those places on and within the reservation where the state or county usually establishes such booths will be acceptable.

There should be provided several lists of eligible Indians, arranged according to voting district, one copy to be provided to the person in charge of such voting precinct. This list is for the purpose of checking off each name as the ballots are cast and to be used in the event of any question as to the right of any person to vote under the act. Another copy should be retained at the Agency office furnishing a complete list of voters.

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For information as to what Indians are eligible to vote see office letter of October 26 to the group leaders. Indians, male and female, must also be of the age of 21 years or more in order to be eligible to vote.

Eligible non-resident members whose addresses are known, should each be supplied with a ballot so that they may be executed, returned by mail and received not later than the date of the election. They are not to be opened until other ballots are counted. Proper records should be kept of all those ballots sent out and, likewise, of the ballots returned and which are cast. It is necessary again to mention the fact that all such ballots are to be secret. See above mentioned letter of October 26 for instructions relative to absentee voters and their ballots.

All ballots of resident Indians must be executed by the individual and by him placed in the box. Interpreters shall be provided who shall explain to those desiring it what the ballot calls for or means. They are not to mark the ballot for the individual nor to influence the person in his or her decision or action. Where necessary, two interpreters may be provided for the purpose of checking on each other and thus eliminating any effort to influence the voter. It will not be possible to compensate these interpreters and this service should be considered by them as one of a public nature to their own people.

In case of eligible voters who are blind or otherwise incapable of marking their own ballot, such voter may upon application to the approval of the judge, clerk or other person in charge of the election, select an Indian to assist in the marking of his or her ballot.

Election booths will be kept open from 8:00 a.m. to 5 p.m. Voting districts must be delimited throughout the reservation. The Indians should know in advance where the voting places are and, likewise, in what districts they are expected to cast their vote. Voting lists should be posted throughout the reservation containing such information. Where possible and desirable, the voting equipment should be borrowed from the local authorities.

Tellers should be provided at each election booth merely to see that the person voting is on the approved list, that his name is checked off, that his ballot is secretly executed, and cast, and to take charge of such ballots, turning them over to the superintendent after the close of the polls. These boxes should be locked at all times, the keys being only in the possession of the superintendent.

The Superintendent will upon receipt of these ballots and lists on the evening of the election take them into his custody and safekeeping. A committee comprising both Indians and employees should be chosen in advance who, together with the superintendent,

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will count and check the votes cast and make the necessary tabulation and return to the Commissioner of Indian Affairs. There will be no objection to giving out to the Indians the result of the votes cast. Telegraphic reports should be made to the Indian Office. All ballots and other material should be kept by the superintendent pending further instructions.

Employees are not precluded from giving the Indians information or explaining any feature of the bill about which information may be sought. It is expected, however, that such information shall be in harmony with the official interpretation of this legislation as contained in memoranda issued by the Indian Office.