

APPEAL PROCESS WITH THE COURT OF INDIAN OFFENSES, UTE MOUNTAIN AGENCY RE: APPEAL OF UTE MOUNTAIN UTE TRIBE ELECTION BOARD DECISION

These are standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

- A. Pursuant to the Ute Mountain Ute Election Ordinance Election Contests (Appeals) may be filed with the Court of Indian Offense, Ute Mountain Agency (the Court) under the following conditions:
1. Candidates seeking Membership on the Tribal Council or Candidates for Chairman may file an appeal to the court if his or her candidate statement is rejected by the Election Board. This is an appeal from an eligibility decision.
 - (a) The Candidate must “immediately” file an appeal of the final decision of the Election Board with the Court. Although there is not a specific time frame listed in this section of the Ordinance, “immediately” has been interpreted by the Court to be less than three (3) working days.
 - (b) The appeal must be in writing. Forms of pleadings can be obtained from the Clerk of Court or Court Website.
 2. Any Qualified Voter or Candidates seeking Membership on the Tribal Council or Candidates for Chairman may file an appeal to the Court if his or her protest or challenge concerning any aspect of the Election is denied by the Election Board. These are contest of the election procedure not involving recounts.
 - (a) The Qualified Voter or Candidate must “immediately” file an appeal of the final decision of the Election Board with the Court. Although there is not a specific time frame listed in this section of the Ordinance, “immediately” has been interpreted by the Court to be less than three (3) working days.
 - (b) The appeal must be in writing. Forms of pleadings can be obtained from the Clerk of Court or Court Website.
- B. The Candidate or the Qualified voter shall file the Appeal with the Court and shall be provided documentation to complete personal service upon the Chairman or Secretary of the Election Board. The Candidate or Qualified Voter shall be responsible for immediately completing personal services upon these Officers of the Election Board. Proof of personal service shall be immediately filed with the Court in writing. Failure to complete personal service may result in denial of the Appeal (the Court has only five (5) days to issue a decision, so service must happen very quickly).
- C. The Election Board or its attorney *may* file a response to the Appeal. Again, the response must be filed immediately (the Court has only 5 working days to issue a decision)
- D. The Court shall render a decision regarding the Appeal within five (5) working days.

THE UNITED STATES OF AMERICA
IN THE COURT OF INDIAN OFFENSES
IN INDIAN COUNTRY (Colorado)
UTE MOUNTAIN UTE AGENCY
APPELLATE DIVISION

Appellant

vs

Election Board Chairperson

Appellee

CASE NO: _____

**NOTICE OF APPEAL OF UTE
MOUNTAIN UTE TRIBE
ELECTION BOARD DECISION**

Appellant, _____, hereby files an appeal of the
decision of the Ute Mountain Ute Tribe Election Board issued on _____
_____ (date).

I am appealing the Decision (or part thereof) for the following reasons (state specific grounds why
the decision of the Election Board does not comply with the Election Ordinance):

**Appellant is notified that a final decision will be rendered by this court upon receipt of the record
from the Election Board. There will be no further opportunity for submission of argument and
evidence. All information should be presented herein. Attach additional documentation if necessary.

Current information about the Appellant:

Full Name: _____

Mailing Address: _____

Telephone Number: _____

Current information about the Appellee:

Full Name: _____

Mailing Address: _____

Telephone Number: _____

Court to Serve Order of Designation of the Record upon the Secretary of the Election Board and the Notice of Appeal upon the Chairperson of the Election Board.

RESPECTFULLY SUBMITTED this _____ day of _____ 20 _____

Signature of Appellant

Signature of Attorney for Appellant, if applicable

Mailing Address

Telephone Number

Witnessed: _____

Court Clerk or Notary Public

Subscribed and affirmed, or sworn to before me
by _____
in the County of _____,
State of _____, this _____
day of _____, 20 _____.
My Commission Expires: _____

CERTIFICATE OF SERVICE

I certify that on _____ (date) a true and accurate copy of this **NOTICE OF APPEAL OF UTE MOUNTAIN UTE TRIBE ELECTION BOARD DECISION** was served on the other party by:

- Hand Delivery Date: _____ Time: _____ Process Server: _____
- E-filed
- Faxed to this number (_____) _____ or
- by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: _____

Signature