

**KENAITZE INDIAN TRIBE**  
**TRIBAL ELECTION ORDINANCE**  
**REGULATING THE CONDUCT OF ALL TRIBAL ELECTIONS**  
**ORDINANCE 1998-02**



**Ratified September 28, 1998**  
**Amended and Restated May 10, 2013**  
**Amended and Restated August 2, 2019, April 18, 2014, June 29, 2016,**  
**September 15, 2016, and June 16, 2017**  
**Amended and Restated June 5, 2020**

Be it enacted by the Kenaitze Tribal Council (Council) as follows:

**Section 1. Rules Governing Meetings**

- A. Kenaitze Tribal Election Rules Policy with Corresponding Procedure.** All Tribal elections shall follow the Kenaitze Tribal Election Rules Policy with Corresponding Procedure (Rules) adopted by the Council which shall be announced at the beginning of each regular Annual Meeting or Special Meeting of the Tribal Membership.
- B. Decisions of the Qualified Voting Tribal Members.** The decision of the Qualified Voting Tribal Members (Qualified Voters) in both initiative and referendum elections shall be binding on the Council and the Tribe, and shall remain in full force until amended or rescinded by subsequent action of the Qualified Voters or until it expires by its own terms. All other motions voted upon by the Qualified Voters at an Annual or Special Meeting shall be considered advisory and not binding on the Council or the Tribe. See Constitution Article XI, § 2.

**Section 2. Election Board, Parliamentarian, Sergeant-at-Arms and Outside Firm**

- A. Election Board.** A three (3) member Election Board (Board) and one (1) alternate Board Member shall be appointed by the Council by the second Friday in May of each year. The alternate shall only vote on issues in the absence of the appointed Board Member.
1. The Council may appoint replacement Board Members if a Board Member or the alternate member is removed or resigns from the Board.
  2. The Board shall serve from the time of their appointment until the certification of the election for which the Board was appointed.
  3. The Board Members shall not serve on the Council or be a candidate for a position on the Council while serving on the Election Board.

- B. **Outside Firm.** The Board, consistent with a budget approved by the Council, shall select an Outside Firm which may be an independent certified public accountant or other professional that is experienced in assisting Tribes with election document retention and reporting.
- C. **Appointment Parliamentarian and Sergeant-at-Arms.** Prior to any election or special meeting, the Council may appoint a Parliamentarian and a Sergeant-at-Arms. In order to allow Tribal Members the ability to fully participate in the meeting, the Parliamentarian shall not be a Tribal Member.
  - 1. **Duties of Parliamentarian.** The Parliamentarian selected by the Council shall have some previous experience in parliamentary procedure and advising other organizations or deliberative bodies in such procedure. The Parliamentarian shall tactfully alert the Chair of the meeting to errors in procedure; however, the advice of a Parliamentarian is not binding on the Chair of the meeting.
  - 2. **Duties of Sergeant-at-Arms.** The Sergeant-at-Arms shall keep order during membership meetings.

### **Section 3. Voter Qualifications**

- A. **Qualified Voter.** A properly enrolled Tribal Member, eighteen (18) years of age or older who resides in Alaska, shall be qualified to vote in all Tribal elections.
- B. **Excused Absences.** Any Tribal Member who has been absent from Alaska for a period of one (1) year or more due to medical reasons, education or military service, shall be eligible to vote. A Tribal Member who doubts a Qualified Voter's residency can bring a complaint to the Board.
- C. **Reestablishment of Residency.** Any Tribal Member who returns and reestablishes residency in Alaska may petition the Council for reinstatement of the right to vote by completing an official change of address form and submitting it to the Enrollment Officer prior to the closing of voter registration as provided in the Rules.
- D. **Dually-Enrolled.** Any Tribal Member who self-discloses that he or she is enrolled with another tribe (i.e., dually-enrolled) shall not be allowed to vote until the Tribal Member has shown proof of relinquished membership in the other tribe.
- E. **Reinstatement.** Any Tribal Member whose membership in the Tribe has been revoked or relinquished shall not be eligible to vote. The Council may reinstate the Tribal Member's membership and right to vote in accordance with the Enrollment Ordinance.
- F. **Election Disputes.** All election disputes, including the determination of the qualifications of any voter or any candidate shall be settled by the Election Board as described in the Rules. The Board's ruling shall be final.

### **Section 4. Council Elections**

- A. **Council Elections.** Election for Council Members shall be by plurality vote of the Qualified Voters of the Tribe at the regular Annual Meeting on the first Saturday in October.

- B. Qualifications of Candidates.** Only Qualified Voters of the Tribe shall be qualified to be candidates for election to the Council.
- C. Qualifications of Council Members.** Council Members are subject to background check requirements and must submit to a background check upon election to the Council. Specifically, Council Members must meet the minimum standard established in accordance with the Tribe's Constitution, Article VI and Article IX, as well as any duly adopted Moral Turpitude Ordinance and Tribal Council, Board, Commission and Committee Code of Conduct.
- D. Tribal Council Declaration of Candidacy.** The Board shall send out a letter regarding the election process and Candidacy Statement Form no later than the third Monday in June. Any Qualified Voter seeking a seat on the Council, who would like to have his or her name included on the absentee ballot, must declare his or her candidacy by submitting a completed Candidacy Statement Form to the Election Board by mail or hand delivery to the Tribe's Tribal Member Services. The form must be postmarked or date stamped as received by the third Monday in July.
- E. Nominations from the Floor.** The Election Board Chair shall call for nominations from the floor for Council candidates. After three (3) calls, the Election Board Chair shall declare nominations closed. The nomination process shall not be closed by a motion or vote of the general membership.
- F. Determination of Eligibility.** Only Qualified Voters are eligible to be candidates for the Council. Prior to placing a candidate on the election ballot, or accepting a candidate's nomination from the floor, the Board shall determine if each candidate is a Qualified Voter. Upon certification of the election, the Council shall initiate the fingerprint-based criminal background check. The Council may delegate tasks to the Human Resources Department as appropriate. If a criminal conviction is found the Council shall determine if the crime bars the Council Member from serving on Council and the Council shall determine the appropriate action to take.
- G. Ballots.**
1. **Absentee Ballots.** The names of all qualified candidates who declared their candidacy by the third Monday of July preceding the election, shall appear on the Absentee Ballot with spaces for write-ins equal to the number of offices to be filled. For each election, the qualified candidates' names shall be placed on the Absentee Ballot by random selection.
  2. **In-Person Ballots on the Day of Election.** The names of all qualified candidates who declared their candidacy in accordance with the Rules and those qualified candidates who have been nominated from the floor on the day of election shall be placed on an In-Person Ballot.
- H. Campaign Materials.** Candidates shall be required to follow the Rules established relating to the campaign materials. Such Rules shall ensure that the Tribe is not held responsible for the cost of a candidate's campaign or the content of any candidate's statement.

- I. **Qualified Candidates Must Attend Meeting to be Elected.** In order to be elected, all qualified candidates must be in attendance at the election except in the event of an emergency as defined in the Rules.
- J. **Vacancies.** Any Council seat which has been vacated, whether by removal, recall, forfeiture or other reason, shall be filled by a majority vote of the remaining Council Members whether consisting of a quorum or not and such replacement shall serve until the next general election.

### **Section 5. Voting**

- A. The Tribe shall maintain a current list of all Qualified Voters. The Enrollment Officer shall certify the list of Qualified Voters prior to the election.
- B. All elections of Council Members shall be conducted by secret balloting.
- C. No proxies shall be allowed.
- D. Qualified Voters may exercise their right to vote by registering to vote at the election, or by submitting a completed official Tribal Absentee Ballot which must be date stamped as received by the Outside Firm no later than five (5) business days prior to the Election.
- E. The Outside Firm shall mail the official Absentee Ballot to all Qualified Voters at the mailing address the Tribe has on file for each voter on the second Monday of August. Qualified Voters are responsible for keeping their contact information current.
- F. Only an official Tribal Absentee Ballot mailed to the Qualified Voter by the Outside Firm shall be accepted. In the event a Qualified Voter needs to request an Absentee Ballot, such request may be submitted to the Outside Firm in writing or telephonically. The Outside Firm may use its professional judgment in verifying the Qualified Voter's identity and contact information.
- G. Only an official Tribal Absentee Ballot mailed to the Qualified Voter by the Outside Firm shall be counted. If a Council position opens up after the ballot has been mailed to the voter, the absentee voter may only vote on filling that seat by casting a vote in-person at the annual meeting.
- H. Qualified Voters casting Absentee Ballots shall count in determining the total number of those who participated in an election and to establish quorum for a subsequent year.
- I. In the case of an emergency as it applies to the Kenaitze Indian Tribe that would prevent in-person attendance, the Annual Meeting may be conducted virtually with Absentee Ballots in accordance with the Rules.
- J. Qualified Voters who have submitted an Absentee Ballot may withdraw their ballot at the election and register to vote in-person at the meeting.
- K. Qualified Voters may not vote for more than the number of Council seats to be filled. Ballots received that contain votes for more than the number of Council seats to be filled shall not be counted.

- L. In the case of a tie, a run-off election shall be conducted. The Outside Firm shall provide a blank ballot to each Qualified Voter present at the Annual Meeting. Each Qualified Voter shall take a ballot, write in the name of the selected candidate and place the ballot in the collection box. Qualified Voters who are not present may not cast a vote in a run-off election.

**Section 6. Special Meetings or Elections**

- A. The Council may call special meetings of the Membership or elections.
- B. The Council Chair may also call special meetings or elections upon receipt of a petition signed by at least thirty percent (30%) of the Qualified Voters of the Tribe in accordance with the Constitution.

**Section 7. Election Recall**

- A. An election to recall any member of the Council shall be initiated by filing a valid petition with the Council signed by at least thirty percent (30%) of Qualified Voters of the Tribe. A petition for recall must set forth the reasons for the recall.

**Section 8. Initiative and Referendum**

- A. The Qualified Voters of the Tribe may propose by initiative or referendum a Tribal ordinance. The Council shall call for a special meeting to consider such initiative or referendum upon receipt of a valid petition signed by at least thirty percent (30%) of the Qualified Voters.

**Section 9. Request for Qualified Voter List**

- A. The Enrollment Officer shall provide a copy of the Qualified Voter list within ten (10) days in accordance with the Tribal Records Ordinance for the following written requests:
  - 1. Candidate running for Council
  - 2. Recall Election
  - 3. Ballot Initiative

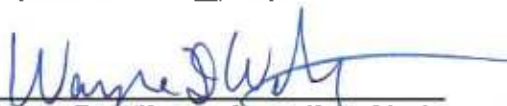
**Section 10. Sovereign Immunity**

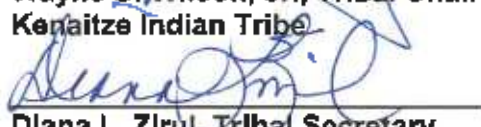
Nothing in this Ordinance shall be construed as waiving the sovereign immunity of the Tribe. This Ordinance is not intended to, nor does it, create a private right of action. All rights reserved.

**Effective Date:** The revisions adopted by the Council on June 5, 2020, shall become effective on June 5, 2020.

**CERTIFICATION**

Adopted this 5<sup>th</sup> day of June, 2020, by a vote 6 yeas and 0 nays,  
0 abstentions, and 0 absent.

  
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Wayne D. Wilson, Jr., Tribal Chair  
Kenaitze Indian Tribe

  
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Diana L. Zirul, Tribal Secretary  
Kenaitze Indian Tribe