

**QUTEKCAK NATIVE TRIBE  
TRIBAL ELECTION ORDINANCE**

**SECTION 1.0 TITLE AND PURPOSE**

This Ordinance shall be known as the Election Ordinance of the Qutekcak Native Tribe (QNT). Its purpose is to regulate the conduct of all tribal elections. The ordinances are adopted in accordance with the Constitution of the Qutekcak Native Tribe.

**SECTION 2.0 TIME AND PLACE**

The Qutekcak Native Tribe elections shall be held annually as determined by the Tribal Council.

**SECTION 3.0 COUNCIL**

The governing body of the Qutekcak Native Tribe is known as the Qutekcak Tribal Council and shall be elected by the majority vote of the eligible voters of the tribe.

**SECTION 4.0 ELECTION COMMITTEE**

The Tribal Council at the beginning of the annual meeting shall appoint 3 eligible voting members of the tribe to serve as the Election Committee for tribal elections. The Election Committee shall tally the ballots and report the results to the Tribal Council.

**SECTION 5.0 PUBLICATION & NOTICE OF ELECTIONS**

The Tribal Administrator shall publish and mail to all the tribes eligible voters a notice of the elections no later than 42 days prior to the election. This information will also be posted at the tribal office. The notice will consist of the following:

- Copies of this ordinance, an alphabetical list of eligible voters, and the purpose of election.

**SECTION 6.0 CANDIDATES**

**SECTION 6.1 QUALIFICATIONS**

Any qualified Tribal member eligible to vote may run for council.

**SECTION 6.2 APPLICATION FORMS**

The Tribal Administrator is charged with providing the candidacy form and it shall be available at the tribal office 42 days before the election. The Tribal Administrator or designated staff shall note the time, and date when the applicant receives the application. The Tribal Administrator or designated staff shall note the time and date when the applicant returns the completed application and provide a receipt to the candidate. Persons seeking candidacy must SUBMIT a completed and signed application form to the Tribal Office by 4 P.M., 28 days before the election.

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**SECTION 6.3 CANDIDATE’S RESUME**

The Tribal Council suggests that each candidate submit a resume. It should state personal background, family, education, and experience in tribal, local, state and federal governments. It should include a statement as to why the candidate is running and what goals are to be achieved if elected to the Council.

**SECTION 6.4 CERTIFICATION OF CANDIDACY**

The Tribal Administrator shall determine within 2 working days of the deadline for submitting candidate applications, whether applicants meet age, residence, and membership requirements, and accordingly certify or deny certification as to each candidate applicant. Applicants denied certification shall be contacted immediately in writing. Applicants denied certification may submit a written appeal within three working days of notification of denial to the Tribal Administrator who will deliver the appeal to the Tribal Council upon receipt. The Tribal Council will act on the appeal within 3 working days of receipt and notify the appealing party in writing. The decision of the Tribal Council shall be final.

**SECTION 6.5 OFFICIAL LIST OF CANDIDATES**

The eligible voters’ list and an official list of certified candidates will be mailed to each eligible voter of the tribe 14 days prior to the election. Candidates will be listed in alphabetical order. This information shall also be posted at the tribal office.

**SECTION 7.0 BALLOT PREPARATION**

As soon as possible after the closing date for candidates, the Tribal Administrator shall prepare an official election ballot which clearly identifies all candidates certified to run for council. The same number of official ballots shall be prepared as the number of eligible voters contained on the most recent eligible voters list, plus a reasonable surplus for use as samples or replacements. All ballots shall be sequentially marked in blue ink with a number placed on the ballot. All ballots shall be marked for folding to insure a secret ballot. Sample ballots shall be marked “SAMPLE BALLOT”. No ballot shall be so marked, formed or cut as to allow identification of its user after submission for ballot counting.

**SECTION 8.0 VOTERS, VOTING, AND PROCEDURES**

**SECTION 8.1 VOTERS**

Eligible voters as defined in Article IX of the Constitution are tribal members who conform to the following guidelines:

- Are at least 18 years old;
- If a dual tribal member, have relinquished their rights to tribal benefits in the other tribe;

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- Are a resident of Seward, AK or vicinity and can prove residency for 30 days or more immediately prior to the election;
- Have submitted a complete signed application with all the required documentation; and
- Have been approved for tribal membership by the QNT Tribal Council.

42 days prior to the election the Tribal Administrator shall prepare an eligible voters list containing all such persons. Tribal members excluded from this list shall have 7 working days from the posting and mailing of the list to appeal to the Tribal Council. Appeals must be in writing, clearly stating the reasons for the appeal and delivered to the tribal office within the deadline. The Tribal Council shall meet within 3 working days of the deadline and affirm or reverse the Tribal Administrators decision. Anyone who submits an appeal will be notified in writing by the Tribal Administrator of the Council's decision. The decision of the Tribal Council shall be final.

- An exception to the eligible voters list shall be: Any potential voter who begins residency 30 days or more prior to the election and was not certified as an eligible voter 42 days prior to the election can still vote in person by proving the required voter qualifications including the needed 30 day residency immediately prior to the election.

### **SECTION 8.2 VOTING**

All voting for the Tribal Council candidates shall be by secret ballot. Each voter may vote only once in each election. Only official ballots properly marked shall be counted. ANY written comments on the ballots shall nullify that ballot.

### **SECTION 8.3 VOTING PROCEDURES**

An Eligible voter desiring to vote must:

- Appear during the specified time and place stated.
- Announce his/her name to a member of the tribal staff; be prepared to show photo identification.
- Sign the voters list opposite his/her name and address.
- Obtain a ballot from the tribal office staff.
- Take the ballot into an enclosed and private area as provided.
- Vote for no more than 1 candidate for each council position open.
- Fold the ballot to conceal its contents.
- Place the ballot in the sealed, secure ballot box provided.

Eligible voters desiring to vote by absentee ballot:

- May obtain an absentee ballot at the tribal office by completing the required form.
- Homebound eligible voters may request an absentee ballot be delivered to their home.
- No absentee ballot may be mailed by the Tribal Administrator or staff.

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- All persons that vote by absentee ballot shall be prohibited from voting in person.
- Vote for no more than 1 candidate for each council position open.
- Place the completed ballot in a plain unmarked envelope, seal and place in a second plain envelope with the voter's signature on the outside of the envelope.
- Absentee ballots will be available from 14 days prior to the election until the end of the time specified for voting.

Upon receipt of absentee ballots, the Tribal Administrator or designated staff shall note the name of the voter and mark the voters' list accordingly before placing the sealed ballot in the ballot box that will be kept locked in the Tribal office.

**SECTION 9.0 ELECTIONS**

**SECTION 9.1 SUPERVISION OF ELECTIONS**

No less than two members of the tribal staff shall be present at the voting place during voting time.

**SECTION 9.2 ELECTIONEERING**

No person shall solicit, secure, or influence voters by any means, within 300 feet of polling place during voting hours.

**SECTION 9.3 ASSISTANCE TO VOTERS**

In cases where voters are unable to complete their ballots, the tribal staff may grant such assistance after taking every precaution to assure that the voter exercises full freedom of choice.

In all cases the secret ballot must be strictly observed and persons assisting must maintain complete confidentiality.

**SECTION 9.4 COUNTING OF VOTES**

At the close of polls on Election Day, all unused ballots shall be kept for documentation by the Tribal Administrator. The Election Committee shall take the ballot box plus any absentee ballots received, sequester itself in a private place, open all ballots, and compute the vote with the utmost care. Every precaution shall be taken and every method used within reason, which will insure an accurate count. On the evening of the election, after completing the count, the Election Committee shall ascertain that all ballots have been received and certify the tentative winners in writing to the Tribal Council.

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**SECTION 9.5 CERTIFICATION**

The names of the tentative winners will be listed and signed by the Election Committee Members and the President of the Tribal Council. The Tribal Council President shall announce the tentative election results and have the Tribal Administrator post the tentative election results on the door of the tribal office. These tentative results shall remain posted until the election results are final. FINAL election results will be determined after any protest or protests, if any, are resolved. Once final election results are determined the results will be posted at the tribal office for 14 working days.

**SECTION 9.6 QUORUM**

Thirty percent (30%) of the tribal members eligible to vote constitutes a quorum for an election. The lack of a quorum nullifies the election and all results. If lack of a quorum becomes a reality then the seats up for election shall remain unfilled and the nullified election will be rescheduled within two months.

**SECTION 10.0 POST-ELECTION PROCEDURES**

**SECTION 10.1 RETENTION OF BALLOTS**

After balloting has been completed and made official, all ballots shall be placed in the ballot box and locked in the Tribal office. All ballots shall be retained at the Tribal office until the next regular council meeting in which the newly elected council members are administered the oath of office.

**SECTION 10.2 PROTESTS**

Any eligible tribal voter within a period of 3 working days following the election may protest the election, in writing, to the Tribal Council. If there is a protest the Council shall meet between 4 to 6 working days after the election to consider such protests and decide by formal vote whether a new election or other action is necessary. If a hearing is required the Tribal Council shall respond to any protest in writing. A copy of this decision shall be given to the Tribal Secretary and made available for the Bureau of Indian Affairs. Errors of a purely technical nature, which in the opinion of the Tribal Council does not call the validity of the election into question, may be waived by a majority vote of the Tribal Council. The Council must use common sense and their best judgment. Only Council members who have remaining terms and are not up for election or leaving the council shall be a party to these procedures. A quorum is three council members and a simple majority vote decides the issue or issues. The council decision is final.

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**SECTION 10.3 TRANSFER OF PROPERTY**

Any outgoing Tribal Council Members shall be responsible for delivering or accounting for all tribal documents and equipment in their possession to the Tribal President within 5 working days following the valid election and any protest period, if any.

**SECTION 11.0 INSTALLATION OF OFFICERS**

Newly elected council members who have been duly certified shall be installed thereafter at the next regular meeting of the Tribal Council. Each newly elected member shall subscribe to the following oath:

I, (name) \_\_\_\_\_ do so solemnly swear (or affirm) that I will preserve, protect, and defend the Constitution/By-Laws and Ordinances of the Qutekcak Native Tribe, and will faithfully discharge the duties of my office to the best of my ability.

**SECTION 12.0 CONSTRUCTION, SEVERABILITY & AMENDMENT**


This ordinance is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purpose for which it was enacted.

If any provisions of this Ordinance, or its' application to any person or legal entity or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the entities or circumstance shall not be affected.

The Qutekcak Native Tribe reserves the right to amend this Ordinance as needed.

The above ordinance was approved by, a duly called meeting of the Qutekcak Native Tribe, Tribal Council on this 2<sup>nd</sup> day of November, 2011.

With 6 FOR, 0 AGAINST, and 0 NOT VOTING.

  
\_\_\_\_\_  
Nancy Tolson, QNT President

11-3-11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Arne Hatch, QNT Vice President

11-3-11  
\_\_\_\_\_  
Date