

**QUTEKCAK NATIVE TRIBE
RECALL ELECTION ORDINANCE**

SECTION 1. TITLE AND PURPOSE

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

SECTION 2. TIME AND PLACE OF ELECTION

- A. The Qutekcak Tribal Council shall hold a recall election within sixty (60) days after having determined receipt of a valid petition. The election shall be held at the tribal office unless the Tribal Council decides to hold it at another location
- B. In the event that the Tribal Council receives petitions for the recall of more than one Council member, the recall elections for each Council member shall be held on different dates at least five (5) working days apart from each other.

SECTION 3. RECALL ELECTION COMMITTEE

- A. Prior to the commencement of the election, Tribal Council shall appoint three (3) eligible voting members of the tribe to serve as the Recall Election Committee for the recall election.
- B. The Recall Election Committee shall tally the ballots and report the results to the Tribal Council.

SECTION 4. OPPORTUNITY TO RESPOND TO CHARGES

- A. After determining a recall petition to be valid and to contain the required number of signatures, the Tribal Council shall personally deliver or mail a copy of the petition to the affected council member. If mailed, the petition will be deemed to have been delivered three days after mailing.
- B. Within ten (10) days after delivery of the recall petition to the affected council member, the council member may submit to the Tribal Administrator a written response to the charges. The council member's response will be included in the election notice as provided in Section 5 below.
- C. In addition or alternatively, within ten (10) days after delivery of the recall petition to the affected council member, the council member may submit to the Tribal Administrator a written request for a public hearing. If the Tribal Administrator receives a timely request, the Tribal Administrator shall promptly schedule such a hearing to occur no later than seven (7) days prior to the election.

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SECTION 5. PUBLICATION & NOTICE OF ELECTIONS

- A. The Tribal Administrator shall publish and mail to all eligible voters a notice of the recall election no later than thirty (30) days prior to the election. The notice will also be posted at the tribal office.
- B. The notice of the recall election will include the location, date and time of the election, the purpose of the election, the name of the council member who is sought to be recalled, the stated reasons for the recall, the council member's written response to the charges, if timely submitted, and the date and time of the public hearing if one has been requested.

SECTION 6. BALLOT PREPARATION

- A. As soon as possible after the Tribal Council determines a recall petition to be valid, the Tribal Administrator shall prepare an official recall election ballot.
- B. The recall election ballot shall ask the question, "SHALL (name of council member) BE RECALLED?" and provide adjacent boxes for "yes" or "no" responses.
- C. The same number of official ballots shall be prepared as the number of eligible voters contained on the eligible voters list in effect as of the date on which the Tribal Council determines the recall petition to be valid, plus a reasonable surplus for use as samples or replacements.
- D. 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 7. VOTING PROCEDURES

- A. Only those tribal members included on the eligible voters list in effect as of the date on which the Tribal Council determines the recall petition to be valid may vote in the recall election.
- B. All voting at the recall election shall be by secret ballot.
- C. Each voter may vote only once in each recall election.
- D. Only official ballots properly marked shall be counted. ANY written comments on the ballots shall nullify that ballot.

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- E. An eligible voter desiring to vote in person must:
 - a. Appear during the specified time and place stated.
 - b. Announce his/her name to a member of the tribal staff; be prepared to show photo identification.
 - c. Sign the voters list opposite his/her name and address.
 - d. Obtain a ballot from the tribal office staff.
 - e. Take the ballot into an enclosed and private area as provided.
 - f. Mark the appropriate “yes” or “no” box on the ballot.
 - g. Fold the ballot to conceal its contents.
 - h. Place the ballot in the sealed, secure ballot box provided.

- F. An eligible voter desiring to vote by absentee ballot must:
 - a. Obtain an absentee ballot at the tribal office by completing the required form; however, homebound eligible voters may request an absentee ballot be delivered to their home, at least two working days prior to the election.
 - b. Mark the appropriate “yes” or “no” box on the absentee ballot.
 - c. Place the completed ballot in a plain unmarked envelope.
 - d. Seal and place the unmarked envelope in a second plain envelope with the voter’s printed name and signature on the outside of the envelope.
 - e. Return the completed ballot to the tribal office.

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

- H. Absentee ballots will be available from 7 days prior to the election until the close of the polls on Election Day. Absentee ballots received after the close of the polls will not be counted.

- I. All persons that vote by absentee ballot shall be prohibited from voting in person.

SECTION 8. CONDUCT OF ELECTION

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

- B. 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.

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

SECTION 9. COUNTING OF VOTES

- A. At the close of the polls, the Recall 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.
- B. The Recall Election Committee shall compute the total number of ballots received, the number of “yes” votes and the number of “no” votes. Any ballot which has not been properly completed will be deemed a “no” vote.
- C. After completing the count, the Recall Election Committee shall certify the results in writing to the Tribal Council.
- D. The Tribal Council President shall announce the election results and have the Tribal Administrator post the election results on the door of the tribal office for fourteen (14) working days.

SECTION 10. ELECTION RESULTS

- A. Thirty percent (30%) of the tribal members eligible to vote constitutes a quorum for a recall election. If a quorum did not attend the recall election, either in person or by absentee ballot, the recall petition will be considered null and void and the council member whose recall is sought shall continue to serve on the Tribal Council.
- B. If a quorum of the eligible voters attended the election, either in person or by absentee ballot, and a majority of the voters in attendance voted “yes” for recall, then the council member whose recall is sought shall be deemed removed from office upon the announcement of the results. The vacancy caused by such recall shall be filled by the remainder of the Tribal Council.
- C. If a quorum of the eligible voters attended the election, either in person or by absentee ballot, and a majority of the voters in attendance did not vote “yes” for recall, then the council member whose recall was sought shall remain on the Tribal Council and shall not be subject to recall in any future election based on the same charges, during their remaining term.

SECTION 11. CONSTRUCTION, SEVERABILITY & AMENDMENT

- A. 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.

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

C. The Tribal Council may amend this Ordinance as needed.

The above ordinance was approved by, a duly called meeting of the Qutekcak Native Tribe, Tribal Council on this 9th day of May, 2011.

With 7 FOR, 0 AGAINST, and 0 ABSTAINING.

Nancy Tolson
Nancy Tolson, QNT President

Judi Christiansen
Judi Christiansen, Secretary/Treasurer

May 9th, 2011
Date

5-9-11
Date