



Proposed by: Tribal Council  
First Reading: 10/9/2017  
Second Reading: 4/30/2021  
Vote: 5 Aye 0 Nay 0 Absent 0 Abs  
Amendment dates: 11.2.2022

# Skagway Traditional Council

## Ordinance 0001

### **Tribal Election**

WHEREAS Skagway Village (dba Skagway Traditional Council) is the federally recognized tribal government for all enrolled tribal citizens in Skagway, Alaska; and

WHEREAS Skagway Traditional Council is responsible for the health, safety, welfare, and Cultural preservation of its tribal citizens and use of the Skagway Traditional Council's traditional territory; and

WHEREAS Skagway Traditional Council's traditional territory reflects all lands and waters historically and presently occupied and utilized by the Skagway Native people since immemorial, and land within the modern-day community of Skagway as identified in STC Constitutions, Article II Section 1: and

WHEREAS Article IX Section 3(g) of the Constitution of STC specifically directs the STC Tribal Council "to protect and preserve Tribal property, wildlife, and natural resources of importance to the Tribe:" and

WHEREAS STC has a need to establish an election ordinance, and

WHEREAS STC's current election regulations is only set forth within the by-laws and need further clarification for processes and actions; and

NOW THEREFORE BE IT ORDINATED BY THE TRIBAL COUNCIL OF THE SKAGWAY VILLAGE, that the STC shall use the attached election ordinance when conducting election for the tribal council.

### **SECTIONS**

SECTION 1 TRIBAL ELECTIONS COMMITTEE:

SECTION 2 REGULAR MEETINGS:

SECTION 3 SPECIAL MEETINGS:

SECTION 4 DUTIES AND FUNCTIONS OF THE ELECTIONS COMMITTEE:

SECTION 5 VOTER QUALIFICATIONS:

SECTION 6 ELECTION OF TRIBAL COUNCIL:

SECTION 7 BALLOTS:

SECTION 8 VOTING:  
SECTION 9 HANDLING AND COUNTING OF BALLOTS:  
SECTION 10 INVALID BALLOTS:  
SECTION 11 RETENTION OF BALLOTS:  
SECTION 12 PROTEST AND RECOUNTS:  
SECTION 13 INSTALLATION OF COUNCIL MEMBERS:  
SECTION 14 OATH OF OFFICE:  
SECTION 14 MINUTES:  
SECTION 15 MEETING AGENDA:  
SECTION 16 CERTIFICATION:  
SECTION 17 AMENDMENTS:

**Section 1 Tribal Elections Committee:**

- a) The Tribal President or designee shall appoint members to the Tribal Election Committee. The committee shall be comprised of three (3) residents who are not staff of Skagway Traditional Council.
- b) Members do not need to be a Skagway Village tribal member.
- c) Any committee member must not be currently holding a council seat, is a candidate for a position on the council, or immediate family member of the candidate.
- d) The Tribal President will appoint a committee chair who will oversee the committee meetings and election procedures; and
- e) At the discretion of the Tribal President, tribal members or staff may be appointed to serve on this committee if any committee member resigns or cannot fulfill the duties of an election committee member; and
- f) A quorum of the Elections Committee shall consist of three (3) members and telephonic or virtual participation shall satisfy as present for purposes of a quorum; and
- g) Special meetings of the Elections Committee may be called at any time by the Chair or by the request of any three (3) Elections Committee members, the Elections Committee may then convene upon proper notification to the Tribal Council; and
- h) The Elections Committee is the delegated authority over all Elections and activities governed under this Election Ordinance by the Tribal Council.

**Section 2 Regular EC Meetings:**

Regular scheduled meetings may be held at least 2 weeks prior to when the election process begins. Dates and times of meetings shall be posted at the Tribal Community Center at least 3 days in advance of the meeting. Elections Committee members shall receive a complete informational packet for the meeting in advance of the meeting called.

**Section 3 Special EC Meetings:**

Special meetings may be called by any of any three members of the Elections Committee. All members of the committee must be notified of the special meeting at least 2 days in advance. The date and time must be posted at the Tribal Community Center at least 2 days in advance as well.

#### **Section 4 Duties and Functions of the Elections Committee:**

1. The Elections Committee shall conduct all the tribal elections pursuant to the provisions of the Skagway Village Tribal Constitution and this Ordinance.
2. The duties of the Elections Committee shall include, but not be limited to the following:
  - a) The Elections Committee shall rule upon the eligibility of the candidates as prescribed herein.
  - b) In the case of electronic election, updating voter registration creating secure voting system online.
  - c) Mailing and posting of Election Notice at least 30 days before the date of any tribal election.
  - d) Any other duty needed to hold a fair and equitable tribal election.
3. Prior to the time that any prospective candidate takes office, the Elections Committee shall arrange to have a federal background check completed on each prospective candidate by the tribal office.
4. In the event of a delay in receiving the completed and finalized federal background check the ballots MUST be detained from the scheduled mail-out date until such time all background checks are finalized, completed, and duly received to the office of the Elections Committee.

#### **Section 5 Voter Qualifications:**

1. Must be a fully enrolled Skagway Traditional Council tribal member.
2. Who will be 18 years and older by the election day
3. Who has registered as voter with the tribal government
4. Who has updated their information in the past year through voter registration and the tribe has current address, phone number, and email address for sending ballots (paper or electronic)

#### **Section 5 Election postponement and cancelation**

The tribes' constitutions and by-laws mandate bi-annual elections. However, the constitution does not address postponement or cancelations. Through this ordinance, tribal council shall have the discretion to cancel or postpone elections if the following stands true.

1. The tribe is unable to find a secure qualified election committee by August.
2. The tribe does not have an any registered voters.
3. The tribe does not have any members running in an election or a write-in by the deadline.

The sitting tribal council shall have the authority to cancel or postpone an election up to twice in a calendar year but no more than two consecutive elections shall be cancelled or postponed. for the above reasons.

Any cancelation or postponement of elections shall be voted on in resolutions.

Cancelations

- Cancellations and postponement of elections shall be notified to tribal members within 14 days or council determination by either US mail, email, SMS, bulletin board notifications or other methods deemed appropriate for the notification to the tribal citizen population by the sitting tribal council and recorded in the resolution.

## **Section 6 Election of Tribal Council:**

### *Candidates for Office:*

1. Any qualified member who meets the base role requirements and is 18 years or older as of the election date and desires his or her name to be placed on the ballot as a candidate for the Tribal Council, shall file a Declaration of Candidacy with the Elections Committee. The Declaration of Candidacy must show his or her legal name to seek a seat on the Tribal Council. Such a statement must be in writing and filed either in person or by mail with the Elections Committee at a time and date for each election appropriately noticed by the Elections Committee.
2. Declaration of Candidacy must be filed with the Elections Committee at least 30 days before the scheduled election.
3. Each candidate will sign the Declaration of Candidacy attesting that all information is true to the best of his or her knowledge. Filing intentionally false or misleading statements on the Declaration of Candidacy will deem the declaration ineligible, and the candidate will be barred from running for office for that specific election.

## **Section 7 Ballots:**

The Elections Committee must prepare an official ballot for printing or copying or an electronic ballot that clearly identifies all candidates certified by the Elections Committee.

1. Candidates will be listed alphabetically by last name on the ballot.
2. Spaces will be provided on each ballot for write-in candidates.
3. Any proposition must be approved by the tribal council for inclusion in the ballot and received by the Election Committee prior to Nominations of Candidates

## **Section 8 Voting:**

At the discretion of the Tribal Council, the president may direct the Election Committee to hold the voting either by Mail, In person, Electronic, or a combination of the three.

### Proxy voting by Mail:

Paper Ballots may be requested in advance of the election and will be mailed to the listed address of the voter. All ballots must be received by the election date. To avoid confusion postmark dates will not be used, instead all legal ballots must be received by the Election Committee by the election deadline listed in the election notice. The Tribal office will check the post office by the end of business of the election date. Any ballots received after will be considered invalid.

### Voting Station:

Voting tribal members may be able to vote at the polling station at the Tribal Community Center on 253 11<sup>th</sup> Avenue during open business hours on Election Day.

To vote in person, the tribal members will need to bring their voter code & and valid ID. They will be checked against the eligible voter list and will be able to vote on the provided electronic device at the community center.

There must be a minimum of two poll watchers always present during the casting of ballots. Staff or Election Committee members may act as poll watchers during Election Day.

### Electronic Voting:

The Tribal Council may approve a valid electronic voting system to increase voters. Voters will receive a unique code and instruction specific to each individual member; however, all votes and voters will remain anonymous to keep confidentiality of the votes.

### **Section 9 Handling and Counting of Ballots:**

Once polling has closed, at least three members of the Elections Committee will secure the ballot box or confirm ending of the electronic polling and commence the counting of ballots at the polling place. Ballots will be reviewed and tallied by the Elections Committee members and shall post ongoing and results on a medium easily viewable by all Elections Committee members present.

For paper ballots, ballots will be read and posted by each of the Elections Committee member. Once read and posted, the same ballot will be passed to another Elections Committee member who will read aloud the same ballot and the results will be verified by the Elections Committee member posting the results.

No persons other than Elections Committee members are allowed to be present when votes are being counted.

In the event that a minimum of three members of the Elections Committee are not present at the polling place on Election Day, then the ballot box must be secured once the polling place is closed by the Elections Committee members present and the Tribal Administrator or his or her designee, and the ballot box will be transported to the Tribal Administrator's Office and secured. The results, pending any protests, of the certified election results will be posted at the Tribal Office, Tribal Website and emailed to members if needed.

- Ballot ties
  - In the case of a tie for the last available seat on the Tribal Council, a recount shall be ordered and commence immediately after the tie has been determined. If there is still a tie after the count, a runoff election will be scheduled within thirty (30) days of the announcement of the final results, pending any protests, of the election; or should both candidates who are in a tie agree, a coin toss will decide the winning candidate.

### **Section 10 Invalid Ballots:**

All ballots will be deemed invalid for the following reasons:

- Ballots where more candidates have been selected than there are available Tribal Council seats are deemed invalid.
- Ballot envelopes that were not signed by voters.
- Ballots received after the polling closed.
- Ballots received after business hours on the polling date.

**Section 11 Retention of Ballots:**

As soon as possible after the closing of the polls on Election Day, all ballots, including unused, mutilated or miss-marked and replacement ballots, shall be placed in a secure receptacle sealed and signed by the Elections Committee to prevent tampering. No ballots shall be destroyed at any time prior to the election or following the election until at least three **(3) years after the date of the election**. After the vote count has been recorded and the winners certified by the Elections Committee, on the official Certificate of Elections form, the Tribal Administrator shall take possession of the ballots and retain them in a locked and secure location.

**Section 12 Protest and Recounts:**

Any qualified voter, within five (5) days following the announcement of the final election results pending any challenges, may challenge the election results by filing in writing with the Elections Committee their grounds for the challenge, together with substantial evidence thereof. The information concerning protests must be posted with the election results.

A request for a recount of the ballots must be submitted in writing, by a candidate of voter.

The Elections Committee shall consider all protests which are filed in writing within the five-day period. The decision of the Elections Committee shall be pursuant to the provisions of this statute and the Skagway Village Constitution and shall be final without any administrative appeal. All protests are to be answered in writing by the Elections Committee.

The Elections Committee shall make the final determination on any valid protests within ten days from the close of the five-day protest period. Once any and all protests have been investigated and decided upon, the final results of the election will be posted, and the results can no longer be challenged.

**Section 13 Installation of Council Members:**

Newly elected Tribal Council members, who have been duly certified, shall be installed at a scheduled induction meeting scheduled by the Election Committee Chair.

**Section 14 Oath of Office:**

The following Oath of Office shall be administered by the Election Committee Chair or designee to the newly elected Tribal Council member(s) at the first meeting of the Tribal Council following the election.

*I, \_\_\_\_\_, do hereby solemnly swear to uphold the Constitution and By-Laws of Skagway Village. I will perform the duties of my office to the best of my ability in a manner that is consistent with traditional Tlingit culture and is fair and equitable to all persons under the jurisdiction of Skagway Village.*

**Section 14 Minutes:**

The Chair of the Elections Committee or designee shall be responsible for maintaining minutes of the Elections Committee actions and will file them at the Tribal Office. Action by the Elections Committee is open to the tribal membership through the Elections Committee minutes. Minutes will be kept with other election files for the year for the duration of the retention period listed in [Section 11](#).

**Section 15 Meeting Agenda:**

The Chair of the Elections Committee shall be responsible to post a meeting docket with the tribal office at least 2 days prior to the scheduled meeting. Comments to the Elections Committee by non-board members shall be limited to two minutes in length or in writing. It shall be left to the discretion of the Election Committee Chair to allow up to an additional three minutes of comment to non-committee members.

**Section 16 Certification:**

The Tribal Elections Committee Chairperson will sign a Certificate of Elections validating the results of the election and forward a certificate to the Tribal Council and the Tribal Administrator.

**Section 17 Amendments:**

This Election Ordinance may be amended by a majority vote of the Tribal Council when meeting at a regularly scheduled tribal council meeting, or a special meeting called for the specific purpose of amending this Ordinance. All amendment dates and items must be tracked, and dates listed on the Ordinance.

Left Blank Intentionally



*Certificate of Enactment*

The Skagway Village duly enacted the foregoing Ordinance # \_\_\_\_\_ - \_\_\_\_\_ at a meeting held at the Tribal Office on \_\_\_\_\_, \_\_\_\_\_ by a vote of \_\_\_ for, \_\_\_ against, \_\_\_ absent, and \_\_\_ abstentions, a quorum of \_\_\_\_\_ being present.

*ATTEST:*

\_\_\_\_\_, Skagway Village Tribal President

\_\_\_\_\_, Skagway Village Vice-President

\_\_\_\_\_, Skagway Village Tribal Secretary

\_\_\_\_\_, Skagway Village Tribal Treasurer

\_\_\_\_\_, Skagway Village Member-At-Large

(SEAL)