



RULES FOR THE ELECTION OF DELEGATES



**CENTRAL COUNCIL OF THE TLINGIT & HAIDA
INDIAN TRIBES OF ALASKA**



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PURPOSE

Tlingit & Haida shall, pursuant to its Constitution or by resolutions, set the times for holding the general elections of Delegates. Requirements and procedures for such general elections and resolving any election disputes, if any, shall be as prescribed by these rules.

RULE 1. DEFINITIONS

Section 1. Definitions, as used in these rules:

- A.** "Central Council," "Tlingit Haida," "Tlingit and Haida," "CCTHITA," "T&H" "CCTH" means the official Central Council of the Tlingit and Haida Indian Tribes of Alaska as defined in Section 7 of the Act of June 19, 1935 (49 Stat. 388), as amended by the Act of August 19, 1965 (79 Stat. 543).
- B.** "Eligible person of Tlingit or Haida blood" means only a person of Tlingit or Haida blood residing in the United States or Canada who was a legal resident of the Territory of Alaska on June 19, 1935, or prior thereto, or who is a descendant of a person of Tlingit or Haida blood who was a legal resident of the Territory of Alaska on June 19, 1935, or prior thereto.
- C.** "Community" and "Communities" means a Tlingit Haida Community listed on the list set forth in **Rule 2** of these rules as amended from time to time by Tlingit & Haida pursuant to **Rule 2** of these rules.
- D.** "Local Election Official" means a member appointed by the Community to assist Tlingit & Haida with the Delegate Election.
- E.** "Challenge Committee" means the Tlingit & Haida Elections Challenge Committee composed primarily of Tlingit & Haida Election Committee members. The committee is appointed by the President in consultation with the Tlingit & Haida Election Committee Chairman.
- F.** "Executive Officers" "Executive Council" means the elected Officers of Tlingit & Haida including the President, 1st, 2nd, 3rd, 4th, 5th and 6th Vice Presidents, as well as the Youth Ambassador seated on the Executive Council.
- G.** "Publish" means to give notice by newspaper, radio, television, continuous public posting of notices, any other news media, the Tlingit Haida Central Council website, an Official T&H Community Council website, by any one or more of these methods, as designated by the Local Election Official.
- H.** "He," "him," or "his" means he or she, him or her, his or hers.
- I.** "The Community where he resides" means the Community that is his permanent residence for at least 30 calendar days prior to the nominations for Delegates in the Community.
- J.** "Regular Delegate" is an individual duly elected by his Community and qualified in accordance with these Rules of Election to serve on the Central Council.
- K.** The "Official Voting List" means the list containing the enrollment numbers and names, in alphabetical order, of all qualified voters in the community "Base Roll" means the roll of Tlingit or Haida people who were legal residents of the Territory

of Alaska and/or Canada on June 19, 1935, or prior thereto, prepared by the Secretary of the Interior pursuant to Section 8 of the Act of June 19, 1935 (49 Stat. 388) as amended by the Act of August 19, 1965 (79 Stat. 543).

- L.** "Supplemental Roll" means the roll maintained by the Tlingit & Haida of persons of Tlingit or Haida blood (other than persons appearing on the Base Roll) residing in the United States or Canada:
 - 1.** Who were legal residents of the Territory of Alaska on June 19, 1935, or prior thereto, or who are descendants of such persons, and
 - 2.** Who duly applied for tribal citizenship in the Tribes and showed to the satisfaction of Tlingit & Haida that they are eligible.
- M.** "Membership and/or tribal citizenship Roll" means the Base Roll and the Supplemental Roll taken together. All living persons appearing on the Tribal Citizenship Roll are Citizens of the Tlingit and Haida Indian Tribes of Alaska (Constitution of Tlingit & Haida, Article II).
- N.** "Certify" means the endorsing the results of a duly constituted election.
- O.** "Permanent Nonresident" means a registrant as defined in Rules 5(B & C) of these rules.
- P.** "Temporary residence" means that an eligible voter has moved his place of residence to another Community for an undetermined amount of time but intends to return to his permanent place of residence once he is completed with the reason for the temporary move.
- Q.** "Short period of time" means that an eligible voter is away from his permanent place of residence but has not moved to the community he is in during the election process.
- R.** Nepotism is defined as: grandfather, grandmother, father, mother, brother, sister, son, daughter, grandson and granddaughter.
- S.** "Close of Business" or "Close of Business Day" means 4:30 p.m. Monday through Thursday; 4:00 p.m. on Friday.
- T.** "Conflict of Interest" is defined as a situation in which a public official's decisions are influenced by the official's personal interests.
- U.** "Declaration of Intent to Serve" means a written notice of intent to serve in the position of Delegate to the Tribal Assembly signed by an eligible tribal citizen that certifies nomination for candidate in an election of Delegates. Declaration of Intent to Serve must INCLUDE: name, address, phone number, Date of Birth or enrollment number (if known) and email address, if any.

RULE 2. RECOGNIZED COMMUNITIES

Section 1. Delegates to Tlingit & Haida shall be elected by each of the following Communities:
ALASKA: Anchorage, Angoon, Craig, Haines, Hoonah, Hydaburg, Juneau, Kake, Kasaan, Ketchikan, Klawock, Klukwan, Metlakatla, Pelican, Petersburg, Saxman, Sitka, Wrangell, Yakutat, **CALIFORNIA:** San Francisco, **WASHINGTON:** Seattle.

Section 2. Tlingit & Haida may, from time to time, by duly adopted resolutions, designate additional Communities from which Delegates shall be elected in accordance with the provisions of these rules:

- A.** The Community wishing to become a designated Tlingit Haida Community must submit a resolution requesting designation signed by at least 25 Tlingit & Haida Tribal Citizens residing in that community to Tlingit & Haida within 30 days prior to an annual Tribal Assembly session.
- B.** A vote of at least two-thirds (2/3) of the total Delegates registered at a Tribal Assembly at which a vote is taken is required to authorize the designation of a new Tlingit and Haida Community.
- C.** A Community must have at least 200 eligible voters over the age of 18.

Section 3. From time to time Tlingit & Haida may also delete from the list of Communities, and merge two or more Communities into one under the following conditions:

- A.** The Community fails to conduct an election of Delegates for three (3) consecutive election years, and
- B.** Fails to seat a Delegate for three (3) consecutive election cycles, and
- C.** A vote of at least two-thirds (2/3) of the total Delegates registered at a Tribal Assembly at which the vote is taken.

RULE 3. APPORTIONMENT OF DELEGATES

Section 1. Each community shall elect one Delegate to Tlingit & Haida for each two hundred (200) Persons' or fraction thereof registered on the Official Voting List of that Community.

Section 2. The lists as of December 22 of the year preceding an election year shall be the final list upon which the number of Delegates per community shall be determined.

Enrollment applications processed after that date will not be included in determining the allocation of Delegates.

RULE 4. SELECTION OF ELECTION OFFICIALS AND PROCESS OF ELECTION

Section 1. The Local Election Official shall be selected pursuant to the Constitution, Statutes, or Resolutions of Tlingit & Haida.

- A.** The local Community Council on or before November 1 preceding each election year will appoint the Election Official. The Election Official shall be free of Conflict of Interest. Any issue regarding nepotism should be addressed by the Local Community Council.
- B.** The Election Official will be responsible and authorized to update enrollment reports (lists) for their community, and will ensure that the election procedures are implemented.
 - 1.** If the Local Community Council, for any reason, is not be able to appoint a Local Election Official, Tlingit & Haida Program Compliance is authorized to make alternate arrangements for the election by December 1.
 - 2.** An Election Official who wants to be a candidate for Delegate must resign

by January 1 to be eligible. An Election Official who has not resigned from duty by January 1 and received votes as a write-in candidate will not be qualified to serve as a Delegate regardless of the number of votes received.

3. For communities that do not have an active Community Council, CCTHITA will locate and appoint a local election official
- C. Local Community Council Officers who are candidates may not unduly influence the election process by giving directions to the Election Officials that could be construed as giving an unfair advantage to the officer as a candidate. They should be only providing general oversight and supervision as necessary to the election process to make sure the target dates are being met and Election Rules are being followed.

Section 2. The Local Community Council will need to notify CCTHITA of the process they will be using for the election either by absentee ballots or electronic voting.

- A. If the Local Community Council, for any reason, has not determined its method for election, Tlingit & Haida Program Compliance staff shall select the default the process to Electronic Voting by COB the first Thursday of December.

RULE 5. VOTING AGE; RESIDENCY REQUIREMENTS

Section 1. The tribal citizenship roll, consisting of the Base Roll and Supplemental Roll together, shall be maintained by the Tlingit & Haida Program Compliance Department and only living persons who appear on the tribal citizenship roll and are eighteen (18) years of age or older shall appear on the Voting Lists of the Communities.

Section 2. Each eligible person of Tlingit and/or Haida blood, as defined in **Rule 1(L, M & N)** of these rules, who is at least eighteen (18) years old on or before the date of any regular election held under these rules, shall be entitled to register on an Official Community Voting List as follows:

- A. The roll of the Community where he resides as defined in **Rule 1(I)** of these rules.
 1. An eligible voter who is away from his official community may remain on the roll of his home community when temporarily away provided he does not participate in the election process of the community of his temporary residence.
- B. If he does not reside within a community, the roll of the community nearest to the place where he resides; provided that it is within one hundred (100) miles of the place of his residence.
- C. If he does not reside within a Community or within one hundred (100) miles of Community, he will be on the roll of any Community of his choice.

RULE 6. POST VOTER LIST; REVIEW AND CHALLENGE OF ROLLS

Section 1. The Local Election Official of each Community shall post the alphabetical list provided by Tlingit & Haida of all persons eligible to vote in that Community no later than December 11 of the year prior to the election year. This Official Voting List for each Community shall be posted at (in descending order of priority):

- A. Local tribal government office (building);

- B.** ANB/ANS Hall;
- C.** Other locations frequented by Tlingit and Haida citizens (in the opinion of the Local Election Official).
- D.** On Web such as i.e. Facebook, local community websites, etc.
- E.** The Election Official must inform Program Compliance office of the posting locations.
- F.** Tribal citizens living outside the community of their enrollment may check with Tlingit Haida Program Compliance Office to verify that they are or are not on the list of that community.

Section 2. This Official Voting List shall be open to inspection by local tribal citizenship, and any person eligible to appear thereon may challenge the inclusion or exclusion of the name of any person on the Official Voting List of the Community by Program Compliance Office.

RULE 7. NOTICE OF ENROLLMENT AND ELECTION

Section 1. The Local Election Official of each Community shall arrange to publish by November 15 a notice setting forth:

- A.** Enrollment requirements for voting;
- B.** The period of enrollment; and
- C.** The location of where the enrollment applications and change of address forms can be accessed.

Section 2. The Local Election Official of each Community shall arrange to publish by February 1 a notice setting forth:

- A.** The date of election;
- B.** The Declaration of Intent to Serve form and the deadline date for timely submission;
- C.** The procedures to be followed for voting by absentee voting or by electronic voting.
- D.** A statement providing that “A complete list of nominated candidates will be published by February 12.”
- E.** A statement providing that “Ballot information will be mailed by February 18”.

Section 3. The Local Election Official of each Community shall publish the Declaration of Intent to Serve form and provide it to any eligible tribal citizen wishing to be a candidate for Delegate.

- A.** Immediately after January 1 of an election year;
- B.** Available at a meeting for nominations;
- C.** Available from the Tlingit & Haida Program Compliance office if not available locally.
- D.** Available on the Tlingit & Haida Website

RULE 8. NOMINATIONS; QUALIFICATIONS OF CANDIDATES

Section 1. In order to qualify as a candidate or nominee for election as a Delegate from any Community, a person must be registered on the Official Rolls of Tlingit and Haida and have timely submitted a signed Declaration of Intent to Serve.

Section 2. Subject to the provisions of these Rules and the Constitution and any applicable Resolutions of the Tlingit & Haida, the nomination of candidate's procedures for the Office of Delegate from each community shall be:

- A.** Conducted between January 15 through February 5.
 - 1.** The Local Election Official shall chair the nomination meeting.
 - 2.** Communities that do not hold a nomination meeting must have nominees provide a signed Declaration of Intent to serve to the Election Official.
 - 3.** Declaration of Intent to Serve can be received prior to opening of the nomination period but not later than the close of Nomination Meeting. If no nomination meeting must be received by February 5.
 - 4.** Communities that leave nominations open for a period of time must state when and where the nominees are able to submit the Declaration of Intent to Serve.
- B.** Tribal citizens who do not submit a Declaration of Intent to Serve to be nominated as a candidate for Delegate as prescribed in this subsection are not eligible to be a candidate for Delegate.
- C.** Posted date and time of nomination meeting must be conducted as published with the following conditions:
 - 1.** Nomination meetings must be open for a minimum of one hour.
 - 2.** Posting must be published for a minimum of one week prior to the meeting date with all nominating requirements and contact information.
 - 3.** The Election Official must inform the Special Assistant to the President of Tlingit & Haida of the location of publications.
 - 4.** A copy of all publications and the posting date must be kept on file with the Election Official and a copy to be forwarded to the Program Compliance Office.
- D.** When a local Community does not choose to establish and conduct the nominations and election procedures, individuals desiring to be considered as a candidate must submit their Declaration of Intent to Serve directly to Tlingit & Haida.
 - 1.** This rule applies only if the community does not have an election process.
 - 2.** Nominations from these Communities must be submitted to Tlingit & Haida office by February 5.

Section 3. Decide on the nominations process: Whether or not there will be a meeting for the purpose of nominating or if nominations will be made directly to Tlingit Haida Central Council

offices.

Section 4. The name of each qualified nominee shall be placed on an official ballot.

- A.** Decide on the design of the ballot:
 - 1.** Larger communities (1000 tribal citizens or more) may have a ballot where the candidates are listed alphabetically and the names are rotated.
 - 2.** The names of the candidates may appear on the ballot in the order in which they were nominated if a community has a meeting for the purpose of nominating.
 - 3.** The names of the candidates may appear on the ballot in the order in which the Declaration of Intent to Serve is received by the Election Official at the nominations meeting; mailed in Declarations will be listed after those who handed theirs in personally at a meeting.
 - 4.** Communities may choose to have candidates name list alphabetically by last name.
 - 5.** Communities have the option to determine ballot order by a random drawing of the names of all Delegate Candidates, present or not.
- B.** Persons nominated or declaring candidacy after local nominations deadlines may only run as 'write-in' candidates. A qualified successfully elected 'write-in' candidate who was not an Election Official after January 1, is determined elected.

Section 5. No Delegate shall be a permanent employee of Tlingit & Haida

- A.** Except as an Executive Officer, or employed in a Community as a Community Liaison with the Office of Self-Governance or as a contract employee from flow through BIA Compact Funds.
- B.** No person who, within sixty (60) days of the date of an election, has been a permanent employee of Tlingit & Haida, except as stated above shall be eligible for election as a Delegate from any Community. Executive Officers are exempt from this rule if the Executive Office is a position elected and budgeted by the Tribal Assembly

RULE 9. VOTING

Section 1. All eligible voters will be able to vote either by absentee voting or by electronic voting.

- A.** Only the registered voter is eligible to request a ballot, in person, by phone, fax, email, or by mail.
- B.** Ballots should not be duplicated or multiple ballots received.

Section 2. Absentee ballots will be mailed to all voters with a valid address. Together with the ballot, there shall be delivered to such absentee voter.

- A.** An inner envelope bearing the official logo of Tlingit & Haida, the words, "ABSENTEE BALLOT," space for the printed name and signature of the voter, with the instructions on the voting absentee.
- B.** Blank envelope for completed ballot.

- C. An outer envelope addressed to Tlingit & Haida.

Section 3. The voter shall mark the ballot, place it in the blank envelope, and place the blank envelope in the envelope marked "ABSENTEE BALLOT" seal the envelope and place it in the outer envelope and mail it to or cause it to be timely delivered to the Tlingit & Haida Office by the Close of Business on Election Day.

Section 4. A voter may cast an absentee ballot by email as a scanned document in PDF format or by fax directly to the Election Chair if necessary under the condition that:

- A. The voter must complete form waiving his right to a secret ballot.
- B. The ballot must be signed by the voter;

Section 5. Electronic Voting Instructions will be mailed to all voters with a valid address and will include the following:

- A. Instructions on how to access the electronic voting website
- B. Voters user name and password
- C. Instruction given once logged into the Voting Website

Section 6. Persons not appearing on the enrollment list may vote as a "questioned" ballot. Questioned ballots shall be handled in the following manner:

- 1) Tlingit & Haida Program Compliance Office will verify that the voter is an enrolled Tribal Citizen.
- 2) If it is found that the voter is on the master list, the ballot will then be placed in the ballot box to be counted with other ballots;
- 3) If the following conditions exist, the vote shall be disallowed:
 - a. The voter is under the age of 18;
 - b. The voter has voted in another Community;
 - c. The voter does not meet the minimum requirements of a tribal citizen or is not enrolled by the close of business on the day of election;
 - d. The voter does not vote within the prescribed time frame.

RULE 10. VOTER REGISTRATION

Section 1. The purpose of the Voter Registry is to ensure that a record is maintained that a voter is indeed qualified to vote and to record the receipt of a ballot by an eligible voter.

RULE 11. ELECTION

Section 1. Each registrant on the Official Voting List of a Community may vote for up to the number of Delegates that the Community is entitled to elect. The corresponding number of candidates in each Community receiving the highest number of votes shall be declared elected.

Tlingit & Haida will post results on the Official Website and on Facebook or similar social network(s) as soon as the results are known or no later than the close of business the following workday.

Section 2. In the event of a tie for the final Delegate, Tlingit & Haida will perform the tiebreaker ceremony by shuffling and cutting cards with the high card winning by the close of business the following workday.

Section 3. In the event a newly elected candidate for delegate is not able to attend the upcoming Tribal Assembly, the next highest vote-getter will be the official delegate.

- A. The process will repeat itself in the event other newly elected delegates are not able to attend the Tribal Assembly.
- B. This is not considered a “vacancy” since the delegate elect had not been sworn in yet.

RULE 12. PROHIBIT PROXY VOTING

Section 1. Voting by proxy will not be permitted.

RULE 13. CHALLENGE OF ELECTION PROCEDURE

Section 1. Any candidate for Delegate may challenge the election results of his Community.

- A. By written notice with the President of the Tlingit & Haida and/or the Chairman of a duly constituted Election Committee of Tlingit & Haida.
- B. No later than 4:30 P.M. on the Monday following a Delegate election.
- C. Clearly stating his grounds for the challenge and substantiating evidence in reference to the specific rules allegedly violated.

Section 2. The President of Tlingit & Haida shall appoint a Tlingit & Haida Election Challenge Committee (Challenge Committee) no later than Tuesday following the election.

- A. The Challenge Committee will consist of three (3) members, and two (2) alternate members.

In the event one or more of the committee members are related to any persons involved or from the Community in question, an alternate will serve in place of the person with the conflict.

- B. The Challenge Committee will make every effort to resolve the dispute in a fair and impartial manner utilizing the least intrusive method.

Section 3. If in the opinion of the Tlingit & Haida President and the Challenge Committee, the objections are valid and are of a nature to warrant, the remedial solution may be:

- A. A recount of all ballots cast in the Delegate Election in the Community; or
- B. A ruling on the eligibility of a voter; or
- C. A ruling on the eligibility of a candidate for Delegate; or
- D. The ordering of a new or Special Delegate election for that community;

Section 4. When a recounting of ballots is ordered candidates or their representatives have a right to witness the recount.

Section 5. The Program Compliance Office will be consulted on all issues of voter and candidate eligibility.

Section 6. Tlingit & Haida may call for a new election in Communities where it is conducting the election on behalf of such Community when there are irregularities that warrant a new election and such irregularities are not correctable through other means.

- A. When a new election is ordered only the nominees from original ballot shall be the candidates.
- B. Such election shall be conducted via Electronic voting.

RULE 14. SPECIAL ELECTIONS

Section 1. Procedures for special elections will be conducted under **Rule 13.b.**

RULE 15. PAYMENT OF ELECTION EXPENSES

Section 1. The Executive Council is authorized to adopt an election payment plan to provide for an equitable payment to local Community Councils for the Delegate elections. The Executive Council may authorize supplemental reimbursement to Communities for unusual expenses of holding election of Delegates to Tlingit & Haida only in special and unusual circumstances.

RULE 16. TERM OF OFFICE; LIMITING EXECUTIVE OFFICE; FILLING VACANCIES

Section 1. Delegates shall be elected for terms of two (2) years and shall serve until their successors are elected and qualified to Tlingit & Haida except that Delegates seated from Communities that do not hold a regular election shall not be eligible to hold any Executive Office in Tlingit & Haida.

Section 2. The Local Community Council shall fill a vacancy occurring during the term of office of a Delegate to Tlingit & Haida. Options include:

- A. The selection of the next highest vote-getter in the most recent Election of Delegates; or
- B. A random method agreed to by the majority vote of the Community Council in an official meeting.

Section 3. In the event a Community is not able to hold a meeting to select a replacement Delegate the local Community Council President may appoint a replacement.

Section 4. In the event a Community Council does not fill a vacancy at least seven (7) days prior to a Tribal Assembly, the vacancy will be filled by the majority vote of Tlingit & Haida Executive Council. In such cases, the decision of the Executive Council will be final.

Section 5. Any Replacement Delegate must be certified by the Program Compliance Office.

RULE 17. DELEGATE CONTACT INFORMATION

Any delegate elect who declares candidacy for President or Vice-President is entitled to full access to the mailing address, phone number, and e-mail address of delegate contact information in a useable format upon written request to the Office of the President.

RULE 18. ELECTION RULES PRECEDENCE

Section 1. In the event a Local Tlingit Haida Community Council has Rules of Election that are not the same as these rules, these rules will take precedence in settling disputes.

Section 2. If the Election of Officers of a Local Community Council is conducted at the same time, these Rules take precedence when settling disputes.

RULE 19. PROVISION FOR AMENDMENT OF RULES

Tlingit & Haida may amend these rules from time to time by a majority vote of the Delegates during Tribal Assembly.

Adopted: April 26, 1969

Amended: March 29-31, 1979, October 3, 1981, October 8, 1983, October 5, 1985, April 18, 1987, April 22, 1995, April 2002, July 2005, April 2008, April 2011, November 2011, April 15, 2015, and **April 20, 2018.**