
RULES OF ELECTION



**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 election of Delegates and Community Council Members. Requirements and procedures for such elections and resolving election disputes, if any, shall be as prescribed by these Rules.

RULE 1. DEFINITIONS

Section 1. Definitions, as used in these Rules:

- A. “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) and Public Law 103-454 - Nov. 2, 1994, 108 STAT. 4791, Title I (25 U.S. Code § 5130(2)) and Title II.
- B. “Close of Business” means 4:30 p.m. AST.
- 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. “Community Council” means the group of Delegates elected by a Community and any additional Community Council Members elected by that Community if authorized by that Community’s constitution, provided the Community Council’s number of Delegates are greater than the number of non-Delegate members.
- E. “Community Council Member” means a citizen duly elected by their Community to a Community Council Member seat, as authorized by that Community’s constitution and compliant with the Tlingit & Haida Constitution and Rules of Election.
- F. “Declaration of Intent to Serve” means a written notice of intent to serve on Community Council signed by an eligible tribal citizen that certifies their nomination for candidate in an election. A Declaration of Intent to Serve must include: name, address, phone number, date of birth, enrollment number (if known), Community they intend to serve and email address, if any.
- G. “Delegate” is a citizen duly elected by their Community to an apportioned Delegate seat and qualified in accordance with these Rules of Election.
- H. “Election” means the election of Delegates and other Community Council Members, if any, in a single election, with the candidates receiving the greatest number of votes elected Delegate for all apportioned Delegate seats and the remaining candidates elected Community Council Member for the remaining Community Council seats, if any; provided that, in accordance with the Employment Prohibition of **Rule 9**, a person who would have been elected as a Delegate but is not eligible to serve by virtue of their employment at Tlingit & Haida will be elected to a Community Council Member seat and a person who only submitted a Declaration of Intent to Serve as a Community Council Member will be elected to a Community Council Member seat. All elections shall be conducted in accordance with the Rules of Election. All elections shall be conducted consistent with the principle of one person

one vote.

- I. “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.
- J. “Executive Office” means the President and Vice Presidents in accordance with the Tlingit & Haida Constitution.
- K. “Executive Officers” and “Executive Council” means the elected Officers of Tlingit & Haida including the President and Vice Presidents as well as the President Emeritus, if any, and Emerging Leader.
- L. “Local Election Official” is defined in **Rule 4**.
- 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 Central Council of Tlingit & Haida Indian Tribes of Alaska (Constitution of Tlingit & Haida, Article II).
- N. “Notice” means to announce to Tribal citizens by various means that may include the official Tlingit & Haida website, an official Community website, official Tlingit & Haida social media, newspaper, radio, television, or other public posting.
- O. “Official Community Council List” means the Official Voting List and the list containing the names of all citizens who are under 18 years of age before the date of any held under these rules registered with a Community Council.
- P. “Official Elections E-mail” means the email address maintained by the Program Compliance Department for election purposes.
- Q. “Official Voting List” means the list containing the names, in alphabetical order, of all qualified voters in the Community.
- R. “Parent” means a person with legal authority to act on behalf of a minor child and shall include a legal guardian.
- S. “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.
- T. “Tlingit & Haida,” means the official Central Council of the Tlingit & 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) and Public Law 103-454 - Nov. 2, 1994, 108 STAT. 4791, Title I (25 U.S. Code § 5130(2)) and Title II.

- U. "Voting Website" means the software maintained by the Program Compliance Department for election purposes.

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 Community must submit a resolution requesting designation, signed by at least 25 Tlingit & Haida citizens residing in that proposed community, to the Office of the President by the resolution deadline identified in the Standing Rules of Order.
- B. A proposed community must have at least two hundred (200) Tlingit & Haida citizens who would be eligible voters were the proposed community a designated Community.
- C. It takes an affirmative vote of two-thirds (2/3) of the total Delegates registered at a Tribal Assembly to authorize the designation of a new community.

Section 3. Tlingit & Haida may delete from the list of Communities and merge two or more communities into one under the following conditions if a Community fails to seat a Delegate for three (3) consecutive election cycles. It takes an affirmative vote of two-thirds (2/3) of the Delegates registered at a Tribal Assembly to take action pursuant to this Section.

RULE 3. APPORTIONMENT OF DELEGATES

Section 1. Each community shall elect one Delegate to Tlingit & Haida for each two hundred (200) citizens or fraction thereof registered on the Official Voting List of that Community, provided that no Community Council shall be allocated less than two Delegates or more than 25 Delegates.

Section 2. The lists as of the third Friday of January of an election year shall be the final list upon which the number of Delegates per Community shall be allocated.

RULE 4. LOCAL ELECTION OFFICIALS

Section 1. The Local Election Official shall be a Tlingit & Haida employee, whose job duties include supporting the Program Compliance Department in its implementation of the Election process.

- A. As an employee, the Local Election Official shall be bound by Tlingit & Haida's employment policies, including provisions regarding conflicts of interest. Concerns regarding potential conflicts of interest shall be directed to Official Elections E-mail.
- B. Communities which have local election committees may not unduly influence the election process by giving directions to the Local Election Officials that could be

construed as giving an unfair advantage to any candidate, whether Delegate or Community Council Member. Local committees should only provide general oversight.

RULE 5. VOTING AGE

Section 1. A citizen at least eighteen (18) years old on or before the date of any regular election held under these Rules shall be entitled to vote.

RULE 6. COMMUNITY REGISTRATION

Section 1. The Program Compliance Department shall be responsible for Community registration in accordance with this Rule.

Section 2. Living persons who appear on the Tribal Citizenship Roll and are 18 years of age or older on the date of any regular election held under these Rules shall be entitled to register, and be listed on the Official Voting List, with a Community as follows:

- A. A citizen shall be registered with the Community where the citizen has been a permanent resident for at least 30 calendar days prior to the opening of nominations;
or
- B. If they do not resident within a Community they shall be registered with the Community nearest to the place where they reside; provided that it is within one hundred (100) miles of their residence.

Section 3. Living persons who appear on the Tribal Citizenship Roll and are under 18 years of age before the date of any regular held under these Rules shall be entitled to register, and be listed on the Official Community Council List, with a Community as follows:

- A. If the Parent is a tribal citizen registered to a Community, the minor child shall be registered to the same Community as the Parent.
- B. If the Parent is not a tribal citizen:
 - 1. The minor child shall be registered to the Community where the Parent has been a permanent resident for at least thirty (30) calendar days prior to nominations;
 - 2. If the Parent does not reside withing a Community, the minor child shall be registered with the Community nearest to the place where the Parent resides; provided that it is with one hundred (100) miles of the place of the Parent's residence; or
 - 3. If the parent does not reside within a Community or within one hundred (100) miles of a Community, the minor child shall be registered with the Community of the Parent's choice.

Section 4. A citizen whose permanent residence is within 100 miles of a Community may remain registered with their Community when Temporarily Away from their permanent residence.

- A. "Temporarily Away" means a nonpermanent relocation that is reasonable in duration where a citizen has moved their place of residence but intends to return to their

permanent place of residence once they have completed to the Reason for the Temporary Move.

- B. “Reason for the Temporary Move” includes, but is not limited to, military deployment, medical treatment, education or incarceration.

RULE 7. 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 the first Friday in January of an election year. This Official Voting List for each Community shall be posted on the official Tlingit & Haida website and may be posted at other locations frequented by citizens, which locations shall be documented in election procedures.

Section 2. This Official Voting List shall be open to inspection by local tribal citizens, 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 emailing Official Elections E-mail.

RULE 8. NOTICE OF ENROLLMENT AND ELECTION

Section 1. By the first Friday in the November before an election year, Tlingit & Haida shall publish 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. By the first Friday of January in an election year, Tlingit & Haida shall publish a notice setting forth:

- A. The date of the Election, as provided in the Constitution;
- B. The dates and times voting will open and close, which opening date shall be the date ballot are mailed and which closing date shall be the date of the Election;
- C. The requirement for a Declaration of Intent to Serve form and opening and closing dates for submission of such form;
- D. That all Community and Community Council elections shall be conducted by electronic voting;
- E. The date when a complete list of nominated candidates will be published, which date shall be the next business day after nominations close; and
- F. A statement providing the date that ballots will be mailed, which date shall be four Fridays before the date of the Election.

RULE 9. NOMINATIONS; QUALIFICATIONS OF CANDIDATES

Section 1. In order to qualify as a candidate or nominee for election as a Delegate or Community Council Member for any Community, a person must be registered on the Official Voting List and

have timely submitted a signed Declaration of Intent to Serve.

- A. The Declaration of Intent to Serve form shall be available during the nomination period. It shall be available on the official Tlingit & Haida website, in hard copy at Tlingit & Haida offices, and in hard copy at nomination meetings, if a nomination meeting is held.

Section 2. Subject to the provisions of these Rules and the Constitution and any applicable resolutions of Tlingit & Haida, the nominations shall be:

- A. Accepted for two weeks (14 calendar days) from the fourth Friday of January in an election year;
 - 1. Communities may hold a nomination meeting, though submission of nominations may not be limited to a nomination meeting;
 - a. Nomination meetings must be open for a minimum of one hour;
 - b. A minimum of two week's Notice must be provided to the Community prior to the meeting date and the notice must include all nominating requirements and contact information; and
- B. Submitted by Close of Business to the Official Elections E-mail or the Local Election Official within the nomination period, including all nominations resulting from a nomination meeting.

Section 3. The name of each qualified nominee shall be placed on an official ballot.

- A. Persons nominated or declaring candidacy after the nomination deadline may only run as a "write-in" candidate. Any person who is elected as a "write-in" must submit a Declaration of Intent to Serve prior to being sworn in; the Declaration of Intent to Serve must be submitted by Close of Business within 14 days of the date election results are certified by the Program Compliance Department.

Section 4. Employment Prohibition

- A. Except as provided in the Constitution, no Delegate shall be a permanent employee of Tlingit & Haida.
- 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 10. VOTING

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

- A. Only the registered voter is eligible to request voter information to cast a ballot, requests may be made in person, by phone, or by email to the Official Elections E-mail.
- B. Multiple ballots may not be authorized or received.

Section 2. 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' username and password; and
- C. Instructions for once a voter has logged into the Voting Website.

Section 3. Persons not appearing on the Official Voting List may vote as a "questioned" ballot. Questioned ballots shall be handled in the following manner:

- A. The Program Compliance Department will verify that the voter is an enrolled Tribal citizen.
- B. If it is found that the voter is on the Tribal Citizenship Roll, the voter shall be provided electronic voting instructions;
- C. If the following conditions exist, the vote shall be disallowed:
 - 1. The voter is under the age of 18;
 - 2. The voter has voted in another Community;
 - 3. The voter is not a Tribal citizen; or
 - 4. The voter did not vote within the prescribed time frame.

RULE 11. ELECTION

Section 1. Each citizen on the Official Voting List of a Community may vote for up to the number of Delegates and Community Council Members, if any, 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 unofficial results on its website as soon as the results are known or no later than Close of Business the following business day.

Section 2. In the event of a tie for a seat, Tlingit & Haida will perform the tiebreaker ceremony by shuffling and cutting cards with the high card winning by Close of Business the following business day.

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 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. PROHIBITION OF PROXY VOTING

Section 1. Voting by proxy will not be permitted.

RULE 13. ELECTION CHALLENGE

Section 1. Any candidate for Delegate or Community Council Member may challenge the election results of their Community by:

- A. Submitting to the Official Election E-mail, by the Challenge Deadline, a written statement challenging the results, clearly stating the grounds for the challenge, including reference to the specific rule(s) allegedly violated, and by providing substantiating evidence, if any.

- 1. Challenge Deadline means Close of Business on the business day following the posting of the unofficial results.

Section 2. If a timely and complete challenge is received, the President, in consultation with the Elections Committee Chair, shall appoint a Challenge Committee. If the Election Committee Chair has a conflict of interest, the President shall appoint the Challenge Committee without consultation. The Challenge Committee shall be appointed no later than Close of Business on the business day following the Challenge Deadline.

- A. The Challenge Committee shall be appointed from within the members of the Elections Committee and consist of three (3) members.
- B. The Challenge Committee will make every effort to resolve the dispute in a fair and impartial manner utilizing the least intrusive method and any remedies shall be consistent with the Election Remedies provided for in these Rules.

RULE 14. ELECTION REMEDIES

Section 1. If in the opinion of the elections Chair, there is a need for an Elections remedy, the remedy may be, but is not limited to:

- A. A ruling by the Elections Chair on the eligibility of a voter;
- B. A ruling by the Elections Chair on the eligibility of a candidate for Delegate or Community Council Member; or
- C. The ordering, by the President, of a new election for the affected Community.

Section 2. The Program Compliance Department will be consulted on all issues of voter and candidate eligibility.

RULE 15. SPECIAL ELECTIONS

Section 1. Special elections shall be conducted in accordance with these Rules, provided that where deadlines must be adjusted the new timeframes shall be approved in advance by the Elections Chair.

RULE 16. PAYMENT OF ELECTION EXPENSES

Section 1. The Executive Council is authorized to adopt an election payment plan to fund Elections.

RULE 17. EXECUTIVE OFFICE CANDIDATE NOMINATIONS

Section 1. Pursuant to the Constitution, candidates for Executive Office must submit of a Declaration of Intent to Serve for Executive Office to the Official Elections E-mail, no later than ten calendar days prior to the first day of Tribal Assembly at which an election of officers will be

held.

RULE 18. DELEGATE CONTACT INFORMATION

Section 1. Any Delegate-elect who declares candidacy for President or Vice-President is entitled to a list of delegate contact information, limited to mailing address, phone number, and e-mail address in a useable format. Lists must be requested in writing, submitted to Official Elections E-mail.

RULE 19. TERM OF OFFICE

Section 1. Delegates and Community Council Members shall be elected for terms of two years and shall serve until their successors are elected and certified by the Program Compliance Department as eligible to serve.

Section 2. Delegates and Community Council Members shall take the following oath or attestation of office at their swearing in:

I _____, do solemnly swear or affirm that I will bear true faith and allegiance to the Central Council of Tlingit & Haida Indian Tribes of Alaska, my Community Council and the Tribal citizens; that I will uphold the Tlingit & Haida Constitution and the Constitution of my Community Council, and that I will faithfully discharge the duties of the office upon which I am about to enter.

RULE 20 FILLING VACANCIES; SUCCESSION

Section 1. If a Community Council has a vacancy in the Presidency, the Vice-President, if any, shall succeed to the Presidency. If there is no Vice-President, the method for filling a vacancy shall follow the order of precedence below.

Section 2. Except as described in Section 1 above, a Community Council President, a Community Council shall fill a vacancy, including an Officer vacancy, occurring during the term of office of a Delegate or Community Council Member. In order of precedence, the method of selection shall be:

- A.** The method provided for in the Community Council's constitution unless the constitution of the Community Council refers to the Rules of Election in which case the Community Council may choose between subsection B or C of this section;
- B.** The selection of the next highest vote-getter in the most recent election; or
- C.** A method agreed to by the majority vote of the Community Council in an official meeting.

Section 3. In the event a Community Council is not able to fill a vacancy within 30 calendar days of the vacancy, the Community Council President may appoint a replacement.

Section 4. In the event a Community Council President does not fill a vacancy within 45 calendar days of the vacancy, the vacancy will be filled by the majority vote of the Executive Council. In such cases, the decision of the Executive Council will be final.

Section 5. In the event a Community Council does not fill a Delegate vacancy at least seven days

prior to a Tribal Assembly, the vacancy will be filled by the majority vote of the Executive Council. In such cases, the decision of the Executive Council will be final.

Section 6. Any replacement Delegate or Community Council Member must be certified by the Program Compliance Department.

RULE 21 REMOVAL AS DELEGATE

Section 1. A Delegate may only be removed from office for cause, after notice and an opportunity to be heard.

A. Cause includes:

- 1.** Conviction of a felony offense or an offense involving an act of moral turpitude, and either a two-thirds (2/3) affirmative vote of the Tribal Assembly Delegates or at least four Vice-Presidents of the Executive Council at an Executive Council meeting;
- 2.** Malfeasance, misfeasance or misconduct that constitutes gross misconduct while in office or a violation of oath of office, and a two-thirds (2/3) affirmative vote of the Tribal Assembly Delegates; and
- 3.** Incapacity to perform or failure to perform official duties, including:
 - i.** Failure to satisfy the requirements for holding office as provided in the Rules of Election;
 - ii.** Absence from three consecutive days of any Tribal Assembly annual meeting without prior notice of good reason with such absence approved by the Tribal Assembly Delegates;
 - iii.** Gross misconduct in office or neglect of duty after Election; and
 - iv.** Physical or mental incapacity to perform the duties;and a two-thirds (2/3) affirmative vote of the Tribal Assembly Delegates.

B. The Delegate's notice requires a written statement of the basis for removal be provided to the Delegate at least 10 days prior to the meeting at which a vote on removal is taken.

C. The Delegate up for removal shall be provided an opportunity to be heard prior to the vote being taken.

RULE 22 REMOVAL AS COMMUNITY COUNCIL MEMBER OR OFFICER

Section 1. A Community Council Member may only be removed from office as a Community Council Member for cause, after notice and an opportunity to be heard.

A. Cause includes:

- 1.** Conviction of a felony offense or an offense involving an act of moral turpitude;
- 2.** Malfeasance, misfeasance or misconduct that constitutes gross misconduct while in office or a violation of oath of office; and

3. Incapacity to perform or failure to perform official duties, including:
 - i. Failure to satisfy the requirements for holding office as provided in the Rules of Election;
 - ii. Absence from three regular Community Council meetings without prior notice of good reason;
 - iii. Gross misconduct in office or neglect of duty after Election; and
 - iv. Physical or mental incapacity to perform the duties.

B. Community Council Member notice requires a written statement of the basis for removal be provided to the Community Council Member at least 10 days prior to the meeting at which a vote on removal is taken.

C. The Community Council Member up for removal shall be provided an opportunity to be heard prior to the vote being taken.

D. Removal requires a two-thirds (2/3) affirmative vote of the Community Council.

Section 2. A Delegate or Community Council Member may only be removed as Community Council Officer for cause, after notice and an opportunity to be heard, consistent with Section 1 of this Rule.

RULE 23. ELECTION RULES PRECEDENCE

Section 1. In the event a Community Council has election procedures that are not the same as these Rules, these Rules will take precedence in settling disputes.

RULE 24. AMENDMENT OF RULES

Section 1. Except as noted below, Tlingit & Haida may amend these rules from time to time by a majority vote of the Delegates during Tribal Assembly.

Section 2. **Rule 21** and **Rule 22** may only be amended by a two-thirds (2/3) affirmative 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, April 20, 2018, April 20, 2022, and **April 21, 2023.**