SHEET’KÁ ḴWÁAN TRIBE
ELECTION ORDINANCE
(02.01)

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Chapter 1 General Provisions

02.01.01 Purpose

This Ordinance is adopted pursuant to Article VI, Section 4 of the Sheet'ká Kwáan Tribe (SKT) Constitution, to provide definitive rules to govern elections at the Sheet'ká Kwáan Tribe.

02.01.02 Authority and Scope of Ordinance

(a) Authority

Article VI, Section 4 of the Sheet'ká Kwáan Tribe Constitution states that "[t]he Tribal Council shall adopt an election ordinance establishing rules and procedures to govern all aspects of voter registration, campaigns, nominations, candidate filings, elections, election protests, and related matters."

(b) Scope

This Election Ordinance covers the foundational rules and requirements of SKT Elections. Additional details about how to implement the Election Ordinance can be found in the associated Election Regulations. The Election Ordinance and Election Regulations, along with provisions of the Constitution, are the final authority on all election-related questions. If there are any conflicts between the Election Ordinance and the Election Regulations, the Election Ordinance shall prevail. If there are any conflicts between the Election Ordinance and the Constitution, the Constitution shall prevail.

Tribal Council hereby authorizes the Governance Committee to draft Election Regulations that establish all requisite procedures for STA elections. The Election Regulations shall be approved by Governance Committee, with an FYI to Tribal Council prior to taking effect.

02.01.03 Term of Office

Tribal Council members serve multi-year terms, as described in Article VI of the SKT Constitution. Terms begin on December 1 and end on November 30, except "for cause" as defined in Section 12.01(a) and Chapter 13 of this ordinance. Council members shall be sworn in at the first meeting in December unless good cause exists to delay certification of election results under this Ordinance in Chapter 13.

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02.01.04 Vacancy on Tribal Council

In the event of a vacancy, the Tribal Council has the authority to appoint a new Council member to fill that vacancy pursuant to Article IV, Section 10, of the SKT Constitution. The person to be appointed must meet the eligibility requirements of Section 02.01.12. The Tribal Council must fill any vacancy within forty-five (45) days of the vacancy. The person appointed to fill a vacancy will serve for the remainder of the term of the Council member who vacated the seat.

02.01.05 Computation of Time

(a) Deadlines in Chapter 13 that fall on a weekend day or holiday shall be met the next working day following the weekend day or holiday.

(b) Weekends and holidays will count toward final computation of time for all matters of this Ordinance.

02.01.06 Definitions

For purposes of this Election Ordinance and the Election Regulations, the terms listed below shall have the following meanings:

(a) "Candidacy Materials." A notice of candidacy setting forth the required qualification information and supplemental criminal background check application for Tribal Council candidates and Election Officials pursuant to Section 02.01.15.

(b) "Citizens." An officially enrolled Citizen of SKT, as defined in the Enrollment Ordinance and Article III of the SKT Constitution.

(c) "Domicile." The true and permanent home of a person, from which the person has no present intention of moving and to which the person intends to return whenever the person is away.

(d) "Election Committee." The Election Committee shall consist of the Election Supervisor and two Election Judges.

(e) "Election Judges." The two individuals appointed by the Tribal Council pursuant to Section 02.01.28 and who qualify pursuant to Section 02.01.14 to serve as Election Judges.

(f) "Election Officials." The Election Supervisor, Election Judges, and Election Workers.

(g) "Election Supervisor." The individual appointed by the Tribal Council pursuant to Section 02.01.24 and who qualifies pursuant to Section 02.01.14, to coordinate voting activities and to chair the Election Committee.

(h) "Election Workers." The individuals appointed by Tribal Council pursuant to Section 02.01.24 and who qualify pursuant to Section 02.01.14 to serve as Election workers.

(i) "Eligible Voters." Tribal Citizens who meet the voter qualification standards described in Section 02.01.11.

(j) "Holiday". See definition in the Employee Handbook.

(k) "Immediate Family." See definition in Code of Conduct Section 1.04(d).

(l) "Initiative." The right of the voters to propose ordinances for the approval of the Tribal Council.

(m) "Political Persuasion." To work or exert oneself in a prohibited way to obtain the election of a candidate or party pursuant to Sections 02.01.34-02.01.36, especially through campaigning, posting signs or otherwise attempting to persuade the public to vote a certain way within 200 feet of a polling location or discussing candidates or ballot issues inside a polling location.

(n) Sheet'ká Kw̲áan Tribe (SKT). The Tribe, also known as the Sitka Community Association and Sitka Tribe of Alaska, now known as the Sheet'ká Kwáan Tribe, a federally recognized Tribal government.

(o) "Crimes involving a sexual offense". See definition in Criminal Background Check Ordinance 01.04.03(c).

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(p) "Crimes of violence". See definition in Criminal Background Check Ordinance 01.04.03(a)(1).

(q) "Crimes against persons". See definition in Criminal background Check Ordinance 01.04.03(a)(2).

(r) "Crimes of dishonesty". See definition in Criminal Background Check Ordinance 01.04.03(b).

(s) "Sitka Territory." The geographic area described in Article II of the SKT Constitution.

(t) "Question Ballot." A ballot that is voted by a person who claims to be a registered voter, but for whom no evidence of registration at the voting place can be found. A question ballot shall be so designated.

(u) "Weekend Day" means Saturday or Sunday.

(v) "Working Day" means Monday through Friday.

02.01.07 Severability

The provisions of this Ordinance are severable and should any provision of the Ordinance be determined by a court of competent jurisdiction to be invalid, that determination does not affect the validity of any other provision of this Ordinance.

Chapter 2 Scheduling of Elections

02.01.08 Scheduling General Elections

(a) The general elections of the Tribal Council shall be held in November every year, pursuant to Article VI, Section 1 of the SKT Constitution, except as decreed by emergency Ordinance.

(b) An Election Proclamation shall be posted in a public place at least thirty (30) days before the election, notifying voters of the upcoming election, pursuant to Article VI, Section 1 of the SKT Constitution.

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02.01.09 Scheduling Special Elections

(a) Special elections shall be held on dates specified by the Tribal Council.

(b) An Election Proclamation for a special election, notifying voters of the upcoming special election, shall be posted in a public place at least ten (10) days before the election, pursuant to Article VI, Section 2 of the SKT Constitution..

02.01.10 Procedure for Re-scheduling an Election

(a) General Election

In the event an emergency arises, and the general election must be canceled, the election can be rescheduled with at least ten (10) days public notice of the change. To re-schedule the general election, the Council must pass an emergency ordinance pursuant to Article VII, Section 6 of the SKT Constitution. The emergency ordinance must state the alternate date for the election and the election should still happen within the month of November, if possible.

(b) Special Election

In the event an emergency arises, and a special election must be canceled, the election can be rescheduled with at least ten (10) days public notice of the change.

Chapter 3 Qualifications

02.01.11 Voter Qualifications

(a) Any enrolled Tribal Citizen of SKT is eligible to vote if that Citizen meets the qualifications stated in Article VI, Section 3 of the SKT Constitution.:

02.01.12 Candidate Qualifications

To be eligible for nomination and election to the Tribal Council a person must meet the eligibility requirements specified in Article IV, Section 3 of the SKT Constitution and:

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(a) Not have been removed or recalled pursuant to Tribal Ordinance or Article IV, Section 8 or 9 of the SKT Constitution.

(b) Not have been found guilty of, or entered a plea of no contest or guilty to any felony crime, or has been found guilty of, or entered a plea of no contest to a crime of violence or crime against a person (adult or child) as defined in Section 02.01.06 (p) and (q), or any crime, felony or misdemeanor, involving a sexual offense as defined in Section 02.01.06(o).

(c) Felony crimes referred to in subsection (b) shall not include convictions related to the exercise of inherent Tribal rights where the Tribal Council makes a determination by resolution that any such conviction qualifies as a valid exercise of inherent Tribal rights.

(d) It shall be the responsibility of the candidate with any such conviction referred to in subsections (c) and 02.01.06 (p) and (q) to present the Tribal Council with a proposed resolution no later than the forty-fifth (45th) day preceding the election. Upon a timely presentation the Tribal Council shall make a determination on any such proposed resolution no later than the thirtieth (30th) day preceding the election. The determination by the Tribal Council action shall be final with no appeal process.

(e) It shall be the responsibility of the candidate to disclose any prior discipline, sanction, removal or admonishment from any Tribal government committee, council, or appointment. Failure to disclose this type of discipline shall disqualify the candidate from an election.

02.01.13 **Employees Seeking Election to Tribal Council**

(a) SKT employees and employees of BIHA, SNEP or Tribal enterprises who meet the qualifications of Section 02.01.12 of this ordinance may run for office but must resign from employment prior to being sworn in as a Tribal Council member.

(b) An employee may not campaign for office while on the job and shall continue to perform the duties of their job in a timely and efficient manner. See Election Regulations, Chapter 5.02 for more detail.

(c) In the event a Tribal Council member seeks employment at SKT the Council member must resign from the Council prior to applying for a job at SKT.

02.01.14 Election Officials Qualifications

(a) The Election Supervisor, Election Judges (2), alternate Judge (1), and Election Workers must be over the age of eighteen and shall not:

(1) Be a candidate for Tribal office or be a member of the immediate family of a candidate for office;

(2) Be a Tribal Council member or a member of the immediate family of a Council member;

(3) Be a sponsor of an initiative or referendum or the immediate family of a sponsor;

(4) Be an employee of SKT; or

(5) Ever have been convicted of any felony or any offense involving dishonesty or fraud, as defined by Section 02.01.06.

(b) An Election Official is not required to be a Citizen of SKT, but the participation of Tribal Citizens is strongly encouraged.

Chapter 4 Filing for Tribal Office

02.01.15 Filing Candidacy Materials

(a) Any person seeking to become a candidate shall file Candidacy materials with the Election Supervisor or other person designated by the Tribal Council at least forty-five (45) days prior to Election Day in a general election and thirty (30) days prior to Election Day in a special election. Candidacy materials consist of the following:

(1) A notice of candidacy form. The notice of candidacy shall set forth the qualification information required in Section 02.01.12; and

(2) A supplemental criminal background check application for Tribal Council Candidates and Election Officials; and

(3) The SKT General Manager shall be responsible for the preparation of the Notice of Candidacy Form and shall process the background checks consistent with the policy and process in the SKT Background Check Ordinance.

(b) The Election Supervisor shall note the date, hour, and minute of filing.

(b) After the election, the Election Supervisor shall deliver to the Tribal Attorney all candidacy materials received for record keeping purposes.

02.01.16 **Withdrawing Candidacy**

(a) Until eight (8) days prior to the election, any candidate may withdraw from the election as a candidate. To withdraw, a candidate must submit to the Election Supervisor a statement signed and dated by the candidate stating their intent to withdraw as a candidate.

(b) Once a notice of withdrawal is submitted, the candidate cannot later decide to re-enter as a candidate unless the re-filing as a candidate occurs prior to the deadline requirements of 02.01.15(a).

02.01.17 **Testing Eligibility of Candidates**

(a) The Tribal Attorney shall review the criminal background check and shall notify the Election Supervisor of candidate eligibility.

(b) The Election Supervisor shall confirm the eligibility of each person seeking to become a candidate at least 28 days prior to the scheduled election in consultation with the Tribal Attorney. If the Election Supervisor determines that a person is not eligible, the notice of candidacy shall be rejected.

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Chapter 5 Ballots, Election Proclamation, and Notice of Election

02.01.18 Ballots

(a) All Eligible Voters will be able to vote by electronic voting or by paper ballot. Eligible voters may not cast more than one ballot per election. All ballots will be cast anonymously

(b) The ballots shall be uniformly displayed with black font. The ballots shall include voting instructions.

(c) The ballot shall set forth the name of the office and shall list all candidates under each office with the names listed, as the name appears on the candidacy materials or how the individual is legally known in addition to commonly known nick-names, in alphabetical order, and shall provide boxes for the voter's mark. The ballots shall also set forth places for write-in candidates. Write-in ballots shall be counted for the candidate whose name most closely reflects the voter's intent and no other candidate has a name so similar to the name as written to leave reasonable doubt to the voter's intent.

(d) Referendum and initiative issues shall be worded clearly and neutrally, and shall have boxes labeled "for" or "against" for the voter's mark.

(e) No matter the form of the ballot and the voter marks on the ballot, SKT intends for maximum access to vote and will make all reasonable accommodations to support counting SKT Citizens' ballots so long as the voter's intent can be clearly understood.

02.01.19 Election Proclamation

The Election Proclamation will contain the following:

(a) The date of the Election Day;

(b) The location of all polling places;

(c) The date, time, and place of the early voting and electronic voting, as applicable;

(d) The name of the Election Supervisor and their professional contact information;

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(e) A sample ballot;

(f) General instructions for voting; and

(g) The Eligible Voter list.

02.01.20 Notice of Election

The Notice of Election will contain the following:

(a) The date of the Election Day;

(b) The location of all polling places;

(c) The date, time, and place of the early voting and electronic voting, as applicable;

(d) The name of the Election Supervisor and their professional contact information;

(e) Specialized instructions for voting, including a personal identification number for electronic voting, as applicable.

Chapter 6 Early Voting

02.01.21 By mail:

(a) All Eligible Voters shall receive a Notice of Election and paper ballot by registered mail.

(b) If Eligible Voters wish to vote before Election Day, Voters may mail this paper ballot to the Election Supervisor or hand deliver the ballot to an SKT ballot box before the polls close on Election Day. Mailed ballots must be received by the Election Supervisor before polls close on Election Day to be counted.

02.01.22 In-Person:

(a) All Eligible Voters may also vote early in-person. In-person early voting will occur on the dates and times stated on the Notice of Election.

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Chapter 7 General Manager Responsibilities

02.01.23 General Manager Responsibilities

The GM or their designee has the following duties regarding Tribal Council elections:

(a) Duty to solicit Election Supervisor bids;

(b) Duty to solicit interested Tribal Citizens to serve as Election Judges;

(c) Duty to post Election Proclamation in a public place;

(d) Duty to prepare candidacy materials;

(e) Duty to prepare voter list;

(f) Duty to publish sample ballot;

(g) Duty to prepare timeline prior to general election; and

(h) Duty to prepare timeline prior to special election.

The details of these duties are laid out in the Election Regulations.

Chapter 8 Tribal Council Responsibilities

02.01.24 Designation of Election Officials

(a) The Tribal Council shall appoint an Election Supervisor and two (2) Election Judges who may also serve as Election Workers qualified under section 02.01.14 at least sixty (60) days before a general election and as soon as practicable before a special election.

(b) The Council shall also designate one (1) alternate Election Judge to serve in the event that an Election Judge cannot or will not fulfill their duties.

02.01.25 Designation of Polling Places

(a) The Tribal Council shall designate all polling locations no earlier than sixty (60) days prior to the Election and no later than thirty (30) days prior to the general election.

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Chapter 9 Election Officials

02.01.26 Membership, Duties and Powers of the Election Committee

(a) The Election Supervisor and the Election Judges shall constitute the Election Committee. The Supervisor and Judges shall each have one equal vote. The alternate Judge shall be a non-voting member of the Committee, unless and until one of the Judges does not or cannot fulfill their duties.

(a) The Election Committee shall canvass votes as provided in Section 02.01.31.

(b) The Election Supervisor shall test the eligibility of candidates as provided in Section 02.01.12 of this Ordinance and shall rule on challenges to a candidate's qualifications as provided in the Election Regulations.

(c) The Election Committee shall rule on protests of the election results as provided in the Election Regulations.

(d) The Election Committee shall serve as the recount board as provided in the Election Regulations.

02.01.27 Duties of Election Supervisor

(a) The Election Supervisor shall be responsible for all requirements for conducting the election as described in Chapter 10 (Sections 02.01.31-02.01.33).

(b) If desired, the Election Supervisor shall hire additional Election Workers that meet the eligibility requirements as specified in Section 02.01.14 at least five (5) days prior to the election. The Election Supervisor shall require all Election Workers submit to a background check consistent with the SKT Background Check Ordinance to verify that the Worker has not been convicted of any felony offense or any offense involving dishonesty or fraud. The Tribal Attorney will report the results of criminal background check screenings to the Election Supervisor.

(f) The Election Supervisor shall ensure that the Election Judges appointed by the Tribal Council meet the eligibility requirements and as specified in Section 02.01.14. The Election Supervisor shall require all Election Judges submit to a

background check consistent with the SKT Background Check Ordinance to verify that the Judge has not been convicted of any felony offense or any offense involving dishonesty or fraud. The Tribal Attorney will report the results of criminal background check screenings to the Election Supervisor. The Election Supervisor will notify the Tribal Council of any appointed judge who is ineligible to serve in a timely manner and request the appointment of another judge.

(g) The Election Supervisor is responsible for the formatting of the ballot, printing and mailing the ballots, and mailing out notices of election to all Eligible Voters.

(h) The Election Supervisor shall provide all necessary election equipment and supplies, including private polling booths, voting tablets, copies of the Eligible Voter list, and necessary office supplies, and deliver all supplies to the polling locations before the opening of the polls.

(h) The Election Supervisor shall be knowledgeable about this Ordinance, enforce its provisions, and provide training to the Election Judges and Election Workers so that all provisions are followed. The training will include specific instruction on how to identify and prevent political persuasion activities, how to provide assistance to voters without influencing voter decision-making, and review the responsibilities of the election workers and election judges for the day of the election.

(i) The Election Supervisor shall be responsible for canvassing the vote pursuant to Section 02.01.31 and for the management of a recount pursuant to Section 02.01.32.

(k) The Election Supervisor shall have custody and responsibility for all election materials, including the Eligible Voter List and raw election data.

02.01.28 **Duties of Election Workers**

(a) The Election Supervisor and/or Election Workers shall be present at the polling place on Election Day one (1) hour before the polls open and shall remain until after the polls close.

(b) The Election Workers shall be responsible for all duties detailed in Chapter 9 (Section 02.01.26 – 02.01.30) and Section 02.01.31 and for ensuring polling place procedures are followed.

02.01.29 Duties of Election Judges

(a) Election Judges shall serve on the Election Committee and be responsible for all the duties of the Election Committee in Section 02.01.26.

(b) The Election Judges may also serve as Election Workers and have all the same duties as Election Workers as described in Section 02.01.28.

02.01.30 Compensation of Election Officials

(a) The Election Supervisor will be compensated at a rate approved by the Tribal Council.

(c) The Election Judges and Election Workers will be compensated at a rate set by the Election Supervisor.

Chapter 10 Canvassing and Recounts

02.01.31 Canvassing the Votes; Reviewing Question Ballots; Canvass of Results

(a) After the voting period ends, the Election Committee shall initiate the vote count.

(b) All "question ballots" shall reviewed by SKT's Enrollment Officer to verify eligibility. The Enrollment Officer shall reference the written and electronic enrollment records of SKT to determine if the voter is an enrolled Tribal Citizen. The results of such verification shall be presented to the Election Committee. If the Election Committee deems a "question ballot" to be cast by an eligible voter, the vote shall count. If the Election Committee deems a "question ballot" has been cast by an ineligible voter, then the ballot will be rejected as improper.

(c) Any ballot rejected as improper by the Election Committee shall be documented by the Election Supervisor and Election Judges before it is set aside.

(d) Each candidate shall be entitled to one watcher who shall not be compensated by the Council. The watcher may watch the counting and tallying of the votes and may challenge any ballot as it is counted and tallied. The Election Committee shall immediately rule on the challenge of a ballot. The Election Committee notate that the ballot was challenged, and enter their decision on the challenge in the electronic voting software.

(e) The Election Committee shall acquire all raw election data and store it securely. See Election Regulations for more detail.

(f) No later than 10:00am on the calendar day following completion of this canvass the Election Committee shall complete their written certificate of election returns and report the results to the General Manager who will share the results with the Tribal Council for review and certification at the next regular Council meeting.

(g) The Election Committee's certificate of election returns may be released to the public by the General Manager pending official certification by the Tribal Council.

(h) In the event of a tie vote for an office, a run-off election between or among the candidates tied for office shall be held pursuant to the special election timelines established in these Regulations.

(i) The Election Supervisor shall be responsible for the security of the ballots and election materials.

(j) Unless instructed otherwise by the Tribal Council, nine (9) months after the date of the election, the Election Supervisor shall be responsible for destroying the envelope containing the ballots, all check lists, and the voter registration book.

02.01.32 **Recounts**

(a) No recount of votes in any Tribal election shall be made except in accordance with the provisions of this Section.

(1) Any candidate defeated by a margin not exceeding one percent (1%) of the total votes cast for all candidates in the same office, or by a margin not exceeding seven (7) votes, whichever is greater, or who is tied with another

candidate for an office, may, within three (3) days after the official canvass, file with the Election Supervisor a written request that the votes for the office be recounted. A recount under this subsection shall be without charge to any candidate.

(2) The votes deciding an issue presented at a referendum or initiative, by a margin not exceeding one percent (1%) of the total votes cast for or against the issue, or by seven (7) votes, whichever is greater, may be recounted upon request by resolution of the Tribal Council presented to the Election Supervisor within three (3) days after the official canvass. The expense of the recount shall be a Tribal expense.

(b) The Election Committee, immediately upon receipt of a lawful request for a recount, shall act as the recount board. The recount board may request clerical assistance from the General Manager.

(c) The Election Supervisor shall fix the recount within three (3) days after they receive the request for a recount. The recount shall be held in the Tribal offices. The Election Supervisor shall promptly notify, by telephone or messenger confirmed by certified letter, each candidate affected by the recount of the times and places of the recount.

(d) Any recount shall be open to the public and the news media, but the audience may be limited to prevent interference with the procedures.

(e) Each candidate affected by a recount may be present at the recount, personally or by a representative, and shall have full opportunity to witness the opening of all ballot boxes and the count of all ballots.

(f) If the recount is on a referendum or initiative issue, one qualified voter from each side of the question may be present to represent each side.

(g) The Election Supervisor shall be responsible for management of the recount.

(1) The Election Supervisor shall access the raw election data from the electronic voting platform and present it in a secure manner to the Election Judges.

(2) One Judge shall read aloud each ballot for the offices for which the recount is made. As the ballots are read, the two (2) other members of the recount board shall write the votes cast for each individual on previously prepared tally sheets.

(3) After a recount is completed, the tally sheets shall be compared, and the correctness of the tallies ascertained. Then, the totals for each candidate or each issue shall be compiled and checked for accuracy.

(h) Recounts shall continue until the two tallies have identical totals. At that point, the recount is finished. The new count shall be delivered to the Tribal Council immediately.

(i) Unless instructed otherwise by the Tribal Council, nine (9) months after the date of the recount, the Election Supervisor shall be responsible for destroying the electronic election data.

02.01.33 Intent, Purpose, and Construction of this Chapter 10

The intent and purpose of this Chapter is to establish procedures for fair elections and to ensure the secrecy and sanctity of the ballot. This Chapter shall be construed to accomplish such purpose and intent. Cognizance shall be given to substantial compliance, want of form shall not cause an action or document to be invalid if the intent is clear. Technicalities, as such, shall not be employed to construct or impede elections, or cause confusion, or loss of confidence in the election system.

Chapter 11 Prohibited Practices

02.01.34 Prohibition on Political Persuasion

(a) During the hours the polls are open, no person who is in the polling place or within two hundred (200) feet of the entrance to the polls may engage in political persuasion. See Election Regulations for further detail.

(b) There shall be no loitering in the polling places during voting hours.

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02.01.35 Prohibition on Use of Force

No person shall directly or indirectly use or threaten the use of force, coercion, or violence to induce or compel a person to vote or not vote for a particular candidate or issue.

02.01.36 Prohibition on Undue Influence

(a) No person shall give or promise to give money or other valuable things with the intent to influence that person to vote or not vote for a particular candidate or issue.

(b) Providing refreshment of any kind on election day by any candidate or group supporting a question on the ballot is strictly prohibited and is considered an attempt to influence voters.

(c) The provision of refreshments by any person seeking to influence others to sign or not to sign a petition for a ballot initiative is strictly prohibited and is considered an attempt to influence voters.

(d) No person shall take or remove from the voting place any tablet, voting records or materials, except as authorized under this Ordinance.

02.01.37 SKT Tribal Council Members Prohibition on Campaigning with SKT Resources

No current SKT Tribal Council member will support or promote any political activity or interest in any SKT Tribal election with any SKT resource. This specifically prohibits Tribal Council members from the use of SKT computers, printers, wi-fi hot spots provided by SKT, SKT email, office supplies, or office during or after regular office hours, to influence a person to vote or not to vote for a particular candidate or issue. This does not include personal cell phones even if SKT provides that SKT Council Member with a stipend to mitigate costs for use of that personal cell phone.

SKT Tribal Council Members are not to be deprived of their rights to political speech by this section however, the Council Member shall not be permitted to use any SKT government resources while they engage in political speech activities.

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Chapter 12 Certification of Election

02.01.38 Tribal Council Certifies Election

(a) At the first regular meeting of the Tribal Council after the election, the Council will meet and certify the returns. The certification may only be postponed while there is an ongoing election protest pursuant to Chapter 13 (Sections 02.01.41-02.01.45) of this Ordinance. The certification shall be by motion, in an open and public meeting and the results will be set forth in the minutes of the meeting. Upon certification, Tribal staff will issue a written certificate of election to the winning candidates.

(b) In no instance is dissatisfaction with valid election results the basis to delay certification of election results.

02.01.39 Public Certification

The Tribal Council's certification of all election returns will be made in public by examining the Election Committee's certificate of returns and compiling these along with the count of valid absentee and challenged ballots.

02.01.40 Release of Unofficial Election Results

General Manager may release unofficial election results to the media prior to official certification of the election by the Tribal Council and will contact candidates with unofficial results.

Chapter 13 Election Protest Guidelines

02.01.41 Challenge of Candidates

(a) Any qualified voter may challenge the eligibility of any candidate to hold office by filing with the Election Supervisor, not later than twenty-five (25) days preceding the election, a notarized statement written in good faith setting forth the ground for the challenge.

(b) Grounds for Challenges of the candidates are limited to issues of eligibility and citizenship status. See Election Regulations for details on this process.

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02.01.42 Grounds for Challenging Election Results

Any eligible voter may challenge the results of an Election on the grounds that the Election Ordinance and/or Election Regulations were violated. See Election Regulations for details on this process.

02.01.43 Duty to prepare and post guidelines regarding protest process in Election Regulations

The Tribal Attorney or other person designated by the General Manager shall be responsible for preparing easily understandable guidelines regarding the Election Protest process detailed in the Election Regulations so that a Tribal Citizen wishing to file a protest can easily ascertain what is required to protest election results. The guidelines must be posted at least seven (7) days prior to the election.

02.01.44 Duty of Tribal Council to appoint the person to represent SKT in the event of an Election Protest, the person who will serve as Clerk to Judge, and a person to assist protestors with documents related to a protest

(a) The Tribal Attorney will represent SKT and the Election Committee's decision in the event of a protest. In the event the Tribal Attorney position is vacant, the Council shall appoint an individual to serve in this role at least 14 days prior to an election. This appointee must be a member of the Tribal Court Bar. In the event the Tribal Attorney position is vacant, and this appointment is necessary, this appointee shall carry out all obligations and duties of "Tribal Attorney" in this Ordinance.

(b) At the Regular Council meeting immediately prior to an election, the Tribal Council shall appoint an SKT staff member who will serve as clerk to the judge. This clerk to the judge cannot assist protestors with completing documents related to the protest. Any information about the Tribal Court case shall be confidential and the Council shall not ask this person about the case. In addition, this person shall not attend Council meetings related to the protest.

(c) At the Regular Council meeting immediately prior to an election, the Tribal Council shall appoint a person who shall guide any protestor with the process related to the protest. This person shall not be the Tribal Court Clerk, or the individuals

appointed in sections (a) and (b) above. This person shall not provide legal advice and representation to the Protestor.

(d) Any Protestor who would like legal advice and representation is entitled to have an attorney, who is a member of the Sitka Tribal Court Bar, represent them with their case. However, the costs of the attorney shall be at their own expense. No attorney or staff employed by the Tribe shall be the attorney for any protestor.

02.01.45 Partial Invalidity

(a) A vote on one or more issues or candidates, which is rejected as improper under this Ordinance, shall not affect the validity of the vote on other offices or issues on the same ballot.

Chapter 14 Initiatives and Referendums

02.01.46 Initiatives

Pursuant to Article VII Section 7 of the SKT Constitution, any Citizen of SKT may sponsor an initiative to enact a proposed Tribal ordinance. See Section 02.01.06(l) of this Ordinance for definition of initiative.

02.01.47 Referendums

Pursuant to Article VII, Section 7 of the SKT Constitution, any Citizen of SKT may sponsor a referendum to approve or reject enactments, laws, or Ordinances enacted by the Tribal Council.

Chapter 15 Recall Elections

02.01.48 Recall Elections

(a) A petition asking for the recall of a Tribal Council member, pursuant to Article IV, Section 9 of the SKT Constitution, must set forth the reasons for the recall and be signed by at least thirty percent (30%) of the eligible voters as listed on the Eligible Voter List and presented to the Tribal Council.

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(b) Within thirty (30) days of receipt of the petition, the Tribal Council shall call a special election to consider the recall of the named Council member, provided that if a general election is to be held within thirty (30) days the recall shall be put to the voters in such election.

(c) The Council member shall be removed from office if a majority of the vote favors recall in an election in which thirty percent (30%) of the eligible voter's vote.

(d) No Council member may be subjected to recall proceedings more than once in the course of their term.

Chapter 16 Date of Enactments

02.01.49 Date of Enactment of Amendments

This Ordinance was originally enacted by an emergency vote of _6_ in favor, _0_ Against and _3_ Absent, _0_ Abstain, at a Special meeting of the Sitka Tribe of Alaska Tribal Council on September 1, 2000 at which a quorum was present;

This Ordinance was amended by an emergency vote of _8_ in favor _0_ Against _1_ Absent and _0_ Abstain at a special meeting of the Sitka Tribe of Alaska Tribal Council on September 27, 2005 at which a quorum was present.

This Ordinance was further amended by a vote of _7_ in Favor _0_ Against _2_ Absent and _0_ Abstain, at a regular meeting of the Sitka Tribe of Alaska Tribal Council on July 18, 2007 at which a quorum was present.

This Ordinance was further amended by a vote of 8 in favor 0 Against 1 Absent and 0 Abstain, at a regular meeting of the Sitka Tribe of Alaska Tribal Council on June 19, 2013, at which a quorum was present.

This Ordinance was further amended by a vote of 9 in Favor, 0 Against, 0 Absent, 0 Abstain, at a regular meeting of the Sitka Tribe of Alaska Tribal Council on April 21, 2021 at which a quorum was present.

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CERTIFICATION

This Election Ordinance was adopted after three readings at a duly convened meeting of the Tribal Council of the Sheet'ká Kwáan Tribe on May 20, 2026 and at which a quorum was present, by a vote of _9___ IN FAVOR, _0__ AGAINST, __0__ ABSTAIN, and __0__ ABSENT.

Yeidikook'áa | Dionne Brady-Howard
Tribal Chairwoman

Attest:

Lxe'is | Martha Moses
Tribal Secretary