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NATIVE VILLAGE OF EYAK TRIBAL ELECTION CODE

01. TITLE AND AUTHORIZATION

This code shall be known as the “Native Village of Eyak Election Code”. The Native Village of Eyak Tribal Council enacts this Code. It is intended to guide the procedures for all NVE elections that the Election Committee will administer in accordance with the Constitution of the Native Village of Eyak.

02. PURPOSE

The purpose of this Code is to establish fair and uniform policies and procedures for the conduct and management of the Native Village of Eyak elections.

The Native Village of Eyak Tribal Council finds as a matter of Tribal public policy that the objectives of this Code are to ensure that all Native Village of Eyak elections are:

1. Fair.
2. Impartially conducted.
3. Carried out in conformity with the NVE Constitution and Eyak Tribal Codes.

03. DEFINITIONS

For interpreting this Code, the following words and terms shall have these meanings:

1. “Day” means calendar day(s), unless otherwise indicated or specified.
2. “Employment” or “NVE employee” means any regular employee of the Native Village of Eyak, or companies or enterprises that NVE may own, and includes temporary employees or independent contractors working for the Native Village of Eyak. The term “NVE employee” also includes an employee of a subsidiary company wholly or partially owned by the Native Village of Eyak.
3. Family member means spouse or domestic partner, as well as child, sibling, or parent (by blood or adoption). At its discretion, the Council may treat in-laws as well as individuals living in the same household as “family members”.
4. “NVE” means Native Village of Eyak.
5. Eligible voter means an Enrolled Active NVE Tribal Member, who is listed on the approved NVE voter roll following section .10 of this Code.
6. “NVE Election Staff” means the Senior Executive Assistant, Tribal Council Executive Assistant, Enrollment Department staff, and other staff that may be identified as needed.
7. “Quorum” for general elections shall be twenty percent (20%) of the NVE Tribal Members who are eligible to vote.
8. “Tribal Council” means the Native Village of Eyak Tribal Council, the governing body of the Native Village of Eyak.

04. TIME, DATE, AND PLACE



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Tribal Council elections shall be held annually, in October, at a place, time, and date approved by the Tribal Council. New elections must be held no less than twelve (12) months and no more than fourteen (14) months following the previous election. The Tribal Council may extend the election deadline by up to 6 months as needed to account for acts of God or circumstances outside normal control. Elections will be held at a polling place determined and approved by the Tribal Council.

05. COUNCIL AND OFFICER POSITIONS

.05.010 Tribal Council: The governing body of the Native Village of Eyak is known as the Native Village of Eyak Traditional Council and shall be elected by the registered voters of the Tribe.

.05.020 Officers: The Native Village of Eyak Traditional Council is composed of seven members who shall select a Chair and such other officers as it deems necessary, from among their number.

05.030 Terms: The Tribal Council shall be classified as two classes of two and one class of three members. Each class shall be elected for a three-year (3) term of office and shall serve until their successors are duly elected and installed. Tribal Council members shall be limited to two (2) full consecutive terms and may run for election after at least an entire 1-year waiting period.

06. ELECTION COMMITTEE AND DUTIES

No less than 120 days before an election, the Tribal Council shall appoint an Election Committee consisting of three (3) members. The Election Committee members must be at least eighteen (18) years of age and do not have a Conflict of Interest that is stated in section .05.040 of this Code.

.06.010 Election Committee Chair: The Tribal Council will appoint one of the Election Committee members as the Election Committee Chair.

.06.020 Election Committee: The Election Committee shall:

1. Administer and conduct elections in a manner that will ensure fair and honest elections, using this Election Code as controlling Tribal law.
2. Review the election packet to ensure that it conforms to the Election Code and that it informs Tribal members without recommending candidates.
3. Receive all Declarations of Candidacy and certify eligible candidates for the Tribal Council with the NVE Election Staff.
4. Receive, inspect, and distribute ballots.
5. Hear all election contests and render a decision.
6. Cross-check voter lists to detect or prevent fraud.



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7. Conduct recounts as necessary and if requested by one or more of the candidates for the Tribal Council.

NVE Election Staff shall not undertake any Election Committee duties. No Tribal Member may request a recount or contest an election if no eligible candidate requests a recount or contests an election, unless there are decisions regarding initiative or referendums.

.06.030 Term and Authority: The Election Committee members shall serve a sufficient term to conduct the election in the year they are appointed and shall not carry over to future elections. The Election Committee consists solely of one Election Committee Chair and two (2) members. Two (2) members of the Election Committee shall constitute a quorum. The Election Committee shall act by a majority vote, or if only two (2) members are present, by unanimous vote. The Election Committee shall be identified at the polling place.

.06.040 Conflict of Interest: No person shall be appointed to the Election Committee who is currently a member of the Native Village of Eyak. Similarly, no person shall be appointed to the Election Committee who has a family member who is currently a member of the Tribal Council or who plans to be a candidate in any Tribal election held during the Election Committee's term of service. If a family member of an Election Committee member files as a Tribal candidate, that Committee member shall be disqualified from serving, and a substitute appointed in his or her place. In the event of a vacancy on the Election Committee, the Tribal Council shall appoint a qualified replacement for the remainder of the term of service.

07. PUBLICATION AND NOTICES

The election notice shall be posted at the following places:

- a. Tribal Offices
- b. Such other places as the Election Committee determines appropriate
- c. Copies of this Code shall be available to NVE Tribal members upon request

.07.010 Request for Candidates:

A request for candidates will be published by the Election Committee with the help of NVE Election Staff and distributed to all eligible voters no less than ninety (90) days prior to an election. This request for candidates includes the specific date of the deadline for declaring candidacy, which will be 5:00 p.m., no less than sixty-five (65) days from the publication of the notice and will outline the eligibility requirements.

.07.020 Notice of Regular Election:

The Election Committee shall publish the notice of election no less than sixty (60) days prior to the election date. The notice of election shall include:



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- i. Date of the election.
- ii. Purpose of the election
- iii. Location of the polling place
- iv. Date and hours the polling place will be open for voting

.07.030 Notice of Candidates:

The Election Committee shall publish the list of candidates no less than sixty (60) days prior to the election date.

.07.040 Notice of NVE Votes List:

The Election Committee shall publish the approved NVE voter list, no less than sixty (60) days prior to the election date.

08. CANDIDATES

.08.010 Qualifications: Enrolled Active Tribal Members 19 years of age or older may seek election to the Tribal Council, provided that:

1. No person who has been convicted of any felony or is employed by NVE or any company owned by NVE may be a candidate for any elective office.
2. Candidates must live within the NVE's traditional boundaries for at least 6 months out of each calendar year or live outside of the NVE's traditional boundaries but serve in the U.S. Military, currently attend school, or have a medical exemption.
3. Candidate must have verified copies of their birth certificate and Certificate of Indian blood filed with the NVE Enrollment Department.
4. Candidates must be eligible NVE voters and have voted in at least one (1) of the last five (5) years' elections prior to running as a candidate.
5. No person shall be a candidate for more than one (1) one position on the Tribal Council.

.08.020 Declaration of Candidacy: Tribal Members wishing to declare candidacy must submit a complete and signed Declaration of Candidacy (Exhibit A) to the Election Committee Chair no later than sixty-five (65) days prior to the election.

.08.030 Employees Seeking Election to the Tribal Council: Native Village of Eyak employees, contractors, or employees of Native Village of Eyak-owned businesses or enterprises who meet the qualifications of section. .07.010 of this code may run for office but must resign from employment prior to being sworn in as a Tribal Council member.

An employee may not campaign for office while on the job and shall continue to perform the duties of his or her job in a timely and efficient manner.

In the event a Tribal Council member seeks employment with the Native Village of Eyak



as an employee, contractor, or as an employee of a business or enterprise owned by the Native Village of Eyak, the Tribal Council member must resign from Tribal Council prior to their employment date.

.08.040 Receipt of Declaration of Candidacy: Election Committee Chair shall note the date and time of receipt of the Candidate Declaration and provide a copy to the candidate.

.08.050 Write-In Candidates: Write-in candidates shall be allowed if they meet all the candidate qualifications.

.08.060 Certification of Candidacy: The Election Committee shall determine whether all candidates are listed on the approved NVE voters' list with the assistance of the NVE Election Staff. All candidates who have timely met NVE's qualification requirements and Declaration of Candidacy requirements shall be certified.

.08.070 Certification of Candidacy Appeals:

Any candidate within three (3) days following the Election Committee's recommendation for certification of candidacy may protest the certification, stating a reason in writing to any member of the Election Committee.

The Election Committee shall meet and respond to the protest in writing within three (3) days to consider such protests, grant the protesting party an opportunity to be heard at the meeting, if requested, and decide by formal resolution whether an action is necessary. A copy of this decision shall be given to the Tribal Council and posted at the Tribal Offices. The Committee must use common sense and the best judgment.

Any candidate protesting the election may appeal the Election Committee's decision to the Tribal Council within two (2) days of the Election Committee's protest decision deadline. The Tribal Council shall meet to consider any candidate protest, decision appeals, and issue a final decision within two (2) days of the candidate appeal deadline.

.08.080 Candidacy Campaign Materials: Candidate statements are in their own words and do not necessarily reflect the opinion of the Native Village of Eyak. The Native Village of Eyak does not endorse, nor does it take any responsibility for candidate statements.

Official Tribal Council candidates may submit a written request to the NVE Election Staff for one set of printed address labels for the eligible NVE Voters.

09. ELECTION TIMELINE

1. The Tribal Council shall approve the Election Date, Time, and Location no less than one hundred eighty (180) days prior to the proposed Election Date.



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2. The Tribal Council shall approve the Election Timeline no less than one hundred eighty (180) days prior to the proposed Election Date.
3. NVE Election Staff shall post the Solicitation for one (1) Election Committee Chair and two (2) Election Committee Members, Letters of Interest, no less than one hundred fifty (150) days prior to the approved Election Date.
4. NVE Election Staff shall bring the Election Committee Members and Election Committee Chair Letters of Interest to a Tribal Council Meeting for appointments, no less than one hundred twenty (120) prior to the approved Election Date.
5. The NVE Election Staff will facilitate the contracting of the Election Committee no less than ninety-five (95) days prior to the approved Election Date.
6. The Election Committee will post the Requests for Declaration for Candidacy no less than ninety (90) days prior to the approved Election Date.
7. The Enrollment Committee will conduct the annual Tribal Member residency verification. They will submit any recommended changes to the NVE Active Enrollment list and a proposed NVE Voter List to the Tribal Council no less than seventy-five (75) days prior to the approved Election Date.
8. The Tribal Council will review, amend, and approve the NVE Voter List no less than seventy (70) days prior to the approved Election Date.
9. Declarations for Candidacy will be due to the Election Committee Chair no less than sixty-five (65) days prior to the approved Election Date.
10. NVE Election Staff shall verify candidate eligibility and notify the Election Committee Chair of the validated Candidate List within one (1) day of the Declaration of Candidacy deadline.
 - a. The deadline for Candidate Disqualification Appeals must happen within two (2) days of the Declaration of Candidacy Verification.
 - b. The Election Committee will meet to consider any candidate disqualification and respond in writing with a decision within two (2) days of any Declaration of Candidacy Appeals.
 - c. Any protesting candidate may appeal the Election Committee's decision to the Tribal Council within two (2) days of the Election Committee's decision.
 - d. The Tribal Council will meet to consider any candidate decision appeal and issue a final written decision within two (2) days of the protest appeal request.



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11. The Election Committee will certify and post the Official List of Candidates no less than sixty (60) days prior to the approved Election Date.
12. The Election Committee will post the approved NVE Voter List no less than sixty (60) days prior to the approved Election Date.
 - a. The deadline for Voter Ineligibility Appeal must happen no less than fifty (50) days prior to the approved Election Date.
 - b. The Tribal Council will meet to consider any voter ineligibility appeals to issue a final written decision on any additions or deletions to the NVE Voter's List no less than forty-five (45) days prior to the approved Election Date.
13. The Election Committee will post the Notice of NVE Regular Election no less than sixty (60) days prior to the approved Election Date.
14. NVE Election Staff will facilitate the Tribal Council Candidate Forum no less than forty-five (45) days prior to the approved Election Date.
15. NVE Election Staff shall send Election Rules, Ballot, Candidate Statements, and NVE Voter address list to the mail house no less than forty-five (45) days prior to the approved Election Date.
16. Election Rules, Ballots, and Candidate Statements shall be printed and mailed to all approved NVE voters by the mail house no less than thirty-five (35) days prior to the approved Election Date.
17. The Election Committee Chair may receive requests for absentee ballots, will receive Mail-In Ballots through NVE's Election Post Office Box, or hand delivery until the In-Person Election Day, and put them in the NVE voter box between thirty-five (35) days prior and one (1) day prior to the approved Election Date.
18. The Election Committee shall sequester themselves to count votes immediately after polls close on Election Day, notify NVE Election Staff of Preliminary Results, and issue a recommendation to the Tribal Council for election certification.
 - a. Candidates may request a recount in writing to the Election Committee within one (1) day after the Election Date.
 - b. The Election Committee must meet within one (1) day of a recount request to conduct a ballot recount.
 - c. Candidates may protest the Election in writing to the Election Committee within three (3) days after the Election Date.



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- d. The Election Committee will meet to consider any candidate protests and issue a written decision to the protestor within three (3) days of the protest.
- e. Any protesting candidate may appeal the Election Committee's decision in writing to the Tribal Council within three (3) days of the Election Committee's appeal decision.
- f. The Tribal Council will meet to consider any candidate protest appeal and issue a final written decision within three (3) days of the protest request.
- g. If the required 20% voter quorum is not reached, the Election shall be rescheduled for no later than ninety (90) days.
- h. In the event of a tie for a Tribal Member seat, a run-off election between the tied candidates will be rescheduled and held no later than thirty (30) days.

19. NVE Election Staff shall notify all candidates, Tribal Council, and Tribal Members of Preliminary Results and the Election Committee's recommendation for election certification within one (1) day after the Election Date.

20. The Tribal Council shall call a Special Council Meeting with the Election Committee Chair for final Election Certification, Installation of new Council Members, and seating of new Tribal Council Officers no less than three (3) days of the Election Committee recommendation for election certification, but no more than fourteen (14) days in the event of a candidate protest.

21. NVE Election Staff drafts and sends out Tribal Council Installation Memo to Tribal Members, NVE Staff, and partner agencies within one (1) day of Election Certification, Installation, and Officer Seating.

10. BALLOT PREPARATION

As soon as possible after the final certification of candidates, the Election Committee shall prepare an official ballot with the assistance of NVE Election Staff. The Election Committee shall decide upon the wording and form for ballot measures. The names of the certified candidates will be listed in alphabetical order by last name.

The ballot shall contain the following instructions:

**“YOU MAY VOTE FOR (Number of Candidates) CANDIDATES FOR TRIBAL COUNCIL.
PLACE AN X BY THE NAME OF EACH PERSON YOU WISH TO VOTE FOR. YOU MAY
NOT GIVE ANY CANDIDATE MORE THAN ONE (1) VOTE.”**

On questions requiring Tribal Members' approval, the question shall appear as follows:
“SHALL THE TRIBE (STATE PROPOSITION)? YES NO ”

11. ELIGIBLE VOTERS, VOTING, AND PROCEDURES

.11.010 Eligible Voters: Within sixty (60) days of the approved Election Date, Tribal Members must be an Active Enrolled NVE Tribal Member to be eligible to vote:



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1. Be 18 years of age or older.
2. Live within NVE's traditional boundaries for at least 6 months out of each calendar year.
3. Live outside of the NVE's traditional boundaries but serve in the U.S. Military; currently attend school (high school, vocational school, college, etc.); have a medical exemption; are incarcerated; are employed by a company owned by NVE; are minors in state custody; or are under the age of 19.

The Enrollment Committee and the Enrollment Coordinator/Clerk will provide the Tribal Council with a list of eligible voters for the Tribal Council's approval. Persons excluded from the eligible voters' list may appeal to the Tribal Council in writing. The Tribal Council, after considering the written basis for the appeal, shall affirm the inclusion or exclusion of voters with a written decision, no less than fifty (50) days prior to the Election Date. The Tribal Council may, but is not required to, hear directly from the person dissatisfied. Any additions or deletions to the eligible voters' list shall be posted no later than forty-five (45) days before the election. The decision of the Tribal Council shall be final.

.11.020 Voting: All voting shall be by secret ballot in person and by mail. Each eligible voter may cast only one ballot in each election. Only official ballots properly marked shall be counted. If on any ballot, more than one vote is cast for a specific candidate, the extra vote(s) for that position shall be nullified. If on any ballot the number of candidates for whom votes are cast exceeds the number of open Tribal Council seats, the ballot shall be nullified. If the Election Committee concludes that a Tribal Member has submitted more than one (1) ballot, both ballots shall be nullified.

.11.030 In-Person Voting Procedures: Eligible voters desiring to vote in person must:

1. Appear at the polling place during posted times on election day(s).
2. Announce his/her name to a member of the Election Committee and show proof of age and identity with a picture or other reliable form of identification.
3. Sign the voters' list opposite their name, address, and mark it as 'voted'.
4. Obtain a ballot from the Election Committee.
5. Take the ballot into the enclosed and private area provided by the Election Committee.
6. Cast votes for no more than the number of candidates to be elected.
7. Fold the ballot to conceal its contents.
8. Place the ballot in a sealed, secure ballot box.

.11.040 Mail-In Voting Procedures:

1. Required

The Native Village of Eyak shall have mail-in balloting for all elections. All eligible



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voters shall receive a ballot packet by mail to the address on file. Mail-in ballots must be received by the polling station no later than the day the ballots are to be counted.

2. Date for Application in Person

An eligible voter may apply for an absentee ballot in person on any day after the "Notice of Election" has been posted, but not less than one (1) day before the date of the election.

3. Voting by Mail

Eligible voters shall be mailed a voter packet no later than thirty (30) days prior to the approved Election Date. No NVE employee shall be allowed to collect or distribute ballots, although an employee may aid the Election Committee with printing, copying, and postage stamping ballots. Any questions regarding eligibility to vote as described in this ordinance will be interpreted to maximize the ability of Tribal Members to participate in the election.

Ballot packets shall include:

1. Official ballot
2. Election instructions
3. Notice of election
4. Election pamphlet with candidate statements and balloting instructions
5. Postage-paid envelope
6. Ballot signature envelope

Penalties for fraudulently casting a mail-in ballot and/or ballot assistant and/or witness misconduct, as per the NVE Tribal Judicial Code.

4. Mail-in Safeguards

1. Barcode, number, or unique identifier of ballots.
2. Area for the assistant or witness to print their name and signature on the outside of the inner envelope.
3. Witness on the inner envelope with voters named affirmed.
4. Dedicated election USPS box.

5. Eligible Voters Must:

1. Be listed on the current NVE Voter List approved by the Tribal Council.
2. Fill out the mail-in ballot.
3. Put the mail-in ballot into the inner envelope and sign
4. A witness and/or assistant shall sign the inner envelope.
5. Put the inner envelope into a pre-addressed, pre-stamped mailing envelope and mail it in time to arrive at the Native Village of Eyak Election post office box.



Eligible voters may hand-deliver ballots that have been placed correctly in their envelopes to the Election Committee Chair or the Election Committee on the approved Election Date.

12. ELECTIONS

.12.010 Supervision of Election: At least two (2) Election Committee Members shall be present at the voting location during voting hours. Two (2) Election Committee Members shall constitute a quorum for all actions required.

.12.020 Electioneering: No person shall solicit, secure, or influence voters by any means, within 300 feet of a polling place during voting hours, nor shall any candidate for office remain within 300 feet of the polling place for a period longer than that needed to cast a vote.

.12.030 Assistance to Voters: In cases where voters are unable to complete their ballots, the voter may bring an assistant. People offering voter assistance should not influence the voter's ballot selection. In all cases, the secret ballot must be strictly observed, and the people assisting must maintain complete confidentiality.

.12.040 Counting of Ballots: The Election Committee shall take cast ballots, sequester itself in a private area, open all ballots, and compute votes with the utmost care. An Election Committee quorum shall implement a multi-factor counting method using the Ballot Tally Sheet (Exhibit B) to ensure an accurate count. The Election Committee shall complete the Preliminary Results and Election Certification Sheet (Exhibit C) and notify NVE Election Staff immediately upon completion of the final ballot count. NVE Election Staff shall post Preliminary Results and the Election Certification Sheet at the NVE offices or outside area of the polling place and post electronically, making preliminary results immediately available to all Candidates, the Tribal Council, and Tribal Members. At the close of polls on Election Day, all unused official ballots shall be documented by the Election Committee and turned over to the NVE Election Staff. The Election Committee shall submit an Election Report (Exhibit D) to the Tribal Council.

.12.050 Certification: Upon counting all ballots received and posting preliminary results and satisfying all requirements identified in .12.030 (Protests), the Election Committee Chair shall sign a recommendation for the certification of the election to the Tribal Council. A Special Council Meeting may be called within no less than three (3) days for final election certification, but not more than fourteen (14) days in the event of a candidate protest.

.12.060 Minimum Required Voter Participation: No candidate shall be elected to office, nor any ballot measure (including recall, initiative, or referendum) decided, unless the Election Committee shall find that ballots were cast by at least 20% of the total number of eligible voters whose names appear on the approved NVE voter list. In the event the



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vote total falls short of that minimum, the election shall be rescheduled and held within no less than ninety (90) days.

No amendments to the NVE Constitution shall be ratified unless the Election Committee finds that ballots were cast by at least 30% of the total number of eligible voters whose names appear on the approved NVE voter list.

.12.070 Run-Off Election: In the event a runoff election is required, the election between runoff candidates shall be scheduled and held within no less than thirty (30) days.

13. POST-ELECTION PROCEDURES

.13.010 Retention of Ballots: After balloting has been completed and the election has been certified, the Election Committee shall place all ballots and election records in a ballot box and store them in a secure place at the Tribal office. **Hard copies of all election materials, including ballots, shall be kept securely under lock and key by NVE Election Staff and retained for ten years. After that time, they may be converted to digital copies.**

.13.020 Recounts: Any candidate may, by written request, within three (3) days following the Election Committee's recommendation for certification of the election to the Election Committee, obtain a recount.

.13.030 Protests: Any candidate within three (3) days following the Election Committee recommending certification of the election may protest the election, stating a reason in writing to any member of the Election Committee. The Election Committee shall meet within two (2) days to consider such protests, grant the protesting party an opportunity to be heard at the meeting, if requested, and decide by formal resolution whether a new election or other action is necessary. The Election Committee has one (1) day to answer the protest in writing following the Election Committee meeting. A copy of this decision shall be given to the Tribal Council and posted at the Tribal Offices. Errors of a purely technical nature, which in the opinion of the Election Committee do not call the validity of the election into question, may be waived by a majority vote of the Election Committee. The Committee must use common sense and the best judgment.

Any candidate may protest the election in writing to any Election Committee Member within three (3) days of the Election Date. The Election Committee shall meet to consider any candidate protests and issue a decision within three (3) days of the candidate protest deadline.

Any candidate protesting the election may appeal the Election Committee's decision to the Tribal Council within three (3) days of the Election Committee's protest decision



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deadline. The Tribal Council shall meet to consider any candidate protest, decision appeals, and issue a final decision within three (3) days of the candidate appeal deadline.

.13.040 Questioned Ballots: If an NVE Tribal Member who is not on the NVE Voter list seeks to vote, or if the eligibility of a voter shall be questioned by the Election Committee, the ballot of that voter shall be enclosed in an envelope which shall be endorsed with the voter's name, the reason for the challenge, the name of the challenger, and any refutation to the challenge, offered by the voter. This envelope shall then be sealed and dropped into the ballot box. The Election Committee, in consultation with the Enrollment Department and Enrollment Committee, shall determine the eligibility of the challenged voters to vote before certifying the election, provided that no person whose name does not appear on the official NVE Voters List shall be allowed to vote.

Challenges may only be made based on eligibility for voting as specified in Article 10, Section 1 of the NVE Constitution.

.13.050 Transfer of Property: The outgoing Tribal Council members shall be allowed to keep their NVE-issued equipment after access to NVE platforms and the NVE email is deactivated.

Outgoing Tribal Council members shall also receive their Tribal Council stipend and any Chair stipends (if applicable), through the end of the month in which the election was held.

14. INSTALLATION OF COUNCIL MEMBERS

.14.010 Oath of Office: Newly elected Tribal Council members who have been duly certified shall assume their duties upon certification of election results and being sworn in thereafter at a Special Council meeting convened for that purpose, no more than fourteen (14) days following final certification of election results. Each newly elected member shall subscribe to the following oath:

“I, _____, do solemnly swear to uphold the traditions, customs, and laws of the Native Village of Eyak; to honor our ancestors and Elders, and dedicate myself to exercising our sovereignty to enhance the well-being of our people, culture, and homelands.”

.14.020 Election of Officers: Upon installation of the newly elected Tribal Council, or at any other time set by the Tribal Council, the Tribal Council shall elect its Chair and such other officers as it deems necessary. Officers shall serve terms of one (1) year until their successors are elected and qualified. However, the term of any office ends when the officer ceases to be a member of the Tribal Council.



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.14.030 Forfeiture of Office/Vacancies: A Tribal Council member who submits a written resignation, no longer meets the residency requirement, is found guilty of gross misconduct, or is convicted of a felony while in office shall automatically forfeit his or her seat. When a Tribal Council member is absent, either in person or telephonically, from three consecutive regular Tribal Council meetings without notifying the Chair or Executive Director with a valid excuse prior to the meeting, the Tribal Council may declare his or her seat forfeited after a warning is issued upon the second unexcused absence.

15. POPULAR PARTICIPATION IN GOVERNMENT

Native Village of Eyak Tribal Council members may be recalled by eligible voters through a petition and election process.

.15.010 Recall Election:

- 1. Petition:** A petition requesting a recall of a Tribal Council member or members shall be signed by at least 30 % of the qualified/eligible Tribal voters within 30 days. The petition shall be presented by the petitioner(s) to the Native Village of Eyak Tribal Council by certified mail or at any Regular or Special meetings of the Tribal Council.
- 2. Election:** The Tribal Council shall call a Special Election to consider the recall of the named Tribal Council member or members within 30 business days after receiving a valid petition, per Article 10, Section 6 of the NVE Constitution.
- 3. Failure to Hold an Election:** If the Tribal Council fails to call a Special Election to consider the recall within 30 business days after the receipt of a valid petition, the Tribal Membership, led by the petitioner(s), may hold a Tribal Membership meeting to conduct such business. Circulating a new petition to call such a meeting shall not be required. Still, the petitioner(s) shall post the notice in at least 3 public places in Cordova at least 2 weeks in advance and may otherwise be provided to voters in the greater residency area. A minimum of 20% of the Tribal voters shall vote in such an election for it to be valid.

.15.020 Special Election: The Tribal Council may, by the affirmative vote of at least a majority plus one Tribal Council member, call a Special Election for a referendum to Tribal voters upon giving at least 30-day notice to the qualified voters. Notices shall state what the special election is about. At least 20% of the total number of eligible voters whose names appear on the approved NVE voter list.

No amendments to the NVE Constitution shall be ratified unless the Election Committee finds that ballots were cast by at least 30% of the total number of eligible voters whose names appear on the approved NVE voter list.



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.15.030 Initiative and Referendum Decisions: The decision of the voters in the initiative and referendum elections shall be binding on the Tribal Council and the Tribe and shall remain in full force until amended or rescinded by subsequent action of the voters or expires by its own terms.

.15.040 Initiative Election: Eligible voters of the Native Village of Eyak shall have the right to propose amendments to and repeal ordinances and resolutions not inconsistent with this Constitution, and to propose elections through a valid petition and election process.

1. A valid petition requesting an initiative shall be signed by at least 20% of eligible tribal voters and gathered within thirty (30) days.
2. Petition shall be presented by the petitioner(s) to the Native Village of Eyak Tribal Council by certified mail or at any Regular or Special meetings of the Tribal Council.
3. The Tribal Council may, by an affirmative vote of at least a majority plus one Council member, call a Special Election for an initiative brought by Tribal voters upon giving at least 30-day notice to eligible voters. Notices shall state what the Special Election is about. At least 20% of eligible Tribal voters must vote in the election for it to be valid.
4. If the Tribal Council fails to act on the petition matter within thirty (30) days of receiving a valid petition, the matter may be brought before a Tribal Membership meeting.
5. The Tribal Membership shall post a notice in Cordova at least thirty (30) days prior to the meeting.
6. A quorum of at least 20% of the Tribal voters shall be established.
7. Only the specific matter in the petition may be voted upon.

16. CONSTRUCTION, SEVERABILITY, AND AMENDMENT

This Code is exempt from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

If any provision of this Code, or its application to any person or legal entity or circumstance, is held invalid, the remainder of the provisions shall not be affected.

17. SOVEREIGN IMMUNITY

Nothing in this Code shall be construed as the Native Village of Eyak waiving sovereign immunity. This Code is not intended to, nor does it, create a private right of action. All rights reserved.

REVISION APPROVED: Jun 17, 2015, Mar 21, 2016, Jan 22, 2018, Oct 23, 2018, Jun 20, 2023, Apr 30, 2024, Sep 29, 2025

EFFECTIVE DATE: September 29, 2025

CERTIFICATION:

*NVE Election Code
Approved September 29, 2025
Page 15 of 20*

Native Village of Eyak
PO Box 1388
110 Nicholoff Way
Cordova, AK 99574
eyak-nsn.gov



10,000 years in our Traditional Homeland, Prince William Sound, the Copper River Delta, and the Gulf of Alaska

We, hereby certify that we, the Native Village of Eyak Traditional Tribal Council, consisting of 7 duly elected members and that this Tribal Election Code Revision was considered and Approved by the Council on September 29, 2025 and that the vote was 5 For, 0 Against, 0 Abstaining, and 1 Absent and that the foregoing ordinance has not been rescinded or amended in any way.

Brooke Mallory, Tribal Council Chair

Diane Ujioka, Tribal Council Vice Chair

Angela Butler, Tribal Council Secretary-Treasurer

Jim Smith, Tribal Council Member

Darrel Olsen, Tribal Council Member

Kelsey Hawley, Tribal Council Member

Kanisha Tiedeman, Tribal Council Member

9/29/25

Date

10/20/2025

Date

10/1/25

Date

10/1/25

Date

10/6/2025

Date

10/8/25

Date

10/8/2025

Date



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EXHIBIT A

Native Village of Eyak

[YEAR] Regular Tribal Council Election Candidate Declaration and Statement

Regular Election Date: _____

Candidate Declaration and Statement Deadline:

Name:		Phone:	_____
Email:		Mailing Address:	_____

Candidates may submit a photograph, as well as a written Candidate Statement below, to be included with the Regular Tribal Council Election materials and sent to all eligible NVE voters. Limit 500 words. Additional words will be omitted.

I, _____, declare my intent to run as a candidate in this year's Regular Tribal Council Election attest that I meet all Candidate Qualifications per §.07.010 of the Native Village of Eyak Tribal Election Ordinance and understand that any Candidate Declaration and Statement received after the Candidate Declaration and Statement deadline shall be ineligible to run in this year's Regular Tribal Council Election.

Signature

Date

Received by Election Committee Chair Date:

By: _____

Received & Validated by NVE Election Staff

Date: _____ By: _____

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EXHIBIT B

[YEAR] Regular Tribal Council Election Ballot Tally Sheet

Name: _____

**Final Total Votes
Received**

Name: _____
Signatu

re: _____

Date: _____

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EXHIBIT C

Native Village of Eyak [YEAR] Regular Tribal Council Election

Preliminary Results and Election Committee Certification Recommendation

REGULAR ELECTION DATE: _____

Candidate	Preliminary Vote Count

We, the [YEAR] Regular Tribal Council Election Committee attest to the above Preliminary Vote Count for each Candidate in the [YEAR] Regular Tribal Council Election and recommend that these Preliminary Results of the [YEAR] Regular Tribal Council Election be certified by the Native Village of Eyak Tribal Council.

[NAME], Election Committee Chair

Date

[NAME], Election Committee Member

Date

[NAME], Election Committee Member

Date



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EXHIBIT D

Native Village of Eyak [YEAR] Regular Tribal Council Election

Election Report

REGULAR ELECTION DATE: _____

Total Ballots Received	
Ballots Received by Mail	
Ballots Not Returned	
Special Needs Ballots Cast	
Ballots Cast at Polls	
Spoiled Ballots	
Total Ballots Accounted for	
FINAL TOTAL VOTES	

We, the [YEAR] Regular Tribal Council Election Committee attest to the above Election Report for the [YEAR] Regular Tribal Council Election.

[NAME], Election Committee Chair

Date

[NAME], Election Committee Member

Date

[NAME], Election Committee Member

Date