



## Ordinance 96-1(a) (Amended 2003)



### AN ORDINANCE OF THE NATIVE VILLAGE OF BETHEL, ALASKA PERTAINING TO ELECTIONS, FILLING OF VACANCIES, REMOVAL AND RECALL

BE IT ORDAINED AND ENACTED BY THE MEMBERSHIP OF THE NATIVE VILLAGE OF BETHEL, ALASKA AS FOLLOWS:

#### TABLE OF CONTENTS

- Section 1. Election Procedures
- Section 2. Voter Qualifications
- Section 3. Candidates Qualifications
- Section 4. Declaration of Candidacy
- Section 5. Number of Council Seats, Terms of Office
- Section 6. Oath of Office
- Section 7. Selection of Officers
- Section 8. Vacancies, Filling of Vacancies
- Section 9. Removal
- Section 10. Recall
- Section 11. Amendments
- Section 12. Severability

#### Section 1. Election Procedures

- a) General elections of the Village of Bethel shall be held annually on the same date as the regular annual membership meeting. In case the date of such meeting shall conflict with another event, the election shall be held within fifteen (15) days thereafter.
- b)  The notice of the general election shall be posted in three (3) public places for a period of thirty (30) days prior to the election to give the membership enough time to declare candidacy for Council seats, and to study the issues up for vote in the election.
- c)  The hours of voting shall be from 10:00 a.m. in the morning and continue until 6:00 p.m. in the evening of the same day unless different hours are set up by the election board and the polls shall be located in

a centrally located area that would be accessible by everyone eligible to vote. The results of the election shall be made known to the membership during the annual membership meeting or by means of a notice posted in three (3) public places.

d) Three people will be selected by the Council to serve as election judges who will be paid at a rate to be set by the ONC council for their services on the election. The judges shall not be members of the Council or candidates for office.

e) It shall be the duty of the judges:

- 1) to see that the name of each person casting a ballot is a qualified Native voting member of the Village, and
- 2) to keep the ballot box locked at all times except when ballots are being counted, and
- 3) to count the ballots immediately after the close of the polls; and
- 4) to make certain that there is no electioneering during voting hours within fifty (50) feet of the polling place.

f) Interpreters, where needed may be provided to any voter who asks for instruction, provided, that all reasonable precautions are taken to insure that the interpreter does not influence the voter in casting the ballot. The interpreter may accompany the voter into the booth upon the voter's request.

g) Voting by Personal Representative. Election judges shall act as personal representatives to assist any individual who, due to illness, age or other good reason, is unable to vote in person at the designated polling place at the time an election is held. The personal representative shall deliver a ballot to such individuals, allowing them to cast their vote, and then deliver the sealed ballot to the designated polling place on behalf of such individuals.

h) Absentee Voting. The Orutsararmiut Native Council shall provide absentee ballot forms. Any individual may vote by absentee ballot if, within five (5) days prior to any election, such individual submits a written request to the Orutsararmiut Native Council Secretary requesting that they be provided with a ballot.

i) All elections of the Village shall be nonpartisan.

j) The candidates receiving the most votes, but not less than 40% percent of the total vote in the election shall be declared winners. In the event of either; no candidate receiving 40% percent of the vote, or a tie

vote, the election judges will call a runoff election to be held prior to the adjournment of the annual meeting.

## Section 2. Voter Qualifications

- a) To be eligible to vote an individual must be enrolled to the Native Village of Bethel, Alaska, not be enrolled in any other traditional or IRA Council, and be at least 18 (eighteen) years of age.

## Section 3. Candidates Qualifications

- a) Any member of the Native Village of Bethel, Alaska, meeting the age requirement of Section 2(a) above, shall be eligible to become a candidate for office in the Orutsararmiut Native Council and serve in that capacity if such person meets the following conditions:
- 1) has physically resided within the Village for a period of one (1) year immediately preceding the date of the election in which he/she seeks office, unless the person's absence is because of work, medical disability or military service not exceeding ninety (90) days
  - 2) has not been convicted of a crime punishable by imprisonment for more than one (1) year, except State fishing and/or hunting convictions.

## Section 4. Declaration of Candidacy

- a) Candidates must file statements of their candidacy with the Tribal office no sooner than thirty (30) days before the date of the election. Candidates must declare which of the seven (7) Council Seats, A-G, they are running for, and may only run for one (1) seat in any election. The Tribal Clerk shall make public the list of candidates not less than ten (10) days preceding the date of the election.
- b) Notwithstanding Section (a) above, each ballot shall provide the opportunity for "write-in" candidates. "Write-in" candidates must meet the requirements of candidates set out in Section 3.

## Section 5. Number of Council Seats, Terms of Office

- a) The Orutsararmiut Native Council will consist of seven (7) members. Any changes to this number of Council members will be made only by majority vote of the members of the Village of Bethel.
- b) The Seven Council seats will have staggered terms of four years each.

## Section 6. Oath of Office

- a) Each person elected to the Orutsararmiut Traditional Native Council shall, after certification of the election, assume office when he/she takes an oath or swears to uphold the tribal laws of the Village of Bethel. Those appointed to office shall also take such an oath.

OATH OF OFFICE, to be conducted by an elder or the Chairman of the Village of Bethel, shall be as follows:

"I \_\_\_\_\_, solemnly swear (or affirm) that I will faithfully and impartially carry out the duties of my office as member of the Orutsararmiut Traditional Native Council to the best of my ability, and that I will promote and protect the best interests of the Orutsararmiut Traditional Native Council of Bethel, Alaska."

## Section 7. Reorganization of the Council and Selection of Officers

- a) Within seven (7) days after certification of the election, the Council shall reorganize itself by electing from within its membership a Chairman, Vice-Chairman, Secretary and a Treasurer and such other officers and agents as it may deem necessary.

## Section 8. Vacancies and Filling of Vacancies

- a) The Orutsararmiut Traditional Native Council shall declare an electee office vacant when the person elected:
  - 1) fails to qualify or take an oath of office within thirty (30) days after his/her certification of election or appointment,
  - 2) resigns and his/her resignation is accepted,
  - 3) is physically or mentally unable to perform the duties of his/her office,
  - 4) is removed from office or dies,
  - 5) misses two consecutive regular meetings unless excused, or,
  - 6) fails to continue to satisfy any of the requirements in Section 3 of this ordinance,
  - 7) is under the influence of alcohol or drugs
- b) In the event that the position of the Chairman becomes vacant, the Vice-Chairman shall automatically succeed to that position. The Vice-Chairman shall serve as Chairman until the next regularly scheduled reorganization of the Council. For any other vacancies, other than that of the Chairman, which occur in the membership of the Council, due to resignation, removal, recall, succession to another office, or death, the remaining Council members shall appoint someone to fill

the vacant Council seat until the next regularly scheduled election for that seat, provided, that such appointee shall meet the same qualifications as candidate for election to that office. This procedure shall apply to all offices of the council in the event that said offices become vacated.

#### Section 9. Removal

- a) Should any of the following circumstances occur involving the Council members, the remaining members of the Council shall, by resolution, remove such person from office.
  - 1) failure to continue to satisfy any of the requirements to hold office in Section 3 of this ordinance.
  - 2) becoming physically or mentally incapable of performing his/her duties,
  - 3) absent from three (3) successive meetings without being excused,
  - 4) under the influence of alcohol or drugs.
  
- b) Any Orutsararmiut Traditional Native Council member who is the object of a removal resolution shall, before a vote is taken, be provided with reasonable and detailed written notice of the charges against him/her and shall be given a fair opportunity to reply to such charges and present evidence on his/her behalf. A Council member may appeal to the membership of the Village of Bethel from a decision of the Orutsararmiut Traditional Native Council to remove him/her from office under this Section. The decision of the members of the Tribe shall be final. The procedures for recall of members will be followed in the appeal of a Council member.

#### Section 10. Recall

- a) Members of the Village of Bethel shall have the power to recall any member of the Orutsararmiut Traditional Native Council. The recall process shall be initiated by filing with the Secretary of the Orutsararmiut Traditional Native Council, a valid petition asking for such recall, signed by at least twenty-five (25%) of the number of votes cast in the last election, and setting forth reasons for the petition.

Individuals who sign the petition must be eligible voters of the tribe as set forth in Section 2 of this Ordinance. If the Secretary is the object of the recall petition, a petition shall be filed with the Chairman of the Orutsararmiut Traditional Native Council. A copy of the petition shall be provided to the Orutsararmiut Traditional Council member who is the object of the petition.

- b) Within thirty (30) days after receipt of a valid petition, the Secretary of the Orutsararmiut Traditional Native Council, or, if he/she is the object of a recall petition, the Chairman, shall call a special meeting of the members to be held within sixty (60) days, unless the annual meeting is scheduled within that period. The Orutsararmiut Traditional Native Council member who is being considered for recall shall be provided with a fair opportunity to reply to such charges and present evidence on his/her behalf at the General membership meeting. A majority vote by secret ballot shall determine whether such Council member is recalled from office.
  
- c) Notice of all recall meetings shall be provided to all eligible voters of the Village of Bethel at least thirty (30) days prior to such meeting, and shall be posted in three (3) public places in the Village.

Section 11. Amendments

- a) This election ordinance may be amended by a majority vote of the Orutsararmiut Traditional Native Council, so long as any such amendment does not conflict with or change the Bylaws and Constitution.

Section 12. Severability

- a) If any section or portion of this ordinance is declared invalid by a court of competent jurisdiction, all sections not so declared shall remain in full force and effect.

CERTIFICATION OF ADOPTION

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS AMENDED AND ADOPTED AT A DULY CONVENED MEETING ON THE 26th DAY OF April, 2003, with 340 Tribal Members for and 81 Tribal Members against.

Henry Hunter Sr.                      Raymond Watson  
Henry Hunter Sr.                      CHAIRMAN                      Raymond Watson                      Secretary