

TITLE 5***GWICHYAA ZHEE GWICH'IN TRIBAL COUNCIL STRUCTURE***

SECTION 1.05.01: Tribal Council Members and Officers

SECTION 1.05.02: Terms of Office

SECTION 1.05.03: Qualifications for Tribal Council Positions

SECTION 1.05.04: Forfeiture, Removal, and Recall

SECTION 1.05.05: Vacancies on the Tribal Council

SECTION 1.05.01***Gwichyaa Zhee Gwich'in Tribal Council Members and Officers*****A. Council Structure:**

The Gwichyaa Zhee Gwich'in Tribal Council shall consist of seven (7) Tribal Members and shall be elected by a majority of the voters as provided by Chapter1, Title 1, Section 6. All Members of the Tribal Council shall have the right to vote except in cases of conflict of interest as defined in Chapter1, Title 1, Section 6.

B. Council Officers

The Officers of the Tribal Council shall be the First Chief, Second Chief, and Tribal Council Members.

C. Duties of Officers: The duties of the Officers shall be as follows

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- 1. First Chief** The First Chief shall preside over meetings of the GZG Tribal Council and of the Tribe. The First Chief shall provide general supervision for the affairs of the Tribal Council. The First Chief shall sign, with either the Second Chief or GZG Tribal Council Members, all contracts, leases and other documents approved by a quorum of the Tribal Council. When the GZG Tribal Council is not in session, the First Chief shall be the Official Representative of the Gwichyaa Zhee Gwich'in Tribal Government.
- 2. Second Chief** The Second Chief shall assist the First Chief when called upon to do so. In the absence of the First Chief, the duties and authority of the Second Chief shall be the same as those of the First Chief.

SECTION 1.05.02***Terms of Office***

Gwichyaa Zhee Gwich'in Tribal Council members shall serve for three (3) year terms, provided that shorter terms may be used to initiate a staggering process. Records of the GZG Tribal Council Members and the terms they are serving shall be kept in GZG Tribal Council files. 1st Chief (seat A) and 2nd Chief (Seat B) seats are three (3) years terms; seat C, D, E, are two (2) year terms; and seat F & G are one (1) year terms.

SECTION 1.05.03***Qualifications for GZG Tribal Council Positions***

To be eligible for Gwichyaa Zhee Gwich'in Tribal Council positions, candidates must be GZG Tribal Members who are GZG Tribal Descendants of the Base Roll GZG Tribal Members, 18 years of age or older, have no felony records. GZG Tribal Members not residing in Fort Yukon can be on the GZG Tribal Council as long as they pay their own way for all GZG Tribal Council Business within the Gwichyaa Zhee. GZG Tribal Council Members may not be Permanent Employees of the Tribe, but may be Temporary, Seasonal, or Part-time Employees. Any GZG Tribal Council Member upon employment as a Permanent Employee will have to resign from the GZG Tribal Council at the next Regular GZG Tribal Council Meeting.

SECTION 1.05.04***Forfeiture, Removal, and Recall***

A. Forfeiture: Any member of the Gwichyaa Zhee Gwich'in Tribal Council who submits a written resignation, or is convicted of a felony of moral turpitude while in office shall automatically forfeit his or her office. When sufficient notice has been provided for meetings, a GZG Tribal Council member may be requested to forfeit their position if he or she is absent from three successive Regular GZG Tribal Council Meetings of the GZG Tribal Council without being excused by the GZG Tribal Council. A written warning must be given to the GZG Tribal Council Member before their seat is forfeited for missing meetings and an opportunity to become an active GZG Tribal Council Member again, provided they attend all future meetings.

B. Removal: A minimum of five (5) Gwichyaa Zhee Gwich'in Tribal Council members must vote in favor of the removal. A GZG Tribal Council Member subject to removal shall first be given 10 days written notice of the charges against him or her and be given an opportunity to answer any such charges, before the GZG Tribal Council votes on the removal. If the person subject to removal fails to appear before the GZG Tribal Council, the GZG Tribal Council shall proceed with the vote as scheduled. No GZG Tribal Council Member shall preside over the GZG Tribal Council Meeting at which their removal is being considered.

C. Recall: Any Gwichyaa Zhee Gwich'in Tribal Council Member found guilty by the GZG Tribal Council of neglect of duty, gross misconduct, or an offense involving dishonesty, or in serious violation of the Gwichyaa Zhee Gwich'in Tribal Government ethics standards for GZG Tribal Officials may be removed from Tribal Office by the GZG Tribal Council. Any member of the GZG Tribal Council may be recalled by the GZG Tribal Members through a Tribal Petition and Tribal Election process. A valid GZG Tribal Petition requesting such recall must be signed by at least thirty percent (30%) of the eligible voters that are residents or residing in the Gwichyaa Zhee. The GZG Tribal Council shall call a special election to consider the recall of the named GZG Tribal Council Member within 60 days upon receiving the Tribal Petition. If the majority of the total number of eligible Tribal voters votes in favor of the recall, the GZG Tribal Official shall be removed. No GZG Tribal Official may be subjected to recall proceedings more than once in the course of their term for the same incident. If the GZG Tribal Council fails to call a special GZG Tribal Election to consider the recall, the GZG Tribal Membership may hold a GZG Tribal Membership Meeting to conduct such Business, and a

majority of the total number of eligible Tribal voters residing in Gwichyaa Zhee must vote in favor of the recall for it to take effect. It shall not be necessary to circulate a separate Tribal Petition calling for the Tribal Membership Meeting however notice shall be posted at least 30 days prior to such a meeting.

SECTION 1.05.05

Vacancies on the GZG Tribal Council

A. The Gwichyaa Zhee Gwich'in Tribal Council shall declare a GZG Tribal Council seat vacant when a seat is forfeited, or when a GZG Tribal Council member is removed, recalled, or fails to qualify as a Tribal Member. Vacant GZG Tribal Council positions shall be filled by appointment made by a majority vote of the remaining GZG Tribal Council Members. Persons appointed shall serve the unexpired portion of the term they are filling.

B. In the event of a vacancy of the First Chief between elections, the Second Chief shall be appointed First Chief. In the event of a vacancy of the Second Chief an appointment of a current GZG Tribal Council Member will be made by a majority vote of the remaining GZG Tribal Council Members.

TITLE 6
GZG TRIBAL COUNCIL MEETINGS

- SECTION 1.06.01: Regular GZG Tribal Council Meetings
- SECTION 1.06.02: Special GZG Tribal Council Meetings
- SECTION 1.06.03: Notice for Regular, Special, and GZG Tribal Membership Meetings
- SECTION 1.06.04: Emergency GZG Tribal Council Meetings
- SECTION 1.06.05: Executive Session
- SECTION 1.06.06: GZG Tribal Membership Meetings
- SECTION 1.06.07: Resolutions of the GZG Tribal Council
- SECTION 1.06.08: Poll Votes

SECTION 1.06.01
Regular Meetings of the GZG Tribal Council

Regular Gwichyaa Zhee Gwich'in Tribal Council meetings shall be held monthly: First Tuesday of each month, 6:00 pm at the Gwichyaa Zhee Gwich'in Tribal Government Office or at a time and place agreed upon by the GZG Tribal Council. Notice of Tribal meetings shall be posted prior to meetings. All regular GZG Tribal Council meetings shall be open to the general membership.

SECTION 1.06.02
Special GZG Tribal Council Meetings

A quorum of the Gwichyaa Zhee Gwich'in Tribal Council or the First Chief may call a special GZG Tribal Council meeting upon giving at least twenty-four (24) hours notice to Tribal Members. Notice shall be posted prior to special GZG Tribal Council Meetings.

SECTION 1.06.03
Notice for Regular, Special, and Tribal Membership Meetings

Notice for Regular, Special, and Gwichyaa Zhee Gwich'in Tribal Membership Meetings shall be posted in Fort Yukon at the Tribal Office, KZPA Radio Station, U.S. Post Office, A.C. Co., School, City Building, Clinic, and any other public places within the Village.

SECTION 1.06.04
Emergency Meetings

The Gwichyaa Zhee Gwich'in Tribal Council may meet for an emergency GZG Tribal Council meeting without notice when emergency circumstances warrant such a meeting. Executive Orders may be issued in such emergency GZG Tribal Council meetings, as described under the duties of the First Chief in Chapter 1, Title 5, Section 1 C.

SECTION 1.06.05***Executive Session***

The Gwichyaa Zhee Gwich'in Tribal Council may move to meet in a closed executive session during regular, special or emergency GZG Tribal Council meetings when the subject matter concerns child welfare, personnel, litigation and other matters made confidential by GZG Tribal Ordinance. The GZG Tribal Council shall state the general reason for going into executive session, and may not go into executive session until all other business of the GZG Tribal Council meeting is complete.

SECTION 1.06.06***Tribal Membership Meetings***

Gwichyaa Zhee Gwich'in Tribal Membership meetings may be called by the First Chief or by a minimum of four (4) Tribal Council members. A GZG Tribal Membership Meeting shall also be held upon Tribal Petition signed by at least thirty percent (30%) of the adult tribal members that are residents or are residing in the Village. Notice shall be posted in at least two (2) public places, thirty days (30) prior to Tribal Membership meetings. A quorum of a GZG Tribal Membership meeting shall be thirty percent (30%) of the Adult GZG Tribal Members that are residents or are residing in the Village, unless otherwise provided for in this GZG Tribal Ordinance.

SECTION 1.06.07***Poll Votes***

A poll vote of the Gwichyaa Zhee Gwich'in Tribal Council may be conducted by the Tribal Operations Director, between official GZG Tribal Council meetings, so that emergency business may be conducted. The Executive Director has sole discretion over what constitutes emergency business. The Tribal Operations Director must have the approval of the Executive Director to conduct a poll vote. The First Chief or in his absence the 2nd Chief has the right to halt or amend the poll vote process before they vote if they so deem appropriate. If the business being addressed in a poll vote can be conducted at the next GZG Tribal Council Meeting then a poll vote is not an allowable option. Poll votes must be ratified at the GZG Tribal Council meeting following the vote, so that all GZG Council Members and the public are informed of actions taken. Four votes of the GZG Tribal Council are required to either approve or negate an initiative, but all Tribal council members that are available to vote shall be contacted and given a chance to address the poll vote, poll votes by phone are acceptable. The First Chief and Second Chief should be given the chance to review the Poll Vote first. Then the rest of the GZG Tribal Council Members, if the First and Second Chief is unavailable then all available GZG Tribal Council Members will be contacted to address the Poll Vote. The Tribal Operations Director shall develop a numbering system for the Poll Votes for future reference, such as the Tribal Resolution numbering system currently in use.

A poll vote conducted by anyone other than the Tribal Governance Director (TGD) is invalid, except for in the following circumstances:

- A.** In the event the TGD. is on leave the GZG Tribal Court Clerk may conduct poll votes of the GZG Tribal Council, upon request of the Executive Director.
- B.** In the event no Employee of the Governance Division is available to conduct a poll vote the Executive Director or the Executive Assistant may conduct a poll vote.
- C.** The Tribal Governance Director may appoint an Employee of the Governance Division to conduct a poll vote when necessary.

TITLE 7***GWICHYAA ZHEE GWICH'IN TRIBAL ELECTIONS***

- Section 1.07.01: General Guidelines for GZG Tribal Elections
- Section 1.07.02: GZG Tribal Voter Qualifications
- Section 1.07.03: GZG Tribal Election Committee
- Section 1.07.04: GZG Tribal Election of GZG Tribal Council Members by Polling Hours
- Section 1.07.05: Absentee Voting
- Section 1.07.06: Special GZG Tribal Elections
- Section 1.07.07: Recounts and Challenging Election Results

SECTION 1.07.01***General Guidelines for Gwichyaa Zhee Gwich'in Tribal Elections*****A. Secret Ballots**

All Tribal Elections shall be conducted by secret balloting.

B. Preparing Ballots

Ballots shall be prepared as directed by the Tribal Council.

C. Notice of Gwichyaa Zhee Gwich'in Tribal Elections

Notice of all Tribal Elections shall be posted in at least three public places in the Village. Notice shall be posted at least two weeks prior to elections unless otherwise specified by the Tribal Constitution or by Tribal Ordinance.

D. Outcome of Gwichyaa Zhee Gwich'in Tribal Elections

Elections for GZG Tribal Council positions, the results shall be determined by those who receive the highest number of votes. The outcome of special Tribal elections shall be determined by a simple majority (greater than 30%) of eligible Tribal voters casting their votes during the Tribal election unless otherwise provided by the Gwichyaa Zhee Gwich'in Tribal Constitution or by Ordinance. The seating of newly elected GZG Tribal Council Members will be at the next Regular GZG Tribal Council Meeting.

E. Ballot Box

Cast ballots shall be kept in a locked ballot box until the votes are counted.

F. Proxies

Proxy voting shall not be permitted.

G. Tie Vote

In the event of a tie vote, the Gwichyaa Zhee Gwich'in Tribal Council shall call a Special Tribal Election to break the tie under the provisions of Section 6 of this Title.

SECTION 1.07.02
Tribal Voter Qualifications

A. Tribal Voter Qualifications

The basic qualifications for tribal voters are listed in Article 5, Section 1 of the Constitution and By-Laws of the Gwichyaa Zhee Gwich'in Tribal Government: "All members of the Village eighteen (18) years of age or over shall have the right to vote in the Village Meetings and Elections."

B. List of Qualified Tribal Voters

The Tribal Governance Department shall maintain a list of qualified Tribal voters, which shall be given to the Tribal Election Committee prior to GZG Tribal Elections.

SECTION 1.07.03
GZG Tribal Election Committee

A. Number of Tribal Election Committee Members

There shall be a Tribal election committee consisting of three (3) Adult Community Members, appointed by the GZG Tribal Council prior to Tribal Elections.

B. Duties of Tribal Election Committee

The duties of the Tribal Election Committee shall be to supervise, administer, and conduct all Tribal Elections. The Committee shall allow GZG Tribal Members to review the results of any Tribal Elections, and shall certify and file the GZG Tribal election results in the GZG Tribal Council Office.

C. Determining Tribal Voter Qualification

The Tribal Election Committee shall determine that voters are qualified by comparing their names to the qualified Tribal voters list prepared by the Gwichyaa Zhee Gwich'in Tribal Governance Director/Staff and shall make sure that voters are only voting once.

D. Unclear Ballots

If a ballot cast is not clearly marked, the Tribal Election Committee shall have the authority to discard such a ballot, or the portion of the ballot that is unclear. If a ballot is discarded, the Tribal Election Committee shall make a note regarding the ballot on the Tribal Certification of Election.

E. Conflict of Interest

For Tribal Elections involving the Election of Tribal Council Members, no Member of the Election Committee shall be a Member of the GZG Tribal Council, or be a Candidate for a Position on the GZG Tribal Council.

F. Monitoring Polls

At least two Tribal Election Committee Members shall monitor the poll at all times. One should be fluent in Gwich'in.

G. Present when Counting Tribal Ballots

All Tribal Election Committee Members shall be present when Tribal ballots are being counted.

SECTION 1.07.04***Election of GZG Tribal Council Members by Polling Hours*****A. Polling Process**

Elections of Tribal Officials shall be conducted through the use of polling hours.

B. Date, Time, and Place of Tribal Council Elections

The Gwichyaa Zhee Gwich'in Tribal Council shall determine the date, time, and place of the Annual Tribal Elections.

C. Declaring of Tribal Candidacy

The Tribal Council shall post notice of Tribal Elections at least 30 days prior to the date upon which they are held. The Notice shall state any Tribal Members 18 years of age or older who wish to seek Tribal Office may request that their name be placed on the ballot. Declaring of candidacy shall be taken until 10 days prior to Tribal Election Day.

D. Write-In Candidates

Tribal Ballots for Tribal Council Elections shall have a space provided for write-in candidates. The Tribal ballots shall state the basic qualifications for Tribal Office. Write-ins shall only be counted if they meet the basic qualifications for Tribal Office.

E. Results of Tribal Election

The results of Tribal Elections for Tribal Officials shall be determined by the highest numbers of votes received by Tribal candidates and the results of the Tribal election will be posted at the Tribal Hall immediately after the counting is completed to notify Tribal Members.

F. Absentee Tribal Ballots

All absentee Tribal ballots shall be in before the polls close to be considered valid.

G. One Vote per Voter

The Tribal Election Committee shall determine that Tribal voters are qualified by comparing their names to the qualified voters list prepared by the Tribal Governance Office and the Tribal election committee shall make sure that Tribal voters are only voting once by checking their name off after the Tribal vote is counted.

H. Certification of Tribal Election

The Tribal Election Committee shall sign a Tribal certification of election that contains the election results, length of term of any newly elected Tribal Officials, and notes regarding any discarded Tribal ballots or concerns.

SECTION 1.07.05***Absentee Voting***

Absentee Ballots shall be made available to voters one week prior to Tribal Elections. Voters may come to the Tribal Office and vote in person at the Tribal office during polling hours. Ballots may not be mailed or taken from the Tribal Office, except that a designated Tribal Election Committee Member may take ballots to Elders and sick persons who may not be able to come to the polls on Tribal Election Day. Absentee Ballots may not be cast after the polls have closed on Tribal Election Day. All Absentee Tribal Ballots received shall be kept in a locked ballot box until the ballots are counted by the Tribal election committee.

SECTION 1.07.06***Special Elections***

The Gwichyaa Zhee Gwich'in Tribal Council may call a special Tribal election upon giving at least a two week notice to Tribal Voters, provided that the notice contain an explanation of what the election is about. Absentee Ballots shall be provided at least one week prior to special Tribal elections under the provisions of Section 5 of this Title.

SECTION 1.07.07***Recounts and Challenging Election Results*****A. Recount**

A Gwichyaa Zhee Gwich'in Tribal Candidate may request a recount to be conducted within 2 two days after a Tribal Election if the Tribal Candidates are within ten (10) votes. Such a recount shall be done with all three (3) Tribal Election Committee Members and the Tribal Candidates present.

B. Challenging Tribal Election Results

Gwichyaa Zhee Gwich'in Tribal Members may challenge election results if the terms of the Gwichyaa Zhee Gwich'in Tribal Government Constitution or this Tribal election ordinance are violated. Such challenge may be done through a Tribal petition and Tribal election process. A Tribal petition must be circulated and signed by at least 30% of the qualified Tribal Voters that are residents or residing in the Village. The Tribal Petition shall state the violation of the Gwichyaa Zhee Gwich'in Tribal Government Constitution or Tribal Election Ordinance. Once presented to the GZG Tribal Council, the Tribal Council shall hold a new Tribal election following the procedures outlined in the Gwichyaa Zhee Gwich'in Tribal Government Constitution and the Tribal Election Ordinance. If the GZG Tribal Council fails to hold such a Tribal Election within 30 days after receiving the Tribal Petition, the Tribal Membership may meet to conduct a new Tribal election. At such a meeting, at least 30% of the qualified voting Tribal membership that are residents or residing in the Village is present.

TITLE 8
POPULAR PARTICIPATION IN GOVERNMENT

SECTION 1.08.01: Initiative

SECTION 1.08.02: Referendum

SECTION 1.08.03: Initiative and Referendum Decisions

SECTION 1.08.01

Initiative

The eligible Tribal voters of the Gwichyaa Zhee Gwich'in Tribal Government shall have the right to propose amend and repeal Tribal Ordinances and Resolutions not inconsistent with applicable Tribal and Federal Law, through a valid Tribal petition signed by at least thirty percent (30%) of the adult Tribal Members that are residents or residing in the Village. Such Tribal petitions shall be submitted to the GZG Tribal Council. The GZG Tribal Council shall call a Tribal election to be conducted by the Tribal Election Committee no later than sixty (60) days after receipt of the Tribal Petition. If the Tribal Council fails to act on the Tribal Petition, the Tribal Ordinance or Resolution proposal may be brought before a Tribal Membership Meeting called under the terms of Title 1, Chapter 6, Section 6. An affirmative vote by a majority of the Tribal Government's eligible voters where a quorum has been established shall be required to adopt, amend or repeal such Tribal Ordinance or Resolution proposals.

SECTION 1.08.02

Referendum

The Gwichyaa Zhee Gwich'in Tribal Council, by an affirmative vote of at least five (5) of its members, may refer issues to the Tribal Membership in a Tribal Election. Such a Tribal election shall be conducted by the Tribal Election Committee within sixty (60) days of such Tribal Council decision. An affirmative vote by a majority of the GZG Tribal Government eligible voters shall be required to determine the Tribal Governments position on the issue submitted by a vote.

SECTION 1.08.03

Initiative and Referendum Decisions

The decision of the Tribal Voters in both initiative and referendum elections shall be binding on the Gwichyaa Zhee Gwich'in Tribal Council and the GZG Tribal Government and shall remain in full force until amended or rescinded by subsequent action of the Tribal voters or expires by its own terms.

TITLE 9***RIGHTS OF GWICHYAA ZHEE GWICH'IN TRIBAL MEMBERS***

SECTION 1.09.01: Access to Tribal Records

SECTION 1.09.02: Open GZG Tribal Council Meetings

SECTION 1.09.03: Civil Rights

SECTION 1.09.01***Access to Tribal Records***

Tribal members shall have the right to review all Tribal records, including financial records, during normal Tribal Office Hours in accordance with procedures established by the GZG Tribal Council except in child welfare cases, litigation, personnel, enrollment records or other confidential records as defined by Tribal Ordinance.

SECTION 1.09.02***Open Gwichyaa Zhee Gwich'in Tribal Council Meetings***

Tribal Members have the right to be present at all Gwichyaa Zhee Gwich'in Tribal Council Meetings except during Executive Session of the GZG Tribal Council.

SECTION 1.09.03***Civil Rights***

The Gwichyaa Zhee Gwich'in Tribal Government shall provide all persons within its jurisdiction the rights guaranteed by the Indian Civil Rights Act of 1968, as amended. In summary, the Tribal government shall:

- A.** Not prohibit the free exercise of speech, press, religion, or rights of the people to assemble peacefully or file grievances against the Gwichyaa Zhee Gwich'in Tribal Government.
- B.** Not allow unreasonable search and seizure or issue search warrants without probable cause.
- C.** Not try anyone for the same offense twice.
- D.** Not make any person testify against himself in a criminal matter.
- E.** Not take private property for public use without paying the owner the fair market value.
- F.** Not deny a person the right to a speedy public trial. A speedy trial is generally assumed to be a trial within 90 days or less. The accused person must be informed of the nature of the offense he is accused of, told about the witnesses against him, be allowed to have witnesses testify and be allowed a lawyer at his own expense.

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- G.** Not impose excessive bail or fines, nor impose cruel or unusual punishments. The Gwichyaa Zhee Gwich'in Tribal Court cannot impose a penalty greater than \$5,000 or one year in jail, or both for any one offense.
- H.** Give all persons equal protection under tribal laws.
- I.** Not pronounce anyone guilty of a crime or civil violation without a fair trial. The Gwichyaa Zhee Gwich'in Council shall not pass an Ordinance and charge a person with a violation of that Ordinance or change penalties, after an incident (Ex Post Facto).
- J.** Provide anyone accused of an offense punishable by jail time the right to a trial by jury of no less than six persons.