



**PETERSBURG INDIAN ASSOCIATION**

**PO Box 1410**

**15 N. 12<sup>th</sup> Street**

**Petersburg, Alaska 99833**

**Phone: 907-772-3636**

**Fax: 907-772-3637**

**ELECTION POLICY**

**Finalized 10/25**

There shall be a regular election on the first Monday of January each year, with the exceptions of holidays.

**Section 1: ELECTION NOTICE**

- A. The Election Director shall post and publish a notice of election no less than thirty (30) days before any election. The notice will run each week in the paper in the month of December (with approval from the Tribal Council). The notice shall also be posted at the U.S. Post Office, John Hanson Hall, and at the PIA office.
- B. The notice shall state the vacancies to be filled, the term of each vacancy, and the time,
- C. date, and polling place for each election.

**Section 2: POLLING PLACES AND HOURS**

- A. The PIA Tribal Council shall establish the polling place. A qualified voting member, as established by the PIA Bylaws, shall vote only once per election and shall exercise that right at the polling place established by the Council.
- B. The Election Board shall open the polling place for early voting in December. The Election Board shall open the polling place at 8:00 a.m. on an early voting day, and shall close the polls for voting at 7:00 p.m., and shall keep the polls open during the time between these hours.
- C. The Election Board shall open the polls for voting on election day at 8:00 a.m., shall close the polls for voting at 7:00 p.m., and shall keep the polls open during the time between these hours. The Election Board members shall report to the polling place at 7:30 a.m. on election day.
- D. The election director shall publish all notices and advertisements of voting days, election day, and election-related events.



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**Section 3: APPOINTMENT OF ELECTION OFFICIALS**

- A. Not less than sixty (60) days before Election Day, the PIA Tribal Council shall select and hire an election director. The election director shall have the skills necessary to plan, operate, and oversee the Tribal election and shall not be a PIA Tribal employee or a Tribal Council candidate.
- B. The PIA Tribal Council, before election day, shall appoint from the qualified membership of PIA an Election Board consisting of up to four (4) election judges. The Council can select one election judge to serve as election chair. Elections Judges may not be PIA employees.
  - a. Prior to each election, each election judge shall take an oath of honesty and pledge to faithfully and promptly perform the duties of the office. The election chair shall administer the oath to the election judges.
  - b. The Election Board shall have control and oversight of the election. The Election Board is not permitted to accept ballots from any person other than those entitled to vote at the election, nor shall the Election Board refuse to receive any ballot from any person entitled to vote in the election. The Election Board will perform all duties impartially and fairly.
  - c. The election chair and election judges are required to attend training sessions when scheduled unless excused for cause by the PIA Tribal Council.
  - d. The Election Board shall attend all voting days, including early voting. If an appointed election judge or the election chair is not able or refuses to serve on election day or early voting days, the Tribal Council may appoint a replacement for that judge.
- C. The election director and Election Board shall be compensated for the performance of their duties as determined by the PIA Tribal Council.

**Section 4: FILING FOR OFFICE**

- A. Tribal Council
  - a. Any qualified voting member is eligible to be placed on the ballot as a candidate for a seat in the Tribal Council.



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*DEFINITION: “Qualified voting member” means a tribal member who will have attained the age of 18 years of age as of election day and whose name appears in the updated and current PIA Tribal Enrollment list.*

- b. To be placed on the ballot, the candidate must file a Declaration of Candidacy form with the election director.

**NOTE:** The Declaration of Candidacy shall be on a form that includes the seat and term the candidate is running for, the candidate’s name, physical and mailing address, the candidate’s phone number and email address. The form shall also include language whereby the candidate certifies that, by signing the declaration, he/she is eligible to be placed on the ballot. There shall also be an “Official Use Only” space for the candidate’s PIA enrollment number to be entered when appropriate.

- c. To be eligible to serve on the Tribal Council, the winning candidate must successfully complete a background investigation as set forth by the Petersburg Indian Association Employee Handbook.
- d. Individuals who fail to timely file a Declaration of Candidacy but wish to run for office as a write-in candidate must file a letter of intent to run as a write-in no later than one (1) week prior to the first day of the election in which the candidate plans to participate.
- e. A candidate may withdraw their candidacy declaration upon written notice to the Petersburg Indian Association and the election director at any time.

**B. JOM Parent Committee (as applicable)<sup>1</sup>**

The Johnson O’Malley (JOM) Parent Committee is composed of five (5) to seven (7) parents and/or guardians. This election shall be held at the same time, in the same manner, but on a separate ballot during the annual election.

- a. Candidates must be the parent or guardian of an eligible JOM child who is residing in their household. School officials or their spouses and persons directly involved in oversight of the JOM program are ineligible to serve on the committee.

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<sup>1</sup> Resolution No. 2017-06



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*DEFINITION: “An eligible JOM child” means a Native child from age 3 years through grade 12.*

**NOTE:** The term “parent” includes legal guardian or other person standing *in loco parentis* (such as a grandparent or stepparent with whom the child lives or a person who is legally responsible for the child’s welfare), whether native or non-native.

- b. To be placed on the ballot as a candidate, the parent/guardian must file a Declaration of Candidacy with PIA.
- c. A parent or guardian who fails to timely file a Declaration of Candidacy but wishes to run for office may file a letter of intent to run as a write-in no later than one (1) week prior to the election in which the candidate plans to participate. The letter must contain all the information as in the Declaration of Candidacy, including certification that he/she is eligible to be placed on the ballot.
- d. A candidate may withdraw their candidacy declaration upon written notice to the Petersburg Indian Association at any time prior to the election.

**Section 5: BALLOT PREPARATION**

- A. The election director shall prepare the ballots for the election.
- B. All candidates running for the same office shall be shown on one (1) ballot. Space for write-ins shall be made available.
- C. On the ballot, before the list of candidates, shall be placed the instructions “Vote for One” or “Vote for Two,” as the case may be.
- D. Where there is more than one (1) candidate running for a particular seat, the names of candidates shall be arranged in alphabetical order.
- E. Following the listing of offices and candidates, there shall be placed on the ballot (or on a separate ballot as the PIA Tribal Council may determine) all issues to be voted upon. The words “yes” or “no: shall be placed below the statement of each proposition or question.
- F. Printed ballots shall be numbered in series to ensure simplicity and secrecy and to prevent fraud.



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**Section 6: INSPECTION AND DELIVERY OF BALLOTS**

- A. The election director shall manage the inspection and delivery of ballots in accordance with this section.
- B. After the election polls close, the ballots may be inspected by any candidate whose name is on the ballot or by an authorized representative of a listed candidate.
- C. The Tribal Council shall approve the official election packet, which will be gathered and presented by the election director. If a mistake is discovered, corrective action will occur immediately.
- D. A sufficient amount of ballots shall be delivered to the election judges prior to opening the polls.
- E. The judges shall keep an original tribal roll which shall list all the names of each PIA-qualified voting member. Each voter, before receiving a ballot, shall sign the name on the election sign-in sheet. If the voter's name does not appear on the original roll, the voter must comply with the challenged voter procedures provided below.

**Section 7: VOTING MATERIAL**

- A. Before the opening of the election polls, the election director shall furnish to the election judges a sufficient amount of election materials.
- B. The election chair shall prepare instructions explaining to the voters how to obtain ballots, how to mark them, how to obtain information from election judges, and how to obtain new ballots to replace those destroyed or spoiled. These instructions shall be printed on cards in large, clear type and shall be prominently displayed in each polling place.
- C. The election chair shall provide privacy screens with appropriate supplies and conveniences to enable each voter to mark the ballot and be screened from observation. Ballot boxes shall be placed in plain view of the election judges, voters, and other persons at the polling place.
- D. Election materials, including completed ballots in the ballot box, shall be stored within a secure location to be determined by the election director, provided that the election



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materials shall not be stored in a location accessible by Tribal Council candidates or in a private residence.

**Section 8: VOTING PROCESS**

- A. The voter shall give the election judge their name and address. If it is determined that the voter is a qualified voter of the membership, the voter shall then place their signature on the appropriate line of the register. If an election judge believes a voter is not qualified, the voter shall be immediately challenged by the election chair.
- B. If the voter is not challenged, or if the voter has complied with the challenged procedure, the election judge will issue the ballot to which the voter is entitled.
- C. A qualified voter who cannot read, mark the ballot, or sign their name may request the election chair, or upon approval by the election chair, another person of their choice to assist. If an election judge is requested, the judge shall assist the voter. If any other person is requested, the person shall state upon oath before the election chair that they will not divulge the vote cast by a person whom they assisted.
- D. With the exception of the circumstances recited in subsection C of this section, no more than one (1) person shall occupy the booth/compartment at the same time, and no person shall be permitted to occupy an election booth/compartment longer than is necessary for voting the ballot.
- E. The completed ballot shall be deposited in the ballot box by the voter while in the presence of the election chair. A voter may request the assistance of an election judge in depositing the ballot in the ballot box. If an election judge assists the voter in depositing a ballot, the voter must observe the election judge deposit the ballot in the box. No voter may leave the polling place with an official ballot.
- F. If a voter improperly marks or otherwise damages a ballot, the voter may request, and the election judge shall provide the voter with a new, unmarked ballot. A voter shall be provided with a maximum of three (3) new ballots. After each damaged ballot is returned, the election judge shall record the number(s) of the improperly marked ballots and shred it/them.

**Section 9: ABSENTEE VOTING**



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- A. Any qualified voter of the Petersburg Indian Association who expects to be absent from the city or who will be unable to go to the polling place for any reason on the day of the election may vote by absentee ballot prior to the election. In such cases, ballots will be available on designated dates and designated hours, to be determined by the election director and approved by the Tribal Council.
- B. Only the election director shall give or deliver official ballots for absentee voting to members who make such a request. An absentee ballot packet will contain the following when delivered:
  - a. An inner envelope bearing the words “Absentee Ballot.”
  - b. An outer envelope bearing the official PIA logo addressed to the Election Board.
  - c. An affidavit providing a space for the voter’s printed name, signature, mailing, and physical address, the date for voting, and a signature line for the Election Director witnessing the absentee voting process.

The voter shall mark the ballot, place it in the “ABSENTEE BALLOT” envelope, and seal it closed. The ballot envelope, along with the completed affidavit, shall be placed together in the outer envelope bearing the PIA logo and sealed.

The election director shall take steps to ensure that the envelope containing the ballot be placed unopened in a ballot box in such a manner so as to preserve its secrecy and to prevent its identification and that of the person casting it.

No candidate, PIA employee, or tribal member shall unduly influence or direct the election director to deliver absentee ballots to their friends, daily members, and/or political supporters.

- C. The election director is responsible for completing and maintaining an absentee ballot register for each absentee ballot that is issued and received.

**Section 10: EARLY VOTING**

- A. On early voting days as determined by the election director, the process shall be the same as those for in-person election day voting, except that the voter shall receive an early ballot and the ballot box envelope shall be replaced with an envelope marked "early ballot."





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**Section 11: CHALLENGING A VOTER**

- A. Any person attempting to cast a vote may be challenged as unqualified by any of the election judges or by a legal voter or bystander. It shall be the duty of each election judge to challenge any person attempting to cast a vote whom they know, suspect, or believe not to be a qualified voter.
- B. A person whose right to vote has been challenged may be issued a ballot if the person first completes and subscribes to an affidavit or qualifications. When the voted ballot is returned to an election judge, it shall be placed in a secrecy sleeve and then placed in an official envelope bearing the questioned ballot affidavit. The envelope shall be sealed and deposited in the ballot box. All envelopes containing challenged ballots shall be delivered to the Election Board to determine if the ballot should be counted or not counted. Where any ballot is to be rejected, it must be endorsed on the back "REJECTED" and signed by the Election Board.

**Section 12: CLOSING THE POLLS**

- A. Fifteen (15) minutes before and at the time of closing the polls, the election judges shall announce the present time and the time of closing the polls. Every qualified voter present and in line at the time prescribed for closing the polls may vote. When the polls are closed, and the last vote has been cast, the Election Board shall immediately count the ballots.

**Section 13: COUNTING BALLOTS**

- A. Immediately after closing the polls, the judges shall commence tabulating the ballots and continue without adjournment until they are all counted. In no case shall the ballot box be removed from the room in which the election was held until all the ballots have been counted.
- B. The counting of ballots shall be conducted in full view of any persons present. The public may not be excluded from the area in which the ballots are counted.
- C. The Election Board shall not permit anyone present to interfere in any way or to distract the judges from their duties. No one other than the appointed Election Board may handle the ballots.





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- D. The election judges shall tally and record write-in votes only for those write-in candidates who timely filed a letter of intent with the election director as outlined in Section 4.
- E. Votes will not be counted in the following or similar situations:
- a. If a voter selects more candidates than there are seats available for that position in a given election, no votes cast for that office shall be counted.
  - b. Any erasure or correction made on an official ballot shall invalidate only that section of the ballot in which it appears.
  - c. Stickers bearing a candidate's name may not be used and will not be counted as a vote.
  - d. A write-in vote will only be counted for those candidates who timely filed a letter of intent with the election director pursuant to Section 4.

The reasons why a vote may not be counted as provided by this subsection shall be clearly stated in the voting instructions.

**Section 14: CANVASSING THE ELECTION**

- A. The Canvass Board shall consist of the PIA Tribal Council.
- B. Within seven (7) to ten (10) days of an election, the Canvass Board shall meet in public session and shall canvass the election returns. The canvass may be continued from day to day.
- C. The Canvass Board may accept the tally counts submitted by the Election Board, examine election judges, and may hear informal protests, complaints, or objections from individuals.
- D. The Canvass Board shall judge the validity of each challenged ballot on an individual basis in full view of those present.
- E. The Canvass Board may open and tally the accepted ballots and compile the total votes cast in the election.
- F. To be counted, an absentee by mail ballot must be post marked no later than two (2) days prior to the election. Exceptions may be allowed on a case-by-case basis by the Election Board for good cause shown: medical, death in family, etc.



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G. Accepted absentee and challenged ballots shall be counted in the following manner:

- a. The ballot secrecy sleeves shall be removed from the identifying outer return envelope.
- b. The return envelopes, empty, shall be delivered to the election director for preservation with other election records.
- c. The ballot secrecy sleeve shall then be opened, and the ballots removed.
- d. The votes cast on these ballots shall then be tallied in the same manner as the other ballots cast in the election.

H. If the Canvass Board reports a failure to comply with the provisions of tribal or state law or a finding of illegal election practices, and it is determined that such failure or illegal practices were sufficient to change the outcome of the election, the Canvass Board may declare the entire election invalid and order a new election.

I. If the Canvass Board finds an apparent discrepancy that may materially affect the outcome of the election, the Canvass Board shall immediately undertake a recount of the votes cast in the election.

J. After all ballots from the election have been canvassed, they shall be kept in the custody of the election director in a locked file cabinet.

**Section 15: CONTEST OF ELECTION**

A. Any candidate or any ten (10) or more qualified voters may contest the election of any person and the approval or rejection of any question or proposition upon one (1) or more of the following grounds:

- a. Misconduct, fraud, or corruption of an election judge, election chair, or election director sufficient to change the results of the election.
- b. Disqualification of the person elected under provisions of Tribal Law or existence of a corrupt election practice as defined by the Bylaws of the Petersburg Indian Association.
- c. The candidate or one (1) or more voters initiating a contest shall appear before the canvass board at the meeting held to certify the election being contested. At the canvass board meeting, the individual(s) contesting the results shall state the grounds of the contest in detail in a written document. The document shall bear the notarized signatures of the candidate or the qualified voters bringing the contest.



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- d. Upon receiving a notice of contest, the Canvass Board shall order an investigation by the PIA attorney. Those contesting the election, those whose election is contested, and the membership shall be allowed to attend all investigations and recounting proceedings.
- e. If only a recount of ballots is demanded, the election board shall recount the ballots.
- f. After considering the report of the investigating officials and any other evidence presented, the Canvass Board shall determine whether any illegally cast votes could have affected the election results.
  - i. If it is the opinion of the Canvass Board that the invalid votes could not have affected the election, the Canvass Board may proceed with certification of the election.
  - ii. If the contest involved other prohibited voting practices that are shown to have occurred, the Canvass Board shall exclude any impacted votes.
  - iii. If it is determined that such exclusion could not affect the election result, the Canvass Board shall declare the election validity held and affirm the results.
  - iv. If it is determined that the exclusion of the impacted votes would adversely affect the election results, the Canvass Board will declare the election invalid, and order a new election.
- g. All expenses incurred during the recount, pursuant to the contest procedure, shall be paid by the contestant unless:
  - i. The recount reverses the result of the election: or
  - ii. The difference between the winning and losing votes in the resulting contest is more than 2%.

**Section 16: TIE ELECTION**

- A. In the case of a tie, the PIA Tribal Council will conduct a secret ballot vote amongst seated Council members, which will include only the race or ballot proposition that resulted in a tie vote. If the secret ballot also results in a tie, the Tribal Council President may break the tie with a coin toss between the tied contestants.



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**Section 17: FILING A PIA TRIBAL COUNCIL VACANCY<sup>2</sup>**

- A. If a seat on the PIA Tribal Council becomes available outside the timeline of a regularly scheduled election, the following will occur:
- a. The position(s) will be advertised in the local newspaper for a minimum of one (1) week.
  - b. Persons interested in filling the vacancy shall submit a letter to the PIA Tribal Council that expresses their interest in the PIA Tribal Council position and their qualifications for the vacant seat.
  - c. Letters of interest will be reviewed by the PIA Tribal Council, and the person they choose will fill the vacant seat.
  - d. An individual appointed to the vacant PIA Tribal Council seat will serve out the remainder of the term of the seat that they have filled.

**Section 18: GOVERNING RULES**

- A. Elections shall follow the rules set forth in this policy. If a situation arises that is not covered under the provisions of the document or by the by-laws of the Petersburg Indian Association, then the most recent edition of the Central Council of Tlingit & Haida Indian Tribes of Alaska “Rules for the Election of Delegates” shall apply to the extent possible and necessary.

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<sup>2</sup> Resolution No. 2017-07 PIA Elections