

To: NCAI Membership
Fr: NCAI President Brian Cladoosby
Re: Consideration of Amendments to NCAI Constitution, Bylaws regarding Executive Committee Qualifications, Vacancies and Voting Process in Caucus
Dt: August 5, 2016

The following are several proposed amendments to the NCAI Constitution related to elections. We would like to have these considered at the upcoming Annual Meeting in Phoenix in October of 2016, a non-election year for NCAI. The proposed amendments are intended to clarify the rules for elections and vacancies for the NCAI Executive Committee.

- 1) Qualifications to Serve on the NCAI Executive Committee – NCAI has an Executive Committee of sixteen officers elected every two years. During election years we frequently receive questions about who is eligible to serve. The following are proposed amendments to answer that question.

There are two separate qualifications under existing NCAI Constitution Article II.F.1.c.:

(1) an NCAI delegate or alternate, and (2) an elected or appointed tribal official.

The rules permit appointed officials because this is the practice of the Pueblos. NCAI has customarily accepted the eligibility of many types of elected and appointed tribal officials.

An issue which needs clarification is the rule on what is a “tribal official.” Is it any person appointed by a tribal government to serve an official function? Or, is this intended to describe tribal chairpersons and council members and governors? After discussion, we propose that the Administrative Board (top four) officers would be tribal officials who are serving as executive or legislative council leaders for their respective tribal governments. The criteria for Regional Vice Presidents would remain the same. NCAI Constitution Article II.F.1.c. would be amended to the following:

“Qualifications: (1) Only tribal delegates or alternates to NCAI in good membership standing shall qualify for nomination, election or office of the Executive Committee. (2) The Administrative Board Officers shall be tribal officials who are serving as executive or legislative council leaders for their tribal governments. (3) The Regional Vice Presidents shall be tribal officials who are elected or appointed to represent their tribal government.”

- 2) Resignation and Succession – Under current rules, NCAI elected officers are to submit a resignation if they lose their qualifications, whether the result of retirement, an election loss, or if their credentials as a tribal delegate have been withdrawn by their tribal governing body. However, officers continue in their position, and it is discretionary on whether to elect a successor. NCAI Constitution Article III.A. This decision may depend on amount of time until the next election, willingness to continue to serve, or conflicts created by subsequent employment. This process that enables the NCAI board to function smoothly as a national organization through periods of time between major meetings. However, the process requires that outgoing officers actually submit a resignation letter, which adds another burden and causes delays. The following amendment to NCAI Constitution Article II.F.4.c. would

remove the need for an actual letter of resignation, and would conform to the qualifications amendment:

“Resignation: Executive Committee members shall immediately be considered to have submitted their resignations when they no longer hold the qualifications necessary for office.”

- 3) Vacancies - The rules for filling an Administrative Board vacancy have caused confusion as to whether they apply only to a vacancy for the President, or also to the Vice President, or both simultaneously, or to any of the top four officers. There have also been questions about whether any tribal leader delegate to NCAI could fill a vacancy. Our suggestion is to continue the typical procedure that a board fills a vacancy from among its own members until the next regular election. We would propose that a resigned President would be replaced by the First Vice President. Then, any other resignations from among the Administrative Officers (top 4) would be replaced from within the Executive Committee. Any remaining vacancy on the Executive Committee would be replaced by the regional caucus. Proposed amendments to NCAI Constitution Article II.F.5. follows in underscore-strikethrough:

a. For Administrative Board members:

(1) The Executive Committee shall select a replacement by majority vote of those present at a duly called meeting.

(2) Upon the death, resignation, or loss of ability to perform the essential duties of Office with or without reasonable accommodations of the President, his office shall be filled by the First Vice President; for all other vacancies in the event of the death, resignation, or disability of the President and First Vice President, the Executive Committee shall elect a successor from among the twelve (12) Regional Vice Presidents and the Administrative Board.

b. For the Regional Vice Presidents: A Notice shall be provided and a replacement shall be selected through a poll vote of the Regional delegates conducted by the alternate or a member of the Region’s delegates.

- 4) Voting in the Regional Caucuses - During previous elections, we have encountered confusion about voting procedures for the Regional Caucuses for the Regional Vice Presidents. Many NCAI regions have a history of handling these elections somewhat informally: sometimes through consensus; sometimes through “one tribe, one vote; or sometimes with a “one person, one vote.” Each caucus decides how to run its elections.

However, we have received some requests for standardized rules on voting in the regional caucuses. The Constitution indicates only generally that elections should be conducted according to the weighted voting system where each Indian individual member is entitled to one vote and each member tribe is entitled to 100 to 180 votes, depending upon the enrollment of the Tribe. In the past, it has not generally been the practice that the regional caucuses would use this weighted voting system, but it was used if the caucus is unable to agree on how to run its election.

Our proposal is that the caucus voting rules would provide explicitly that the caucus can decide to run its election by one-tribe-one-vote, or according to the weighted voting system. If there is no agreement, then the weighted voting system will be used. One-person-one-vote would no longer be permitted. Proposed amendments to NCAI Constitution Article II.F.1.b. follow in underscore-strikethrough.

“Regional Vice Presidents: Elections of Regional Vice Presidents to represent the National Congress of American Indians in the separate regions of the Bureau of Indian Affairs and the Northeast regions shall be conducted during the second half of the Annual Convention. The time and exact location of such caucuses to elect the Regional Vice Presidents shall be announced in General Assembly at least four hours prior to caucus. Quorums for such elections shall be comprised of a majority of official representatives of the NCAI member tribes in the region. ~~Individual NCAI members within the region of the respective election shall have a vote in these elections.~~ Elections shall be conducted by “one-tribe-one-vote” or if there is no consensus on this method, then according to the weighted voting system under Article II.F.3.”

This would require a conforming amendment to Section IV of the NCAI Standing Rules of Order, as proposed below:

Voting in Regional Caucuses

~~Each regional caucus may determine its own procedures for elections of Regional Vice Presidents and Alternates. However, if consensus cannot be reached on election procedures~~ **Elections shall be conducted by “one-tribe-one-vote” or if there is no consensus on this method, the Elections Committee will assist in the election and the procedure will follow the regular process of nominations and the weighted voting system where each Indian individual member is entitled to one vote and each member tribe is entitled to 100 to 180 votes, depending upon the enrollment of the tribe, following the rules of the NCAI By-Laws, Article III, Section B, 1(d).**

This memo is to identify issues that have come up in recent years and to propose amendments to clarify the NCAI Constitution’s rules regarding elections. If you have any questions or comments, please discuss with your Regional Vice President, or contact NCAI Executive Director Jacqueline Pata at jpata@ncai.org or NCAI General Counsel John Dossett at jdossett@ncai.org.