

CONSTITUTION
OF
THE YUKON-KUSKOKWIM DELTA REGIONAL GOVERNMENT

PREAMBLE

We, the Indigenous Alaska Native People of the Yukon-Kuskokwim Delta Region, affirming our traditional sovereignty in the Region, adopt this Constitution for our sovereign regional government to better protect our inherent rights to subsistence within our lands, to ensure public safety, to improve our regional economy and infrastructure, and to fundamentally overcome the injustices that have sought to weaken us politically, economically and culturally and worked to destroy our traditional way-of-being.

I. DEFINITIONS

- A. "Citizen" shall mean a person who is enrolled as a citizen or member of one of the 56 tribal governments located within the Region;
- B. "Clerk" shall mean the Clerk of the Yukon-Kuskokwim Delta Regional Government;
- C. "Constitution" shall mean the Constitution of the Yukon-Kuskokwim Delta Regional Government;
- D. "District" shall mean a geographic area within the Yukon-Kuskokwim Delta Region that includes certain villages and lands which is used for purposes of determining representation in the Regional Government;
- E. "President" shall mean the chief executive of the Yukon-Kuskokwim Delta Regional Government;
- F. "Region" shall mean the territory defined in Article VI;
- G. "Resident" shall mean a citizen who resides in the Region as of the date his or term of office commences;
- H. "Regional Council" shall mean the legislative body of the Yukon-Kuskokwim Delta Regional Government;
- I. "Regional Government" shall mean the Yukon-Kuskokwim Delta Regional Government;
and
- J. "Tribal government" shall mean the tribal governments located within the Region set forth in Article II, section 3.

II. THE PEOPLE

Section 1. Citizenship.

The People to be governed under this Constitution shall be comprised of all individuals enrolled as tribal citizens or members of the tribal governments listed in Article II, Section 3.

The Clerk shall maintain a roll of all citizens and ensure its accuracy. No person may be removed from the roll unless by death, voluntary relinquishment, or error. The Regional Council, upon the Clerk's recommendation, shall approve any additions and deletions to the citizenship roll.

Section 2. Eligible Voters.

All citizens age eighteen (18) and over shall be eligible to vote.

Section 3. Tribal Governments and Districts.

The tribal governments below are eligible to participate under this Constitution, which are categorized into Districts for purposes of representation in the Regional Council:

- District 1. Chevak, Hooper Bay, Scammon Bay, Paimiute
- District 2. Alakanuk, Bill Moore's Slough, Chuloonawick, Kotlik, Nunam Iqua, Hamilton, Emmonak
- District 3. Andreafski, Mountain Village, Pitkas Point, St. Mary's
- District 4. Marshall, Ohogamiut, Pilot Station, Russian Mission
- District 5. Aniak, Chuathbaluk, Crooked Creek, Georgetown, Lime Village, Lower Kalskag, Napaimute, Red Devil, Sleetmute, Stony River, Upper Kalskag
- District 6. Akiak, Akiachak, Kwethluk, Tuluksak
- District 7. Napakiak, Napaskiak, Oscarville
- District 8. Atmautluak, Kasigluk, Nunapitchuk
- District 9. Eek, Goodnews Bay, Kipnuk, Kongiganak, Kwigillingok, Platinum, Quinhagak, Tuntutuliak
- District 10. Chefornak, Mekoryuk, Newtok, Nightmute, Toksook Bay, Tununak, Umkumiute
- District 11. Bethel

III. THE REGIONAL GOVERNMENT

Section 1. Establishment.

There is hereby established the Yukon-Kuskokwim Delta Regional Government.

Section 2. Preservation of Sovereign Tribal Government Status.

Nothing contained in this Constitution shall be construed to limit the sovereignty of any Tribal government within the Region without its consent.

IV. THE REGIONAL COUNCIL

Section 1. Regional Council.

There is hereby established a Regional Council of the Regional Government comprised of one (1) representative from each of the eleven (11) Districts, each of whom shall be called a Representative.

A quorum for the conduct of business by the Regional Council shall be six (6) Representatives. A minimum of six (6) affirmative votes shall be required for the conduct of business.

The presiding officer of the Regional Council shall be the Speaker, who shall be a Representative selected by the Regional Council.

Section 2. Powers.

The Regional Council shall have authority to enact laws regarding the following matters:

- a. Restore jurisdiction over traditional lands and waters;
- b. Protect and regulate subsistence activities, wildlife, and other natural resources;
- c. Promote regional economic growth and infrastructure development;
- d. Provide regional public safety;
- e. Such other matters as may be necessary to carry out the foregoing and fulfill the provisions of this Constitution, including but not limited to:
 - i. Engage in foreign relations and make treaties or agreements with tribal, international, and the United States federal, state, and local governments;
 - ii. Make agreements with Alaska Native regional or village corporations, profit or non-profit organizations or associations, and individuals;

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- iii. Generate revenues from taxation, business operations, grants and donations, or other means;
- iv. Expend revenues that may be generated in accordance with an annual budget, including the issuance of debt;
- v. Assert or waive the Regional Government's sovereign immunity; and
- vi. Provide and save for a sovereign wealth fund.

Section 3. Reserved Powers.

Any powers not expressly contained in this Constitution shall be reserved by the People of the Region and their Tribal governments.

V. THE EXECUTIVE

Section 1. President.

There is hereby established the office of President of the Yukon-Kuskokwim Delta Region, who shall be elected at-large by the eligible voters of the Region.

The President shall have authority to carry out the following duties and responsibilities:

- a. Enforce and execute all laws enacted by the Regional Council;
- b. Fulfill the provisions of any treaties or agreements;
- c. Serve as the primary spokesman and diplomat for the People of the Region;
- d. Prepare an annual budget for approval by the Regional Council; and
- e. Such other duties and responsibilities that may be defined by law.

Section 2. Clerk.

There is hereby established the office of Clerk of the Yukon-Kuskokwim Delta Region. The Clerk shall have the following duties and responsibilities:

- a. Record, archive, and certify all official records of the Regional Government, including validation of election results;
- b. Such other duties and responsibilities that may be defined by law.

Section 3. Cabinet.

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The President, subject to confirmation and approval of funding by the Regional Council, may appoint the following officials to assist in conducting the operations of the Regional Government: Ambassador, Attorney General, Secretary of Regional Economic Development, Secretary of Regional Lands and Natural Resources, Chief of Regional Public Safety, Treasurer, and such other officials as may be necessary.

VI. JUDICIARY

Section 1. Regional Court System.

There is hereby established a court system for the Region to exercise judicial power comprised of a Regional District Court and a Regional Supreme Court. The District Court shall adjudicate disputes and dispense justice to persons subject to the jurisdiction of the Regional Government. The Regional Supreme Court shall hear appeals of decisions by the District Court.

The District Court may enter into agreements with the Tribal governments to efficiently and effectively adjudicate disputes and administer justice.

Section 2. Judges.

The District Court shall be comprised of three (3) judges, any one of whom shall be necessary to exercise judicial power. The Supreme Court shall be comprised of three (3) justices, any two of whom shall be necessary to exercise judicial power. Judges and Justices shall be appointed by the Regional Council, be at least forty-five (45) years old, and be knowledgeable of the customs and traditions of the People of the Region.

VII. TERRITORY AND JURISDICTION

Section 1. Territorial Boundaries.

The territory subject to the authority and jurisdiction of the Regional Government shall be all lands and waters customarily and traditionally occupied by the people along and between the Kuskokwim and Yukon Rivers and the Bering Sea.

Section 2. Jurisdiction.

The authority of this Government shall extend to such people and such lands within the territory as may be determined by law.

VIII. ELECTIONS AND REMOVAL

Section 1. Regional Council.

Each District shall select one (1) Representative to represent it in the Regional Council. Representatives shall be elected by the eligible voters within a particular District, except that the initial Representatives shall be appointed by the Tribal governments located within a particular District. Representatives must be citizens, be at least twenty-five (25) years of age and consent to a personal background investigation that shall be disclosed prior to the primary and general elections. Representatives shall serve for a term of four (4) years unless removed from office by death, resignation, or impeachment.

The initial Representatives shall serve staggered terms of office. Six (6) of the initial Representatives shall serve a four (4) year term and five (5) Representatives shall a two (2) year term. Initial terms shall be determined by lot at the first session of the Regional Council.

Section 2. President and Clerk.

The President shall be elected by the eligible voters within the Region. He or she must be a citizen, be at least thirty-five (35) years of age, be a resident of the Region, and consent to a personal background investigation that shall be disclosed prior to the primary and general elections. The President shall serve for a four (4) year term unless removed from office by death, resignation, or impeachment. The President may serve only two consecutive terms in office.

The Clerk shall be elected and subject to the same qualifications and requirements as the President.

Section 3. Vacancies, Removal and Impeachment.

A vacancy in the office of the President arising from death, resignation, or removal shall be filled automatically by the Clerk, who shall hold office until the next scheduled general election. A vacancy arising in the office of the Clerk shall be filled by the Speaker or other member of the Regional Council, who shall hold said office until the next scheduled general election.

The President, Clerk, and Representatives may be removed from office by the Regional Council upon an affirmative vote of nine (9) Representatives following the presentation of charges and conduct of a public trial.

Section 4. Election Commission.

There is established an Election Commission that shall have authority over the conduct of elections. Election Commissioners shall be appointed by the Regional Council.

Section 5. Election Procedure.

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A general election shall be held on the Tuesday following the first Monday in November every two years commencing in 2020.

Candidates for the offices of President, Clerk, and Representative shall file a notice of intent with the Clerk at least ninety (90) days before the next scheduled general election. The Clerk shall validate the qualifications of the candidates and certify a ballot at least sixty (60) days preceding the general election.

If there are more than two (2) candidates for any position, there shall be a primary election which shall be held thirty (30) days before the general election. The top two candidates in the primary election for each position shall then be eligible for inclusion on the ballot for the general election.

Elections shall be conducted in accordance with such laws, rules and procedures that the Regional Council and Elections Commission shall determine. The Clerk shall ensure that every village within the territory has a polling place and that a procedure for absentee or online voting is in effect.

IX. ADOPTION, AMENDMENT & RECOGNITION

Section 1. Adoption.

This Constitution was considered at a meeting of Tribal government delegates held in Anchorage, Alaska on May 7, 2020, following delivery of a notice and an invitation to participate to all Tribal governments in the Region.

At said meeting, this Constitution was adopted by the Tribal governments listed below, as evidenced by the presentation of an authorizing resolution from said government and the signature of its delegate.

Section 2. Amendment.

This Constitution may be amended (i) by voter referendum or (ii) by the Regional Council upon an affirmative vote of nine (9) or more Representatives.

Section 3. Interim Regional Government.

Upon the adoption of this Constitution, the Tribal government delegates shall select the initial Representatives from the Districts from amongst themselves, convene the Interim Regional Council, appoint an Interim Speaker, an Interim Clerk, and an Election Commission, commence the process of conducting the first general election of the Regional Government in November 2020, and initiate such other actions necessary to commence the business of the Regional Government.

THE FOLLOWING TRIBAL GOVERNMENTS OF THE YUKON-KUSKOKWIM DELTA REGION
HEREBY ADOPT THIS CONSTITUTION: