

WAGANAKISING ODAWAK STATUTE 1998017

TRIBAL ELECTIONS

1.0 Purpose

This Statute establishes the procedures and regulations to govern elections for Tribal Council under the Interim Constitution of the Little Traverse Bay Bands of Odawa Indians recognized as the Interim Governing Document for the Little Traverse Bay Bands of Odawa Indians under the provisions of PL 103-324. This Statute rescinds and replaces Waganakising Odawak Statute 1998004.

2.0 Definitions

2.1 The titles "Board of Directors" and "Tribal Council" are used interchangeably and denote the same governing body.

2.2 The titles "President" and "Tribal Chairperson" are used interchangeably and denote the same Tribal official.

2.3 The titles "Board Member" and "Council Member" are used interchangeably and denote the same Tribal officials.

2.4 The "Tribe" shall mean the Little Traverse Bay Bands of Odawa Indians.

2.5 PL 103-324 shall mean "The Little Traverse Bay Bands of Odawa Indians Act and the Little River Band of Ottawa Indians Act" as signed into law on September 21, 1994.

2.6 "Business days" means any week day that the Tribal administrative offices are open.

3.0 Duration

All provisions of this Statute will remain in effect until such time as this Statute is superseded by a subsequent action of the Tribal Council or by the initiative of members of

the Tribe as prescribed in 25 C.F.R. Part 82. In any case, however, the provisions of this Statute will only be in effect until the ratification of a constitution according to the provisions contained in PL 103-324 by the LTBB membership.

4.0 Election Board

4.1 To supervise the election on June 30, 1995 an Election Board consisting of three (3) Tribal members, who are prohibited from being candidates in that election, will be appointed by the Tribal Council on April 23, 1995. This Election Board will supervise the election and shall issue such written rules and regulations consistent with this election Statute as it deems necessary to properly conduct the election. The terms of the Election Board members shall be two (2) years from the date of their appointment. There shall be no limit on reappointment. The Election Board shall organize itself with a chairperson, a secretary, and a treasurer. One Election Board member may serve as secretary and treasurer at the same time.

4.2 The Election Board shall arrange for two (2) impartial outside observers to monitor the election who shall be present during the opening, counting and recording of ballots.

4.3 Election results will be considered final ten (10) days after the preliminary election results are posted unless the results are protested. A person wishing to protest the results of an election must file their written protest with the Election Board within ten (10) calendar days after the preliminary results are posted. The Election Board must act in an expedient manner on any protest received, in all cases reaching a decision within thirty (30) days of the date of the filing of a protest.

4.4 A Tribal member who filed a protest under section 4.4 may file a challenge in Tribal Court of the decision of the Election Board within five (5) business days from the date the Board issues such decision. If no challenge is filed in Tribal Court, the election results shall be deemed final five (5) business days after the Election Board renders its decision. If a challenge is filed in Tribal Court, the election shall be deemed final upon the rendering of a decision of the Tribal Court. The Tribal Court shall hold a hearing and issue its decision within forty five (45) days from the date the challenge is filed.

4.5 Election Board members are to be sworn in under an oath prepared and administered

by the Tribal Court within thirty (30) days of appointment.

5.0 Voting

Voting will be by secret ballot. Stamped return envelopes shall be numbered with enrollment numbers to prevent election fraud. All ballots will be counted and the preliminary results will be posted as soon as possible after the date of the election in a visible and publicly accessible manner at the Tribal offices. The ballots will be opened, counted, and recorded by the Election Board in an open meeting. The Election Board shall retain all ballots in sealed containers, including ballots that were not determined to be valid for any reason, until the election is deemed final under section 4.4 or 4.5.

6.0 Terms and Eligibility

6.1 To be eligible to run for Tribal Chairperson a person must be a member of the Little Traverse Bay Bands of Odawa Indians and be at least eighteen (18) years of age.

6.2 To be eligible to run for Tribal Council a person must be a member of the Little Traverse Bay Bands of Odawa Indians and be at least eighteen (18) years of age.

6.3 In the June 1995 election the three (3) Tribal Council candidates receiving the most votes will serve four (4) year terms and the three (3) candidates receiving the next most votes will serve two (2) year terms. The candidate for Tribal Chairperson who receives the highest number of votes will serve a four (4) year term. In subsequent elections all terms will be for four (4) years.

6.4 The terms of office start on the day of the first regularly scheduled Tribal Council meeting after the election results are declared final and end at the first Tribal Council meeting after the results of the next election for that office are declared final. In no case is the duration of the interval between the final declaration of election results and the next Tribal Council meeting to be longer than thirty (30) days.

6.5 No person convicted of a criminal charge comparable to a felony in a court of competent jurisdiction within the seven (7) years preceding an election will be eligible to run for elected office on the Tribal Council in that election, provided this section shall not apply

to convictions resulting from treaty protected activity. If any member of the Tribal Council is convicted of a criminal charge comparable to felony, with the previously stated exception, during their term on the Tribal Council their position on the Tribal Council will be considered vacant.

6.6 If a person holding office ceases to meet the eligibility requirements for that office the position held by that person will be declared vacant by the Tribal Council at the next regularly scheduled Tribal Council meeting.

6.7 In the case of vacancies on the Tribal Council, the Tribal Council may appoint a Tribal member to fill the vacancy after providing reasonable notice of the vacancy to the Tribal membership. An appointee must meet the eligibility requirements for the vacant position and the appointee's term will be the remainder of the term of the person being replaced.

6.8 A Tribal member may not run for the offices of Chairperson and Tribal Council member in the same election.

6.9 The Tribal Court will conduct the swearing in ceremony at the meeting when the newly elected members take office.

6.10 Pursuant to the Interim Constitution, Tribal Council members are elected to the offices of Vice-Chairperson, Secretary and Treasurer by the Council itself.

7.0 Nominations

Nominations for candidates will be by petition. To become a candidate a Tribal member must file a petition for candidacy signed by at least twenty five (25) people eligible to vote in the election. A Tribal member may sign more than one nominating petition. These petitions will be prepared by the Election Board and will be mailed to each eligible voter at the address on file at the Tribal Office at least one hundred sixty four (164) days prior to an election. The petitions must be submitted to the Tribal offices at least one hundred thirty four (134) days prior to all elections. Candidates shall have the opportunity to submit a written statement with their petitions on a form prepared by the Election Board. The Election Board shall make a final determination on the sufficiency of each petition and

develop a final list of candidates one hundred twenty (120) days prior to an election. Anyone wishing to withdraw their candidacy shall notify the Election Board in writing at least forty five (45) days prior to the election date. As detailed in section 8.3, the Election Board shall mail the ballots thirty (30) days before an election. The Election Board shall obtain, and inform the Tribal membership of, the official address for election purposes.

8.0 General Tribal Election

8.1 Balloting for this election will be by mail.

8.2 All members of the Tribe eighteen (18) years of age or older by the date of the election will be eligible to vote provided they meet the qualification to vote as contained within the Interim Constitution. A person who has a membership card approved ninety (90) days prior to an election will be considered to have met the criteria of registering to vote three (3) months before the election as required under the provisions of the Interim Constitution until such time as the Election Board establishes a voter registration plan which shall be approved by Tribal Council.

8.3 Ballots will be mailed thirty (30) days before the election to the address on file in the Tribal office for each adult member of the Tribe. All ballots will be sent with a stamped self addressed envelope and must be received at the address designated by the Election Board or hand delivered to the Tribal Court office by 7:00 pm on the day of the election. Ballots will be kept under the supervision of the Election Board in sealed containers from the time of their receipt until the beginning of the meetings at which they are to be counted.

8.4 Counting of ballots will be done by the Election Board and will be conducted in a meeting open for observation to all Tribal members who wish to attend. The Election Board shall provide the Tribal membership notification of the time and location of this meeting.

9.0 Subsequent Elections

General tribal elections will be held in June every two years. Special elections may be called by the Tribal Council or the Election Board as necessary to meet the requirements of the constitution or applicable Tribal law.

10.0 Campaign finance reporting

Within thirty (30) days following the certification of each election, all candidates for Tribal Council or Chairperson shall file with the Election Board campaign expenditure reports containing an itemized list of all campaign expenditures, including the sources of funds and the amount from each source of funds spent on their campaign. The Election Board shall make these campaign financing reports available for inspection by members of LTBB.

11.0 Severability

If any part of this Statute shall be declared by a court of competent jurisdiction to be invalid the remaining portions of this Statute will remain in full effect notwithstanding such declaration.

12.0 Effective Date

This Revised Election Statute shall take effect on January 1, 1999.

Certification

As Tribal Chairman and Tribal Secretary, the undersigned certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on December 20, 1998, at which a quorum was present, by a vote of 6 in favor, 0 opposed, and 0 abstentions as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<u>✓</u>	_____	_____	_____
Frank Ettawageshik	<u>✓</u>	_____	_____	_____
Barry Laughlin	<u>✓</u>	_____	_____	_____
Shirley Oldman	<u>✓</u>	_____	_____	_____
Rita Shananaquet	<u>✓</u>	_____	_____	_____
Alice Yellowbank	<u>✓</u>	_____	_____	_____

Date: 1-10-99

Frank Ettawageshik
 Frank Ettawageshik, Tribal Chairman

Barry Laughlin
 Barry Laughlin, Tribal Secretary