

Chapter 22. Judicial and Prosecutorial Appointments

6.2201 PURPOSE

This Judicial and Prosecutorial Appointments Statute is hereby enacted to establish a standard method of selecting judges, justices, and prosecutors.

(Source: WOS 2006-003, March 19, 2006, Section I)

6.2202 DEFINITIONS

- A.** The “**Tribe**” shall mean the Little Traverse Bay Bands of Odawa Indians (LTBBOI).
- B.** “**Qualified Applicants**” means an applicant that meets the eligibility and restriction requirements of the judicial and prosecutorial positions listed in the LTBBOI Constitution.

(Source: WOS 2006-003, March 19, 2006, Section II)

6.2203 DEVELOPMENT OF PROCEDURES; RECEIPT OF NOMINATIONS; SUBMISSION TO TRIBAL COUNCIL

- A.** The Tribal Executive shall develop an Administrative Procedure to receive applications from “qualified applicants” to fill the Tribe’s Judicial and Prosecutorial offices, and to fill any vacancies in the Tribe’s Judicial and Prosecutorial offices. The procedure shall provide for recommendations originating from the Executive, individual applications, and recommendations by official action at a Tribal Membership meeting. The procedure shall ensure each submission is for a specific position and term and shall establish timelines for making nominations to fill vacancies.
- B.** Tribal Executive shall receive all petitions and applications for nomination to the positions of judges, justices, and prosecutors and shall ensure that only qualified applicants are forwarded to the Tribal Council as nominations.
- C.** The submission of nominations to the Tribal Council for appointments, and to fill vacancies, shall be prepared by the Tribal Executive. Each submitted nomination must be for a specific position and term.

(Source: WOS 2006-003, March 19, 2006, Section III)

6.2204 APPOINTMENTS

Tribal Council shall adopt a procedure for making judicial and prosecutorial appointments.

(Source: WOS 2006-003, March 19, 2006, Section IV)

6.2205 SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Source: WOS 2006-003, March 19, 2006, Section V)

6.2206 EFFECTIVE DATE

Effective upon the signature of the Executive, or 30 days from Tribal Council approval, or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

(Source: WOS 2006-003, March 19, 2006, Section VI)