

Chapter R200 - Membership, Election

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ENROLLMENT REGULATIONS
Regulation # R200-01:EC

Chapter 1. Application for Membership
Regulation # R200-01:EC-01

Section 1. Authority; Purpose

1-1. *Authority.* In accordance with Section 3 and section 4.03 of the Enrollment Ordinance, # 97-200-01, the Enrollment Commission hereby promulgates these regulations for applying for and the review of applications for membership of the Little River Band of Ottawa Indians.

1-2. *Purpose.* The Enrollment Office and Enrollment Commission is resolved in being responsive to the people whom it serves, namely, the Tribal membership. The Enrollment Office is held accountable for establishing accurate, consistent and permanent records for the nation and its constituency. Many programs and services offered by the Little River Band Tribe, as well as local, state and federal programs, also depend on the certification process that the Enrollment Office implements.

To ensure confidentiality, accuracy, consistency, and fairness, the Enrollment Commission through the Enrollment Office has developed these regulations. These regulations represent years of experience, trial and error, development and revision.

Section 2. Definitions

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word “shall” is always mandatory and not merely advisory. Unless defined elsewhere, terms defined in Chapter 1 and the Enrollment Ordinance are defined for the purposes of all Enrollment Regulations.

2-2. *Applicant* means the individual applying for enrollment, or the applicant’s parent or legal guardian if the applicant is a minor or legally incompetent.

2-3. *Enrollment Officer* means the individual employed in the Enrollment Office, or his or her delegate unless specifically stated otherwise.

2-4. *Tribal elder* means a tribal member who is at least fifty-five years old and lives on or off of the reservation.

2-5. *Tribe* means the Little River Band of Ottawa Indians, except when used in connection with “Indian Tribe, band or group” in section 3-7(c).

Section 3. Application Processing

3-1. *Official Application and Process.* An applicant must file an application on a form approved by the Enrollment Commission. Requests for official application forms may be made by written or verbal request to the Enrollment Office. An official application is a form that has been approved by the Enrollment Commission, which may be maintained in a paper or electronic format, but must be submitted to the Enrollment Department, in its entirety, in a paper format with an authentic signature.

3-2. *Applicant Mailing Address.* All letters in regards to any application shall be sent to the applicant at the address identified in the application or as identified in a change of address form. It is the applicant’s responsibility to maintain a current mailing address.

3-3. *Receipt of Application.* The Enrollment Office shall date stamp all applications upon receipt and log each application into the computer database. Applications begin processing in the order in which they are received, with the exception of Indian Child Welfare Act and Juvenile Code cases which is further addressed in Chapter 4 of these regulations. Also, the Enrollment Office may consolidate applications relating to a family to better allocate resources and time.

3-4. *Initial Review.* The Enrollment Officer shall conduct an initial review of the application to determine

its completeness and forward one of the following responses.

- a. *Letter of Acknowledgment.* A letter of acknowledgment which acts as a receipt, and documents when the Enrollment Office received the application.
- b. *Request for Further Information.* A “Further Information Request” letter to an applicant which must be returned to the Enrollment Office within 30 days after mailing.

3-5. *Review of Records.* The Enrollment Officer shall create a draft family tree based on the information presented in the application. The parents, grandparents and other ancestors shall be verified based on the records presented and the enrollment files. The draft family tree shall identify:

- a. the blood quantum of the relatives and ancestors;
- b. the evidence presented to verify the relationship;
- c. the recommendation of the Enrollment Officer to accept or reject the application for enrollment;
- d. the proposed blood quantum of the applicant; and
- f. the date that the Enrollment Officer recommended acceptance/rejection approved.

3-6. *Verification of Blood Quantum.* The Enrollment Officer reviews each application to verify that the applicant-

- a. is at least 3 Indian blood, of which at least c degree must be Grand River Ottawa Blood or Michigan Ottawa blood, and
- b. is a lineal descendant of –
 1. a member of the historic Grand River Bands who resided in Manistee, Mason, Wexford or Lake Counties in the State of Michigan, who was listed on the schedule of Grand River Ottawa in the Durant Roll of 1908 as approved by the Secretary of the Interior on February 18, 1910; or
 2. individuals listed on the 1870 Annuity Payrolls of Chippewas and Ottawas of Michigan listed under the following Ottawa Chiefs:
 - A. Aken Bell
 - B. Ching gawa she
 - C. Kaw gay gaw bowe
 - D. Kewacushkum
 - E. Maw gaw ne quoung
 - F. Metaywis
 - G. Pay-quo-tush
 - H. Penayse
 - I. Shaw be quo ung; and
- c. Is not currently enrolled in any other federally recognized Indian Tribe, band, or group.

3-7. *Enrollment Officer Recommendation.* The Enrollment Officer’s recommendation to the Enrollment Commission shall consist of the following documents.

- a. A cover letter which briefly summarizes the recommendation regarding eligibility or ineligibility.
 1. The draft family tree.
 2. whether the enrollment record is audited or unaudited as set forth in Section 5 of the Enrollment Ordinance;
 3. The evidence/documents and the relationship to the draft family tree. Provided that, name and enrollment numbers shall be sufficient regarding members of the Tribe identified as relatives or ancestors.
 4. The evidence/documents recommended to be rejected as evidence and the reasons for that recommendation.

3-8. *Enrollment Commission Review.* The Enrollment Commission shall review the information presented on an individual application basis. No Enrollment Commissioner may utilize documentation or information

other than that provided by the Enrollment Officer. Information known by an Enrollment Commissioner that is not based on evidence/documents presented to the Commission may be submitted for consideration. In the event information is presented by an Enrollment Commissioner, the Enrollment Commission shall refer the application back to the Enrollment Officer. The Enrollment Officer shall complete an investigation of the new facts and obtain third party verification of the information through an affidavit or other documentation. This affidavit cannot be completed by the Commissioner who provided the information or the Enrollment Officer. After the investigation has been completed, the Enrollment Officer makes a new recommendation, taking into consideration the additional information gathered, and forwards it to the Enrollment Commission.

3-9. *Enrollment Commission Decision.* Every decision of the Enrollment Commission shall be in the closed session minutes and identify:

- a. whether the applicant is eligible or ineligible;
- b. if eligible, the blood quantum;
- c. if ineligible, the specific reasons for ineligibility.
- d. if ineligible, the Enrollment Commission decision shall contain direction regarding any additional evidence which might be needed to approve the application.

3-10. *Written Provisional Decision.* The Enrollment Officer, based on the decision in the minutes of the Enrollment Commission, shall develop a written decision that is either B

- a. from the Enrollment Officer which shall identify the decision of the Enrollment Commission; or
- b. from the Enrollment Commission which shall be signed by the Chairperson of the Enrollment Commission.

1. All written provisional decisions shall include the following language based upon whether the applicant is eligible or ineligible for membership in the Tribe:

A. In all decisions regarding eligibility and ineligibility, the following language shall be included in the written provisional decision.

You have a right to appeal the Enrollment Commission's provisional decision. The appeal must be made in writing and filed with the Enrollment Commission (via the Enrollment Department) within 30 calendar days from the date of this letter. You have the burden of proof on appeal.

If you are not satisfied with the Enrollment Commission's decision after the conference, you will receive a final decision from the Enrollment Commission and you can appeal that decision to Tribal Court within thirty days. Please keep in mind that failure to appeal the provisional decision to the Commission within 30 calendar days, bars your right to appeal to Tribal Court and this decision becomes final. Please refer to Sections 5 and 10 of the enclosed Enrollment Ordinance.

i. In all decisions regarding INELIGIBILITY, the following language shall be included in the written provisional decision.

You also have the right to re-submit an application at a later date.

ii. In all decisions regarding ELIGIBILITY, the following language shall be included in the provisional decision:

You also have the right to submit new information in the future which can demonstrate an increase in your blood quantum.

Section 4. Rules of Evidence

4-1. *Rules of Evidence.* These rules shall be utilized to provide consistency in the acceptance of evidence of eligibility for enrollment.

4-2. *Relevant Evidence.* Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of enrollment more probable or less probable than it would be without the evidence. All relevant evidence is admissible unless otherwise prohibited by these rules.

4-3. *Character Evidence.* Evidence of a person's character trait that would suggest the likelihood of an undocumented, and unable to be documented, family relationship must be presented by written testimony by a person or persons having knowledge of the truth of the alleged family relationship. Allegations of family relationships which cannot be proven by direct testimony may be proven by indirect testimony, provided that such indirect testimony may be verified by parties which are not likely to benefit as a result of the enrollment of the applicant. Such indirect testimony may be proven by one of the following methods.

a. *Other Actions of a Same or Similar Nature.* For the purposes of proving motive, opportunity, intent, preparation, or knowledge, evidence regarding the prior actions of an individual that tend to show an alleged family relationship that is unable to be documented.

b. *Habit; Routine; Practice.* For the purposes of proving the conduct of the person evidence showing prior actions that would tend to prove the alleged family relation is conformance with the habit, routine, or practice.

c. *Reputation concerning personal or family history.* Reputation among members of a person's family by blood, adoption, or marriage, or among a person's associates, or in the community, concerning a person's birth, adoption, marriage, divorce, death, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of personal or family history.

d. *Reputation as to character.* Reputation of a person's character among associates or in the community.

4-4. *Hearsay.* Except as provided in section 4-3 or this section, hearsay is not admissible. Hearsay is a statement, other than one made by the declarant offered in evidence to prove the truth of the matter asserted. The following evidence is not excluded by this section.

a. *Present sense impression.* A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.

b. *Excited utterance.* A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.

c. *Then existing mental, emotional, or physical condition.* A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health).

d. *Statements for purposes of medical diagnosis or treatment.* Statements made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment.

e. *Records of vital statistics.* Records or data compilations, in any form, of births, fetal deaths, deaths or marriages, if the report thereof was made to a public office pursuant to requirements of law. This includes Affidavits of Parentage if the document complies with tribal or state law.

f. *Records of religious organizations.* Statements of births, marriages, divorces, deaths, legitimacy, ancestry, relationship by blood or marriage, or other similar facts of personal or family history, contained in a regularly kept record of a religious organization.

g. *Marriage, baptismal, and similar certificates.* Statements of fact contained in a certificate that the maker performed a marriage or other ceremony or administered a sacrament, made by a clergyman,

public official, or other person authorized by the rules or practices of a religious organization or by law to perform the act certified, and purporting to have been issued at the time of the act or within a reasonable time thereafter.

h. *Family records.* Statements of fact concerning personal or family history contained in family Bibles, genealogies, charts, engravings on rings, inscriptions on family portraits, engravings on urns, crypts, or tombstones, or the like.

i. *Statements in ancient documents.* Statements in a document in existence twenty years or more the authenticity of which is established.

j. *Public Records.* Public records must be either originals or certified copies of documents existing in a governmental office. Newspapers and periodicals may be reproduced and sworn as to the accuracy of the document, so long as the entire article with necessary reference information is available for viewing.

4.6. *Original Documents.* The authenticity of a document must be verified by the Enrollment Officer or the Enrollment Commission prior to accepting the information to be used as evidence in deciding the case.

Section 5. Affidavits

5-1. *Three Affidavits.* A minimum of three notarized affidavits from Tribal members must be submitted to offer of proof of either ancestry or blood quantum (of either the applicant or a claimed ancestor) along with other information that may be taken into consideration. Each affidavit must be from a Little River Band of Ottawa Indians Tribal elder (fifty five years of age or older). If an applicant is 55 years or older he cannot submit and affidavit on his own behalf.

5-2. *Affiant.* Only notarized affidavits submitted by Little River Band Tribal elders or Tribal members at least fifty-five years of age are valid offers of proof.

5-3. *Content of Affidavit.* The affidavit must allege facts that establish the basis of the knowledge that the Tribal elder claims to have of the applicant's eligibility. This information must be specific and at least one full page, which must be hand-written.

5-4. *Use of Affidavits as evidence.* Evidence of a person's character trait that would suggest the likelihood of an undocumented, and unable to be documented, family relationship must be presented by written testimony by a person or persons having knowledge of the truth of the alleged family relationship. Allegations of family relationships which cannot be proven by direct testimony may be proven by indirect testimony, provided that such indirect testimony may be corroborated by at least two of the three affidavits from tribal elders who are not likely to benefit as a result of the enrollment of the applicant. Such indirect testimony may be proven by one of the following methods articulated in Section 4-3 (a)-(i).

5-5. *Weight of Affidavits.* When processing an enrollment application, the Enrollment Commission shall weigh each affidavit based on its reliability and credibility, as well as, its tendency to prove a particular fact or requirement.

5-6. *Notice.* Information regarding affidavits shall be described in the cover letter attached to the Enrollment application.

Section 6. Adoption; Amendment; Repeal

6-1. *Adoption.* This Chapter is approved by the Enrollment Commission on July 24, 2002, and approved by the Tribal Council on July 31, 2002 by adoption of resolution # 02-0731-03.¹

6-2. *Amendment.* This regulation may be amended by the Enrollment Commission in accordance with the Constitution and any rules set forth governing amendment of regulations of the Little River Band of Ottawa

¹ Amendments approved by the Enrollment Commission on _____, and amendments approved by Resolution #02-0911-06 by the Tribal Council.

Indians. Provided that, any amendments must be approved or adopted in the same manner as set forth in section 6-1.

6-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

6-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the ‘spirit’ of this regulation rather than complete compliance is acceptable.

6-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

6-6. *Effective Date.* This Regulation shall take effect on August 7, 2002.

Chapter 2. Records

Regulation # R200-01:EC-02

Section 1. Purpose; Authority

1-1. *Authority.* In accordance with Section 9 of the Enrollment Ordinance, # 97-200-01, the Enrollment Commission hereby promulgates these rules for maintaining and accessing records of the Enrollment Office.

1-2. *Purpose.* The purpose this regulation is to identify the types of records maintained by the Enrollment Office, how those records shall be maintained, and how those records may be accessed.

Section 2. Definitions

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word “shall” is always mandatory and not merely advisory.

Section 3. Type of Records

3-1. *Records.* An individual folder shall be established for each tribal member and applicant. This folder shall contain the following items.

- a. Application Form.
- b. Family Tree, draft and/or approved.
- c. Birth Certificate.
- d. Correspondence related to the application for enrollment, requests to review an individual file, third party requests for information, and other correspondence related to the individual file.
- e. Marriage record of parents, when applicable.
- f. Paternity statement when applicable.
- g. Copy of resolutions affecting enrollment.
- h. Death Certificate, if available.
- i. A checklist for easy viewing of what each folder contains.
- j. All other documents on the person pertinent to membership in the Tribe.

3-2. *Certificate of Degree of Indian Blood.* A Certificate of Degree of Indian Blood (*CDIB*) is an official document created by the Enrollment Office which identifies whether an individual is an enrolled member of the Tribe and the blood quantum of that individual. A CDIB is created at the request of an individual or by a program which an individual has requested to participate in of which membership is a requirement, element of qualification or may confer benefits. All requests for a CDIB shall be maintained in either the individual’s file or a separate file as identified by the Enrollment Office.

- a. *Individual Request.* An individual must request a CDIB regarding his or her Indian blood by filing a written request with the Enrollment Office. Such requests will be completed in a timely

manner and shall be either placed in regular first class mail to the address on file, the address on the request form (i.e. to a temporary address of the individual or to a third party office address), or held for pick-up as requested by the individual.

b. *Program Request.* The Enrollment Office maintains a working relationship with all programs of the Tribe to provide necessary information regarding Indian blood. A Tribal program request may be made in writing on a form approved by the Enrollment Office, which shall include the reasons why the information is being requested. The program request must be signed by a Department Director and approved by the Enrollment Officer and Director of Tribal Operations prior to processing the request. If either the Enrollment Officer or Director of Tribal Operations should reject the request the reasons for the rejection must be clearly stated.

c. *External Agencies.* An external agency may make a request for information on a specific individual, with a form or other written document which clearly identifies the agency and shall contain the individual's authorization to release information regarding their Indian blood, and stating the reasons the information is being requested. The request must be approved by the Enrollment Officer and Director of Tribal Operations prior to processing the request. If either the Enrollment Officer or Director of Tribal Operations should reject the request the reasons for the rejection must be clearly stated.

3-3. *Enrollment Verification.* An Enrollment Verification is an official document created by the Enrollment Office which identifies whether an individual is an enrolled member of the Tribe. An enrollment verification is created at the request of an individual or by a program which an individual has requested to participate in of which membership is a requirement, element of qualification or may confer benefits. All requests for an enrollment verification shall be maintained in either the individual's file or a separate file as identified by the Enrollment Office.

a. *Individual Request.* An individual must request an enrollment verification regarding his or her membership by following the same procedures for a CDIB request in Section 3-2(a).

b. *Program Request.* A program must request an enrollment verification regarding a person's membership by following the same procedures for a CDIB request in Section 3-2(b).

c. *External Agencies.* An external agency must request an enrollment verification regarding a person's membership by following the same procedures for a CDIB request in Section 3-2(c).

3-4. *Updating Records.* Upon receipt of appropriate documentation, the Enrollment Office will update the information on the tribal roll and individual files. The following documentation is deemed adequate for such action to be taken.

a. *Name Change.* Marriage License; Divorce Decree; Court Order-Changing Names

b. *Address Change.* Written statement signed by tribal member or his/her guardian.

c. *Death.* Death certificate; Bureau of Indian Affairs records; Mortuary Records; Hospital Records; Obituary Notice from Newspaper. Provided that, a written, signed statement from relative who attended funeral or Enrollment Officer must approve the change for which none of the above documents are available.

3-5. *Records Purging.* The following items will be purged from members' files after a period of three years:

a. Change of address forms.

b. Documents which are not evidence related to enrollment or current name, address, family relationship with other individuals, etc.

Section 4. Access

4-1. *Access to Enrollment Office.* The Enrollment Office shall be arranged such that access to an Enrollment Officer shall not allow access to the enrollment records. The Enrollment Office shall identify office hours, phone numbers, fax numbers and e-mails, where appropriate, for contact by individuals, applicants, members,

and others contacting requesting enrollment related information.

4-2. *Access to Records.* The Enrollment Office is the repository for all enrollment related records. Those enrollment related records are defined as including, but not limited to, files of individuals, computer databases containing compilations of information, and other records, listings, binders, files that contain information regarding a member or applicant for membership, whether or not the application has been denied. Enrollment related records are confidential and may not be copied, accessed, and/or distributed except as provided for in this Section.

a. *Individual Review of Enrollment Related Record.* A member or applicant may file a written request to review his or her enrollment related record. Such review shall be conducted in the Enrollment Office during normal office hours and under the supervision of an Enrollment Officer. Upon request, during a review, a member or applicant may request copies of the application, records previously supplied by the member or applicant, or the family tree. A request for copies may be subject to a fee for copying, and may be fulfilled at a reasonable time after the review.

b. *Enrollment Commission Review.* The Enrollment Commission may review a file during an application process or during an audit period, or for any reason related to the responsibilities of the Enrollment Commission and authorized by a majority vote of the Enrollment Commission during a duly called meeting.

4-3. *Third Party.* A third party may view the enrollment related record of another only by presentation of a written notarized authorization by the member. A third party is not authorized to remove, add to, or copy an enrollment related record.

4-4. *Amendment of the Enrollment Related Record.* An enrollment related record may be amended by adding to or deleting from, only under the following circumstances.

a. *Relinquishment.* The request to relinquish membership shall be included in the individual's file.

b. *Disenrollment.* The notice of disenrollment, evidence and determination of the Enrollment Commission.

c. *Change of Address; Name.* The official documents which identify a change of address or a change of name.

d. *Birth of Children; Marriage or Divorce Certificates; Death Certificates.* The official documents identifying the birth of children, a marriage or divorce certificate, or a death certificate.

Section 5. Adoption; Amendment; Repeal

5-1. *Adoption.* This Chapter is approved by the Enrollment Commission on July 24, 2002, and approved by the Tribal Council on July 31, 2002 by adoption of resolution # 02-0731-03.²

5-2. *Amendment.* This regulation may be amended by the Enrollment Commission in accordance with the Constitution and any rules set forth governing amendment of regulations of the Little River Band of Ottawa Indians. Provided that, any amendments must approved or adopted in the same manner as set forth in section 5-1.

5-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

5-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the 'spirit' of this regulation rather than complete compliance is acceptable.

5-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of

² Amendments approved by the Enrollment Commission on _____, and amendments approved by Resolution #02-0911-06 by the Tribal Council.

sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.
5-6. *Effective Date.* This Regulation shall take effect on August 7, 2002.

Chapter 3. Release of Membership Information Regulation # R200-01:EC-03

Section 1. Purpose; Authority

1-1. *Authority.* In accordance with sections 9.05 and 10.01 of the Enrollment Ordinance, # 97-200-01, the Enrollment Commission hereby promulgates these regulations.

1-2. *Purpose.* There are regular requests of the Enrollment Office to prepare mailing lists, address confirmations, statistical information and other records related to the membership of the Tribe. The purpose of these regulations is to identify how information is released by the Enrollment Office to third parties.

Section 2. Definitions

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word “shall” is always mandatory and not merely advisory.

Section 3. General Requirements

3-1. *Requests Must be in Writing.* All requests for membership information must be in writing, identify the type of information requested, the purpose for which the information will be used, and signed by an authorized agent of the requesting party.

3-2. *Mailing Labels.* The Enrollment Office may create listings of categories of members and mailing labels regarding members if the following authorizations are forwarded. All recipients of mailing labels shall have placed on literature mailed the return address of the Enrollment Office and a “Return Address Correction” request on every envelope. Provided that, the Enrollment Office may determine that a “Return Address Correction” request is not necessary if the request identifies a request for an exception and the Enrollment Office determines that an address correction would not serve the purpose of keeping the membership addresses up-to-date.

3-3. *Election Board.* The Enrollment Office shall create mailing labels for candidates when requested on a form approved by the Election Board. The Election Board shall reimburse the Enrollment Office, or require the candidate to reimburse the Enrollment Office, the expenses related to creating the mailing labels. All candidates shall be required to sign an agreement that he or she shall not copy, create or maintain a list of addresses derived from the mailing labels received under this section.

3-4. *Tribal Programs.* Tribal programs and departments may request mailing labels by submitting a form approved by the Enrollment Office. A request for mailing labels shall clearly identify the purpose for the mailing and the category of membership for which mailing labels are requested. The program request must be approved by the Enrollment Officer and Director of Tribal Operations prior to processing the request. If the Enrollment Officer and/or Director of Tribal Operations rejects the request he must state the reasons. The Enrollment Office shall be reimbursed for the cost of creating mailing labels and recipients of mailing labels shall not copy, create or maintain a list of address derived from the mailing labels received under this section. Recipients of mailing labels may be required to combine mailings with other programs and/or departments in the interests of reducing membership mailings.

3-5. *Third Party Requests.* The Enrollment Office shall place a third party request for mailing labels on the next available Enrollment Commission meeting agenda. A third party request for mailing labels shall identify the purpose for the mailing labels and the category of membership for which the mailing labels are requested. The Enrollment Commission shall determine if the request shall be approved, and if not, the reasons therefore. Third parties requesting mailing labels shall submit the documents being mailed to the Enrollment Office for

processing and mailing.

3-6. *Address Collection.* The Enrollment Office is the official office for purposes of maintaining accurate addresses of the membership. The Enrollment Office shall maintain a form for the purposes of submitting address corrections. No address corrections shall be made other than by submission of a request either on the form provided by the Enrollment Office or by a signed writing by the member for which the address correction is requested. Tribal programs and departments are encouraged to maintain address corrections approved by the Enrollment Office for forwarding to members or including in program or department mailings.

Section 4. Adoption; Amendment; Repeal

4-1. *Adoption.* This Chapter is approved by the Enrollment Commission on July 24, 2002, and approved by the Tribal Council on July 31, 2002 by adoption of resolution # 02-0731-03.

4-2. *Amendment.* This regulation may be amended by the Enrollment Commission in accordance with the Constitution and any rules set forth governing amendment of regulations of the Little River Band of Ottawa Indians. Provided that, any amendments must approved or adopted in the same manner as set forth in section 4-1.

4-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

4-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the ‘spirit’ of this regulation rather than complete compliance is acceptable.

4-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

4-6. *Effective Date.* This Regulation shall take effect on August 7, 2002.

Chapter 4. Processing Indian Child Welfare Act and Juvenile Code Cases

Regulation # R200-01:EC-04

Section 1. Purpose; Authority

1-1. *Authority.* In accordance with Section 4.03 of the Enrollment Ordinance, # 97-200-01, the Enrollment Commission hereby promulgates these rules for processing applications that involve children who may be eligible for enrollment and fall under the Indian Child Welfare Act (“ICWA”), 25 USC 1901-1952, the Children’s Code, Ordinance # 98-900-01, and the Juvenile Code, Ordinance # 99-900-02.

1-2. *Findings.* The Enrollment Commission recognizes that there is no resource that is more vital to the continued existence and integrity of Tribe than its children. Oftentimes, Tribal children and parents are not enrolled and Tribal families are broken up by the removal of their children by non-tribal public and private agencies.

1-3. *Purposes.* The purposes of this regulation are to govern verifications of enrollment and processing applications for enrollment of children who may be eligible for enrollment in the Little River Band of Ottawa Indians and who fall under the ICWA, the Children’s Code or Juvenile Code proceedings and if eligible, process the applications of the children’s parent(s).

Section 2. Definitions

2-1. *General.* For purposes of this Chapter, certain terms are defined in this section. The word “shall” is always mandatory and not merely advisory.

2-2. *Child custody proceeding.* Pursuant to 25 USC 1903 of the Indian Child Welfare Act, “child custody

proceeding” shall mean and include-

- a. “foster care placement” which shall mean any action removing an Indian child from its parents or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights have not been terminated;
- b. “termination of parental rights” which shall mean any action resulting in the termination of the parent-child relationship;
- c. “preadoptive placement” which shall mean the temporary placement of an Indian child in a foster home or institution after the termination of parental rights, but prior to or in lieu of adoptive placement; and
- d. “adoptive placement” which shall mean the permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption.

2-3. *Juvenile Code Proceedings.* Juvenile Code proceedings involve all cases that occur within the nine county area involving status and non-status offenses alleged to have been committed by a Tribal member who is a minor.

2-4. *Children’s Code Proceedings.* Children’s Code proceedings involve all cases that included in Sections 3.03-3.05 of the Children’s Code.

Section 3. Enrollment Verifications

3-1. *Proceedings covered.* This Chapter shall apply to children who are involved or about to become involved in child custody proceedings pursuant to the Indian Child Welfare Act, 25 USC 1903(1), Section 3.03 of the Children’s Code and juvenile proceedings as defined in Section 2 of the Juvenile Code who may be eligible for enrollment as a member of the Little River Band of Ottawa Indians.

3-2. *Requests.* Requests for determining if a child is an enrolled member of the Tribe may be made by the Tribal Prosecutor’s Office, Tribal Family Services Office, state agency or state court that has reason to believe that a child is involved in a proceeding that may be a member of this Tribe. The requests must be forwarded to the Enrollment Department. The request must state:

- a. the child’s name and date of birth;
- b. the Indian parent(s) name and date of birth;
- c. the type of proceeding (i.e. child custody or juvenile proceeding); and
- d. any other information regarding the child’s Indian ancestry.

3-3. *Verification.* The Enrollment Officer shall immediately verify whether the child is an enrolled member of the Tribe or if the child is eligible for membership and is a biological child of an enrolled member of the Tribe. The information must also include verification of the tribal member parent.

3-4. *Forwarding Information.* The Enrollment Officer shall send a statement to the person who requested the information immediately following the Enrollment Officer’s verification. This statement shall include:

- a. If the child is enrolled,
 - i. a certification of the enrollment number of the child; and
 - ii. a certification of the enrollment number of the parent, if applicable; OR
- b. If the child is eligible to enroll,
 - i. a statement that the child is eligible for enrollment in the Tribe and a biological child of an enrolled member and list the parent’s name (unless child is an adoptee); OR
- c. If the child is NOT an enrolled member of the Tribe and if the child is NOT eligible for membership in the Tribe, then a letter informing the agency or office of the child’s status.

Section 4. Requests and Processing Applications.

4-1. *Processing Applications.* In the event that the Enrollment Officer determines that the child and/or parent

is not an enrolled member of the Tribe, it shall automatically be presumed that the request is to process an enrollment application. The Enrollment Officer shall immediately process these applications. If information is missing, the Enrollment Officer shall make every effort to obtain the necessary information to process the application.

4-2. *Enrollment Commission Presentation.* At the next regularly scheduled meeting of the Enrollment Commission after the request has been received by the Enrollment Officer, the Enrollment Officer shall present the child's and parent's applications for the Enrollment Commission to review and approve or deny membership in the Tribe. If the application(s) is not complete, the Enrollment Officer shall inform the Enrollment Commission that a request has been filed under this regulation, the status of the enrollment application, and when the completed application will be presented to the Enrollment Commission.

4-3. *Forwarding Information.* The Enrollment Officer shall send a statement to the person who requested the information immediately following the Enrollment Commission meeting at which the decision regarding the application was made. This statement shall include:

- a. If the child is enrolled,
 - i. a certification of the enrollment number of the child; and
 - ii. a certification of the enrollment number of the parent, if applicable; OR
- b. If the child is eligible to enroll,
 - i. a statement that the child is eligible for enrollment in the Tribe and a biological child of an enrolled member and list the parent's name (unless child is an adoptee); OR
- c. If the child is NOT an enrolled member of the Tribe and if the child is NOT eligible for membership in the Tribe, then a letter informing the agency or office of the child's status.

4-4. *Pending Audit.* An applicant will be reviewed for enrollment based on the information that the Enrollment Department and Commission have at the time that the application is being reviewed.

Section 5. Adoption; Amendment; Repeal

5-1. *Adoption.* This Chapter is approved by the Enrollment Commission on July 24, 2002, and approved by the Tribal Council on July 31, 2002 by adoption of resolution # 02-0731-03.

5-2. *Amendment.* This regulation may be amended by the Enrollment Commission in accordance with the Constitution and any rules set forth governing amendment of regulations of the Little River Band of Ottawa Indians. Provided that, any amendments must approved or adopted in the same manner as set forth in section 5-1.

5-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

5-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the 'spirit' of this regulation rather than complete compliance is acceptable.

5-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

5-6. *Effective Date.* This Regulation shall take effect on August 7, 2002.

ELECTION BOARD REGULATIONS

Chapter 1: Registration of Voters

Section 1. Governing Provisions.

1-1-1. *Authority.* In accordance with Article IX, Section 4(e) of the Little River Band of Ottawa Indians Tribal Constitution, the Election Board promulgates this regulation for establishing the registered voters of the Tribe.

1-1-2. *Purpose.* The Election Board adopts this Regulation to ensure a voter registration process that is fully responsive to the Constitutional right of each Tribal member to participate in the Tribal elective process.

Severability. If a Court of competent jurisdiction adjudges any section, provision, or portion of this Regulation unconstitutional or invalid, the remainder of this Regulation shall not be affected thereby.

Section 2. Definitions

1-2-1. *General.* The following terms are defined for purposes of this regulation. Unless defined elsewhere in Tribal Election Board Regulations, terms defined in Chapter 1 of the Election Board Regulations are defined the same for the purposes of all Election Regulations.

1-2-2. The word “*shall*” is always mandatory and not merely advisory.

1-2-3. “*Registered voter*” means any Tribal member who is at least 18 years of age.

1-2-4. “*Residential address*” means the physical address at which the Tribal member resides, not a mailing address.

1-2-5. “*Tribe*” means the Little River Band of Ottawa Indians.

Section 3. Presumption of Voter Registration

1-3-1. *Registered voter status.* Any Tribal member who is at least 18 years of age on the date of a General Election, Special Election, or General Membership meeting, shall be considered a registered voter of the Tribe.

1-3-2. *Minors who turn 18 years of age on or before date of election.* A Tribal member who turns 18 years of age on or before the date of a Tribal election shall be eligible to vote in that Tribal election.

1-3-3. *Ongoing voter registration.* Once a Tribal member is deemed a registered voter, the Tribal member is registered for all future Tribal elections.

1-3-4. *Voter registration card.* A Tribal member’s Tribal Identification Card shall serve as the member’s Voter Registration Card.

Section 4. Requirements to Vote

1-4-1. *Current name and residential address required.*

a. To vote in any election, a registered voter shall be identified by the name and residential address on file with the Tribal Enrollment Department.

b. The Tribal member must maintain a current name and residential address on file with the Tribal Enrollment Department.

1. Failure to maintain a current name on file may make a registered voter ineligible to vote.

2. The Election Board shall make District determinations, as required for voting purposes, based on the residential address on file at the time an election is scheduled.

c. The Election Board shall send all correspondence, including ballots, regarding any election issues to the Tribal member in the name and at the residential address maintained at the Enrollment Department.

1-4-2. *Record keeping.* The Tribal Enrollment Department shall keep the records of Tribal members who

are Tribal registered voters.

Chapter 2: Qualifications and Declarations of Candidates

Section 1. Authority; Purpose.

1-1. *Authority.* In accordance with Article IX, Section 4(e) of the Little River Band of Ottawa Indians Tribal Constitution, and Section 5.01(c) and (d) of the Election Ordinance, # 01-200-02, as recodified and superceded on November 7, 2001, the Election Board promulgates this regulation for establishing qualifications and declarations of candidates running for the Tribal Ogema and Tribal Council positions.

1-2. *Purpose.* The purpose of this regulation is to establish the list of candidates and standards for the disclosure of financial conflicts, or other background information, by candidates, which the Election Board deems necessary and appropriate to protect the integrity of the electoral process and to protect the Tribal interest.

Section 2. Qualifications for Elected Officials.

2-1. *Tribal Ogema.* Any member of the Tribe who is 25 years of age or older, and who has resided within the Nine-County District, as defined in Article IV, Section 2(b)(1) of the Tribal Constitution, for at least 6 months before the date of the next scheduled election, may serve as Tribal Ogema.

2-2. *Tribal Council.* Any member of the Tribe who is 21 years of age or older, and who has resided within the State of Michigan for at least 6 months before the date of the next scheduled election, may serve on the Tribal Council.

Section 3. Declaration of Candidacy.

3-1. *Official Declaration of Candidacy Form.* A member seeking elected office must file a completed declaration of candidacy on a form approved by the Election Board. The official Declaration of Candidacy Form may be obtained by written or verbal request to the Election Board or to the Legal Secretary of the Legal Department.

3-2. *Member mailing address.* All letters in regards to any declaration of candidacy matter shall be sent to the member at the address identified on the Declaration of Candidacy Form. It is the member's responsibility to maintain a current mailing address with the Election Board.

3-3. *Deadline for filing Declaration of Candidacy Form.* Any member who seeks to run for an elected Tribal office shall file with the Election Board, at least 120 calendar days before the date of the next scheduled General Election, a Declaration of Candidacy Form, certifying that the member meets all of the requirements to be a candidate.

3-4. *Declaration of Candidacy Form.* The Declaration of Candidacy Form shall include, but not be limited to:

- a. the name of the member as it will appear on the official ballot;
- b. a notarized, sworn statement by the candidate certifying that the candidate:
 1. meets the qualifications set forth in Section 2 of this Chapter;
 2. has read and understands the rules and regulations governing the election process;
 3. may be removed as a candidate in the event her/his declaration contains a false statement;
 4. understands that if she/he exceeds the campaign expenditure limit for that office, or is found to have fraudulently reported the amount of money, that she/he shall be subject to ineligibility to hold office.
- c. contact information, including residential address, mailing address, home phone number, and work phone number (if applicable).
- d. each member must file with the Election Board a brief biographical statement that does not exceed one 8-½ by 11 inch page that includes a summary of her/his reasons for seeking elected Tribal office.

e. an area on the Declaration of Candidacy Form to check off if the member wants her/his biography mailed to registered voters. The Election Board will make copies of the biographical statements that are presented to the Board. The biographies presented to the Board will not be retyped, but will be copied, as received from the member.

f. the Election Board will provide an envelope for return of the completed Declaration of Candidacy Form.

3-5. *Tribal record.* A Declaration of Candidacy Form shall be a matter of Tribal record, and shall be kept on file with the Election Board.

3-6. *Receipt of Declaration of Candidacy Form.* The Election Board, or its designee, shall date stamp all Declaration of Candidacy Form envelopes upon receipt. Only an Election Board Member can open a Declaration of Candidacy Form envelope.

3-7. *Prohibition against running for 2 offices.* No Tribal member may be a candidate for Tribal Ogema and Tribal Council at the same time.

3-8. *Certification of candidates.* Within 10 days of the close of the declaration of candidacy period, the Election Board will certify the slate of candidates for the election. The Board shall post the names of candidates at the Little River Band Community Center, Little River Tribal Office, Little River Band Health Center, Little River Band Downtown Office Building, and in the next available Tribal newsletter. Only the names of verified, declared candidates will appear on the election ballots, and only verified, declared candidates may participate in any candidate information bulletin or public forum conducted by the Election Board. All candidates for elected Tribal office shall be subject to the jurisdiction of the Election Board and its Rules and Regulations. No write-in candidates will be allowed.

3-9. *Unopposed candidates.* In the event that only 1 candidate files for an elected office position, she/he shall be placed on the ballot as an unopposed candidate.

3-10. *Candidate withdrawal.* In order that ballots can be prepared in a timely manner, a candidate who withdraws from the election must withdraw within 10 calendar days of filing her/her Declaration of Candidacy Form.

Chapter 3. Conduct of Elections

Section 1. Authority and Purpose.

1-1. *Authority.* In accordance with Article IX, Section 4(a) and (e) of the Little River Band of Ottawa Indians Tribal Constitution, and Section 5.01(a), (e) and (f) of the Election Ordinance, # 01-200-02, as recodified and superceded on November 7, 2001, the Election Board promulgates this regulation for establishing the conduct of Tribal elections for the Tribal Ogema and Tribal Council positions.

1-2. *Purpose.* The purpose of this regulation is to establish the conduct of Tribal elections for the Tribal Ogema and Tribal Council positions, which the Election Board deems necessary and appropriate to protect the integrity of the electoral process and to protect the Tribal interest.

Section 2. General Election Dates, Voters, Ballots and Polls.

2-1. *Election date.* There shall be a biannual spring election designated as the General Election held in every odd numbered year on the last Friday of April, beginning in the year 2003, unless otherwise scheduled by the Election Board, for the general election of Tribal Officials. Special elections to fill vacancies in Tribal offices will be scheduled separately by the Election Board.

2-2. *Secret mail ballot.* All Elections will be conducted entirely by secret mail ballot, unless otherwise provided for by the Election Board.

2-3. *Polls.* The homes of registered voters are designated as "polls" for voting purposes, as provided in Article IX, Section 3(b) of the Tribal Constitution.

Section 3. Voting Districts.

3-1. *Voting districts.* Pursuant to Section 3.08 of the Election Ordinance# 01-200-02, Voting Districts means the 3 geographic areas consisting of the “At-Large District,” the “Nine-County District” and the “Outlying District” from which the 9 positions on the Tribal Council are selected, as defined in Article IV, Section 2(b) of the Constitution.

a. “At-Large District” means the area representing all members of the Tribe for the purposes of voting in an election of the Tribal Council, as defined in Article IV, Section 2(b)(2) of the Constitution. The At-Large District allows all registered voters to vote for this position. An At-Large candidate can reside anywhere in the State of Michigan, so long as she/he resides in the state 6 months before the election.

[b] e. “Nine-County District” means the area consisting of Kent, Lake, Manistee, Mason, Muskegon, Newaygo, Oceana, Ottawa, and Wexford Counties, in the state of Michigan, for the purposes of voting in an election of the Tribal Council, as defined in Article IV, Section 2(b)(1) of the Constitution. The Nine-County District allows all registered voters who reside within the Nine-County District to vote for this position. A Nine-County candidate can reside anywhere in the State of Michigan, so long as she/he resides in the state 6 months before the election.

c. “Outlying District” means the area representing the members of the Tribe residing outside the Nine-County District for the purposes of voting in an election of the Tribal Council, as defined in Article IV, Section 2(b)(3) of the Constitution. The Outlying District allows all registered voters who reside outside of the Nine-County District to vote for this position. An Outlying District candidate can reside anywhere in the State of Michigan, so long as she/he resides in the state 6 months before the election.”

Section 4. Election Process.

4-1. *Election announcement.* At least 150 calendar days before the date of a General Election, the Election Board shall prepare and post an election announcement at the Little River Band Community Center, Little River Tribal Office, Little River Band Health Center, Little River Band Downtown Office Building, and in the next available Tribal newsletter. The announcement shall include:

- a. the date of the election;
- b. the manner in which the vote is to be taken (mail/polling places/absentee ballots);
- c. the offices to be elected;
- d. the procedure for establishing candidacy;
- e. the time limits set for each stage of the election process.

The Board may include in the announcement any other items it deems advisable to further the election process, including voter registration information.

4-2. *Election ballots.* The Election Board shall mail official election ballots to registered voters at least 45 calendar days before the date of the scheduled election. The ballots shall contain the instructions as to the method of voting. Voters may cast no more than 1 vote per candidate. To be counted, completed ballots must be returned by mail and must be received by the Election Board, at its post office address, before noon on Election Day. Ballots not completed in accordance with such instructions will be counted as spoiled.

4-3. *Votes.* Each registered voter shall be entitled to cast 1 vote for:

- a. each vacancy on the Tribal Council for the district in which the voter resides (Nine-County or Outlying); and
- b. for the At Large vacancy on the Tribal Council; and
- c. for the vacancy for a candidate for the office of Tribal Ogema.

4-4. *Completing ballot.* Each registered voter shall vote the ballot by following the instructions to vote, but in no case for more candidates for any office than is indicated under the title of each office.

4-5. *Election results.* As soon as practicable after the close of the election, the Election Board shall count

the ballots and certify the results of the election. Candidates for elected Tribal office may choose 1 representative to be present when the election ballots are counted.

- a. *Tribal Ogema.* The Tribal Ogema shall be the candidate seeking the elected office who receives a majority of the Tribal votes cast for that position. If no 1 candidate receives a majority of the votes cast, a run-off election shall be held between the 2 candidates who received the greatest number of votes.
- b. *Tribal Council.* For each voting district, the Tribal Council candidate(s) receiving the greatest number of votes shall be elected to fill each vacancy according to the rank order of votes received.
- c. *Tie vote.* Any tie vote affecting the outcome of an election shall be determined by lot in the manner provided by the Election Board.

Chapter 4. Campaign Financing

Section 1. Authority; Purpose.

1-1. *Authority.* In accordance with Article IX, Section 4(e) of the Little River Band of Ottawa Indians Tribal Constitution, and Section 5.01(j) of the Election Ordinance, # 01-200-02, as recodified and superceded on November 7, 2001, the Election Board promulgates this regulation to establish proper campaign financing of Tribal elections for the Tribal Ogema and Tribal Council positions.

1-2. *Purpose.* The purpose of this regulation is to establish rules for campaign financing, to establish reporting requirements regarding campaign financing, and establish proper penalties if the campaign finances procedures are violated during the conduct of Tribal elections for the Tribal Ogema and Tribal Council positions. This regulation is adopted by the Election Board as necessary and appropriate to protect the integrity of the electoral process and to protect the public interest.

Section 2. Definitions. For purposes of this regulation, the following terms are defined in this section:

- 2-1. *Contribution* means the donation of money in support of a particular candidate or candidates. An endorsement is not a contribution.
- 2-2. *Endorsement* means an indication of commendation or approval, either verbal or in writing, by a person supporting a candidate for office. An endorsement is not a contribution.
- 2-3. *Immediate family* means parent, stepparent, spouse, sibling, a stepsibling, child, or other person residing in the same household.
- 2-4. *In-kind contribution* means a contribution of a person's personal or professional efforts or services in support of a particular candidate or candidates.

Section 3. Allowable Contributions.

3-1. *Acceptance of funds.* A candidate may solicit and accept funds or other contributions for her /his campaign provided that:

- a. *Individuals.* Only individuals may make contributions to campaigns.
- b. *Exclusion of non-Tribal member's contributions.* No contributions from non-Tribal members may be solicited or accepted, unless received from members of the candidate's immediate family. Funds received from immediate family members may not be derived from other individuals or organizations.
- c. *Record keeping.* A candidate shall keep a record of all contributions to her/his campaign. The record shall identify the person making the contribution, the date received, and the amount or type of contribution made.
- d. *Candidate responsibility.* Each candidate shall be responsible for the control and recording of the financial activities of her/his campaign, including the activities of other Tribal members campaigning on her/his behalf.

e. *Exclusion of endorsements.* A candidate has the right to obtain endorsements, either written or verbal, from any other person.

3-2. *Limitation on expenditure by or on behalf of candidates.* The following sums shall be the maximum amounts for any election that may be expended by or on behalf of any candidate in an election. When anything of value, other than money, is expended or used by or on behalf of any candidate, with the exception of a person contributing person-hours to a campaign, the contribution shall be considered as equivalent to money, at its fair cash value. Necessary personal travel expenses of a candidate that are provided by a candidate shall not be included in the limitation and need not be reported.

a. for the Office of the Ogema, expenditures shall not exceed \$10,000.

b. for the Office of Tribal Councilor:

1. for an At-Large Candidate, expenditures shall not exceed \$7,500.

2. for a Nine-County Candidate, expenditures shall not exceed \$5,000.

3. for an Outlying Candidate, expenditures shall not exceed \$5,000.

3-3. *Radio, television time or public forum.* Where radio, television, or public forum is donated or offered on an equal basis to all candidates for any particular office, the value of such time shall not be included in the above limitation on expenditures, but shall be reported by or on behalf of each candidate receiving the same, without assigning any cash value thereof.

Section 4. Reporting Requirements.

4-1. *Reporting requirements; time of filing; preparation and forms.* Each candidate whose name appears upon the official ballot in any election shall file with the Election Board a sworn and signed itemized statement of receipts and expenses not more than 5 calendar days after the election. The statement of receipts and expenditures shall be made upon forms approved by the Board. The Board shall give the candidate an opportunity to correct any deficiency or error in her/his report.

4-2. *Statement of receipts and expenditures.* The statement of receipts and expenses shall set forth in detail a complete record of the candidate's receipts and expenditures in money or other things of value. Receipts or copies for expenses shall accompany the statement. The statement of receipts and expenditures shall include, but is not limited to:

a. contributions that also shall list the person who made the contribution, the date and the amount;

b. future promises to pay;

c. presents and favors, either present or future, intended for the purpose of aiding or that could have a tendency to aid her/his cases in such election;

d. in-kind contributions, including the person's name and address who assisted, how many hours they contributed, and/or what was donated in-kind.

Section 5. Penalties and Hearing Procedures.

5-1. *Penalty for failure to file statement of receipts and expenditures.*

a. the candidate receiving the greatest number of votes in any election shall not receive a certification of election, and shall not be eligible to take office, until the statement required by Section 4-1 is filed.

b. a candidate, whether elected to an office or not, who refuses or fails to file the statement required by Section 4-1 shall be fined an amount of not less than \$300 nor more than \$500. Sections 5-4 through 5-6 of this regulation shall govern this campaign financing hearing process.

5-2. *Penalty for exceeding campaign expenditure limit.* A candidate who expends more money or other things of value, either in person or through agents, than is permitted by Section 3-2; or who knowingly permits any other person to expend a sum, that when added to the sum expended by the candidates and her/his agents, exceeds the limits established in this regulation, shall be fined an amount not less than \$300 nor more than \$1,000. If the candidate received the greatest number of votes in the election, she/he shall be ineligible to hold office. Sections 5-4 through 5-6 of this regulation shall govern this campaign financing hearing

process.

5-3. *Fraudulent reports; penalty.* A candidate who makes any statement or report required by this regulation, and therein knowingly misrepresents the amount of money given or expended, or fails knowingly to fully disclose the facts as to any gift, shall be fined an amount of not less than \$300 nor more than \$1,000. If the candidate received the greatest number of votes in the election, she/he shall be ineligible to hold office. Sections 5-4 through 5-6 of this regulation shall govern this campaign financing hearing process.

5-4. *Election Board investigation.* If the Election Board has reason to believe that a candidate has violated any part of Sections 5-1 or 5-2 of this regulation, the Board shall conduct an investigation and shall make written findings of the alleged violation. The Board shall also determine an appropriate fine and determine if the candidate does not have the right to take office. The Election Board shall inform the candidate in writing of its decision and of the candidate's right to a hearing pursuant to Section 5-4.

5-5. *Right to hearing.* A candidate has the right to dispute the decision of the Election Board within 10 calendar days from the date that the candidate receives the written decision of the Board's investigation. The candidate must make the request for a hearing in writing and must state the reasons that she/he disagrees with the Board's decision. The Board shall hold a hearing within 10 calendar days of receipt of the written request to determine the outcome of the dispute.

5-6. *Written decision.* The Election Board shall render a written decision within 10 calendar days after the hearing. The decision shall include findings of fact, conclusions, and the final penalty, if any. This decision is final and cannot be appealed, unless the candidate alleges impropriety of the Election Board. If impropriety is alleged, the candidate must demonstrate, in writing, specific evidence of impropriety. The Election Board shall forward any allegations of impropriety to the Tribal Court.

Chapter 5. Election Disputes, Recounts and Challenges

Section 1. Authority; Purpose.

1-1. *Authority.* In accordance with Article IX, Section 4(a) and (c) of the Little River Band of Ottawa Indians Tribal Constitution, and Section 5.01(g) of the Election Ordinance, # 01-200-02, as recodified and superceded on November 7, 2001, the Election Board promulgates this regulation for establishing the conduct of election disputes, recounts, and challenges to the Tribal elections for the Tribal Ogema and Tribal Council positions.

1-2. *Purpose.* The purpose of this regulation is to establish rules for the conduct of election disputes, recounts, and challenges to the Tribal elections for the Tribal Ogema and Tribal Council positions. This regulation is adopted by the Election Board as necessary and appropriate to protect the integrity of the electoral process and to protect the Tribal membership.

Section 2. Definitions. For purposes of this regulation, certain terms are defined in this section.

2-1. *Election challenge means a challenge to an election that occurs after the ballots are counted.* An election challenge must be made by a registered voter, and must be presented in writing, stating the specific reasons that the outcome of the election is being called into doubt.

2-2. *Election dispute means a dispute that occurs during the election.* An election dispute must be made by a registered voter, and must be made in writing stating what aspect of the election process is being contested.

2-3. *Election recount means to recount the votes for a particular office.* Only a candidate with a losing number of votes may file a request for an election recount of the votes for the office she/he ran for during the election.

Section 3. Election Disputes.

3-1. *Election disputes.* Election disputes filed with the Election Board, with the exception of election challenges provided for in Section 5 of this regulation, will be investigated and decided in such formal or informal proceedings as the Board deems appropriate, with a view to avoiding undue delay or interference

with the timeliness of the election process.

Section 4. Election Recounts.

4-1. *Election recounts.* Within 5 calendar days following the date of certification by the Election Board of the results of an election, a candidate for any office may petition the Board for a recount of the votes for that office, specifying the nature of the error(s) or fraud(s) alleged to have occurred. Upon receipt of a petition, the Board shall notify immediately all opposing candidates, and may seek from the opposing candidates responses to the petition. In determining whether to grant or deny the petition, the Board may conduct such further inquiry as the Board deems appropriate. If, after inquiry, it appears to the Board that there is a reasonable likelihood that error or fraud has been committed, as alleged in the petition, the Board shall grant the petition and will conduct an immediate recount. If there is not a reasonable likelihood that error or fraud has been committed, the petition will be denied.

Section 5. Election Challenges.

5-1. *Election challenges.*

- a. *Time period to file.* Within 10 calendar days following the date that the Election Board certifies an election, any registered voter may file a written election challenge with the Election Board.
- b. *Written challenge.* An election challenge must be presented in writing, must specify the grounds for the challenge, and must set forth sufficient facts to demonstrate that the challenged act(s) or omission(s) would have affected the outcome of the election. The challenge must be signed by the registered voter filing the challenge.
- c. *Receipt of challenge.* Upon receipt of an election challenge, the Election Board shall notify all candidates for that Office, and may request the filing of responses to the challenge.
- d. *Hearing.* In determining the validity of a challenge, the Election Board may conduct such further inquiry and hold such hearings, formal or informal, as the Board deems appropriate. Within 10 calendar days after the Election Board receives a challenge, the Board shall hold a hearing, and render a written decision within 10 calendar days of the hearing, unless just cause exists to extend the time of decision.

Chapter 7. Verification of Registered Voters and Secret Ballot Voting Procedures for General Membership Meetings

Section 1. Authority; Purpose.

7-1-1. *Authority.* In accordance with Article VII, Section 1(a) of the Little River Band of Ottawa Indians Tribal Constitution, and Article IX, Sections 2(b), 3(b) and 3(e), and Section 4(e), the Election Board establishes these procedures for verifying registered voters and for secret ballot voting procedures for General Membership Meetings.

7-1-2. *Purpose.* The purpose of these procedures is to ensure confidentiality, accuracy, consistency, and fairness in the processes of verifying Tribal registered voters and conducting elections at the Tribal General Membership Meetings.

7-1-3. *Public Awareness.* The Election Board shall make this regulation available at General Membership Meetings to increase awareness among the Tribal membership of the importance of registered voter verification during Membership Meetings.

Section 2. Definitions.

7-2-1. “*Rejected ballot*” means a ballot that cannot be counted because it was cast in noncompliance with the requirements of law.

7-2-2. “*Spoiled ballot*” means a ballot returned to the Election Board or to an Election Board member by a registered voter because the voter found the ballot to be unusable or the voter marked the ballot improperly.

Section 3. Verification of Registered Voters.

7-3-1. All verification of registered voters shall take place on the date of the scheduled General Membership Meeting, between the hours of 10:00 a.m. and 1:00 p.m.

- a. The purpose for closing the verification process at the designated time is to ensure that this administrative procedure does not disturb the business of the Membership Meeting.
- b. At least 1 Tribal Police Officer shall be present throughout the voting, counting, and tally processes. An Officer(s) shall remain until the count and tally of the ballots is completed, certified, and announced.
- c. Any person causing a disturbance, for any reason, may be removed from the viewing of the verification and election processes.

7-3-2. The Tribal Enrollment Department shall provide to the Election Board a prepared final list of all Tribal registered voters before 10:00 a.m. on the date of the scheduled General Membership Meeting.

7-3-3. To be able to vote on any potential Tribal business conducted at the General Membership Meeting, a Tribal member must stop at the Enrollment Department table to verify the member’s Tribal voter registration status.

- a. A Tribal member must have proper identification for verification. The only acceptable forms of proper identification are:
 1. Tribal Identification Card
 2. Valid State-Issued Drivers License.
 3. Valid State-Issued Identification Card
 4. Valid Military Identification Card.

7-3-4. The Enrollment Department shall have name change and residential address change forms available at the Enrollment Department table.

7-3-5. A Tribal member who properly updates their name and/or residential address with the Enrollment Department on the day of the Membership Meeting shall be able to vote at the Membership Meeting.

7-3-6. Upon closure of the registered voter verification process, the Enrollment Officer shall provide a copy of the registered voter verification report to the Election Board, together with a certification by the Enrollment Officer that the report accurately represents the number of registered voters known to be in attendance at the Membership Meeting as of 1:00 p.m.

Section 4. Certification of Registered Voters in Attendance.

7-4-1. Upon receipt of the Enrollment Officer report and certification, the Election Board shall count the number of registered voters confirmed as present at the Membership Meeting.

- a. An Election Board member shall count the number of confirmed registered voters in attendance at the meeting, and then shall pass the report to a second Election Board member to count.
- b. In the event that the counts of the 2 Board members do not agree, the Board members shall conduct recounts until there is agreement between the counts.
- c. When the Election Board members agree upon a total count, a quorum of the Board shall take a motion to confirm the total count.
- d. The Chairperson of the Election Board, or an Election Board member designated by the Chairperson, shall complete a written certification, with 3 originals, of the count.
- e. The certification shall include:
 1. The total number of Tribal registered voters.
 2. The total number of registered voters constitutionally-required (30%) to be in attendance

- to act upon a Motion and/or Ordinance put before the membership at the meeting.
3. The total number of verified registered voters in attendance at the meeting.
 4. The Election Board vote on the motion confirming the count of registered voters in attendance.
 5. Each Election Board member present for the vote on the motion shall signature 3 original certifications.
 6. The certifications shall be distributed as follows:
 - i. One original of the certification shall be provided to the Tribal Ogema for Membership Meeting purposes.
 - ii. One original shall be provided to the Tribal Enrollment Officer for the Tribal Records.
 - iii. One original shall be kept and filed by the Election Board.
 - f. If the certification shows a total count of less than 30% of the Tribes registered voters in attendance at the General Membership Meeting, the Election Board's business shall be concluded, and the Election Board may leave the meeting.
 - g. If there is a verified count of more than 30% of the Tribes registered voters in attendance, then a quorum of the Election Board shall remain until the close of Tribal business to conduct any voting procedures brought forward for business by the membership.

Section 5. Secret Ballot Voting.

7-5-1. Voting Procedures. A quorum of the Election Board shall conduct secret ballot voting procedures and shall establish polls if a Motion and/or Ordinance question is developed in the course of Tribal business during the General Membership Meeting.

- a. The Election Board shall obtain clarification of any Motion and/or Ordinance question so that the proposed Motion and/or Ordinance may be voted on in a **YES/NO** manner.
- b. A Board member shall pen the language of the Motion and/or Ordinance onto a large meeting easel for the membership to reference during the vote.
- c. The Election Board shall begin voting processes on a Motion and/or Ordinance made and approved immediately following the approval of the Motion and/or Ordinance.
- d. The Election Board shall issue ballots only if the Election Board certifies that 30% of Tribal member registered voters are in attendance at the Membership Meeting, and a Motion and/or Ordinance question is brought to a vote at the meeting.
- e. The Election Board shall arrange to have 2 portable voting booths brought into the meeting room and shall establish them as polls.
- f. The Board shall have a ballot box brought into the meeting room and placed in as close proximity to the 2 polls as possible.
 1. With the assistance of a Tribal Police Officer, an Election Board member shall open the ballot box and confirm, before the membership present, that the ballot box is empty before the start of voting.
 2. The ballot box thereafter shall be locked.
- g. The Election Board shall move the easel with the final language of the Motion and/or Ordinance question near the established polls/voting booths.
- h. Only one Motion or Ordinance question shall be brought to a vote at a time.
 1. Each Motion or Ordinance question shall require a separate vote.
 2. The purpose for limiting actions to a single question at one time is to avoid confusion among the membership as to what issue is before the membership for consideration.
- i. Prepared ballots with YES/NO and checkboxes for voting shall be brought in to the meeting room.

- j. An Election Board member shall hand-number each ballot to be issued.
- k. Two lines for registered voters shall be formed for issuing ballots.
 - 1. One line shall be for Tribal elders and Tribal handicapped voters.
 - 2. The second line shall be for all other Tribal voters.
- l. An Election Board member shall issue ballots to verified registered voters in each line.
 - 1. The Board member issuing the ballots shall verify that the voter is confirmed to be present on the voter attendance report for the Membership Meeting. The Election Board member then shall issue a ballot to the voter.
- k. Election Board members may help voters in entering or exiting the voting booths or in placing finished ballots in the ballot box.³

7-5-2. *Ballots and Voting.*

- a. The ballot shall read **YES** or **NO** with associated checkboxes next to each answer.
Example: **YES** **NO**
- b. To vote, the voter must place an “x,” e.g., , or “✓”, e.g. , mark in the box immediately to the right of the voter’s choice.
 - 1. The following examples of improper voting will cause a ballot to be rejected by the Election Board for noncompliance. The examples listed not intended to be exclusive.
 - i. a vote that circles a checkbox, rather than has one of the specified marks placed in the checkbox;
 - ii. any marks inside the checkbox other than an “x” or a “✓”;
 - iii. double voting – more than 1 checkbox marked.
- c. Each registered voter present shall be entitled to cast one vote for each Motion and/or Ordinance question put to a vote.
- d. A voter may request a replacement or new ballot by returning a spoiled ballot to an Election Board member.
 - 1. Spoiled ballots shall be placed in a separate envelope marked “Spoiled.”
 - 2. The Board shall mark a new ballot as “Replacement,” number the ballot with the next available number from the ballot numbering series, and shall present the ballot to the voter.
- e. After a voter has marked their ballot, the voter shall place the ballot in the ballot box.
- f. When the voting is completed, the Election Board shall announce the close of the voting process and shall proceed to count and tally the votes.

7-5-3 *Counting and tallying the votes.* The Election Board shall move the ballot box and the easel to an area in the meeting room to permit public viewing of the ballot and vote count.

- a. The easel shall be used to post each vote, with separate columns for noting YES and NO votes, and SPOILED and REJECTED ballots.
 - 1. The easel shall be placed in a location where the membership in attendance shall have the best opportunity to witness each vote as it is placed in the appropriate column.
- b. An Election Board member shall unlock the ballot box, and remove and assemble the ballots.
- c. Holding each ballot above their head, an Election Board member shall call out once the vote on the ballot, and, if possible, shall display the ballot to the membership in attendance via overhead projector device.
 - 1. If the vote requires repeating, another Election Board member may repeat the vote as long as it is announced that the vote on the ballot is being repeated.
 - 2. Each spoiled ballot shall be announced to the membership and an entry made into the SPOILED BALLOT column on the easel.

³ So in original, probably should be ‘m’.

- d. Any ballot that is removed from the ballot box, and that has more than 1 checkbox marked, or any other defect, as confirmed by a majority vote of the Election Board members present, shall be deemed a rejected ballot.
1. Any ballot deemed rejected shall be announced to membership as a rejected ballot, with an explanation as to the reasons for the rejection, and a notation entered under the REJECTED BALLOT column on the easel tally.
 2. No vote shall be counted for rejected ballots.
 3. Rejected ballots shall be placed in a separate envelope marked "Rejected."
- e. An Election Board member shall enter the vote count onto the easel paper in the appropriate column.
- f. When the counting of the votes is completed, 2 Election Board members independently shall tally the votes, as entered on the easel paper, in view of the membership in attendance.
1. The tally of the 2 Board members must agree.
 2. If the tally does not agree, the Board members shall recount the votes until there is agreement on the tally.
- g. An Election Board member may collect and organize already-counted ballots.

Section 6. Certification of Results.

- 7-6-1. When the tally is completed, the Election Board shall take a vote to confirm the final tally of the vote.
- a. The Election Board members who are present shall signature the easel paper certifying the election count and tally.
 - b. A Board member shall make an 8-1/2 x 11" paper count and tally sheet directly from the certified easel sheet, and shall certify that the paper tally is a true and correct copy of the easel count and tally.
- 7-6-2. Within 5 calendar days of the General Membership Meeting, the Election Board shall provide to the Tribal Ogema and to the Tribal Council Speaker a written certification of the final vote tally on each Motion and/or Ordinance.
- 7-6-3. The Board's certification shall contain the following:
- a. the total number of registered voters for the Tribe;
 - b. the total number of registered voters required for 30%;
 - c. the total number registered voters attending the Membership Meeting;
 - d. the total number of registered voters casting ballots for the motion or ordinance question;
 - e. the wording of the motion and/or ordinance as voted on;
 - f. the total number **YES** votes;
 - g. the total number **NO** votes;
 - h. the vote of the Election Board;
 - i. the signatures of Election Board members in attendance.

Section 7. Security and Destruction of Membership Meeting Election Materials.

- 7-7-1. Upon completion of the ballot tabulation and count process, the Board shall seal all ballots, verification receipts, easel papers, and tally sheets in a Ballot Box, and the Ballot Box shall be locked in a fireproof safe, or in the Tribal Police Evidence Locker.
- a. The sealed Ballot Box shall be opened only in the presence of a quorum of the Election Board.
 - b. The ballots and envelopes shall be destroyed after 30 calendar days, or after the Board certifies the Final Report of election results, whichever is longer, and only upon Resolution by the Election Board.

CHAPTER 10. RECALL OF ELECTED OFFICIALS

Section 1. Authority; Purpose.

10-1-1. *Authority.* Pursuant to Article IX, section 4(e), and Article X, Section 2 of the Tribal Constitution, the Election Board of the Little River Band of Ottawa Indians publishes these Regulations for the Recall of Elected Tribal Officials.

10-1-2. *Purposes.* The purpose of these recall regulations is to aid the operation of the constitutional provision that establishes the right to recall, by promoting the efficient administration of the right and the integrity of the election process and the Tribal government.

10-1-3. *Severability.* If a Court of competent jurisdiction adjudges any section, provision, or portion of this Regulation unconstitutional or invalid, the remainder of this Regulation shall not be affected thereby.

Section 2. Definitions.

10-2-1. “*Board*” means the Election Board.

10-2-2. “*Circulator*” means a registered voter of the Tribe designated in writing by the Principle Sponsor of the recall petition to circulate a recall petition for the purposes of obtaining the signatures required on the petition.

10-2-3. “*District*” means the 3 electoral districts of the Tribe as defined in the Tribal Constitution, Article IV, section 2(b)(1).

10-2-4. “*Malfeasance*” means the commission of an unlawful act; or any wrongful conduct that affects, interrupts, or interferes with the performance of official duty.

10-2-5. “*Misfeasance*” means the performance of an official duty in an improper manner.

10-2-6. “*Moral turpitude*” means an act that shocks the public conscience, such an act of violence, including domestic violence; or an act contrary to justice, honesty, or good morals accepted and customary among the Aníshinaábek.

10-2-7. “*Neglect of duty*” means an intentional or grossly negligent failure to exercise due diligence in the performance of a known official duty.

10-2-8. “*Nonfeasance*” means the failure to perform some act that a person is obligated or has responsibility to perform.

10-2-9. “*Officeholder*” or “*Elected official*” means the Tribal Ogéma and Tribal Councilors which offices are subject to recall as provided in the Tribal Constitution, Article X, section 2.

10-2-10. “*Petition*” means a Petition for Recall and Justification of Conduct.

10-2-11. “*Principal Sponsor*” means a registered voter of the Tribe who initiates a Request for Recall Petition, and who actually voted in the last preceding Tribal election held in the voting district that elected official sought to be recalled. The Principal Sponsor is responsible for contact with the Election Board regarding the recall petition and process, and is the person to whom the Election Board shall direct all correspondence, communications, and notices.

10-2-12. “*Tribe*” means the Little River Band of Ottawa Indians.

10-2-13. “*Violation of oath of office*” means the willful neglect or failure by an elected officeholder to perform faithfully the duties and obligations the officeholder has sworn to perform.

Section 3. Officials Subject to Recall.

10-3-1. *6-month rule.* No petition shall be filed or circulated seeking the recall of any elected official until that elected official has been sworn in, and has held their elected office for a period of at least 6 months during the current term of that office.

10-3-2. *Continued duty in office.* An elected official who is the subject of a recall petition shall continue to perform the duties of their elected office until confirmation of an affirmative vote of recall in a recall election for that official is certified by the Election Board, at which time the office of that elected official shall be

deemed to be immediately vacant.

Section 4. Grounds for Recall.

10-4-1. *Grounds for recall.* The grounds for recall of elected officeholders shall be limited to the following, which allegations must be contained, with specificity, in the request for recall petition.

- a. Malfeasance
- b. Misfeasance
- c. Nonfeasance or neglect of duty
- d. Public drunkenness
- e. Permanent inability to perform official duties
- f. Conviction of a felony during a term of office.
- g. Conviction of any crime involving dishonesty or moral turpitude during a term of office.
- h. Violation of oath of office

10-4-2. *Description detailed.* The charge shall note the act or acts complained of, in concise language, and give a detailed description including the approximate date, location, and nature of each act complained of.

Section 5. Request for Recall Petition.

10-5-1. *Initiation of recall process.* The recall of an elected officeholder shall be initiated by a written Request for Recall Petition. A Request for Recall Petition shall meet all of the following requirements:

- a. Be legible or typewritten
- b. Be based on the elected official's conduct during their current term in office only.
- c. State the grounds for recall, in not more than 200 words, limited solely to the grounds specified in section 10-4-1 of this regulation.
- d. Identify the Principle Sponsor(s) of the Request, as well as the enrollment number, residential address, and telephone number of the Principal Sponsor(s).
- e. The Election Board shall certify, in writing, that the Principle Sponsor(s) is a registered voter of the Tribe.
- f. Contain the signature of the Principal Sponsor(s) verified under oath that they believe the charge or charges to be true and have knowledge of the alleged facts upon which the noted grounds for recall are based.

10-5-2. *Public hearing.* Within 20 calendar days after submission of a Request for Recall Petition to the Election Board, the Board shall hold a public hearing to receive comments from the Principle Sponsor(s) of the Request, and from the officeholder who is the subject of the recall attempt, on the clarity and accuracy of the reasons submitted in the Request for Recall Petition.

10-5-3. *Written determination.* Within 7 calendar days of the conclusion of the public hearing, the Election Board shall issue a written determination of the sufficiency of the Request for Recall Petition. The determination shall include, as a minimum:

- a. Whether the reasons for recall, as stated in the Request for Recall Petition, are of sufficient clarity to enable the Tribal electorate and the officeholder whose recall is sought to identify the course of conduct that serves as the basis for the proposed recall; and to enable the officeholder to mount a defense regarding the conduct.
- b. Whether the reasons for proposed recall are accurate.
- c. Whether the allegations presented meet one or more of the requirements for grounds for a recall, as set out in this Regulation § 10-4-1.
- d. In making these determinations, the Election Board may conduct such additional inquiry as the Board deems appropriate and necessary.

10-5-4. *Denial of recall request.* If the reasons contained in the Request for Recall Petition are determined

to be either unclear or inaccurate, the Election Board shall deny the submitted Request for Recall Petition language.

- a. Any inaccurate or unclear reasons in a Request for Recall Petition shall void a Request even if other reasons are determined to be clear and accurate.

10-5-5. *Valid recall.* If the Election Board determines that the reasons noted in the Request for Recall Petition are clear and accurate, the Board, within 3 calendar days of the Board's determination, shall serve upon the officeholder sought to be recalled a certified copy of the Request for Recall Petition.

10-5-6. *Justification statement.* Within 5 calendar days after service, the officeholder sought to be recalled may file with the Election Board a justification statement of their conduct in not more than 200 words.

10-5-7. *Preparation of recall petition.* The Election Board, within 10 calendar days of receipt of any statement of justification of conduct, or within 15 calendar days of service upon the officeholder sought to be recalled, whichever is shorter, shall prepare a recall petition and justification statement in sufficient quantity necessary for the required number of Tribal registered voter signatures on the petition.

10-5-8. *Title.* The prepared documents shall be entitled "Recall Petition and Justification of Conduct."

10-5-9. *Certification of registered voters.*

- a. On the date the Election Board approves the clarity and accuracy of the recall petition language, the Board shall request, in writing, from the Enrollment Department a certified printout of the Tribal registered voters as of that date.
- b. Upon receipt from the Enrollment Department of the printout of registered Tribal voters, the Board shall certify
 1. the number of registered voters for the recall; and
 2. the number of verified recall petition signatures required to proceed with a recall election.
- c. Only petition signatures of Tribal registered voters certified by the Election Board shall be counted in the signature count to verify the petition.

10-5-10. *Sponsor immunity.* A Tribal member who initiates a Request for Recall Petition shall be immune from civil liability for conduct related to the exercise of their right to seek the recall of an elected officeholder.

Section 6. Recall Petition Form.

10-6-1. *Approval and issuance.* Each page of the recall petition shall be in a form that is approved and issued by the Election Board.

10-6-2. *Multiple recall.* A recall petition shall address the recall of only one elected official. A separate recall petition shall be required for each officeholder who is the subject of a recall.

10-6-3. *Recall information.* The information required to be included on each recall petition page shall include, but is not limited to:

- a. the name of the elected officeholder and the office from which they are sought to be recalled;
- b. a clear and concise statement of the reasons for the recall, taken from the Request for Recall Petition;
- c. a justification statement of conduct, in not more than 200 words, if a justification is provided to the Election Board, from the officeholder;
- d. the identity of the Principal Sponsor(s) of the recall, their Tribal enrollment number, residential address, and telephone number;
- e. a Certificate of Circulator which shall require certification of the following:
 1. the identity, signature, residential address, and Tribal enrollment number of the Circulator;
 2. that no signature on the petition was obtained through fraud, deceit, or misrepresentation;
 3. that no signature on the petition was obtained at or on the grounds of any Tribal offices,

- Tribal facilities, Tribal enterprises, or at any official Tribal meetings or functions;
4. that the Circulator has neither caused nor permitted a person to sign the petition more than once, and has no knowledge of any person signing the petition more than once;
 5. that each signature on the petition was penned in presence of the Circulator, on the date shown next to the signature;
 6. that to the best knowledge and belief of the Circulator, each signature is the genuine signature of the person purporting to sign the same;
 7. that the person was at the time of signing, a registered voter of the Tribe;
 8. That the signature was obtained in compliance with this regulation.
- f. the signatures, printed names, Tribal enrollment numbers, residence addresses, and signature dates of the signatories to the petition.

Section 7. Recall Petition Process.

10-7-1. *Notification of Sponsor.* Upon approval by the Election Board of the form and language of the recall petition, the Election Board shall notify the Principle Sponsor(s), in writing, that the petition has been approved and when the Recall Petition and Justification of Conduct shall be available for distribution to the Principle Sponsor(s).

10-7-2. *Registered Voter List.* The Board shall make available to the Petition Sponsor(s) a copy of the printout of certified registered voters who may signature the petition.

10-7-3. *Sponsor duties.* The Principal Sponsor(s) shall be responsible to oversee the circulation and the collection of signatures on the petition, and to submit the circulated recall petition for verification and determination of sufficiency by the Election Board.

10-7-4. *Authorized Circulators.* The Principle Sponsor(s) shall authorize, in writing, each Circulator of the recall petition, to include the Principal Sponsor(s) if they intend to be Circulators, to the Election Board before the Circulator begins to collect signatures on the recall petition.

a. The Board shall certify, in writing, that each Circulator authorized by the Principal Sponsor is a registered voter of the Tribe.

b. The Board promptly shall notify the Principal Sponsor of any unauthorized Circulator.

c. The Principal Sponsor(s) may present, in writing, the names of additional Circulators to the Board.

10-7-5. A Circulator may circulate 1 or more recall petition pages; *provided that*, there shall only be 1 Circulator for each recall petition page.

10-7-6. *Certification.* The Circulator shall execute and date the Certificate of Circulator on the recall petition page only after all signatures appearing on that petition page have been obtained.

10-7-7. *Deadline for recall.* The Principle Sponsor(s) of the recall petition shall have 90 calendar days from the date of the Board's approval of the recall petition language to file the recall petition with the Election Board for validation.

10-7-8. *Official pages.* Only recall petition pages approved and issued by the Election Board shall be circulated for collecting signatures.

10-7-9. *Spare pages.* Upon written request from the Principle Sponsor(s), the Board shall provide additional petition pages to the Principal Sponsor(s) of the recall effort.

10-7-10. *Subsequent proceedings.* The recall petition, or copies thereof, are not valid for any subsequent proceeding.

10-7-11. *Recall signature immunity.* Any person who signatures a Recall Petition and Justification of Conduct" shall be immune from civil liability for conduct related to the exercise of their right to participate in the recall of an elected officeholder.

Section 8. Required Signatures.

- 10-8-1. The Election Board shall count as valid only the signatures of registered voters of the Tribe.
- 10-8-2. Each signer shall signature a petition only once and, at the time of signing a recall petition page, shall personally affix their:
- a. signature, as registered on file with the Enrollment Department
 - b. printed name
 - c. Tribal enrollment number
 - d. a single residential address, as registered on file with the Tribal Enrollment Department
 - e. date of signature.
- 10-8-3. Any registered voter who cannot enter their signature, for any reason of infirmity or incompetency of any kind, may have a signature entered for them by a person with a legal power of attorney, or equivalent and appropriate legal authorization, on file with the Enrollment Department.
- 10-8-4. A Circulator may be a signatory to the recall petition; *provided that* the Circulator signatures and enters the date of the signature on the petition before they signature and date the Certificate of Circulator.
- 10-8-5. No signature shall be obtained at or on the grounds of any Tribal offices, Tribal facilities, Tribal enterprises, or at any official Tribal meetings or functions.
- 10-8-6. All information on a recall petition shall be public and shall be available to any and all members of the Tribe. Each person signaturing a recall petition shall be deemed to have consented to, and to have approved, the public availability of the information contained on the recall petition.
- 10-8-7. Each person signing a recall petition shall be deemed to know the purpose and reasons for the petition, and may not later revoke or withdraw their signature, if it is otherwise valid.

Section 9. Filing Completed Petition.

- 10-9-1. *Filing.* A Principal Sponsor shall present a completed recall petition to the Election Board for validation, together with a signed oath, by the Principal Sponsor indicating the number of signatures claimed on the petition, and certifying that the signatures were solicited and collected in accordance with this regulation.
- 10-9-2. *Receipt.* The Board shall provide the Principal Sponsor a receipt noting the date of filing of the completed recall petition, the number of petition pages filed, and the number of signatures claimed.
- 10-9-3. *No additions/amendments.* The provision of a receipt to the Principal Sponsor shall constitute the completed filing of the recall petition.
- a. No additional petition pages or signatures shall be accepted for this recall petition after issuance of the receipt.
 - b. A petition cannot be amended in any way after it is filed with the Election Board and a receipt issued.

Section 10. Validation of Petition.

- 10-10-1. *Invalidation of petition page.* A recall petition page shall be invalid where:
- a. The page is not an approved page issued by the Election Board;
 - b. The statement of reasons for the recall on the petition page has been altered;
 - c. The name of the Tribal official who is the subject of the recall petition, or the Tribal office has been altered;
 - d. The justification of conduct of the elected officeholder sought to be recalled has been altered;
 - e. The page has been in any other manner materially altered;
 - f. The Circulator of the page was not a registered voter;
 - g. The Certificate of Circulator is not signed;
 - h. The Certificate of Circulator is not dated or the date is materially altered;
 - i. The Certificate of Circulator is not complete;

j. The signature of Circulator does not match the registered voter signature on file with the Enrollment Department for that person;

k. There appears any other irregularity on a petition page.

10-10-2. *Invalidation of petition signatures.*

a. A signature on a petition page shall be invalid where:

3. there is no printed name associated with the signature;

4. there is no Tribal ID number associated with the signature;

5. there is no residential address associated with the signature;

6. no residence is established;

7. the residential address entered does not match residence address on file with the Enrollment Department;

8. there is no date associated with the signature, or the date is illegible or dittos are used in place of a date entry, or the date has been materially altered;

9. the signature cannot be identified to validate the signatory;

10. the signatory is not a registered voter of the Tribe;

11. the signature does not match the registered signature on file with the Enrollment Department for that person;

12. the date associated with a signature is later than the Certificate of Circulator date;

13. the signature is a duplicate or multiple signature of the same person;

A. In the event a Tribal member's signature appears on a petition more than once, all but one of the multiple signatures shall be stricken as invalid.

14. the signature is of another person on behalf of the registered voter, and there is no power of attorney, or equivalent and appropriate legal authorization, on file with the Enrollment Department.

15. any other significant irregularity in signature or address entry.

b. A signature shall not qualify for the residence requirement, and shall be invalid, where the address is not in the required voting district;

c. Individual signatures that are found to be invalid appearing on an otherwise valid petition page shall:

1. not be counted in the total necessary to validate the petition;

2. not invalidate any other valid signature found on the same valid petition page.

10-10-3. All signatures on an invalid petition page shall be considered invalid.

10-10-4. The Election Board shall note directly upon the petition page, where the signature appears, or on a schedule(s) prepared by the Board for that purpose, the validation or invalidation of each signature on a recall petition.

10-10-5. The Election Board shall invalidate petition signatures only upon proper motion of the Board, which motion shall contain a notation of the reason for invalidation.

10-10-6. Any decision to accept a signature questionable for any reason shall be made by proper motion of the Election Board.

Section 11. Challenge to Signatures.

10-11-1. *Notice to officeholder.* Not later than 7 calendar days following the official receipt of a recall petition by the Election Board, the Board shall issue a notice of receipt of the petition, in writing, to the officeholder who is the subject of the recall petition. The notice shall include a copy of the petition pages submitted to the Board.

10-11-2. *Officeholder challenge.* The elected officeholder who is the subject of the recall petition may challenge the validity of any petition page or the qualification or authenticity of the signature of any person

whose name appears upon a recall petition.

10-11-4. *Written challenge.* Any such challenge shall be in writing, specifying the reasons for the challenge, and shall be delivered to the Election Board within 10 calendar days after receipt of the Board's notification to the elected official who is the subject of the recall petition.

10-11-5. *Challenge disputes.* The Election Board shall decide any challenge to the validity of petition or signatures. The decision of the Board shall be final and conclusive.

Section 12. Sufficiency of Petition.

10-12-1. *Posting of petition and challenges.* Copies of the petition pages, and any challenges filed by an officeholder who is the subject of the recall petition, shall be posted outside the Election Board Office, 375 River Street, Manistee, MI.

10-12-2. *Validity of petition.* Within 30 days of the official receipt of the recall petition, the Election Board shall determine the validity of the recall petition.

10-12-3. *Petition insufficiency.* If the petition is deemed to be insufficient and is not approved by motion of the Board, the Board shall present its determination, in writing, specifying the reasons for the determination of insufficiency, and the recall process shall be concluded.

a. A petition declared insufficient by the Election Board shall not be used in any other proceeding.

10-12-4. *Valid petition.* If the petition is determined by motion of the Election Board to be valid, the Board shall conduct a recall election within 90 calendar days of the approval.

Section 13. Penalties and Hearing Procedures.

10-13-1. *Civil infractions.* Violations of this regulation shall be civil infractions.

10-13-2. *Election Board investigation.* The Election Board, by proper motion, shall determine infractions of this regulation.

a. If the Election Board has reason to believe that a signatory, Circulator, or Principal Sponsor has violated any part of this regulation, the Board may conduct an investigation, as necessary, and shall make written findings of the alleged infraction.

b. The Board shall determine and assess a fine appropriate to the infraction.

c. The Election Board shall inform the person in writing, by certified or registered mail, or by proper personal or substitute service, of its decision and of the person's right to a hearing to dispute the Board's findings and assessment of civil fine.

10-13-3. *Amount of fine.* A person who violates, in any material manner, any provision of this regulation shall be fined an amount not less than \$100 nor more than \$500 for each violation.

10-13-4. *Right to hearing.* A person has the right to dispute the decision of the Election Board within 10 calendar days from the date that the candidate receives the written decision of the Board's determination.

a. The person shall make the request for a hearing in writing and shall state the reasons that the person disputes with the Board's decision.

b. The Board shall hold a hearing within 14 calendar days of receipt of the written request to determine the outcome of the dispute.

10-13-5. *Written decision.* The Election Board shall render a written decision within 14 calendar days after the hearing.

a. The decision shall include findings of fact, conclusions, and the final penalty, if any.

b. The decision of the Election Board is final and cannot be appealed, unless the person alleges impropriety of the Election Board.

c. If impropriety is alleged, the person must demonstrate, in writing, specific evidence of impropriety.

d. The Election Board shall forward any allegations of impropriety to the Tribal Court.

Section 14. Recall Election Process.

10-14-1. *Election mailing and form.* The Election Board shall mail official Recall Election ballots to registered voters at least 21-calendar days before the date of the scheduled Recall Election.

- a. Ballots shall contain instructions as to the method of voting.
- b. One ballot shall be mailed to the registered voter at the voter's residential address on file with the Enrollment Department.
- c. Each election mailing to a registered voter shall contain two envelopes and one ballot.
- d. No replacement ballots shall be issued.

10-14-2. *Ballot language.* The reason for seeking the recall of the elected officeholder, as set forth in the recall petition; and the elected official's justification of conduct, as set forth in the recall petition; shall be printed on each ballot.

- a. No part of the reasons for demanding the recall of the elected officeholder or of the elected official's justification of conduct in office shall be emphasized by bold print, italics, underscoring, or in any other manner.
- b. The sole question for vote on the recall election ballot shall read as follows:

"Shall (name of elected official) be recalled from the office of (title of the office)?"

Printed below the question on separate lines, and in easily readable type, shall be the words:

- "Yes"
- "No"

10-14-3. *Voting.*

- a. In cases of disputes as to compliance with the voting requirements set forth in this Regulation, substantial compliance, rather than complete compliance with this Regulation shall be deemed adequate.
- b. Each registered voter shall vote the ballot by following the instructions to vote.
- c. After completing the ballot, the voter shall fold the ballot, place the ballot in the Secrecy Envelope and seal the envelope.
 - 1. Only 1 ballot shall be placed in each Secrecy Envelope.
 - 2. The Secrecy Envelope shall be placed in the Official Election Ballot Envelope and the voter shall seal the Official Election Ballot Envelope.
- d. The voter shall signature the affidavit printed on the back of the Official Election Ballot Envelope and shall mail the Envelope.
- e. To be counted, completed ballots must be returned by mail and must be received by the Election Board, at its post office address, before 12:00 p.m. on Election Day.

10-14-4. *Transfer of ballot box to the ballot tabulating and counting location.* The Election Board Chairperson and a Little River Band Of Ottawa Indians Police Officer shall meet at the Manistee, MI, Post Office at 12:00, noon, on the date designated for the Recall Election, to pick up the Ballot Box and transport the Ballot Box to the ballot tabulating and counting location at the Tribal Bank Building, 375 River Street, Manistee, Michigan.

10-14-5. *Observation of the tabulation.*

- a. The Election Board shall be located in an area that can be viewed but not entered by the public.
- b. A Tribal Police Officer(s) shall remain during the entire election process, until the count of ballots is completed, certified, and announced.
- c. Causing a disturbance, for any reason, shall be grounds for removal from the viewing of the election process.

10-14-6. *Ballot reviews.* The Election Board shall perform the following ballot reviews before depositing the ballots for counting.

a. *First review: verification that the Official Election Ballot Envelope is signed.* The purpose of this review shall be to ensure that each Official Election Ballot Envelope contains a signature.

1. Upon opening the Ballot Box, the mail shall be separated into the following classifications:
2. Official Election Ballot Envelopes that have been noted by the Post Office as “undeliverable”;
3. Non-election-related mail, if any, that has been improperly placed in the Ballot Box by the Post Office;
4. Any envelopes that are found questionable, as determined by a majority of the Election Board present, shall be rejected and shall be placed in an envelope marked “Rejected.”
5. Official Election Ballot Envelopes that have not been signed by the voter, or that contain more than one signature on the Envelope, shall be rejected and shall be placed in an envelope marked “Rejected.”
6. All accepted Official Election Ballot Envelopes.

b. *Second review: contents of Official Election Ballot Envelopes.* The purpose of the second review shall be to determine if the returned envelopes contain more than one Secrecy Envelope or ballot, or contain no Secrecy Envelope.

1. The Official Election Ballot Envelopes shall be opened.
2. The Secrecy Envelopes shall be removed from the Official Election Ballot Envelope.
3. A determination shall be made if the voter has placed more than one Secrecy Envelope in each Official Election Ballot Envelope.
4. If more than one Secrecy envelope is enclosed, the Official Election Ballot Envelope and the enclosed Secrecy Envelopes shall be placed in an envelope marked “Rejected.”
5. If the voter has failed to use a Secrecy Envelope, the Official Election Ballot Envelope and the enclosed ballots shall be deemed rejected and shall be placed in an envelope marked “Rejected.”

c. *Third Review: contents of Secrecy Envelopes.* The purpose of the third review shall be to determine if the Secrecy Envelope contains more than one ballot.

1. The Secrecy Envelopes shall be opened.
2. If more than 1 ballot is enclosed, the ballots and Secrecy envelope shall be placed in an envelope marked “Rejected.”

10-14-7. *Counting and tabulation of ballots and voted.* Ballots shall be removed from the Secrecy envelopes and counted as provided in this Regulation.

Section 15. Election Results and Ballots.

10-15-1. The Election Board shall ensure the vote count of the Recall Election ballots and shall certify the results.

a. The announcement and posting of unofficial Recall Election results shall contain the following statement:

“The Recall Election results posted here are unofficial results. The Little River Band of Ottawa Indians Election Board shall forward a Final Report certifying the final Recall Election results to the Tribal Ogema, the Tribal Council and the Tribal Court, after the scheduled time for recount petitions and election challenges has lapsed, or after all challenges or recounts have been completed, whichever is longer.

b. The Election Board shall post the unofficial Recall Election results in prominent places at the

Little River Band Community Center; LRB Tribal Office; LRB Health Center; and LRB Downtown Office Building; and at such other public Tribal locations as the Election Boards deems appropriate.

Section 16. Ballot Counting.

10-16-1. The following procedures shall apply to the automatic counting of ballots and to any hand counts of ballots for this Regulation, including the Recall election, backup procedures, or any recount.

10-16-2. *Accuracy and logic testing.*

a. Before the start of any ballot counting process, the automatic tabulating equipment shall be tested for accuracy and logic to ensure that the device used to tabulate ballots shall record each vote accurately.

b. The automated tabulating equipment contract representative shall provide the Election Board with a certificate of completed accuracy and logic testing for its files.

10-16-3. *Machine Count.*

a. An Election Board member(s) shall collect the ballots and shall place the ballots, one at a time, into the automated tabulating equipment until all accepted ballots have been tabulated.

b. Ballot(s) returned by the automated tabulating equipment shall be set-aside for a determination, by the Election Board, whether the intent of the voter can be determined.

c. When this process is finished, the automated tabulating equipment contract representative shall compile the electronic totals of the votes tabulated.

10-16-4. *Determination of Intent of Voter and Hand Count.*

a. In all hand-counts, no vote shall be declared invalid or void if there is a clear indication of the intent of the voter, as determined by a majority of the Election Board.

b. Holding each ballot above their head, a Board member shall announce the determination of the Election Board regarding the vote, and, if possible, shall display the ballot to the membership in attendance.

c. If the vote requires repeating, and Election Board member may repeat the vote as long as it is announced that the vote on the ballot is being repeated.

10-16-5. *Final Count.* Upon completion of determinations of all hand-counted ballots, the tally of hand-counted votes and electronic totals of the votes shall be added together to produce the final vote count for the election.

Section 17. Back-up Election Processes

10-17-1. *Back-up machine tabulator.* If, for any reason during an election or a recount, the automated tabulating equipment fails to work, a back-up automated tabulator shall be available and used to count the ballots and votes.

10-17-2. *Hand count.* If for any reason, the automated tabulating equipment, and the back-up automated tabulating equipment fail to work, the Election Board shall count and tally the ballots by hand according to this Regulation.

Section 18. Records retention.

10-18-1. *Sealing and security of election materials.* Upon completion of any ballot tabulation, tally and count process, all Official Election Ballot Envelopes; all election ballots; all "Rejected" envelopes, with rejected ballots; the automatic tabulating equipment certification, and all reports shall be sealed in a security box, and the security box locked in the Tribal Police Evidence Locker.

10-18-2. *Motion required.* The sealed security box shall be opened only upon proper motion of the Election Board.

10-18-3. *Records destruction.* The automatic tabulating equipment certifications, ballots and envelopes shall

be destroyed after 30 days, or after the Board certifies the Final Report of election results, whichever is longer, and only upon Resolution by the Election Board.

Section 19. Election Disputes, Recounts and Challenges.

10-19-1. Election disputes.

- a. An election dispute must be made by a registered Tribal voter, shall be presented in writing, shall state what aspect of the election process is being disputed, and shall be signed by the registered voter filing the dispute.
- b. Election disputes filed with the Election Board shall be investigated and decided in such formal or informal proceedings as the Board deems appropriate, with a view to avoiding undue delay or interference with the timeliness of the Recall Election.

10-19-2. Election recounts.

- a. The method of counting votes in an automatic recount is the same method of counting used in the Recall Election that resulted in the recount.
- b. *Automatic recount.* If the unofficial results reflect that an elected official who is the subject of the recall was recalled by 1% or less of the votes counted for that office, the Election Board immediately shall recount the vote for that office.
- c. *Recount petition.*

1. Only an elected officeholder who is the subject of the recall may file a request for an election recount.
2. Within 5 calendar days after the date of the Recall Election, an elected officeholder who is the subject of the recall may petition the Board for a recount of the votes for that office, specifying the nature of the error(s) or fraud(s) alleged to have occurred.
3. In determining whether to grant or deny the petition, the Board may conduct such further inquiry as the Board deems appropriate.
4. If, after inquiry, it appears to the Board that there is no reasonable likelihood that error or fraud has been committed, the Board shall deny the petition.
5. If, after inquiry, it appears to the Board that there is a reasonable likelihood that error or fraud has been committed, as alleged in the petition, the Board shall grant the petition and shall conduct a recount within 15 calendar days.
 - a. The Election Board shall notify the representative of the automated election services contractor and shall establish a date and time for the recount.
 - b. The Election Board shall announce and post to the Tribal membership the date, time, and place of the recount.
 - c. By motion of the Election Board, the sealed security box shall be returned by the Tribal Police on the date and to the place designated for the recount.
 - d. Upon proper motion of the Election Board, the sealed security box shall be opened.
 - e. An Election Board Member shall remove the ballots from the security box and shall counted as provided in this Regulation.

10-19-3. Election challenges.

- a. Any Tribal registered voter may file with the Election Board a written election challenge to the Recall Election.
- b. An election challenge shall be presented in writing, and shall:
 1. specify the grounds for the challenge, with sufficient facts set forth to demonstrate that the challenged act(s) or omission(s) would have affected the outcome of the election;
 2. be signed by the registered voter filing the challenge.

- c. The Election Board, or its designated representative, must receive an election challenge, not later than 5:00 p.m. on the 5th business day after the date of the Recall Election.
- d. Only an Election Board member, or its designated representative, may open an election challenge filed by mail.
- e. Upon receipt of an election challenge, an Election Board member, or the Board's designated representative, shall:
 - 1. date stamp the challenge;
 - 2. notify the elected official who is the subject of the recall;
- f. In determining the validity of a challenge, the Election Board may conduct such further inquiry as the Board deems appropriate.
- g. Within 10 calendar days after the Election Board receives an election challenge, the Board shall hold a public hearing;
- h. The Election Board shall render a written decision within 10 calendar days of the hearing, unless the Board determines, in writing, that just cause exists to extend the time of decision.

Section 20. Ties.

10-20-1. Before any tie-breaking procedure is used in a Special Election, the Board shall conduct a recount of the ballots pursuant to the appropriate section of this Regulation.

10-20-2. In the event of a tie in the number of votes determining the outcome of the recall election, the Election Board shall determine the outcome by the following procedure.

- a. The Board shall prepare tiebreaker envelopes and cards. Inside each envelope shall be a card. One card shall note "RECALLED YES" and another card shall note "RECALLED NO."
- b. An Election Board Member, or designated official, shall place the tiebreaker envelopes in a designated container.
- c. The Chairperson of the Election Board shall select an envelope from the designated container.
- d. The result of the tiebreaker shall be the result noted on the card selected by the Chairperson.

Section 21. Final Report

10-21-1. *Final Report.* The Election Board shall forward to the Giigidoo (Speaker) of the Tribal Council, the Tribal Recorder, and the Tribal Ogéma, a Final Report certifying the Recall Election results after the scheduled time for recount petitions and election challenges has lapsed, or after all recounts and/or challenges have been completed, whichever is longer.

10-21-2. *Content of Final Report.* The Final Report shall include, but is not limited to the following information:

- a. Total number of registered voters;
- b. Number of ballots issued;
- c. Number of ballots received;
- d. Number of "undeliverable" Official Election Ballot Envelopes;
- e. Total number of registered voters that participated in this election;
- f. Number of ineligible voters, spoiled ballots, and rejected ballots;
- g. Total votes cast for the recall of each elected officeholder subject to recall;
- h. Listing of any ties and final results of any tie;
- i. Listing of officeholders removed from office.

10-21-3. *Vacancy of elected office.* If the Election Board determines that a majority of the voters have cast ballots in favor of the recall, the office of the elected official shall be deemed vacant immediately upon issuance of the Final Report.

10-21-4. *Notice.* The Election Board promptly shall inform the elected officeholder who was the subject of

the recall, in writing, of the recall election results, and provide to the former officeholder a copy of the Final Report.

10-21-5. *Failure of recall effort.* If the Election Board determines that the recall has failed, no further recall action may be brought against that elected official for at least 6 months after the date of the Final Report.

Section 22. Recalled or Resigned Officials

10-22-1. *Resignation before recall election.* If an elected officeholder sought to be recalled, resigns, in writing, after to the filing of the recall petition, the Election Board shall not proceed further with the recall process. The resignation shall be irrevocable.

10-22-2. *No appointment of resigned official.*

a. An elected official who resigns after the filing of a recall petition seeking their recall shall not be appointed to fill any vacancy in elected office during the remainder of the term of the office from which the official resigned.

b. If an elected official who is the subject of a recall resigns, in writing, after the calling of a recall election, the Election Board shall not proceed with the recall election for that elected official.

10-22-3. *No appointment of recalled official.* An elected official who is recalled shall not be a candidate to fill any vacancy created by a recall election in that fiscal year, nor be appointed to fill any vacancy during the remainder of term of office from which the elected official was recalled.

Section 23. Filling the Vacancy. A vacancy created by the recall of an elected officeholder shall be filled in the manner as provided in the Tribal Constitution, and the Election Board Regulations.

Election Board Forms

As a result of the specificity regarding the requirements for these forms they are not included in this document. Forms may be obtained by contacting the Election Board at:

Election Board
375 River Street
Manistee, Michigan 49660.