

Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 02-0814-03

Constitutional Amendments - Election of Members of the Election Board

WHEREAS, the Tribe's status as a federally recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §1300k et seq.); and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council is authorized under Article XIV, Section 2, to present amendments to the Constitution to the Secretary of the Interior to hold a Secretarial Election when such amendments are adopted by resolution of the Tribal Council; and

WHEREAS, the Tribal Council has been presented amendments which call for the election of members of the Election Board; and

WHEREAS, the Tribal Council has reviewed and recommended clarification of the proposed amendments in work sessions held on February 7, 2002 and April 11, 2002; and

WHEREAS, the Tribal Council has reviewed legal analysis of the proposed amendments presented on January 18 and March 25, 2002; and

WHEREAS, the Tribal Council has determined that these amendments are in an appropriate format and should proceed to a Secretarial Election and that by adoption of this resolution identifies its support that such amendments should be presented; and

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby requests the Secretary of the Interior to present the following amendment to the Constitution of the Little River Band of Ottawa Indians to the membership for consideration in a Secretarial Election in accordance with Article XIV, Sections 1 and 2:

Article IX

Section 4 - Election Board.

(a) ~~Subject to the approval of the Tribal Council, the Tribal Ogema shall appoint an Election Board consisting of five (5) adult members of the Tribe, to register voters, hold elections, certify election results, and settle election disputes other than allegations of impropriety by the Election Board.~~ *The Election Board shall consist of five members to be elected by the registered voters. In the event of a vacancy in which less than 18 months remain in the term of office, the Tribal Ogema shall appoint, and the Tribal Council shall approve an appointment to the vacancy. All other vacancies in excess of 18 months shall be filled as set forth in Article X, Section 4(b).*

1. First Election of Members. The first election shall be conducted by the Election Board currently seated and their terms of office shall be concluded when the newly elected Election Board members are sworn into office.

2. First Election Date. The first such election shall be conducted during the next general election of the Tribe.

3. Staggered Terms. Election Board candidates elected to these positions shall serve as follows:

A. The three (3) candidates receiving the highest number of votes shall serve a four-year term of office.

B. The two (2) candidates receiving the next highest number of votes shall serve a two-year term of office.

(b) The term of office for an Election Board member shall be four (4) years.

(c) Allegations of impropriety by the Election Board shall be settled by the Tribal Judiciary.

(d) Tribal members who are holding elected office *as Tribal Ogema, a member of Tribal Council or a judicial position*, or running for office *as Tribal Ogema, a member of Tribal Council, or a judicial position*, shall not be eligible to serve as an Election Board member.

(e) The Election Board shall be authorized to issue such rules and procedures as may be necessary to carry out tribal elections and to provide for ongoing voter registration.

(f) Candidates for tribal office may choose a representative to be present when the election ballots are counted by the Election Board.

(g) A Tribal member shall have five (5) business days from the date of the election to file an election challenge.

Article X

Section 4 - Vacancies. A vacancy in the office of ~~the Tribal Ogema or on the Tribal Council~~ *an elected official* resulting from death, resignation, forfeiture, removal, or recall shall be filled as follows:

(a) If less than eighteen (18) months remain in the term of office ~~for the Tribal Ogema or Tribal Council member of an elected official~~, an individual shall be appointed to fill such vacant position at the next regular Tribal Council meeting, provided such appointment is approved by a majority vote of the Tribal Council. The Speaker of the Tribal Council shall nominate an individual to fill the vacancy in the Office of the Tribal Ogema. The Tribal Ogema shall nominate an individual to fill a vacancy on the Tribal Council, *and Election Board.*

(b) If more than eighteen months remain in the term of office ~~for the Tribal Ogema or a Tribal Council member of an elected official~~, a special election shall be held within three (3) months after the vacancy occurs. When calling a special election to the fill the vacancy of a Tribal Council member, the qualifications for candidates and registered voters entitled to participate shall be consistent with those applicable to the District in which such vacant seat exists.

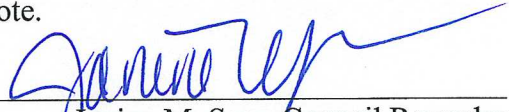
(c) Any special election required to be held under this Section shall be conducted in accordance with applicable provisions of this Constitution, any applicable tribal ordinance and any rules and regulations issued by the Election Board.

(d) The ~~Tribal Ogema or Tribal Council member~~ *elected official* taking office under the provisions of this Section shall only serve until the term of office for the vacant office he/she is filling expires.

A vacancy occurring in the position of Speaker or Recorder of the Tribal Council shall be filled by majority voter of the Tribal Council.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 2 AGAINST, 1 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on August 14, 2002, at the Little River Band's Community Center in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Legal Department