

**LITTLE RIVER BAND OF OTTAWA INDIANS  
ELECTION BOARD**

IN THE MATTER OF:

ELECTION CHALLENGE FILED BY  
ALVINO PATRICIO

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

On March 10, 2022, Ryan L. Champagne resigned his membership in the Little River Band of Ottawa Indians (the Tribe) and on March 16, 2022 he transmitted a copy of his resignation from his position on the Tribal Council of the Little River Band of Ottawa Indians (Tribal Council) to the Little River Band of Ottawa Indians Election Board (Election Board). Thereafter, pursuant to its Constitutional Mandate, the Election Board announced a special election for the now vacant seat on the Tribal Council. This Special Election was set for June 8, 2022. The Constitution mandates that the Election be completed within three months of the Tribal Council vacancy, which means that the Election Board was mandated to hold the Special Election no later than June 10, 2022.

On or about May 16, 2022, the election services vendor True Ballot, mailed the Special Election Ballots to the Outlying Membership. Only Members residing in the Outlying district would have received ballot, Members residing in 9-County District would not have received a Ballot. The ballots were required to be mailed 15 *business* days prior to the Election, which would have been May 17, 2022. The election services vendor mailed the ballots from Sacramento, California. The majority of the Members received their Ballots within 1 week of

mailing. The deadline for filing an Election Dispute was May 24, 2022, or 10 business days prior to the Election. According to the United States Post Office, the average time it takes to deliver First Class mail is 2.7 days.

In the event that a Member did not receive a Ballot, it is their responsibility to contact the Election Board to request a Ballot.

On June 14, 2022, Alvino Patricio filed an election challenge asserting that:

- Members have commented on FaceBook that their was concern that Ballots would be returned late.

- Some Members, including his sister who resides in Allegan County, did not receive Ballots.

After consideration of the record in this matter, the Election Board makes the following Findings of Fact and Conclusions of Law:

#### **FINDINGS OF FACT**

1. The Election Board is the Tribal entity charged with carrying out the provisions of the Election Regulations to ensure all Tribal elections are conducted fairly and honestly and in the best interest of the Tribe and its members.

2. An Election Challenge is decided by the Election Board under authority of the Tribal Constitution.

3. The Election Board is Constitutionally mandated to hold a special election for a Tribal Council position within three (3) months of the resignation of that Tribal Council member.

4. Ryan Champagne resigned his Membership in the Tribe on March 10, 2022 and was therefore automatically ineligible to hold his position on the Tribal Council. He communicated his official resignation on March 16, 2022.



5. On or about May 16, 2022 the election services vendor, True Ballot, mailed the ballots to the Members in the Outlying District.
6. The Regulations mandates that the Ballots be mailed no later than May 17, 2022.
7. The deadline for filing of an Election Dispute was May 24, 2022.
8. Alvino Patricio was not a Candidate in the Special Election.

### **CONCLUSIONS OF LAW**

The Election Board has considered the foregoing Findings of Fact, Mr. Patricio's Challenge, as well as all evidence in the Election Board's possession and control and has considered all reasonable inferences drawn therefrom, and based on the foregoing, makes the following Conclusions of Law:

1. Article IX, Section 1 (d) and 4 (e) of the Constitution of the Little River Band of Ottawa Indians "authorizes the Election Board to issue such rules regulations and procedures as may be necessary to carry out Tribal Elections and to provide for ongoing Voter registration. Accordingly, the Election Board adopts and issues these Regulations under the authority of the Tribal Constitution."
2. Article IX, Section 2 (b), of the LRBOI Constitution states:  
  
*Special Elections.* Special elections shall be called by the Election Board, when appropriate or when required under this Constitution, to remove, recall, and fill vacancies of elected officials, and to submit initiatives and referenda to the Tribal membership.
3. Chapter 1, Section 2 subsection M defines an "Election Dispute" as "any election dispute other than that which challenges the outcome of an election, the object of which is to effect how the Tribal election is conducted as the election process moves forward."

4. As a matter of law, any Election Dispute was required to be filed no later than May 24, 2022.

5. Chapter 1 section 2 (K) of the Election Ordinance defines a Challenge as “a challenge to the results or outcome of an Election. An Election Challenge is decided by the Election Board under authority of the Tribal Constitution.”

6. Chapter 3, Section 5, Subsection B.1. states in part that “Ballots shall be mailed to all Registered Voters on a date to be determined by the Election Board, but no later than fifteen (15) business days before Election Day for any given election.”

7. As a matter of law the Ballots were mailed by the Election services vendor in a timely manner.

8. A Member may request a Replacement Ballot pursuant to Chapter 3, Section 5 Subsection D.

9. Chapter 12, Section 2, Subsection B.1. states that “[a]ny Registered Voter may file an Election Challenge to the results of a Referendum or Initiative vote by filling out and submitting the form provided by the Election Board. The form may be requested in person or by mail.”

10. Chapter 12, Section 2, Subsection B.2. states that “[a]ny ***candidate*** that was not elected in the current Election may file an Election Challenge by filling out and submitting the form provided by the Election Board. The form may be requested in person or by mail.” (*emphasis added*).

11. As a matter of law, only a ***candidate*** can file an Election Challenge in any election that is not a ballot initiative or referendum.

12. As a matter of law, the “Challenge” filed by Mr. Patricio was actually an Election Dispute.



13. As a matter of law, the Challenge filed by Mr. Patricio is a late filed Dispute and therefore was not timely filed.

14. Given that there are no facts in dispute which are relevant to this matter, and that Mr. Patricio is not lawfully authorized to file an Election Challenge, the Election Board has specifically determined that a hearing is not relevant or otherwise appropriate on this issue and will not be conducting same.

### ORDER

NOW, THEREFORE, it is hereby, ORDERED, ADJUDGED AND DECREED that Alvino Patricio's election challenge directed to the timing of the Ballots is DENIED.

Dated this 21st day of June, 2022.

By: Valerie McDonnell  
Valerie McDonnell  
Election Board Chairperson

By: Laura D. Echelbarger  
Laura Echelbarger  
Election Board Secretary

By: \_\_\_\_\_  
Mike Ceplina  
Election Board Member

By: Karen Love  
Karen Love  
Election Board Member

By: Kathy Gibson  
Kathy Gibson  
Election Board Member