



**Little River Band of Ottawa Indians  
Tribal Council**  
2608 Government Center Drive  
Manistee, MI 49660  
(231) 723-8288

**Resolution #21-0922-226**

*Emergency Amendments to the Election Ordinance, Ordinance #08-200-02*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; 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 Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the legislative powers of the Tribe are vested in the Tribal Council according to Article IV, Section 1 of the Constitution; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(a)(1) and (2) to exercise the inherent powers of the Tribe by establishing laws through the enactment of ordinances and adoption of resolutions to govern the conduct of Tribal Members and others within the Tribe's jurisdiction and to promoted, protect and provide for the public health, peace, morals, education and general welfare of the Tribe and its members; and

WHEREAS, the executive powers of the Tribe are vested in the Tribal Ogema according to Article V, Section 1 of the Constitution; and

WHEREAS, the Ogema is authorized by Article V, Section 5(a)(1) to enforce and execute the ordinances, resolutions and motions adopted by the Tribal Council consistent with the Constitution; and

WHEREAS, the Tribal Council is authorized by the Administrative Procedures Ordinance, Ordinance #04-100-07, in the interests of protecting the health, safety, or welfare of the Tribe, its members or the community, to take emergency action to avoid injury to person, property, business, or finance; and

WHEREAS, the Tribe adopted the Election Ordinance, Ordinance #08-200-02 and has most recently amended this Ordinance with Resolution # 20-0909-241; and

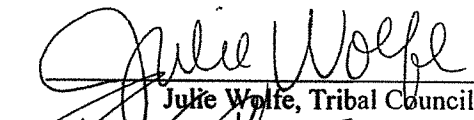
WHEREAS, the Little River Tribal Council finds Emergency Action is required to avoid any unnecessary delay in implementation of the election results. It is vital to the preservation and protection of the welfare, peace and safety of the Tribe for a fully seated judiciary if at all possible; and

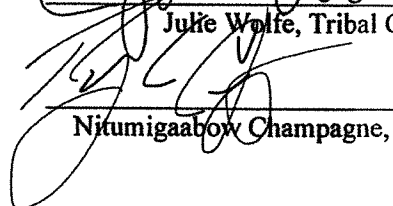
WHEREAS, the Tribal Council finds a need for Emergency Amendments to address the procedural irregularity of requiring Tribal Council to act on the Final Report of the Election Board.

NOW THEREFORE IT IS RESOLVED, that the Tribal Council adopts the emergency amendments to the Election Ordinance, Ordinance #08-200-02 as described in the redline attached with the general summary that these amendments include emergency amendments to clarify the procedure for the Election Report filing with Tribal Council, eliminating the requirement for Tribal Council to act on the Final Report of the Election Board, correcting formatting, and correcting an internal reference error.

#### CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on September 22, 2021, via ZOOM, with a quorum being present for such vote.

  
Julie Wolfe, Tribal Council Recorder

  
Nitumigaabow Champagne, Council Speaker

**ELECTION ORDINANCE**  
Ordinance #08-200-02

**Section 1. Purpose; Findings.**

- 1.01. *Purpose.* The purpose of this Ordinance is to establish guidelines governing the Election Board which is responsible for conducting elections under the Constitution. This Ordinance shall further define the responsibilities and limitations on the Election Board consistent with Article IX of the Constitution.
- 1.02. *Findings.* The Tribal Council of the Little River Band of Ottawa Indians finds that:
- a. The Constitution of the Little River Band of Ottawa Indians delegates to the Tribal Council the responsibility and authority, “to exercise the inherent powers of the Little River Band by establishing laws...
    - 1. to govern the conduct of members of the Little River Band and other persons within its jurisdiction; [and]
    - 2. to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members” Constitution, Article IV, Section 7(a); and
  - b. the election, compensation, scope of rules and swearing in members to elected positions should be clearly set forth consistent with Article IX of the Constitution.

**Section 2. Adoption, Amendment, Repeal**

- 2.01. *Adoption.* This Ordinance is adopted by the Tribal Council by Resolution # 01-1107-07. Adoption of this ordinance supersedes Tribal Council action on August 10, 1998 adopting the First Election Ordinance, # 98-200-02.
- a. Amendments reflecting Constitutional Amendments November 7, 2001;
  - b. Amendment reflection Election Board Regulations and 2004 Constitutional Changes – Resolution # 09-0304-61; and
  - c. Amended by Resolution 20-0909-241 permanent adoption of amendments requiring the Election Service Contract only provide services for two (2) election cycles then may return after two (2) election cycles, to include the definition of election cycle, updating the terminology related to compensation and to correct formatting and grammatical errors.
  - d. Amended by Resolution 21-0922-226 emergency amendments to clarify the

procedure for the Election Report filing with Tribal Council and correcting formatting and an internal reference error.

- 2.02. *Amendment.* This Ordinance may be amended from time to time as set forth in the Constitution or in procedures adopted by the Tribal Council.
- 2.03. *Severability.* If any Section, section, subsection, paragraph, sentence or other portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
- 2.04. *Compliance with Ordinance.* In cases of disputes as to compliance with this Ordinance, substantial compliance, rather than complete compliance with this Ordinance shall be deemed adequate.
- 2.05. *Repeal.* This Ordinance may be repealed in accordance with the Administrative Procedures Act.

### **Section 3. Definitions.**

- 3.01. *Application; Interpretation of Defined Terms.* For purposes of this Ordinance, certain terms are defined in this Section. The word “shall” is always mandatory and not merely advisory.
- 3.02. “*Candidate*” means a person who has filed any document(s) necessary to declare such person’s candidacy for an elected position on the Tribal Council representing one of the three districts, for the office of Tribal Ogema, for vacancies on the Election Board, and for vacancies on the Tribal Court.
- 3.03. “*Constitution*” means the Constitution of the Little River Band of Ottawa Indians, ratified by a vote of the membership on May 27, 1998 and approved by the Assistant Secretary-Indian Affairs on July 10, 1998.
- 3.04. “*Districts*” means the three geographic areas consisting of the “At-Large District,” the “Nine County District” and the “Outlying District” from which the nine seats on the Tribal Council are elected 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 during 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. The At Large candidate can reside anywhere in the State of Michigan as long as he resides in the state six months prior to the election.

- b. *"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 during 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 area to vote for this position. The Nine County candidate can reside anywhere in the State of Michigan as long he resides in the state six months prior to 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 during 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. The Outlying District candidate can reside anywhere in the State of Michigan as long as he resides in the state six months prior to the election.
- 3.05. *"Election Board"* means the five (5) member Board responsible for conducting elections elected to office pursuant to Article IX of the Constitution.
  - 3.06. *"Election Cycle"* means from the announcement of the regular election by the Election Board to the swearing in of the elected official.
  - 3.07. *"Election Process"* means the steps necessary to conduct the election.
  - 3.08. *"Election Service Contractor"* means the company the Election Board contracts with to conduct the election.
  - 3.09. *"Eligible Voters"* means any enrolled member of the Tribe who has completed any required voter registration process imposed by Election Board regulations.
  - 3.10. *"Immediate Family Member"* means a parent, stepparent, spouse, sibling, step-sibling, or child. In addition, immediate family also means other person(s), whether or not related, residing in the same household.
  - 3.11. *"Member"* means a person who is duly enrolled in the Little River Band of Ottawa Indians in accordance with the Enrollment Ordinance.
  - 3.12. *"Poll"* or *"Polling Place"* means any place designated by the Election Board for voting to take place. In the case of elections by mail, the homes of registered voters shall constitute the "polls" as that term is used in Article IX, section 3(b) of the Constitution.
  - 3.13. *"Registered Voters"* means any eligible voter who has fulfilled any additional

requirements prescribed by the Election Board to vote in an election.

- 3.14. *“Residence”* means a member’s primary and legal residence for the six (6) months preceding the date of the election. Evidence of residence may include, but not be limited to, the following: mailing address, address on driver’s license, and address listed on utility bills.
- 3.15. *“Tribal Council”* means the nine (9) person body, elected from the three districts, which exercises the legislative powers of the Tribe.
- 3.16. *“Tribal Ogema”* means the executive officer of the Tribe, which office exercises the executive powers of the Tribe, elected by majority vote of members voting for the office of Tribal Ogema in the election.

#### **Section 4. Election Board.**

- 4.01. *Oath of Office.* Immediately upon election to the Election Board, the Tribal Court shall administer an oath of office to each new member of the Election Board. The oath of office shall include a commitment to uphold the Constitution of the Little River Band of Ottawa Indians, to perform faithfully and diligently the duties and responsibilities of the Election Board, and make every effort to prevent fraud or abuse of the election process. Such oath shall be administered both orally, at a public meeting of the Tribal Council, and in writing.
- 4.02. *Compensation.* Board members shall receive a stipend for attendance at meetings and conducting an election. The amount of such stipend shall be set forth in a resolution adopted by Tribal Council. The Election Board shall notify the Tribal Council and the membership when an election is intended to begin, and during such time, the stipend may not be decreased. Nor may the stipend be decreased during the two (2) month period immediately following an election or during any existing election challenges, whichever is longer.

#### **Section 5. Election Service Contractor.**

- 5.01 *Election Service Contractor.* The Election Board shall procure a new Election Service Contractor after every two (2) election cycles. An Election Service Contractor that services the Election Board for two (2) election cycles may return and provide services again after two (2) election cycles have been completed Any Election Service Contractor that has provided services in the past will not be considered if served within the two (2) previous election cycles.

#### **Section 6. Election Procedures.**

- 6.01. *Election Rules and Procedures.* The Election Board shall issue such regulations consistent with the Constitution. Proposed regulations shall be posted at the Little River Band Community Center, Little River Tribal Office, Little River Band Health Center and presented to the Tribal Council for comment (thirty) 30 days prior to final consideration or approval by the Election Board.

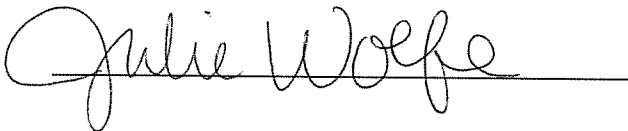
## **Section 7. Swearing in New Officials**

- 7.01. *Election Report.* The election report, in accordance with the Election Board Regulations, shall be sent by the Election Board to the Tribal Ogema, Tribal Council Speaker, and to the Tribal Court.
- 7.02. *Swearing In.* The newly elected Tribal Ogema or Tribal Councilor shall be sworn in at the next regularly scheduled Tribal Council meeting after the Election Board sends its report as set forth in section 7.01. Tribal Judges shall be sworn in by the Speaker of the Tribal Council.
- 7.03. *Scheduling.* After the election report is sent, the Tribal Council shall make arrangements for the swearing in ceremonies. Such arrangements shall include notice to the membership of the date, time and place of the ceremonies of the new officials in a manner deemed appropriate by the Tribal Council.

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### **CERTIFICATION**

I, Julie Wolfe, Tribal Council Recorder, do hereby certify that this is a true and correct copy of the Election Ordinance adopted by the Tribal Council Resolution #09-0304-61 on March 4, 2009 and most recently amended by Tribal Council Resolution #21-0922-226.



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