



**TRIBAL COURT**  
Little River Band of Ottawa Indians  
3031 Domres Road  
Manistee, MI 49660

SHANNON CRAMPTON,  
Plaintiff

CASE NO. 21-000504-EB

Honorable Allie Maldonado

v.

LITTLE RIVER BAND OF OTTAWA  
INDIANS ELECTION BOARD,  
Defendant

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Shannon Crampton  
*Plaintiff*  
6735 E. M-72  
Williamsburg, MI 49690

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LRBOI Election Board  
*Defendant*  
2608 Government Center Drive  
Manistee, MI 49660

Law Office of Steven D. Sandven, PC  
Jo Anne M. Ybaben  
*Attorney for Defendant*  
11294 Gold Mountain Loop  
Hill City, SD 57745

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**ISSUE AND COURT'S RULING**

The issue in this case for the Court to decide is whether the Election Board made a clear error in dismissing the Plaintiff's complaints. The COURT **FINDS** that the Election Board did not commit a clear error in dismissing the Plaintiff's complaints. The Plaintiff's case is dismissed with prejudice.

The Plaintiff made two motions on the record that the Court heard. On the first issue, the Court **FINDS** Administrative Order A-21-2001 was lawfully enacted, and the Plaintiff's motion on that matter is denied. On the second issue the Court **FINDS** that the Election Board Regulations allow the issuing a partial report. The Court denies the Plaintiff's motion requesting that the issuing of a partial report as unlawful.

Please read the full opinion for the Court's analysis.<sup>1</sup>

## **HISTORY OF THE CASE**

**The Court finds the facts are not in dispute.** On August 28, 2020, the Election Board declared the schedule for the 2021 General Election. The Election Board mailed to all Tribal citizens an "Announcement of Regular Election," which informed the community that the Election Board would provide election candidacy packets from September 21, 2020, through October 2, 2020. The announcement stated that the Election Board required all candidacy packets to be returned no later than October 16, 2020. The slate of candidates was to be certified by the Election Board no later than December 4, 2020.

On or about September 23, 2020, a member of the Election Board tested positive for COVID-19, and the LRBOI Government Center was closed until September 28, 2020. Soon after, the Election Board extended the deadline for candidate packet availability directly from the Election Board for an additional week until October 9, 2020. The news of the extension was posted on the door of the Government Center, and one member of the Election Board also posted this information on her personal Facebook page. The deadline change in packet availability was not posted and mailed to all citizens directly from the Election Board like the original announcement. No other date changes were made, and the requirement for return of the candidate packets remained set for October 16, 2020.

The election took place on April 30, 2021. Unofficial results report that the Plaintiff lost his bid for reelection. On May 7, 2021, the Plaintiff filed several complaints with the Election Board which he styled as "election challenges." On May 14, 2021, the Election Board denied all of the Plaintiff's complaints in three separate opinions without a hearing. See Election Board Finding the Facts 1, 2, and 3 dated May 14, 2021. The Election Board found the complaints to be election disputes (not challenges) which the Plaintiff had ample notice of prior to the election but failed to bring to the Election Board until he lost his bid for reelection, and therefore, the complaints were filed in an untimely manner. Furthermore, even if the complaints had been timely, the Election Board would still have dismissed the complaints because it found some of the complaints to be outside of their authority to hear because they were based on Michigan law that is not applicable to the Tribe. Therefore, they denied the Plaintiff a hearing under Chapter 12 of the Election Board Regulations. In denying the Plaintiff a hearing, the Election Board also found that in one of the three complaints, the Court had already ruled on the matter in another identical case, making the case moot. See *Nitumigaabow Ryan Champagne v. The Little River Band of Ottawa Indians Election Board*, # 21047EB (2021).

Finally, the Election Board denied the Plaintiff hearings because they found no facts to be in dispute and therefore determined it was appropriate to weigh the Plaintiff's complaints on

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<sup>1</sup> The Court informed the parties on the record of how it intended to rule. Court Rule 4.602 states that judgments and orders must be in writing. Therefore, this written order is the final order of the Court.

their own merits as if all facts presented were true and nonetheless, they concluded the Plaintiff did not have a claim in the law so a hearing would be futile.

The Plaintiff filed for an appeal of the Election Board's denial of his complaints in this Court on May 21, 2021. The Court scheduled a hearing which it provided notice as "NOTICE OF HEARING ON APPEAL OF ELECTION BOARD DECISION" for June 3, 2021. On May 26, 2021, the Defendant made an ex parte motion requesting a new date for the hearing in order to accommodate an already scheduled Election Board hearing on other pending complaints regarding the most recent election. It has been a long-standing practice of this Court to treat election hearings as a priority and schedule them as quickly as possible in order to avoid unnecessary delay in the election process. The Court found the reason for the request in line with supporting election expediency and therefore granted the request on May 27, 2021.

On May 27, 2021, this Court issued an order titled, "AMENDED NOTICE ON APPEAL OF ELECTION BOARD DECISION," wherein a new hearing was scheduled for June 7, 2021, and notice was provided to the parties by email and mail.

Also, on May 27 (after the Court continued the hearing), the Court received by email a copy of the Court's new Administrative Order 21-002 AO. That order put into writing the long-standing practice of the Court regarding election disputes and challenges by requiring that appeals to the Tribal Court occurring no later than five days from the Election Board's decision. Further, it requires the Court to set a hearing within 10 days of receiving the complaint, and it disallows the Court to grant adjournments except for extreme situations. The order also requires the Court to render a decision within three days of the hearing. In addition, the Administrative Order allows and encourages filings by fax or email.

### **JURISDICTION OF THE COURT**

Whether a Court has jurisdiction to hear a case is a fundamental question that every court must answer at the outset of a proceeding.

Article VI of the Constitution establishes the Tribal Court. Section 1 reads as follows:

"The judicial power of the Little River Band shall be invested in a Tribal judiciary, which shall consist of the Tribal Court, a Court of Appeals, and such inferior courts as the Tribal Council may from time to time ordain and establish."

Since the plain language of the LRBOI Constitution makes it clear that the Trial Court is within the Tribal judiciary, the Trial Court may hear a case of this nature under the authority of Article XI.

Furthermore, the Constitution gives the Tribal Court broad jurisdiction over conflicts and matters that are addressed by LRBOI laws:

"Article VI, Section 8 — Powers of the Tribal Court

(a) The judicial powers of the Little River Band shall extend to all cases and matters in law and equity arising under this Constitution, the laws, and ordinances of or applicable to the Little River Band including but not limited to:

1. To adjudicate all civil and criminal matters arising within the jurisdiction of the Tribe or to which the Tribe or an enrolled member of the Tribe is a party.
2. To review ordinances and resolutions of the Tribal Council or General Membership to ensure they are consistent with this Constitution and rule void those ordinances and resolutions deemed inconsistent with this Constitution.”

This Court has jurisdiction as the Plaintiff is a Tribal citizen, the Defendant is the LRBOI Election Board, and the matter involves the election for the LRBOI. Therefore, the COURT FINDS that both Article IV, VI and IX of the LRBOI Constitution give the LRBOI Trial Court jurisdiction to hear this case.

### **STANDARD OF REVIEW**

The LRBOI Constitution gives the Election Board broad authority to “issue such rules and procedures as may be necessary to carry out Tribal elections. . . .” See the LRBOI Constitution Article IX, Section 4(e).

In addition, LRBOI Election Ordinance #08-200-02 sets few limits on the Election Board’s authority when it comes to regulating elections as it states the following:

“Election Rules and Procedures. The Election Board shall issue such regulations consistent with the Constitution.”  
Section 6.01.

Therefore, the Court’s authority to review Election Board decisions is limited by the Election Board regulations that do not conflict with the Constitution. The Election Board Regulations state the following:

“Review Standard. All appeals of Final Election Board Decisions before the Tribal Court, must be reviewed on a clear error standard. Additionally, the Tribal Court shall be bound by the Election Board's findings of fact. There shall be deference given to the Election Board's determination as the government officials charged with the responsibility for interpreting their own regulations. The Tribal Court review of the Election Board's determinations is limited to interpretation and application of law or regulation. No new or additional evidence in support of or in opposition to the Election Board's decision shall be introduced to the Tribal Court. The decision of the Tribal Court shall be final.”  
Chapter 12, Section 4(C).

Consequently, the only issue for the Court to decide in this matter was whether the Election Board made a clear error in dismissing the Plaintiff's complaint. The answer to this question lies solely in the complaint, the answer and the oral arguments provided to the Court.

### **ANALYSIS**

At the hearing on the appeal of the Election Board's decisions, the Plaintiff opened his argument by bringing up an issue not in his complaint made to the Election Board or to the Court. He asked the Court to hear a motion finding the administrative order issued by the Court expediting election cases unlawful. The Defendant waived any objection to lack of notice on the issue; therefore, the Court agreed to hear the motion.

The Plaintiff argued that it was a conflict of interest for Judge Sherigan to issue the administrative order because of his concern that as a candidate for election, she benefits from election cases being handled quickly and not causing delays in the election process. The Defendant disagreed.

It is this Court's understanding that all election cases proceed on a fast track. Therefore, without the new administrative order, this Court would have handled the matter with the same speed regardless. In any event, this Court sees no conflict with Judge Sherigan issuing the order as it falls within the administrative duties of judges under the LRBOI Constitution, Art. VI, Section 8(f), which states:

"The jurisdiction and judicial powers of the Little River Band of Ottawa Indians shall extend to all cases and matters in law and equity arising under the Tribal Constitution or under the laws and ordinances applicable to the Little River Band of Ottawa Indians. Such powers shall include, but are not limited to grant warrants, writs, injunctions, *and orders not inconsistent with this constitution.*" [Emphasis added.]

Also, Art. VI Section 8(h) states judicial powers shall include, but are not limited to "establish[ing], by general rules, the practice and procedures for all courts . . . ." **Therefore, the Court FINDS Administrative Order A-21-2001 was lawfully enacted, and the relief requested by Plaintiff in his motion is denied.**

Next, the Plaintiff brought up another issue not in his initial complaint. He asked the Court to find that it is unlawful for the Defendant to issue a partial final report before swearing in candidates for election. The Election Board waived notice allowing the Court to hear the matter.

The Election Board Regulations make it clear that Election Board can vote to issue a partial final report regarding the election. The regulations read as follows:

"Approval. The Election Board shall vote on whether to approve the final report *or submit a partial final report* after the scheduled time for withdrawals, recount requests

and election challenges has lapsed, or after all recounts or challenges have been completed, whichever is later.” [Emphasis added.]  
Election Board Regulations, Chapter 3, Section 11 (C).

The Election Ordinance states the following:

“Section 7. Swearing in New Officials

7.01. Conclusion of Election. The election shall be concluded upon submission by the Election Board of the Final Report to the Tribal Ogema, Tribal Council Speaker, and filing with the Tribal Court. Provided that, acceptance by the Tribal Council shall be by placement of the Final Report on the next available agenda of the Tribal Council, or by Special Meeting within five (5) days of receipt of the Final Report, whichever occurs earlier.

7.02. Swearing In. The newly elected Tribal Ogema or Tribal Councilor shall be sworn in at the Tribal Council meeting following receipt by the Tribal Council as set forth in section 6.01.”

At first glance, the ordinance and the regulations may seem in conflict with one another. However, under the statutory rules of construction, whenever possible, every word in a sentence and section must be given effect. K Mart Corp. v. Cartier, Inc., 486 U.S. 281, 108 S. Ct. 1811, 1818 (1988); United Savings Assn. of Texas v. Timbers of Inwood Forest Assoc., Ltd., 484 U.S. 365, 371 (1988). Another basic principle of statutory construction is that the interpretation of statutes and rules of procedure should be done so that no part is rendered inoperative, superfluous, void, or insignificant. Connecticut Nat. Bank v. Germain, 503 U.S. 249, 253 (1992).

Based on the plain language of the Election Board Regulations, **the Court FINDS that issuing a partial report is allowable and the relief requested by Plaintiff in his motion is denied.** This finding by the Court should not be construed as deciding whether or not candidates may be sworn in before a final report is issued as outlined in the Election Board Ordinance, as that issue was not properly before the Court.

Next, the Plaintiff asked the Court to issue an order continuing the hearing at a later date to give him additional time to prepare and to get an attorney. The Plaintiff stated that he had not had sufficient notice of the Defendant’s response to his complaint to proceed. Furthermore, he experienced technical difficulties in opening the attachments on his emails which contained the Defendant’s response to his complaint. Defendant objected on the record to continuing with the hearing.

The Court’s recent administrative order regarding election cases not only allows filings and notices by email, but it encourages it. Even prior to the Court’s recent administrative order, the Court has been using email service of process since the pandemic started. As stated above, under the Constitution, the Court is not restricted on how it may issue rules. In addition, Administrative Order 020-007 regarding Court operations was released in August of 2020. It

states, "Please provide an email address with your filing." The sentence immediately following states, "Your case is not deemed filed until you receive notice from the Court," making reasonable the inference that the Court intended to serve notice by email. **This Court FINDS that the practice of accepting and sending notifications and filings by email is consistent with its authority to make Court rules under the Constitution, especially under the extraordinary circumstances the worldwide pandemic has created.**

In order to try and address concerns regarding his email, the Court had staff resend the emails with the Defendant's response to two different email addresses provided by the Plaintiff. Once the Plaintiff verified he received them, the Court asked him how long he needed to read them. The Plaintiff asked for 20 minutes, which the Court gave him, and then proceeded to hear his oral argument on the issue of whether the Election Board was clearly in error when it dismissed without a hearing the Plaintiff's complaint about statements made by other candidates.

The Plaintiff's complaint to the Election Board concerned a variety of statements allegedly made against him by other candidates dating from March 7, 2021, and going back as far as 2017, which he claimed affected the outcome of the current election. In his original filings with the Election Board, he did not offer any proof that the current election had been impacted by the allegations. Instead, the Plaintiff filed a large number of largely irrelevant documents that he believed supported his complaint. In the Election Board's words, "...instead of specifying the particular misrepresentations and the evidence supporting such, Mr. Crampton provided the Election Board with volumes of unidentified transcripts, excerpts from Tribal Council meetings, social media postings, Michigan State Court cases, and the Michigan State Election Code, all of which he asserts constitutes evidence of misrepresentation and election fraud. The Election Board thoroughly reviewed each and every document but cannot ascertain the exact allegations of misrepresentation and evidence supporting same." See Defendant's Notice of Motion and Motion to Dismiss and Memorandum in Support of Motion to Dismiss, p. 3, Case no. 21-000504.

The Election Board stated in oral arguments that they dismissed his complaint without a hearing primarily because they determined his complaint to be an election dispute and not an election challenge. Hence, they found his filing untimely and therefore waived. Their written opinion could have stopped with an analysis of the timeliness of the complaint, but instead, it discussed the nature of the Plaintiff's complaint and addressed the Election Board's authority to answer complaints within those categories. The Election Board determined the Plaintiff's claim amounted to an allegation of fraud under the LRBOI Law and Order - Criminal Offenses – Ordinance 12.03. The Election Board found that it did not have the authority to hear criminal complaints. The Election Board also addressed the alleged violations of Michigan law and found that Michigan law is not only inapplicable to his allegations, but also has no precedential effect on the Election Board. There was also a discussion by the Election Board of freedom of speech which is clearly an issue for the Tribal Court, not the Election Board.

The Plaintiff responded by arguing that since the Election Board is responsible for ensuring free and fair elections, they have the authority to regulate candidate speech that might be criminal in nature. “Free and fair” elections is not a phrase in the Constitution, the Election Statute or the regulations, and it does not accurately describe the duty of the Election Board. The Election Board’s regulations are an authority that is binding in election matters. It describes the Election Board’s duty as follows in Chapter 14, Section 1(A):

“Members of the Election Board shall seek to uphold the integrity and fairness of Election processes, and shall seek to uphold due process and civility during hearings.”

Fairness must be interpreted within the boundaries of Tribal law as it relates to elections. Therefore, an election is fair when the Constitution, Tribal statutes and election regulations are followed.

The Plaintiff also wrongly argued that Michigan law should apply to the Tribe’s election. In an effort to bring oral arguments back to the issue before the Court, the Court asked the Plaintiff to support his argument that he filed an election challenge as opposed to an election dispute. The Plaintiff responded that what he filed was an election challenge because he believed it affected the outcome of the election.

If the Plaintiff filed an election challenge, his complaint was timely. If he filed an election dispute, his complaint was untimely, and the Election Board properly dismissed it. Under Chapter 8 of the Election Code, an election dispute is any dispute relating to the election process while an election challenge is any challenge to the results or outcome of an election. Chapter 12, Section 1, subsection C specifies the timing of an election dispute:

“[for purposes of submitting a timely Election Dispute, the period of time runs from the date that the Tribal Member had actual or constructive knowledge of the act or event giving rise to the dispute. The date that the Tribal Member had actual or constructive knowledge of the act or event giving rise to the dispute is not included. The Tribal Member has five (5) business days to file an Election Dispute but in any case, no Election Dispute may be filed fewer than ten (10) business days prior to the Election.”

Typically, election disputes happen before the election takes place as the election process moves forward. Examples given in the Regulations of election disputes include candidate eligibility, voter eligibility, issues with ballots and the vote count process.<sup>2</sup> Election challenges happen on election day or after the election and include issues that materially impact the outcome of the election; no exceptions to this definition could be articulated by the Election Board on the record. Examples of issues or actions that would properly be brought as election challenges would be irregularities with cast ballots, issues with the vote count or tabulation misreads, etc.

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<sup>2</sup> This must refer to some aspect of the vote count process that happens more than 10 days before the election.



In this case, the actions that gave rise to the dispute involved statements made by other candidates dating from March 7, 2021, all the way back to 2017. Even if these candidates' statements were regulated under the jurisdiction of the Election Board and giving the Plaintiff the benefit of the doubt about when he knew the statement existed, the deadline for filing a proper election dispute was 10 days prior to the election. The nature of the allegations made in Plaintiff's complaint are properly classified as an election dispute, rather than an election challenge. Consequently, after considering oral arguments from both sides, the Plaintiff's complaint and the response filed by the Defendant the Court, the **Court FINDS that the Election Board did not err in dismissing the Plaintiff's complaint without a hearing because the Plaintiff filed an untimely election dispute, not a challenge.**<sup>3</sup>

The Court still must consider whether the Defendant committed a clear error in violation of its regulations by not granting the Plaintiff a hearing.

The Plaintiff cited the following Regulations found in Chapter 13 in support of his assertion that the Election Board was clearly an error when it denied him a hearing:

"Section 2. Request for Hearing....

C. Request for Hearing on Disputes. Any Registered Voter may request a hearing for an Election Dispute ...The Election Board will conduct a hearing, subject to the subsection D herein, as long as the request has been properly made. Absent the filing of a Request for Hearing, the Election Board may, at its discretion, make a ruling based solely on the written complaint."

The Plaintiff is correct in asserting that this section of the regulations could entitle him to a hearing. However, the Election Board is only required to hold a hearing if it determines that the request has been *properly made as reasonably determined by the Election Board*.

The Constitution delegates authority to the Election Board regarding this nation's elections. Article IX, Section 4 (e) reads:

"The Election Board shall be authorized to issue such rules and procedures as may be necessary to carry out tribal elections..."

The Election Board is the administrative body that is tasked with developing regulations to implement its Constitutional requirements. The Election Board adopted Regulations under the authority of the Tribal Constitution and Tribal law. Nothing in Tribal law extends the authority of the Election Board to the regulation of criminal behavior or behavior that could rise to the level of a tort. In fact, such an interpretation would lead to a violation of separation of powers. Therefore, it was reasonable for the Election Board to determine that the Plaintiff's complaint

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<sup>3</sup> There was some discussion on the record about documents the Plaintiff filed that the Court did not have. Upon research by this Court, the Court learned that the Plaintiff filed approximately 60 pages of Michigan election code that was not forwarded to this Judge. As Michigan election law has no bearing on tribal elections, the Court finds this clerical oversight to be irrelevant and have no impact on the case.

was improperly before them because they were correct in determining that they did not have the authority to regulate the conduct of which the Plaintiff complaint. **The Court FINDS that the Election Board did not commit clear error in refusing to grant the Plaintiff a hearing. Even if it was an error to refuse the Plaintiff a hearing, it is harmless error because the Court FINDS that the Plaintiff filed an untimely election dispute, not a challenge.**

After the Court informed the parties on the record of how it intended to rule, the Plaintiff claimed he was “blindsided” by the email notice provided of the hearing by the Court and renewed his request for more time to “develop his case” and look for an attorney. At this time, he told the Court that although he opened and read the first attachment sent to him by the Court, he could not open the second email attachment, which was a response to his last complaint not yet addressed by the Court, and therefore he could not continue.

The Court offered to adjourn the hearing until the next day at a time convenient for the Plaintiff. The Plaintiff said he would check his schedule and get back with Court later. The Court adjourned the matter and directed the court clerk to resend only the attachment that the Plaintiff stated he could not open and then confirm his receipt and that he could open the attachment. As a member of Tribal Council, the Plaintiff often gets emails and attachments and must open them to fulfill his Constitutional duties. Therein, the Court felt that with some effort, the technical difficulty could be resolved.

Approximately an hour after adjournment, the Plaintiff informed the Court that he was unavailable to continue the proceedings the following day. Therefore, the Court ordered the proceedings to resume at 3:00 PM that day.

At the start of the continuation of the hearing, the Court verified that the Plaintiff did successfully receive the email and open the attachment at issue. The Plaintiff again renewed his request for an adjournment stating that he needed more time to prepare, he needed time to develop his case, and he wanted to seek the assistance of an attorney. His primary reason was that he did not feel like he received the Defendant’s response to his complaint in a timely manner. He was confused by the fact that the Defendant characterized their answer to his complaint as a motion to dismiss. This Court took the “motion to dismiss” as a response and answer to the complaint since no other answer was filed. In civil matters like this one, a motion to dismiss can occur at the beginning of the case when on the face of the complaint, even if everything that the Plaintiff alleges in the complaint is true, there is no remedy available to Plaintiff under the law. Winning a motion to dismiss makes a trial unnecessary.

In this instance, judicial review is already limited. The Court only reviews what the parties file in their complaint and answer to see if the Defendant committed clear error. The hearing allows the parties a chance to engage in oral arguments about whether the Defendant’s interpretation of the law is correct and challenge whether the facts support the Defendant’s conclusions regarding the law. It also allows the Court to ask the parties questions about their positions.

However, there is no real opportunity for the Plaintiff to “develop” his case. That is something the Plaintiff should have done before filing his initial complaint with the Election Board.

The Plaintiff filed this complaint, and the Defendant answered through a motion to dismiss. The Plaintiff then came to Court and asked Court to delay the proceedings so that he could have additional time to prepare because he could not adequately respond to the Defendant’s answer to his complaint. This is the Plaintiff’s case that he filed. Neither the law nor the facts of the case have changed since the Plaintiff made his complaint. The Plaintiff does not now get to come back and argue that he is not prepared to support his view of the law and needs an attorney. His view of the law needed to be established at the time he filed the complaint, not later. In addition, if the Plaintiff needed an attorney to file this action, that is also his responsibility to identify and make happen prior to filing the matter, not after. The regulations state, “[t]he burden of proof to reverse the decision of the Election Board shall be upon the party seeking relief.” In this case, the burden of proof to reverse the decision of the Election Board is on the Plaintiff. He failed to file or present any evidence that his complaint was an election challenge, not an election dispute. In fact, his filings to the Court supported the Election Board’s determination that he filed an election dispute as they documented that all the alleged statements in question occurred significantly before the election.

The last issue the Court considered was whether the Defendant committed clear error when it determined that the Plaintiff filed an untimely election dispute when he challenged the Election Board’s decision to amend the election schedule for picking up ballots directly from the Election Board.

Under Chapter 8 of the Election Code, an election dispute is any dispute relating to the election process while an election challenge is any challenge to the results or outcome of an election. As the Regulations clearly state, candidate qualifications fall under the category of an election dispute. See the Election Board Regulations, Chapter 12, Section 1(A). The Plaintiff had ample opportunity to file an election dispute based on the eligibility of a candidate who picked up their packets after the initial deadline set by the Election Board. The statutorily defined deadline for filing an election dispute based on candidate certification was December 11, 2020, or five business days after the candidate pool was certified. The deadline for Candidacy Packet submission was October 16, 2020. The Election Board formally certified the candidates who met the requirements for elected office on December 4, 2020. The Plaintiff sat on his rights, and therefore, **this Court FINDS that Plaintiff failed to file his Complaint within the deadlines provided for in the Statute for filing election disputes and is time-barred.** See David Corey and Nikki Nelson v. Little River Band of Ottawa Indians Election Board and Ryan Champagne, #17182AP (2018).

Even if the Plaintiff’s claim was not barred due to untimeliness, his claim would still fail because this Court has previously ruled that the Election Board has the authority to extend the time for pick-up of candidacy. See Nitumigaabow Ryan Champagne v. The Little River Band of Ottawa Indians Election Board, # 21047EB (2021). In that case, this Court ruled that the Election Board

did have the authority to amend the election schedule up until October 30, 2020, and therefore, the extension of time for pick-up of candidacy packets was not a violation of Tribal law. Even if the Plaintiff's complaint had been timely filed, his complaint would still lack merit under current Court precedent.

All of the allegations in Plaintiff's complaint have failed to meet the legal standard necessary to overturn the Election Board's Order of Dismissal without a hearing.

### **CONCLUSION**

#### **The Court made the following findings:**

1. There are no facts in dispute before the Court;
2. Article IV, VI and IX of the LRBOI Constitution give the LRBOI Trial Court jurisdiction to hear this case;
3. The only issue for the Court to decide in the Plaintiff's original filing was whether the Election Board made a clear error in dismissing the Plaintiff's complaint;
4. Administrative Order A-21-2001 was lawfully enacted;
5. The Election Board Regulations allow the issuing a partial report; therefore, the Court denies the Plaintiff's motion requesting that the issuing of a partial report is unlawful;
6. The practice of the Court accepting and sending notifications and filings by email is consistent with its authority to make Court rules under the Constitution, especially under the extraordinary circumstances the worldwide pandemic has created;
7. The Election Board did not err in dismissing the Plaintiff's complaint without a hearing because the plaintiff filed an untimely election dispute, not a challenge;
8. The Election Board did not commit clear error in refusing to grant the Plaintiff a hearing;
9. Even if it was an error to refuse the Plaintiff a hearing, it is harmless error because the Plaintiff filed an untimely election dispute, not a challenge; and
10. Latches attaches to the Plaintiff's complaint regarding the election schedule.

The Plaintiff's case in full is dismissed with prejudice.

6-9-21  
Date

Allie Maldonado  
Honorable Allie Maldonado