

**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, 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.
- 2.03. *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, amended on April 26, 2004 and approved by the Assistant Secretary-Indian Affairs on May 13, 2004 and amended July 11, 2016 and approved by the Assistant Secretary-Indian Affairs on August 24, 2016.
- 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 and 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~~ is eligible to vote under the Constitution of the Little River Band of Ottawa Indians per Article IX, Section 3(a).
- 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 Article II, Section 2 of the Constitution and this 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 ~~enrolled Member of the LRBOI who has satisfied requirements for registration which are consistent with Article IX of the Constitution. eligible voter Members who has may be required to~~ fulfilled ~~any~~ additional requirements ~~established by the~~ prescribed by the Election Board ~~to vote in an election and which are strictly necessary to demonstrate their eligibility to vote in accordance with Article~~

IX, Section 4(e) of the Constitution. Provided however, that: (i) the Election Board shall not disqualify a Member from voting based upon the expiration date of their tribally issued identification if the identification is valid in all other ways; and (ii) nothing in the foregoing authorizes or shall be interpreted to authorize the imposition of any requirements that directly or indirectly serves to suppress voting by enrolled members of the Band.

- 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 shall 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.
- 3.16.3.17. *"Voter Suppression"* shall mean any legal or extralegal measure or strategy whose purpose or practical effect is to reduce voting or registering to vote by enrolled Members of the Tribe.

#### **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.
- 4.03. *Meetings of the Election Board.*
  - (a) *Regular Meetings.* The Election Board shall meet at least once every month at a time and place set by the Election Board. The schedule of meetings for regular sessions of the Election Board for the next calendar year shall be set by a majority vote of the Election Board at the last regular meeting of the Election Board in the prior calendar year.

4.04. (b) *Open Meetings; Closed Sessions.* All meetings of the Election Board shall be open to the Tribal Membership. The drafters of the Constitution specifically did not choose to delegate to the Election Board the power to meet in closed session. It is therefore beyond the power of the Election Board to meet in closed sessions for any reason. Furthermore, as elected officials, the tribal electorate shall not be denied the right to be informed of how the individual members of the Election Board vote on the matters before them, an informed electorate being essential to the Band's democracy.

4.05. *Regulations and Procedures of the Election Board.*

- (a) The Election Board is solely authorized under Article IX, Section 4(e) to issue "such rules and procedures as may be necessary to carry out tribal elections and provide for ongoing voter registration."
- (b) The Election Board shall not promulgate any regulations which are not necessary for the conduct of ~~electionselections~~, or which do not encourage the registration of voters.
- (c) Proposed regulations and amendments to existing regulations shall be posted for thirty (30) days at the Little River Band Community Center, Little River Band Tribal Offices, Manistee and Muskegon Little River Band Health Centers, LRBOI-nsn.gov web site, and presented to the Tribal Council for comment prior to consideration for approval by the Election Board.

4.06. *Powers of the Election Board.* The Election Board has no powers which are not enumerated in Article IX of the Constitution which do not include the powers to negotiate or ratify contracts, or to hire attorneys unless negotiated and ratified in ~~aaccordance~~accordance with the process established in Articles IV and V of the Constitution.

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

5.01 *Election Service Contractor.* The Election Board shall procure a new Election Service Contractor to perform services during an election under the following conditions: 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.

5.02 Contracts. Any contracts necessary for the Election Board to fulfill their Constitutional obligations shall be negotiated by the Tribal Ogema and approved by Tribal Council pursuant to Article V Section 5(a)3 of the Constitution.

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

6.01. *Election Rules and Procedures.* The Election Board shall issue such regulations consistent with the Constitution and this Ordinance.

## **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 all challenges/disputes have been settled. 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.

## **Section 8 Meeting Procedures**

7.01.8.01. *Agenda.* The Election Board shall post an Agenda 72 hours prior to any meeting. All meetings shall be open to participation by enrolled members of LRBOI in person and remotely.

7.02.8.02. ~~4.02~~ *Mintues.* The election Board shall Maintain minutes that shall include;

- a. Date and time meeting is called to order
- b. Roll call of members present both in person and remotely
- ~~c. All motions, resolutions, sponsors name, and discussion~~
- ~~d. Roll call of all votes~~
- ~~e. Date and time of next meeting~~
- ~~f. Time meeting is adjourned.~~

7.03.8.03. *Transcribed Minutes.* Transcribed minutes shall be entered for approval at the next meeting. Approved Minutes shall become an Official Record. Approved Minutes shall be forwarded to Tribal Council for filing and posted to the LRBOI-nsn web site.

## **Section 9 Voter Suppression**

9.01. *Voter Suppression Unconstitutional.* Voter Suppression shall have the meaning given to it in Section 3.17 above. Voter Suppression violates both the Constitution and the traditions and beliefs of the Band.

9.02. *Prohibition Against Voter Suppression.* No elected or appointed official of the Band shall take any action which directly or indirectly has the effect of preventing, discouraging, or limiting any enrolled member from exercising their constitutionally protected right to vote in any tribal election.

9.03. *Same Day Registration.* The Election Board shall ensure that all duly enrolled members of the LRBOI who are at least eighteen (18) years old on the date of any Regular Election are able to register to vote on the date of the tribal election up until at least two (2) hours before voting is scheduled to end. Primary Elections and Special Elections shall be conducted strictly by mail-in ballots and are excluded from the provisions of this Section 9.03. 2026-01-07

7.04.9.04. *Remedies.* Any enrolled tribal member who is at least eighteen (18) years of age on the date of any given tribal election shall be entitled to challenge any action by an elected or appointed official which has directly or indirectly interfered with their right to vote in the LRBOI Tribal Court per Section 4(c) of the Constitution.

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## CERTIFICATION

I, Julie WolfeSusan Thull, 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 4February XX, 202609 and most recently amended by Tribal Council Resolution #261-XXXX-XXX0922-226.

[Seal]

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Election Ordinance  
Ordinance# 08-200-02  
Adopted March 4, 2009  
Amended September 22,  
2021