

# ***Little River Band of Ottawa Indians/Election Board Open Meeting Minutes***

April 20, 2023

## **I. Call to order**

Kathy Gibson called to order the Open Meeting of the Election Board at 7:00pm

## **II. Roll call**

Laura Echelbarger-Yes, Karen Love-Yes, Kathy Gibson-Yes, Lee Ivinson-Yes, Janine Sam-Yes

## **III. Members in attendance**

Sara Agosa, Susan Thull, Machele Gibbs, Larry Romanelli, Karol Ann Chabot, Christine Brown, Terry Resterhouse,

## **IV. Open Discussion**

The board introduced themselves.

*Kathy Gibson:* If you guys have questions, let us know. Laura will be monitoring the members coming in and stuff periodically so we can get the members name and tribal ID. Who wants to start with a question, if you have a question, we would be happy to entertain them.

*Sara Agosa:* I did submit some questions.

*Kathy:* Ok, so do you want us to start with that, Sara?

*Sara:* Yes.

*Kathy:* Ok, so Sara is the only one that we got an email from. His first email reads:

I am concerned that our names and addresses are on the return envelope. The vendor we work with should be current on technology and use barcodes. Why the vendor doesn't use barcodes and will the EB consider changing this in the future?

When we contract with an election vendor, they determine what goes on the return address, whatever their protocol or procedure is. We have had three different vendors, all of them put the tribal members name and address on their and they also used a little barcode or a little scanning device, so that comes directly from the vendor and their protocols with what they have. Does anyone have any other comments or questions on that?

*Lee Ivinson:* I do.

*Kathy:* Ok, go ahead Lee.

*Lee:* To further clarify the answer and add to the discussion, it is the Election Boards responsibility to ensure that during any given election we don't have duplicate ballots. And this is why our vendors bring forward the ability for the election board to uphold and comply with our regulations. It's required that we have one or both. In this situation our vendor has the QR code on the envelope as well as the individual's return address. I believe the election board has had thorough discussion on the situation and its something we can bring forward in the future to our vendor, but we are not in the position to make that change for now, being in an election cycle but it's a very good question, Sara. Thank you.

*Sara:* I have some concerns that we are driven by the vendor and how they are producing the ballots. We should be telling them how to design the ballots according to law. Even online I was just researching and came across State of Michigan guidelines about a free access system. My concern is I actually blacked out

my return address and I believe it wasn't counted for that reason, but I was never notified that indeed it wasn't counted. The State of Michigan has guidelines, it's called a free access system where voters are able to check a database and see if their ballot was counted or not and if not, the reason why. So, if the envelope does have a return address as well as a bar code, what is the bar code being used for? Because I don't feel comfortable with my information being displayed on the outside of the envelope.

*Laura:* Let me explain this, and this might help a little bit. When the envelopes come in, they are opened upside down and the secrecy envelope is pulled out and put into a pile. No one is actually seeing your address and if you watch the streaming of the election, you can see how fast we are doing it. I'm not sure if the expectation is that something is happening with your address but really, it's just used to make sure there aren't duplicate replacements. As replacement ballots come back in with a different look to them with the name and address that's how we can verify also. So, you're asking why the vendor uses the scanning and the address and they use it as a two-point system, if that makes sense.

*Sara:* What is a two-point system because I can't imagine in this day and age that they can't just scan.

*Laura:* They are scanning.

*Sara:* But they are still placing the address on the outside of the envelope. So, if they do have scanning capabilities, why do they have to display the address. To me it should all be electronic.

*Laura:* So, the replacement ballot when it comes back in, it still has that name. So, if there is...let's say...we scan it back through and it shows that it's a duplicate because of something that has already been scanned, we can find both of those.

*Kathy:* Can I ask something? Sara, are you in the tribal directory?

*Sara:* Am I in the tribal directory?

*Kathy:* Yes.

*Sara:* I don't believe so.

*Kathy:* Because I was going to say that a lot of people have access. Anyone who is also running for a candidate position can request the outlying 9 county from the enrollment department or any department can request addresses for a survey they may be doing or other information they may be gathering. And they may request those address labels from the enrollment department. So, your address may be going out as well to anyone who may be doing surveys or need information. Just to remember, I know that you are aware as we all are, we are a sovereign nation, and we don't have to follow the state standards are. We are a sovereign nation, and we have to remember that. And because Michigan runs one way or another tribe runs another way, that's independent. We are independent of everybody else. And if we start doing everything that the state does, I believe that it jeopardizes our sovereignty.

*Sara:* I would like to respond, if at all possible, but I can wait in the queue if needed.

*Laura:* We can go on to Susan Thull and then we can come back to you.

*Janine:* Well, actually, I had a comment and discussion about one of the issues with the election vendor process is that the election board has to prescribe the standards based on our current regulations but as Kathy said, we are also kind of beholden to them in some ways. We also have limitations; it is my understanding, I've just recently joined the Election Board, but it's my understanding that there is mandates of law that requires us to change vendors periodically. So, even if we found a vendor that ticked all the boxes and had everything perfect, the election board is not able to continue with that vendor in place once it hits the legal limitation that is adopted by the law, the resolution that tribal council adopted. There are considerations that we can put into place. The other consideration we have to think about is financial. So, some vendors may have different charges, we don't have an open pocketbook, we have to be responsible with the tribes funding and run the most unbiased election process that we are able to. But all of that also contributes to factors that we have to put into place as we are pushing through election vendors. The election board has had discussions

about adopting standards for the election vendors and those that can't meet those standards wouldn't be eligible to bid. But that is not yet in place, so I just wanted to make sure you are aware that we are having these conversations but there are some limitations that will apply to us and even if we found a vendor that does exactly what you are saying, we can only use that vendor for so many cycles under the current structure. Thank you.

*Laura:* Susan, go ahead.

*Susan Thull:* Thank you, well, my first question is, are you using the QR codes? They are being scanned.

*Laura:* Yes.

*Susan:* Ok, so when you get those envelopes, the first thing you do is actually scan those envelopes before opening them?

*Laura:* Yes, they are scanned first.

*Susan:* And then are you actually going through...it looked like you were going through the enrollment directory and crossing off names at the last...

*Laura:* That's what they did in the primary, was it the Primary?

*Janine:* Yes, the primary.

*Laura:* Yeah, and then this time they will not be doing that. There will be probably be a lot more ballots coming back with this one.

*Susan:* Well, I wondered why you were doing it in the primary because to me it had a code on it, I would have thought they would have all been scanned and that would have been it.

*Kathy:* I'd like to comment on that one. I'm sorry, just to answer that question. The reason we had to do that, Susan, is because once the vendor got there, discovered their scanning machine was not working. So, the vendor did not have a scanner that was working at that time. When they connected it, they realized it was not working.

*Susan:* Do they have a backup that they will bring this time?

*Kathy:* Yes, we did clarify and was reassured that they will have two machines.

*Susan:* Ok, yeah, I would think...yeah, that was quite arduous for everyone to do, I would assume. You didn't plan on it and that took a long time it seemed like.

*Kathy:* Then, to add, sorry I don't have my hand raised, but what they do is when you see us first separating the envelopes, per our regs we have to separate them by outlying, by nine county, if they are election board ballots or other mail we have received, before we even start the scanning.

*Susan:* Sure, yep, I understand that I'm familiar with the process, I just wondered why you weren't using the scan, but you had equipment failure I understand why that happened. After you have scanned those and I don't mean right then but at some point, does the election vendor give you a list of all of those that voted?

*Kathy:* According to our regs we can't get that info until the very end after all of the tallies have been done.

*Susan:* But that is given to you?

*Kathy:* Yes.

*Susan:* So, you do have a list of everyone that voted.

*Kathy:* That they scanned, yes.

*Susan:* So, if there was someone that sent a ballot in and then walked on, is that ballot still counted?

*Kathy:* No, what we do that day is get a list from the enrollment department that includes a list of deceased members and what the election vendor does is go through the system first and mark all of them that have walked on so therefore when their ballot is scanned, it does not tabulate.

*Susan:* Is that somewhere in your regulations that a deceased persons ballot would no longer count?

*Kathy:* Well, it says a registered voter or a voter, if they are deceased, they are no longer 'registered'.

*Susan:* So even though they mailed it ahead of time, you are going to pull those, and they will no longer count.

*Kathy:* Yes.

*Susan:* Ok. And then how do you take care of someone that has voted and also shows up or they sent in two ballots? I guess if they got a replacement when they already voted, how is that handled?

*Laura:* Do you mean if we got both back, the original that they said they didn't get and the replacement, if two came up?

*Susan:* Yeah, how do you catch that and how is it handled? I'm assuming you catch it when it's scanned.

*Kathy:* Yep, and we would not necessarily be able to tell and if they are voting in person, they should bring in their old ballot and then we would give them a new ballot at that point in time.

*Susan:* Would those envelopes all be scanned before you're able to vote in person?

*Laura:* That's why we decided to have in person voting from 3-6 this time.

*Susan:* So, then you would have that already recorded that they sent in a ballot. So, you should be able to check it then. Ok, real good, I'll give up the queue again. Thank you.

*Laura:* Sara, go ahead.

*Sara:* In response to us being a sovereign nation, I'm not an attorney, this is just my opinion. But my understanding is that we do have to comply with state and federal law, and we can develop tribal law if it doesn't conflict. And even talking to attorney's it seems like there is a lot of confusion as to how everything really works. I always think about sovereign vs domestic sovereign because if we were really sovereign, we would probably have a military and we don't. So, when I compare state and federal law, I think it's a good mechanism to know what the best practices are. When I voted in other elections, I don't recall having my return address being visible on the envelope, but I would have to do more research on that. That leads me to (illegible) because in reading the state of Michigan law it says that any ballots that are disqualified the citizen will be notified. Is this something that the election board has looked into or will consider? Even watching the ballot count for people who believe that their ballots have been disqualified, you know there is a general announcement, it would be really nice to know if, for me personally, if my ballot has not been counted.

*Laura:* That might be a privacy thing too, we will have to look at that. I don't know if I would want my ballot announced.

*Sara:* Not necessarily announced. This could be a data base where a notice is sent to the voter that their ballot is disqualified, it's definitely not announced publicly.

*Janine:* I have been looking at the same website you are, it's something that I brought up probably from the first meeting I attended. I believe that at every election, once the election results are certified that we should publish the list of people who voted, every time. Because one of the things that happened and one of the reasons that I ran for the election board seat, is there was a lot of allegations that people weren't getting their ballots and they weren't being able to vote. I want to make sure that there is transparency in these processes, so, we haven't gotten there yet. I support having public information of that nature, and when I say public information, I mean public to our tribal citizens, not to the general public. I fully support making sure that every person that voted has some type of record and it's acknowledged that they did cast their ballot. So, I agree with you, but we are not there yet.

*Laura:* Susan, I think you have your hand raised again.

*Susan:* I just wanted to say to Janine that I agree with her. I've always felt that we should know that our ballots have been received. I know that years ago, Norbert Kelsey had suggested that everyone has a pin number, and you just list all of the pin numbers. You actually have that with the QR code, you know...it would be easy to publish those codes and people could look it up and let people know their ballots were received. I have no problem with a name, with the Secretarial Election we had that. We had to register to vote in that, and that actually was put in the Currents everyone that had registered. It was interesting to see who actually voted for the constitutional amendments and who never registered. And it was published in the

Currents. I think that we sometimes go too far with privacy...we are a nation, we are Indians, we are a community, we shouldn't be afraid to have our names out there within our own tribe. That's my feeling. Not publishing deaths. Not publishing births. To me you're doing away with that community feeling and that's what we are. So, I would fully endorse what Janine is saying as far as publishing who turned the ballots in. Miigwetch, that's all I wanted to say.

*Kathy:* Thank you, Susan. Just to comment too, we would be able to tell by the scanning, who voted and who didn't. We would not be able to tell whose ballot got rejected or a portion of it may have gotten spoiled. That would be secrecy. Once those envelopes are opened after they are scanned and the ballot is taken out of the secrecy envelope, there is no way we can say if that ballot is spoiled or who voted out, the only way we would be able to tell anyone is that we did scan their ballot and it did arrive.

*Susan:* it would be helpful if you would take your spoiled ballots and actually take a picture of them or scan them and put them out there on your election board page showing how it was spoiled because some people might not realize that, you know, that what are spoiled ballots. Like if they voted for...some people think if they only voted for one ....then they can vote for two its spoiled, then they vote for three. I just think that, you know, just showing them some spoiled ballots might help too.

*Laura:* Sara, go ahead.

*Sara:* I agree with that, because had I known that my ballot would have been eliminated by crossing out my name and address, I certainly wouldn't have done it. I don't know if that's in the regulations, but maybe just more education around how that works. I certainly wouldn't have done it had I known that. And, I have some other questions too.

*Laura:* I don't see anyone else's hand, Sara, so go ahead.

*Sara:* My 2<sup>nd</sup> question is a post was made by the EB that they have 72 hours to announce the winners. Do you foresee challenges to the count to utilize this practice? It seems like preliminary results are always announced in other elections.

A post was made that the EB has 72 hours to announce the winners. Do you foresee challenges to the count to utilize this practice? It seems like preliminary results are always announced in other Elections.

*Laura:* Well, it's going to be a long day. I think we start, typically around 9 or 10 am, voting goes until 6pm and there will be a lot of other things to do to finish it up. Typically, on a normal election we are leaving the office, gosh I think it was 6:00 when we were leaving the office at the last one and that wasn't waiting for people to come in until 6:00 to vote. We probably are not going to get out of there until 8 or 9 pm, or even later, I hope not but it very well could be. We just want to make sure that we are looking at these numbers with fresh eyes. Really that's it. We do have 72 hours, personally I think the unofficial certification announcement is important enough to make sure that you are looking at it twice before you announce it. I would think you would agree too.

*Susan:* But isn't that a printout?

*Janine:* No, no its not. So, for example, there is a printout from the balloting machine yes, but the election board, and especially it's my understanding as a result of some of the former litigation that has happened, we have to account for every piece of mail that has come in. So, we have to segregate that information and put those in envelopes, we have to segregate any ballots that were returned from a wrong election, that did happen in the primary. We had ballots that were from the wrong election, like somebody mailed in the special election ballot to the primary. We are responsible to make sure that all of those things are accounted for, we have to make sure that any ballots that were returned for poor address we have to make sure those are accounted for. So, it's not as simple as printing off the count, we could give official results, yeah, we could say that this person got this...we could release those numbers but at the end of the day that's not the complete election

report. I want to be complete, and I want to be accurate, and I want to make sure that that's all inclusive. Because my goal is to not end up in court, I don't want to be back in court. So, that's one of the things that we are going to be very deliberate about as we move forward and that might be, for some citizens, cause them some heartburn. We are not going to not be deliberate just because people don't think its popular. That's how I feel, I can only speak for myself.

*Laura:* I agree with you, so I'll speak for myself too.

*Kathy:* That's why that provision is in our regulations, is to provide that time for us to go over everything and make sure we are looking at and what we are seeing so we don't provide information that is not correct. That's why the last election we had, we didn't announce it right away either that night, for a couple of reason. 1..less error and 2...have two new election board members and walking through the process and explaining and it takes time to learn and understand and answer questions. Thank you.

*Sara:* Can I give my feedback?

*Kathy:* Of course.

*Sara:* To be honest, I would love to see a monitor that is live and shows a live count because it's just very nerve wracking to have to wait 72 hours, especially after watching the live ballot count for several hours. We are all looking forward to it. So, I know in past elections, I feel like it has been televised, at least the preliminary results, so I would love if the election board could into that and just have a monitor displaying it live, at least what it preliminarily looks like.

*Kathy:* That would have to be something we first have to change our regs with, Sara, because according to our regs the election board cannot even see any of the numbers until all of the ballots are tabulated. The vendors cannot show us at halfway point or even a quarter of the way, according to our regs. Of course, we are in the middle of an election so we cannot change our regs, so we would ask, and we are looking at changing some things in our regs or clarifying things in our regs, that tribal members do respond when we put it out there for 30-day comment. Last time we actually put it out for 45 days and we had nobody respond to anything. We're welcoming that feedback, that's why we left it out there for two weeks extra so please make those notes so when we start working on our regs again that you do make comments and send those items in because we do want to hear those input. Thank you.

*Laura:* Machele has her hand raised. Go ahead Machele.

*Machele:* I just have a couple of comments about if you give early results, even a tally, and the election doesn't turn out the way that some people think it should have, you guys are going to end back up in court. So, I don't think that's a good idea. The results need to be tallied and done correctly and then it's a clean election. We have to trust the system. I don't think you guys are given enough credit for the time and the effort that you have to go through this entire day to get done what needs to get done within the election. My other comment is sharing a ballot that is spoiled from the actual election is probably not a good idea. Maybe you could have a sample ballot and show examples, but to be honest with you, we all are given directions on how to vote on the envelope, so I don't know what the disconnect is. I don't know how you would remedy that but I personally wouldn't want my spoiled ballot plastered all over for the tribe to see. Thank you.

*Laura:* Thank you. Sara, go ahead.

*Sara:* I think there might be a misunderstanding because I never advocated for the public disclosure of a returned ballot, I'm advocating for disclosure privately to the citizen and I just wanted to make that really clear. In terms of waiting 72 hours and trusting the system, yes, that's what we all want to achieve, but I've been in court for the last couple of years over election matters and I certainly don't want to go back to court either. So, you know, I'm still...have feelings around that, it's very inconvenient to go to court and it's certainly not fun. So, you know, I'm making these suggestions because it has been a difficult road in the past for me as a citizen and I feel there are some things that could be improved to make me feel more confident in

the process. That is my comment. I do have one other question.

*Laura:* Ok, go ahead There aren't any other hands raised so you can go ahead.

*Sara:* Do you want me to read it, or do you want to read it? My voice is a little horse.

*Kathy:* Are you talking about the email that you sent us, the last question. Is that what you are referencing?

*Sara:* Yes.

*Kathy:* Ok, Sara's third question in the email that she sent us she asked:

The ADA publishes guidelines on the ADA and web accessibility. Are we compliant with the ADA and has this been reviewed? [Guidance on Web Accessibility and the ADA | ADA.gov](#)

*Janine:* Sorry, I was muted. This is Janine. So, I know that this may not be a popular answer. One of the things that we do need to understand as a tribal government, not all laws apply in Indian country to Indian tribes. The ADA very specifically does not apply to tribal lands or Indian tribal governments. When we talk about ADA and those types of accommodations that are made by tribes it's because the tribes themselves have voted those things into their laws. Within that structure we are not required at this time to be ADA compliant, we do not have any of those issues and I would recommend if citizens are concerned about reasonable accommodations or accommodations for people who have low vision, hearing issues, things like that, we need that to be directed to tribal council because they are the ones that have to adopt those laws. I guess, that is the best way that I can explain it but ADA is one of those laws that is very specifically exclusive to tribal governments.

*Kathy:* Thank you.

*Laura:* I don't see anyone else's hands raised right now. So, one of the things that we promised that we would discuss today was going over some of the questions that were brought up at the membership meeting and the Ogema's meet and greet, and ultimately, we hear a lot of questions about this. So, we did some research on a Secretarial Election, and let me see if I can share my screen. So, this is really, I credit Janine for finding this, and not only do I credit Janine for finding this, but Janine is a wealth of knowledge because she was on Council during a very important time that we are talking about, so she has been a wealth of knowledge. But this is something that anyone who has any questions about how to start it, where to go and what to look at, this is really the very first thing I think that you can print out, anyone who wants it, we have it and you can send an email to the election board and I'll be happy to attach this and send it back out. Janine was kind enough to send it to all of us. This regulation R100-02:TC this is really where you need to start, and this is what is current and in the current process. And I know you guys haven't really had a chance to look at it or to question it. I will say, and I think I can speak for all of us, we want to be as helpful as possible and to be involved in whatever you need. You can reach out to us. If by sending this out and this starts another conversation and you want to have another open meeting instead of waiting for a month, I'm sure that we could put a date together and invite everyone in to have discussions about this and try to answer questions. We have been doing some research but admittedly we are just not pros at this. We don't really know all of the answers, we can try to help and answer some questions amongst ourselves and do some research for you. Just please understand that we are also learning along with you. I can't see if anyone has their hands raised. I don't want to talk over anyone. Karol Ann, go ahead with your questions.

*Karol Ann:* I was wondering when the swearing in would be, will it be next Wednesday the 3<sup>rd</sup>?

*Laura:* Oh gosh, no. So, the election is on the 28<sup>th</sup>, then we have the challenge period, so we have to come to that date. And I don't have my dates with me, does anyone have their dates?

*Kathy:* May 5<sup>th</sup> is the deadline for election challenges, so first of all after the 28<sup>th</sup>, the deadline for withdrawal is May 2<sup>nd</sup>. So, any candidate may withdrawal by May 2<sup>nd</sup>. Then May 5<sup>th</sup> is the deadline for election challenges and for financial reports. So whatever candidate gets in they also have to submit their financial report to the election board by May 5<sup>th</sup>. If we do not have their financial report by that day, so even if they

have won their seat, they cannot be sworn in until we receive their financial report. And then it is up to tribal council to set the date for the swearing in. And they do have a time frame and I apologize; I don't recall what that is off the top of my head

*Laura:* I think they have to schedule the swearing in for the Wednesday after the official certification.

*Karol Ann:* Ok so it would be at Wednesday's tribal council meeting, right? That's what I'm getting at, right?

*Laura:* A swearing in would always be at a tribal council meeting, yep. On a Wednesday.

*Karol Ann:* So probably it would be the following Wednesday?

*Laura:* It depends, sometimes things can hold up a certification so really, we won't know until after the 5<sup>th</sup> for sure.

*Karol Ann:* Ok, well, I'm coming from a long way and I'm going to get a room, so that's what I was wondering about.

*Kathy:* Oh good, that's a great thing!

*Laura:* That's the good thing about Wednesdays because it's easier to get a room at the Casino.

*Karol Ann:* Well, I wasn't sure so I wanted to double check so I could kind of get a room. Maybe I'll make reservations for two weeks just to be safe.

*Laura:* That's what I did when I was sworn in myself, I got a whole month of reservations just in case.

*Karol Ann:* So it won't be the Wednesday after the election but it could be maybe two Wednesdays after.

*Laura:* It definitely won't be until after May 5<sup>th</sup>.

*Karol Ann:* Thank you so much.

*Laura:* You're welcome:

*Laura:* Sara, did you have questions?

*Sara:* I'm sorry, did you say this is a draft?

*Laura:* No. It's out there. This is their regulation, and I can't remember when it was adopted.

*Kathy:* August 15<sup>th</sup> of 2002.

*Sara:* So, is this being presented as just something we can look at right now?

*Kathy:* Correct. Also, in our regs on page 47, it talks about the request preparation and process for constitution amendment petition, and it says tribal members who would like to circulate a petition to amend the tribal constitution may follow the procedure prescribed in the 25CFR part 81 sub part F. We did reach out to the BIA and that is what they recommended as well, which is what we have quoted in our regs because that gives the a-z steps about a secretarial election.

*Laura:* We have that downloaded too so if you want to reach out we can send this. This is a good start for sure. I'll just run down through here so everyone can see this. There is a form that needs to be requested from tribal council. We did request that form but we were not given the form so anyone who wants to request it would need to go directly to council. So, this is just a good place to start but really ultimately though, the first thing that we found that you need to start with is to make the list of what your hopes and dreams are for this secretarial election, get your group of people together and come up with the list of changes you would like to see. That's really step one for a Secretarial Election. Looking at this is a good way to gauge yourself along with the other information. I know this isn't a lot of step-by-step, information but this is what we were able to come up with up to this point. We will continue to try to put information together and get information.

*Kathy:* has been in touch, like she said, with the BIA and they gave us a wealth of information through Kathy. Does anyone else have any questions while we are looking at this or anything else?

*Sara:* I have a question.

*Laura:* Go ahead.

*Sara:* For a secretarial election and I haven't read over this resolution yet, but does this permit outlying members to participate?

*Laura:* It permits the membership to participate. So, it's not Nine County, it's not Outlying it's the Membership. Yes.

*Sara:* But I just wondered when I say outlying or all members if there is a requirement to be physically present for a vote or if it can be done by mail.

*Kathy:* Secretarial elections are all done by mail.

*Laura:* So, it wouldn't be an in person vote, you would receive a ballot just like you do now. It would just come from the BIA. Did you vote in the Secretarial Election in 2016 when they closed enrollment? Do you remember that?

*Sara:* I personally don't.

*Laura:* That's kind of how it would go, the ballots came from the BIA, and you marked it up very similarly like you're doing today. Send it back in and it's a mail in vote, just like you're doing now, it just comes from a different place. Machele, go ahead.

*Machele:* Let's say we got some stuff that we wanted to put forward and put on a wish list, how many people would have to participate, is there a requirement for that. Let's say, like 25 of us decide we want to do this or does it have to be a certain amount according to our regulation?

*Kathy:* The certain amount, Machele, when I talked to the gentleman at the BIA, for example if we have 2000 that are eligible to vote that would be 30% of that would be 400 and 400 would have to sign as 30% on that document in order to proceed forward. Now, when the vote comes up from the BIA that 30%, there would have to be 120 people that do vote. If there is 119 people that vote, the motion would fail, all 120 members would have to vote because it has to be the 30%. Does that make sense??

*Machele:* That part makes sense but for us to even get to the part of having a secretarial election, we have roughly what 3000 and some registered voters? We would need 30% of that group.

*Kathy:* Correct.

*Machele:* I don't know if right now we could obtain that number because you're talking about 1000 and some people.

*Kathy:* When I talked to the gentleman had shared with us at the BIA, I said that the members have asked why we can't do a zoom vote or electronic signature, why can't we do all of these other things. He said absolutely not it has to be in person and in person....so if you are the circulator and you have this petition and you're collecting signatures, you physically have go to that person has to sign that and you have to witness their signature. So those say 1000 or 1100 signatures all have to personally witnessed, it can't be electronic, and it can't be any other form. Even with technology the way it is, the BIA said that is not the way things are done. It's not on the agenda right at this point and time as far as the BIA is concerned.

*Machele:* And the whole purpose of, I'll just put it out there, me screaming about the zoom thing, we need actually for the courts, I guess, to decide to what 'in person' means. Because obviously this whole thing, council can use zoom, why can't we? I get it, Zoom is not private, there is people that could tap in....

*Kathy:* Correct.

*Machele:* giving out information that you might not want out there.

*Kathy:* I did ask the gentleman at the BIA because I did bring that up, some people are saying they use Zoom and they vote this way and that way and I said what does the BIA consider 'in person' and he said you have to see them face to face. In person means you have to be in the same room.

*Machele:* And that's what we figured but you know, its just basically trying to push the issue, if one government body is getting away with it, it should be ok for the rest of us. Even though I don't agree with it, I'm just saying you can't do one and not the other.

*Kathy:* I agree.

*Machele:* But I understand why.

*Laura:* Personally, I love the idea of being able to use Zoom and to be able to get more outlying involved in calling in and being to vote on things. Man, it sounds great right, it would be a wonderful thing. The problem with that, trying to figure out, how do you get 1000 on zoom, how do you see them face to face, how do you know who is who, how do you get a vote, how do you verify a vote, how are you able to make that stand up in court so that what you just voted on, and it took so long to get passed, doesn't get thrown out on court because of, you know, joe bob had his wife click a button and she's not tribal. It would be so easy to just negate everything. It would be great to get to that point, but getting there is not an easy thing. And I do want to point out something. "In person" is very different than 'present'. So, when Kathy said she spoke to the BIA, and they said in person means you have to be face to face. That's different than what present is, what is present. For us it is in our regulations, and it's been in our regulations for quite some time. I don't know exactly when it was added before the last change. But we have it in our regulations that we can make quorum via online presence. Maybe we will let Sara go while we wait for Terry.

*Sara:* I wanted to thank you Laura for making that distinction because that was a comment, I was going to make that it seems to be a difference between in person and present, so that was a really good point to bring up. And my question with the branches utilizing virtual technology and the controversy is the courts are using virtual technology for their proceedings, so if they are able to and if it's legal, it's the court, then to me that it's a strong argument that virtual technology can be used in all of the branches. Even if they can't be used in certain activities such as voting, it can be used in certain areas. It doesn't have to be one way or the other, black and white. We might have to determine it based on what we are trying to do.

*Laura:* Well, we can't really speak to what the council is doing with theirs, we can only speak to what we are doing. We have it listed in our meetings, section 3 meetings, b for quorum, b2, and its listed there remote participation. A quorum for meetings may be established through remote participation. So, we have that listed, but also, and this is just us, this is just how we do it. We do have to be, obviously, in person for some things. We have to be in person for the membership meetings. Those are something that is our responsibility to be there and we have to be there and we take that seriously. We've all always showed up and tried to present ourselves in the best way possible there. Elections, obviously we need to be there for those. So, amongst ourselves we haven't had an issue, not since I've been on this board, with being remote and being in person. We have made it work and I think it's just a matter of, we have been able to do that, but we can't speak to what anybody else can or can't really.

*Janine:* Well and another thing too I wanted to point out, Laura, is that when we are meeting our cameras are on, we don't keep them on all the time in every instance, like if I'm eating, I tell you guys I have the camera on and I say I'm going to eat my sandwich and I shut the camera off. But, that's another important aspect, that you know, I see this at council meetings, there are phone numbers, I don't participate virtually with council meetings as much as other people do but I see a lot of phone numbers listed on the bottom without names and I have no idea who those people are and I have no face because their cameras off, and I know they come on and say they are tribal member so and so but with their cameras off how do I know that there aren't 5 other people sitting in there? As a citizen, I think, and this is not even talking about election board process but as a citizen I think we are talking about two different things, and we are talking about community standards. So, for the court, not just tribal court but the court has been using telephones call ins for emergency sessions for a long time, like decades. They've had emergency sessions in court for child...you know they have to place a child immediately; they need a judge to sign a search warrant, all that kind of stuff. That can happen telephonically because it's been happening that way. The court has their procedures, they allow that in their procedures. We allow the way that we conduct our business in our procedures, any citizen can make a comment in the future to say no, we want the election board to meet in person at this location, whether we do or not that's another question. But I think the issue we are speaking of is whether or not tribal council should

be or could be or whatever...that's a community standard. The problem is we hear three people say it's ok for them to be virtual and three people want them in person and who is right? That's been the problem in this tribe for a long time. We don't ever have a consensus or even consensus building for what will work for everybody and everybody to be accepting of it. But yes, in person and present are two different things. And if the process is allowable under meeting procedures ordinance, then if it's not then they should amend their processes. Because not following your processes can have significant impact to the tribe. And that's my comment, thank you.

*Laura:* Sara has her hand raised. Go ahead Sara.

*Sara:* I think that's a valid point, if tribal council was required to be on camera would more people be accepting or supportive of using virtual technology? That's just a question I have, because I think it's a good idea. I certainly wouldn't not support that. And if it helps people be more supportive of using virtual technology just in general, then I definitely think it's a good idea.

*Laura:* I will say, and this is just my personal opinion, just me personally, I think having your camera on and seeing face to face, I think that would be one big plus, without cameras on, you lose that ability to consider that other person who might have a different opinion, not a person. And so just by turning on cameras, I think that would go a long way. But again, we can't tell them what to do, we can only do what we do and honestly I think it works for us because we work well together. I think sometimes that makes a difference, like when we have had any issues or things that we are discussing, we discuss it as a group, and we do everything as a group. We're kind of united in that way and that's a good thing. I think it works for us because of that and if you have a group that isn't working together well and isn't cohesive, then you're probably going to have issues with whether you should have your camera on or not or be in person. Right? So, I don't know how everyone else feels, but let's put this council thing to bed because honestly, and I'll just say this publicly, and maybe everyone else is saying "Laura shut up" but honestly council isn't going to do anything the election board tells them to do. That's all moot. So, let's move on to other questions that people have about the election board or the election process or something that you would like to see us do, or is there something we do that you don't like, feel free to bring that up too. Oh, there goes Sara's hand.

*Sara:* I know, I'm sorry.

*Laura:* It was because I said you could say something you don't like, huh?

*Sara:* Yeah, jumped right on that. I was wondering if the election board has plans to amend the regulations anytime soon.

*Laura:* Yes.

*Sara:* Do you have a timeline on that at all?

*Lee:* Sometime after the election.

*Laura:* We can't change anything until after the election, technically you can, you can change regulations as long as it doesn't affect the election but then you are into this mucky water and its just not even worth the hassle.

*Lee:* So here is a good example.

*Laura:* I have to tell you, Sara, we have big plans.

*Janine:* A running list.

*Lee:* A long list.

*Laura:* There will huge, huge things happening that you'll see coming up and the regulations really are just one small part of it. Honestly, I think its smart to look at regulations after every election, because every election you learn something new. There are things that we couldn't implement that Kathy, Karen and I learned prior with special elections that we couldn't change or do anything with because we couldn't change the regulations. But now that these two are coming on and Shawna will be coming on, there are a lot of big,

big things that we're planning, and the regulations are just one thing that we will start with. But yeah, but probably pretty quick, I would think. Karol Ann, go ahead.

*Karol Ann:* I was wondering if I would be able to watch the election during the day. How will I do that?

*Laura:* We started streaming the elections when it was the judge seat, but I can't remember which one it was. It was the first election we streamed.

*Kathy:* I can't remember.

*Laura:* I think it was LaPorte's seat. It went pretty well but obviously every time we stream, we learn something new, we learn something we should do, we learn something we shouldn't do, I see how chubby I look on camera and I say I'm never going to do that again. But we will continue to stream each election, unfortunately the camera in the lodge gives such a big view and it's probably super boring to watch but if you ever get the chance to come in and see it from the lodge while it's going on...it's really honestly before I was on the election board, I really was like how does it happen? Because there all these negative nellie's that are always in your ear saying all of this negative stuff and passing all of this stuff that really isn't true. And saying, "The election board can rig an election", "They can delete ballots", "They can do all this stuff", let me tell you that is an impossibility. If you come in and watch it happen, you would have to be a magician to even be able to flick away one ballot, just one. There is no way...and if you just watch it, you would really learn so much. Yes, we will continue to stream, and we would really like to make it better, but we just don't really know how we can do that yet without hiring channel 4 to come in and record it for us.

*Janine:* Get Go-Pros on my head maybe.

*Laura:* That's a good idea:

*Janine:* That's something I was thinking about, because the police have body cams. I mean we could maybe, but again...live streaming it through. One of the things I do want to say is that during the Primary election, the IT support that we got from the Executive branch and Chantel coming in and helping us, because I am not the most technical savvy person and these ladies will tell you, I struggle sometimes during some of our meetings. We really do support Drew and...I'm forgetting the other gentleman's name...

*Lee:* Carl.

*Janine:* Yes, thank you. We can't do that without them, we really can't because we have to be in view with those ballots at that table in the proximity of the election vendor where we can be in control of those ballots. So, we really have to have somebody that can sit with that computer and monitor, if everything goes down and we have to stop, we have to pull it back up so having that IT support is really critical. And I just wanted to publicly say in this meeting that I appreciated all of their support and all of their technical support during the election.

*Laura:* And not just in the elections to, is the Ogema still here, but during membership meetings Drew goes above and beyond to constantly check on us. Is everything good, if anything little happens, like there was an issue with the one laptop and I unplugged and ran it back to him and he was on it and he checked three more times to make sure it was good. The IT staff doesn't get the amount of Kudo's that they deserve. For sure. Chantel, the day of the election, saved our bacon. Absolutely. They are phenomenal. Karol Ann, go ahead.

*Karol Ann:* I couldn't get into the spring meeting for half an hour I couldn't get in. I hope I don't have that trouble. You say its live streaming, where do I go to get the live streaming, I guess I'm not too savvy either.

*Janine:* It's a zoom meeting Karol Ann, so just like we're doing now.

*Laura:* On this same log in.

*Karol Ann:* Because I couldn't get into the Spring meeting until way in the middle so that is what I was wondering. Will I be able to hear, or no?

*Laura:* No, we will turn it on when Kathy will give updates, we will have the vendor give a brief discussion at the beginning and we turned it on. Throughout the day Kathy kind of jumps on and explains what is going on.

Typically, we don't leave the mic on, mostly because while we are sitting at the table, there is some chatter between us, call it nervous chatter if you will, it's a stressful day so we kind of leave the mic off. We're really too far away to really hear anyway, really, we just sounded jumbled when we did leave the mic on.

*Karol Ann:* No problem, I'll just have to lip read.

*Laura:* We will definitely have the mic on when Kathy gives updates.

*Karol Ann:* Thank you so much.

*Laura:* You're welcome. Machele, go ahead.

*Machele:* So, you're going to write some new regulations after the election. Is that why you sent out the survey, to take into consideration what we put in there or was the survey for a different purpose?

*Laura:* Well, no the survey really was for that purpose, generally we just wanted the feedback from the membership. The Election Board has never done a survey before and that really was just a jumping off point. Next year or maybe this summer but at some point we will do one that is a bigger mailing where we will mail them all out. We just wanted to get the pulse what the membership is thinking and feeling. We get a lot of information from the membership a lot of different ways, each one of us talks to several members and they tell us, since we are on the election board, and they give us their opinion. We have our families and those that live and work in Manistee probably hear more than I do who lives 4 hours away. We get emails and suggestions on FB and all of these things. We really just wanted to get the memberships opinion on all of those things. All of those things that really come up most often but that's not all that we will talk about or ask and honestly, we want members opinions, we want emails. We want to know when we're doing good, and we want to know when we're not. So, that's how that survey kind of came about.

*Lee:* I believe the survey for the most part was to get feedback from the membership on how we can engage more via this platform. The time availability, for the membership to participate with us, because there are nights that we work very late. Would that accommodate the membership's needs to have access at a later time? We can accommodate that; we are very flexible. I think it's important that we have membership participation during these open meetings so we can get the pulse of what the membership is thinking and wanting and expecting. The survey was short and brief, but I think the results from that right now really speak volumes so its been very helpful. I know there has been questions about the delivery of it, we had it at the membership meeting and we posted it at Facebook that we could mail it out to individuals or email it out to individuals. I know that it didn't go broad spectrum to every address, I don't think at this point that the election board could take on that extra work but what feedback we have gathered, it definitely drives home that there will be future surveys. We will find the means to get it out far reaching to everybody and get the return on that and to be able to tabulate that data. We are very data driven. So, I believe the ultimate goal is to increase voter participation. Having informed voters, tribal members and vested individuals who have to understand that the ballot and their vote is the future of this tribe. All of that information is very important. Thank you.

*Laura:* When you are talking to your family and friends, tell them to send that survey back in. We have gotten maybe...I'm gonna say....20 or 30, tell them to send it back in. And also, for a little bribery, I can tell you that there is going to be a little gift that is sent out to everybody that sends their survey back in that is super awesome. Like, it's super awesome. So...those that don't send their survey's back in and don't get one are going to be super upset with themselves.

*Machele:* I emailed mine back in.

*Laura:* Yeah, I got it.

*Machele:* Ok, I just wanted to check, I figured you guys were going to be swamped with them and I did it from my work email.

*Laura:* Nope, I've got it and its even already on the spreadsheet so thank you for doing that. Sara, go ahead.

*Sara:* You know, I just have to give a different perspective. Actually, I feel very conflicted about this, I have submitted this by email to the election board. I think that survey should have been sent to everybody, whether it was too much work, or whatever the case may be, I would support contracting with a survey company in the future and I hope the EB will look at that. Such as survey monkey, you can create electronic surveys. But I think it's really important that all members have a voice, and I know as an outlying member, and I've lived out of state before and I know how disconnected I've felt. And there are people out there who want to participate and give feedback they just don't know how. And a lot of members don't use Facebook either. You know, 30 surveys compared to our population is just a sliver. I don't know how accurate that will be if a lot of people in the tribe didn't even know about it or have a chance to participate. That's just something that I feel very strongly about, that our government really should help to facilitate that all citizens have a voice and are able to participate equally. That's my comment, thanks.

*Laura:* I agree, Sara. We want to reach everybody and in the future, we will send it out to everyone. Survey Monkey, let me tell you, isn't free. It's only free to a certain point, and you can only click yes or no, to make a comment you have to pay. We are early in the year still and we have no idea how many special elections we will possibly have this year. Our budget is fairly tight, we keep a very close eye on our budget, so that's something in this year, and I think we explained that, that we just didn't feel we had it in the budget for this year, but we will put it in the budget for next year. But let me ask you this, when have you received a survey from council? They've not sent a survey.

*Sara:* I would have to agree with you, I want the entire tribe to start being more data driven and I think surveys...I would love surveys from all branches all the time. I think it's something definitely we can work on as a tribe.

*Laura:* I agree and I just want you to understand and just know, really know, that it is our goal to reach everybody. We try really very hard to include everybody. I'm outlying too and I have felt disconnected also. But I think also you have to take the responsibility of finding a connection and finding a way to connect, right...so we can't force anyone to return a survey. Probably the last survey we had...honestly, I don't remember the last survey that wasn't financially driven for filling it out.

*Karol Ann:* I think 2008.

*Janine:* I was going to say Kathy Gibson, me and Sam were on council and Lee Iverson was probably the one sending it out. I want to echo what Laura is saying and I also want to give people assurances too, we are very pleased that 30 people thought enough of the survey to respond.

*Lee:* Absolutely.

*Janine:* We're not saying that those 30 people are going to be the only voices that we are going to listen to. We obviously know that we can't...although I'm going to echo what Laura is saying...we need to look for the avenues to get people engaged but we also need people to engage. This meeting people are on, people have dialed in, and we are listening and having a really meaningful conversation about the future of our election processes here and how we can best carry it out for the future of our tribe. Until we can have all of our processes mirroring that kind of cooperative interaction, I just...I gotta be honest, I don't even dial into council meetings, every time I do it's just an argument, and I'm way too busy to listen to that. So, I really appreciate this forum with citizens who want to be involved in crafting good voting processes and getting people involved. Because if I could make people send a survey back, I would certainly make people send a ballot back, right? Because my goal is to get 2000-3000 of those ballots in and counted. I would love to be there until 1:00am counting ballots. I think that that's what we are all here for, we want that participation. I think people have been so turned off for so long that they have just really lost any kind of interest. We're trying, we're reaching out, survey was the first spot. I will not say there is a bribery involved.

*Lee:* Incentive!

*Janine:* I will say however there is a really very nice gift from with a controlled expense, we were also very mindful that we would be sending out something culturally appropriate as well as appropriate as coming from the election board.

*Lee:* It's a very nice gift for vested voters.

*Kathy:* Can I just say we will take this as the last comment, and we will close the open meeting. I appreciate everyone's time and effort; it's been a great meeting and hopefully we will hear and see everybody again real soon.

*Sara:* What is the deadline to return the survey because I still have mine.

*Janine:* Send it in!

*Laura:* Yeah, we didn't have a deadline because we didn't want to put a limit on someone who 2 months from now and they've thought of something that they really wanted to send it in to us, we still want their input, we still want to know. Send it in at any point. If we get one a year from now, we will be very happy to have someone take the time to return it. Does anyone else have any last thoughts?

*Kathy:* Again, I just want to say thank you, it's been really nice to have fellow citizens join us, its been about a year so this has been great.

## **V. Adjournment**

Kathy Gibson adjourned the meeting at 8:47pm

Motion made by Kathy Gibson, 2<sup>nd</sup> by Janine Sam.

Laura Echelbarger-Yes, Kathy Gibson-Yes, Karen Love-Yes,

Lee Ivinson-Yes, Janine Sam-Yes.