



Pride of the Ojibwa

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OFFICIAL
LAC COURTE OREILLES TRIBAL GOVERNMENT
ELECTION ORDINANCE

Approved by Tribal Governing Board
April 29, 2005
Resolution No. 05-29

Revised May 16, 2005
Resolution No. 05-50

Revised May 29, 2007
Resolution No. 07-59

Revised March 11, 2011
General Membership Meeting
Approved by Tribal Governing Board

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Resolution No. 15-53

INTRODUCTION

The Lac Courte Oreilles Tribal Governing Board has adopted the following ordinance which shall govern all tribal elections. This ordinance can be amended at any time by a majority of the Tribal Governing Board.

ELECTION PROCEDURE

ELIGIBILITY: Those members of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians who are, or will be, 18 years of age or older, on or before the day of the election, and meet the necessary membership requirements, as stated in the Lac Courte Oreilles Constitution and Bylaws, will be eligible to vote on election day at designated polling sites.

ELIGIBLE VOTER LIST: A computerized listing of all eligible voters will be provided to tellers at the polling sites. A member of the Election Committee (Enrollment Clerk) shall be on duty in the Enrollment Department on Election Day so that the eligibility of any voter can be determined. In most cases this delays the voter by only a few minutes, and otherwise, the voter could be denied the right to vote if the person's name is not on the Eligible Voters List.

SECURITY SYSTEM: The Election Committee shall be responsible for ensuring the best possible security of cross reference so there are no dual votes cast.

POLLING SITES: The following has been designated as the official polling sites for all Lac Courte Oreilles tribal elections:

TRIBAL ADMINISTRATION BUILDING	9:00 A.M. – 6:00 P.M.
NEW POST ELDERLY CENTER	9:00 A.M. – 6:00 P.M.

TELLERS: Election Committee Members will be presiding at the polling site, along with security, observers, and designated members of the Enrollment Committee. (In the event that any Election Committee Member cannot fulfill their duty, the Alternate with the next highest number of votes shall be asked to fill the position.)

BALLOT COUNTING: When the polling site closes at 6:00 p.m., the ballots will be counted at the polling site. Upon completion, the ballots will be replaced in the ballot box. The ballot box will then be locked and sealed.

NEW POST SITE ONLY: All Election Committee Members/Workers will then be escorted by security to the Tribal Administration Building with the locked and sealed ballot box. Security will lock the ballot box while observers witness process. Security will then hand the key to the Head Teller or Election Committee Chairperson and transport the ballot box along with an observer to the Tribal Administration Building. Absolutely no stops are to be made – all Election personnel are to report directly to the Tribal Administration Building. The ballot box will then be opened and witnessed by observers and then cross counted by the remaining Election Personnel. Upon final completion, the ballots will be locked and sealed in the ballot box and then put under lock at the Tribal Administration Building in a secured area. (This process shall be noted and witnessed by security officers and by observers.)

COUNTING METHOD: The Election Committee shall determine the method by which the ballots are counted so as to ensure an accurate count. All ballot counting will be done in a common room where all observers and security will be present. (No one person will be allowed to exit the room with any ballots, count sheet, or any other written material pertaining to the election results.)

BALLOT CONTROVERSIES: Any challenge to a voter's eligibility will be referred to, and settled by, the Election committee upon completion of the counting process. Those present will all be Election Committee Members and observers. (See: Controversial Ballot Procedure)

DISTRIBUTION OF BALLOTS: The Election Committee Chairperson will distribute a predetermined number of ballots at the polling site (This number will be determined by the Tribal Governing Board). The Chairperson and Election Committee Member shall certify as to the number of official ballots received by the printer at time of pick up. The ballots shall be secured by lots of 200 (two hundred) in large envelopes, signed and sealed by each Election Committee Member present at that time. Upon opening an envelope at time of election, the Election Committee Member that has been designated as Head Teller for that site, opens and verifies the number and signs the envelope in the designated space. Upon receipt of the official ballots from the Election Committee Chairperson, the Head Teller at the site will receive from the Election Committee Chairperson the Distribution of Official Ballots Certification, which is signed by both the Election Committee Chairperson and receiving Head Teller. (Attachment "A")

TYPES OF BALLOTS: As defined in 25CFR 81.1:

- A.) “Official Ballot” means a ballot prepared for use in an election.
- B.) “Invalid Ballot” means an official ballot discovered at the time the votes are counted which does not comply with the requirements for voting or is not an official ballot. An “Invalid Ballot” is not counted for determining the number of cast ballots.
- C.) “Mutilated Ballot” means an official ballot that has been damaged to the extent that it is not possible to determine the choice the voter intended to make.
 - 1.) A ballot that is mutilated and not cast. In this case the mutilated ballot may be exchanged for a new one. If the need arises to exchange an absentee ballot, no additional time will be provided for the new ballot to be received by the Election Committee.
 - 2.) A ballot that is mutilated and cast. A mutilated ballot is to be counted in the same manner as a ‘Spoiled Cast Ballot’.
- D.) “Spoiled Ballot” means an official ballot that has been marked in such a way that it is not possible to determine the intent of the voter, a ballot that has not been marked at all, or one that has been marked so as to violate the secrecy of the ballot. There are two kinds of “Spoiled Ballots”.
 - 1.) A ballot that is spoiled and not cast. In this case the spoiled ballot may be exchanged for a new one. If the need arises to exchange an absentee ballot, no additional time will be provided for the new ballot to be received by the Election Committee.
 - 2.) A ballot that is spoiled and cast. A spoiled cast ballot is to be counted in tabulating the total votes cast in conjunction with determining whether the required percentage of the qualified voters has participated in the election.

VOTING PROCEDURE

AT THE POLLING SITE: The Election Committee Chairperson shall deliver all election material to the tellers by 8:00 a.m. on the day of the election.

Voters will proceed as follows:

- A.) Tellers will check all voters for membership status. At this time positive identification may be required prior to voting.
- B.) All members who wish to vote will sign on the voter's registration list.
- C.) Voters will receive the official ballot, take it to the voting booth and mark appropriately, and return it to the ballot box, where an observer will witness the ballot being placed in the ballot box.

ASSIGNMENT OF TELLERS:

- TELLER #1.) Check membership status. (This will be done by checking the voters list.)
 - TELLER # 2.) Observe the signing of the registration book. (Sign in each voter with updated address in log book.)
 - TELLER #3.) Hand out official ballot with the Teller's initial on each ballot. (Ballot cannot be initialed in advance, but must be initialed just prior to handing to voter.)
 - TELLER # 4.) Observe ballot being placed in the ballot box and assist voters. (i.e. pencils, getting security for other assistance, relieving Teller #1, #2, or #3 for breaks.)
- NOTE: Head Teller will be assigned for each polling site. Any teller may be assigned to more than one duty.

CONTROVERSIAL BALLOT PROCEDURE: Should a voter's eligibility to vote be challenged, the voter will proceed as above, except ballot will be given to the teller in charge of the ballot box. The reason for the controversy shall be stated on the envelope. The teller will place the ballot in a small envelope, initial the envelope, and seal it. It will then be placed in the ballot box. The teller will inform the voter that the Election Committee will decide the issue at the same time the ballots are counted after the closing of the polls. (This will be done in the Tribal Administration Building.)

ABSENTEE BALLOTS:

[amended May 16, 2005 by Resolution 05-50]

[rescinded May 27, 2015 by Resolution 15-53]

CAST BALLOTS: In the event there are no challenges to the election results, the cast ballots will be destroyed, by means of shredding or burning, four (4) weeks after election day.

When the election results are challenged and the ballots must be retained until the challenge is resolved, the length of time the ballots are retained prior to shredding or burning will be determined by the Tribal Governing Board.

CAUCUS

The Caucus will be held in the month of April of each year, on a date designated by the Tribal Governing Board. At the Caucus, the Tribal Governing Board will receive nominations for vacancies on the Tribal Governing Board and election which will be held in the month of June of an election year. Also at the Election Caucus, the nomination and election of the Election Committee will take place. (See: Election Committee)

ELECTION CAUCUS PROCEDURE

- A.) Sign-in sheet available at entrance to the Peter Larson Room.
- B.) Call to order – Roll call.
- C.) Floor opened for nominations for general election.
 - 1. present name of nominator.
 - 2. nominator names nominee.
- D.) Chairman calls three (3) times for any additional nominees before floor is closed for additional nominations.
- E.) Names of nominees are placed in a “hat” and drawn out for numeral order on the voting ballot. (If a nominee withdraws, then the remainder of nominees will move up in that order.)
- F.) Floor opens for nominations to fill six (6) positions on the Election Committee.
 - 1. present name of nominator.
 - 2. nominator names nominee.

G.) Chairman calls three (3) times for any additional nominees before floor is closed for additional nominations.

H.) ELECTION COMMITTEE VOTING PROCEDURES:

1. Secretaries pass out ballot to all enrolled tribal members present.
2. Only six (6) votes per ballot. (If any more than that then ballot is “spoiled” and cast out.)
3. Ballots collected at table.
4. Ballots counted and cross referenced with sign-in sheet to estimate numbers.
5. Ballots tallied and marked on display chart.
6. Six (6) top vote getters are seated on Election Committee.
7. Two (2) next highest vote getters are designated as alternates.

I.) Chairman adjourns caucus.

ELECTION COMMITTEE: The Election Committee will be established on the day of caucus by virtue of nominations by the general membership, and shall be composed of seven (7) band members, one of whom shall be the Enrollment Clerk. Six (6) are to be nominated and elected by the general membership in attendance on the day of caucus. Full Election Committee duties will be to develop procedures in accordance with this manual; and hear and attempt to resolve any grievances and irregularities. (In the event these problems cannot be resolved at this level, they shall be referred to Tribal Court.) The Election Committee will meet as soon as possible after the caucus to select a Chairperson. Election Committee Members are required to sign the Code of Ethics within the same ten (10) day period as Tribal Governing Board nominees are given to sign the acceptance form. If they fail to do so, then that member will be removed and the alternate (next highest vote getter) will be asked to fill that position. No one person shall serve on the Election Committee who is a direct relation of a candidate. Direct relation being: mother, father, sister, brother, son, daughter or immediate household (in the case where individuals may be common-law companions, and/or have children in the same household).

ELECTION COMMITTEE MEMBERS PAY: All members of the Election Committee who are tribal employees shall not be paid for attending any Election Committee meetings which are held during normal working hours. Release time shall be granted for such employees. Election day workers shall be paid an hourly rate for working on election day only. Meals (lunch and dinner) will be provided on Election Day. Mileage reimbursements will be provided to Election Committee Members upon submission of proper documentation. Checks will be disbursed according to Accounting Department Policy.

PLACEMENT OF ELECTION COMMITTEE MEMBERS:

ELECTION COMMITTEE CHAIRPERSON: The Election Committee Chairperson shall not be assigned a Teller position, but must be available for travel to and from the polling sites to take care of the needs of the Committee Members on duty. The Chairperson will be responsible for delivering all printed materials to election sites, plus the lunch and dinner orders.

ENROLLMENT CLERK: An Enrollment Clerk shall be present in the Lac Courte Oreilles Enrollment Department during the whole process of the voting procedure, in the event any membership is questioned.

TRIBAL ADMINISTRATION BUILDING: Three (3) Election Committee Members shall be assigned to this site.

NEW POST ELDERLY CENTER: Two (2) Election Committee Members shall be assigned to this site.

TRIBAL GOVERNING BOARD LIAISON

The Tribal Governing Board will appoint a Tribal Governing Board Liaison to the Election Committee. The liaison will be a member of the Tribal Governing Board or their authorized representative. However, he/she cannot be a nominee for that particular election. The purpose of the liaison is to serve as a communications link between the Tribal Governing Board and the Election Committee, and serve as part of the Executive Committee.

EXECUTIVE COMMITTEE

An Executive Committee, of the Election Committee, will be established automatically upon selection of the Election Committee Chairperson, and will consist of three (3) members, who shall be:

- (i) the Election Committee Chairperson;
- (ii) the Enrollment Clerk; and
- (iii) the Tribal Governing Board liaison.

Duties of the Executive Committee shall be to handle any urgent problems that may arise, that would not be able to wait for a scheduled meeting with the Election Committee.

BUDGET

The maximum budget for the Election Committee shall not exceed \$10,000.00. The Chairperson shall establish the budget which shall include: printing, postage, meeting expense, mileage, advertisement, and all election day expenses. The Election Committee Chairperson shall be responsible for presenting a budget to the Tribal Governing Board for approval.

ELECTION COMMITTEE ADVISOR

The Tribal Attorney shall act as advisor to the Election Committee.

NOMINEES ACCEPTANCE OR REJECTION

All persons nominated as candidates for the election to the Tribal Governing Board at the time of the caucus, whether or not personally present, shall notify the Election Committee, in writing, within ten (10) working days of the day of caucus, of their acceptance or rejection of their nomination to stand for election. (Attachment "C") Those who do not sign the "Acceptance Form" (Attachment "C") within the allotted time will automatically be removed from the ballot.

BALLOT ORDER

On the day of the caucus, all nominees names will be drawn from a "hat" and placed in that order on the official ballot. In the event that a nominee declines or is automatically dropped from the ballot because he/she has not signed the "Acceptance Form" (Attachment "C") within the ten (10) working days allowed, the nominees will be moved up in proper order.

CODE OF ETHICS

The Tribal Governing Board has adopted a “Code of Ethics” (Attachment “D”) which governs the conduct of the Election Committee Members. Each Election Committee Member will receive a copy of the “Code of Ethics” and shall be required to sign a copy of such, stating they have read the “Code of Ethics” and agree to abide by these codes during their tenure on this committee. The Election Committee Members are given the same ten (10) working day period to sign the Code of Ethics as the nominees for the Tribal Governing Board. In the event they do not sign the Code of Ethics, they shall be removed and the alternate will be asked to fill the position.

POLLING SITE WORKERS

Polling site workers do not necessarily have to be members of the Election Committee. They can be hired to work at the polling sites only on election day. (They will be paid the same rate as Election Committee Members.)

OBSERVERS

Observers will be appointed by the Tribal Governing Board prior to the day of the election. Observers will be required to sign a final statement upon the completion of the election process on the date of the election stating whether or not they have witnessed a properly run voting and tallying process. If the statement is not signed and returned to the Election Committee Chairperson upon the completion of the election process, it shall be noted that they are in agreement that the process was carried out according to policy. (Attachment “F”) If they are not in agreement that the process was carried out according to policy, the observer must so indicate on the final statement and state their reasons.

SECURITY

A written request shall be made to the Lac Courte Oreilles Law Enforcement Department and/or Conservation Department for three persons to provide security at the polling sites on election day. Security personnel shall remain with the Election Committee workers until such time as all ballots have been counted, election results certified, and cast ballots secured. Security personnel are not allowed to transmit any premature information regarding the election results over the

radio. If they are found doing this, they will not be paid, and they will not be allowed to act as security in future elections.

POSTING

A copy of the approved Lac Courte Oreilles Tribal Election Manual shall be available in the Tribal Administration Building. (A copy will be provided to any tribal member upon request.)

ITEMS TO BE POSTED: A listing of the nominees shall be posted at designated locations, along with the posters stating the location of the polling site, time polls will be open, and telephone numbers and person to contact for those voters in need of transportation to the polling site.

DESIGNATED LOCATIONS: The following business establishments have been designated as the locations to hang posters: LCO Tribal Administration Building, LCO Housing Authority, LCO Commercial Center, LCO Quick Stop, LCO Casino, LCO Convenience Store, LCO Health Center, LCO School System, Reserve Elderly Center, New Post Elderly Center, and WOJB.

CHALLENGES

Challenges to the eligibility of any nominee must be made to the Election Committee within three (3) working days after the date of the caucus. All election irregularity challenges must be made within three (3) working days from the date of the election. Challenges must indicate with specificity, the grounds for the challenge. Within three (3) working days of receipt of the challenge, the Election Committee Chairperson shall then convene the Election Committee. At that time, the Election Committee shall then consider the challenge, including the grounds and supporting documentation. The Election Committee shall then, by absolute majority vote:

- 1.) issue a decision to stand by original certification of election results.
- 2.) modify the results originally certified and issue a new certification of results.
- 3.) withdraw its certification of election results and immediately enter the Election Challenge to Tribal Court, so that the Tribal Court may decide the appropriate course of action.

PRIMARY ELECTION

The Tribal Constitution requires that elections for the Governing Board occur every two (2) years. Article IV, Sec. 4. In addition, the Governing Board has been granted the power to “prescribe rules and regulations” for the conduct of all subsequent elections, which includes the authority to require a primary election. *See* Article IV, Sec. 3.

Beginning in 2011, if the number of nominated candidates for the Governing Board exceeds twice the number of offices to be filled, then the Election Committee shall conduct a primary election. The purpose of the primary election shall be to reduce the number of candidates so that the number of candidates does not exceed twice the number of offices to be filled.

Primary elections shall occur at least thirty (30) days prior to the election, and shall be conducted in accordance with the general requirements and procedures applicable to elections conducted under this Election Ordinance.

Only persons who are nominated as candidates for election to the Governing Board at the time of the Caucus and who timely accept the nomination in accordance with the requirements of this Election Ordinance shall be listed on the ballot for a primary election. Write-in candidates shall not be accepted during the election, but shall be permitted during the primary election.

Candidates in a primary election equal in number to twice the number of offices to be filled in the election that receive the greatest number of votes shall be named as candidates in the election.

[approved by Tribal Governing Board at General Membership Meeting, 3/11/2011]

CAMPAIGNING

No campaigning will be allowed in or around the polling site on the day of election. All campaigning materials that were previously posted in or around the polling site by nominees will be removed by election day workers. Security will check periodically to be sure that no new materials are posted.

CERTIFICATION OF ELECTION RESULTS

Upon completion of the ballot counting, the Election Committee Chairperson shall, on a form approved by the Election Committee, certify the number of votes received by each candidate (Attachment “G”). The Chairperson shall then certify the election results and declare the election winners in accordance with Article IV of the Lac Courte Oreilles Constitution and Bylaws. The Election Committee must complete their respective tasks of ballot counting,

certification of election results, and the declaration of election winners in one sitting without recess or adjournment. Once the election results have been certified and the election winners declared, the Election Committee Chairperson shall ensure that the ballots are placed in a locked location to which all persons having access are known by the Chairperson. No person shall gain access to the locked ballot storage location without prior approval of the Election Committee Chairperson and the Executive Committee. The Chairperson shall maintain a log of all persons obtaining access to the ballots indicating the date and time of such access.

ABSENTEE BALLOT INFORMATION

- A) No absentee ballot can be received without first being requested for in writing, by the person desiring to vote. Each eligible voter must request his or her own separate ballot in a separate envelope, and sign the request. (See Sample Request Form-Attachment “B”).
 - a. The use of the Attachment B Form is not required, but recommended
- B) “Absentee Ballot” requests are only filed under these circumstances:
 - a. Member is in a Health Care Facility
 - b. Member is serving in the Military and away from the reservation on the day of the election.
- C) All “Absentee Ballot” requests must be mailed to:

Election Committee Chairperson
c/o LCO Tribal Administration Building
13394W Trepania Road
Hayward, WI 54843
- D) All “Absentee Ballot” requests must be received no later than two (2) weeks prior to the election date. No Absentee Ballots will be distributed after the Monday preceding the election date.
- E) All “Absentee Ballot” requests shall include all of the voter’s previously-used surnames (i.e. maiden, previous marriage, etc).
- F) All requests for Absentee Ballots will be processed as follows:
 - a. Determine if absentee voter meets the eligibility requirements by checking the enrollment status of the absentee voter; and

- b. Deliver the Official Ballot, Tribal Membership Certification (Attachment “E”), and Instructions for Voting by Absenteeism (Attachment “H”) to the requesting voter by:
 - i. Mail; or
 - ii. Hand delivery by a member of the Election Committee, as requested, if the voter resides within Sawyer County
 - c. Log the listing and numbering of all individuals that have requested, and will receive, an “Absentee Ballot.”
 - d. Log all Absentee Ballots returned to the Election Committee.
 - e. Provide a copy of the absentee ballot log to the Head Teller at each polling site.
- G) Cast Absentee Ballots shall be received as follows:
- a. Via regular mail to the Tribal Administration Building; or
 - b. Via personal hand delivery of the voter to a polling site; or
 - c. For those members in a Health Care Facility within Sawyer County only, via collection by a member of the Election Committee accompanied by an Election Security Officer; and
 - d. No later than 5:30 pm on the day of the election;
- H) Once an “Absentee Ballot” is received, the voter will not be allowed to vote at the polling site.
- I) All Absentee Ballots, however received, shall be placed and maintained by the Election Committee in a locked ballot box until counted.

[amended June 4, 2007 by Resolution 07-59]

[amended May 27, 2015 by Resolution 15-53]

RECOUNTS

Any candidate may request a ballot recount within three (3) working days of the date of the election. The request for recount shall be directed to the Election Committee Chairperson who shall convene the Election Committee within three (3) working days of the receipt of the request to conduct the recount. The Election Committee shall prescribe the procedures by which a recount shall be conducted. Upon completion of the recount, the Election

Committee, by majority vote, shall either affirm the original certification of election results and declaration of election winners or modify such certification and declaration in accordance with the results of the recount. If necessary, the Election Committee Chairperson shall issue a new certification of election results and/or a new declaration of election winners. The time limit prescribed for instituting the election challenges shall not be affected by any request for election recount. However, the Election Committee may withhold its decision of any election challenge until the completion of election recounts.