

# Grand Traverse Band of Ottawa & Chippewa Indians Election Board

## 2020 Election Regulations



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# **SECTION 1**

**AUTHORITY**

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# GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS ELECTION BOARD

## 2020 ELECTION REGULATIONS

The following are election regulations which have been adopted by the Grand Traverse Band of Ottawa and Chippewa Indians Election Board on the date indicated below for the 2020 election cycle. During this election cycle, an election will be held for the offices of Tribal Chairman (one seat) and Tribal Councilor (three seats).

### **I. AUTHORITY**

The Grand Traverse Band of Ottawa and Chippewa Indians Election Board hereby publishes, under the authority delegated to the Board by Article VII, Sec. 2 of the Tribal Constitution, the rules and regulations it deems necessary to properly conduct a regularly scheduled election of Tribal Council members and Tribal Chairperson.

In carrying out the authority delegated to it under the Constitution, the Election Board strives to let the seven (7) Grandfather teachings guide its deliberations and decisions. In that same spirit, the Election Board hopes that the open process by which these Regulations were developed will also ensure that the Membership of the Grand Traverse Band, including current elected officials, candidates, voters and other persons participating in the election process will be guided by the Seven (7) Grandfather teachings:

Nbwaakaawin	Wisdom
Zaagidwin	Love
Mnaadendimowin	Respect
Aakwade'ewin	Bravery
Gwekwaadiziwin	Honesty
Dbaadendiziwin	Humility
Debwewin	Truth

### **II. ELECTION ANNOUNCEMENT**

- (1) The Tribal Council has set Tuesday, May 12, 2020 as the date for the General Election. A Primary Election (if necessary) will be held on Tuesday, April 7, 2020. A Runoff/Re-Ballot election (if necessary) will be held Tuesday, July 14, 2020.
- (2) The Election will be conducted to fill the Tribal Chairman and three (3) Tribal Council positions that expire upon the election and swearing in of their successors.
- (3) The Election Board will hold a Primary Election on April 7, 2020 if more than two (2) persons file for candidacy for Tribal Chairman, or if more than six (6) persons file for candidacy for Tribal Council seats.
- (4) Please note that no member of the Gaming Commission shall serve more than two (2) terms. 18 GTBC § 412(b).
- (5) All Tribal Elections shall be conducted by secret ballot at polling places established by the election board, or by absentee ballot, to ensure the opportunity for, and encourage wide spread voter participation.
- (6) The polling places are established pursuant to Article VII, Section 3(b) of the Tribal Constitution as follows; the GTB Tribal Administration Building, the Charlevoix Satellite

Office, the Traverse City Three Mile Education Office and the Benzie/Manistee Satellite Office.

- (7) All GTB registered voters who are Polling Officials, including Election Board Members, duly assigned polling site assistants, Tribal Police Officers, and maintenance janitors assigned to polling places other than the polling site they are registered to vote at will be permitted to vote by absentee ballot or vote at their assigned polling site that the Election Board will designate.
- (8) The Election Board shall have the authority, to enlist Tribal members, or Tribal government staff (with the consent of the Tribal Administration) as polling officials or support staff when necessary. No person who is an immediate family member of one of the Candidates shall be eligible to serve as a polling official or support staff. "Immediate family member" means the individual's spouse, parent, child, or sibling. The Election Board will maintain a list of designated polling officials assigned to each polling site. Election Board support staff will consist primarily of employees of the Grand Traverse Band Membership Office (hereinafter "Membership Office"). The Membership Office address is 2605 N. West Bay Shore Drive, Peshawbestown, MI 49682; and the Membership Office phone number is (231) 534-7670.

### **III. ELIGIBILITY TO VOTE**

- (1) Article VII, Section 3(a) of the Tribal Constitution prescribes that in order to be eligible to vote in any given tribal election the member must meet the following criteria:
  - (a) Be duly enrolled in the Grand Traverse Band of Ottawa and Chippewa Indians;
  - (b) Be at least eighteen (18) years old on the date of any given Tribal Election;
  - (c) Have been a resident, for a period of at least six (6) months in the six-county service area of Antrim, Benzie, Charlevoix, Grand Traverse, Leelanau, and Manistee counties immediately preceding the election; and
  - (d) Be registered to vote on the date of any given Tribal Election.
- (2) For the purposes of these Regulations, "residence" means the primary and legal residence of the Tribal member. The terms "reside," "resident" and "residency" are intended to refer to the physical street address or location, which may include a Rural Route number, where the member actually lives or resides.
- (3) Evidence of residency may include, but not be limited to, the following; Michigan driver license, Michigan identification card, Government issued photo identification card, current utility bill, property deed, property tax bill, current bank statement or current paycheck or government check. The address evidence presented to prove physical residence must satisfy the six-month requirements mandated by the Tribal Constitution. A Post Office Box address will not be accepted as proof of residency. Residents of Beaver Island, who have neither a street address or rural route number, will be exempted from the Post Office Box address stipulation; provided that the Election Board may require other satisfactory evidence (i.e. affidavit; copy of deed; property tax bill) verifying a person's residence.
- (4) No Tribal member shall be deemed to have lost his/her residence by reason of his/her service in the armed forces of the United States, nor while a full-time student at any institution of learning, provided the member was a resident of the six-county service area for at least six months prior to entering the military or institution of learning. No Tribal member shall be deemed to have lost his/her residence by reason of his/her incarceration, provided the member was a resident of the six-county service area for at least six months at the time the member was arrested and incarcerated.

#### **IV. VOTER REGISTRATION**

- (1) In order to allow all Tribal members the opportunity to vote, the Election Board asks all members to make sure that their voter registration is up to date and accurate.
- (2) The burden of proving eligibility to vote is on the person who has applied for voter registration. The Membership Office shall request the presentation of evidence sufficient to verify eligibility.
- (3) The Membership Office shall verify the tribal enrollment status, age, and residence for each member who submits a voter registration form. The Membership Office may reject submission of any incomplete or questionable voter registration forms, or may request that evidence be submitted by the member that they are eligible to vote under these Regulations. If the Membership Office determines that a Tribal member has not completed the voter registration form correctly, or has not provided sufficient evidence of eligibility to vote under these Regulations, the Membership Office shall notify the Tribal member in writing that their voter registration has been rejected and stating the reasons why it has been rejected. The written notice shall also indicate that the voter may appeal the rejection to the Election Board within 5 business days. A copy of the written notice shall be provided to the Election Board Secretary.
- (4) Registered voters are responsible for completing a change of address should they change their residence. Registered voters who do not complete a change of address form for voter registration purposes will be required to vote in the precinct of their last recorded address.
- (5) Any registered voter whose name has changed (due to marriage, divorce, other legal change) since they last registered to vote is responsible for updating their voter registration to ensure that the name or signature matches the voter registration record maintained by the Election Board. If a registered voter does not update their voter registration to reflect the change of name, they may be required to present proof to verify their identity at the time of voting in order to cast a vote.
- (6) The Membership Office shall compile and provide to the Election Board a list of the names and county of residence for each registered voter at least thirty (30) days prior to the date of an election. The list will also designate, where applicable, those who have requested to vote by absentee ballot. The list shall be posted for public review at the Traverse City Three Mile Education Office, Benzie Satellite Office, the Charlevoix Satellite Office, Turtle Creek Casino, and at the following Peshawbestown locations: Governmental Administration Building, Governmental Annex Building, Elder's Complex, Medicine Lodge, Natural Resources Building, Gaming Commission Building, Leelanau Sands Casino, Strongheart Center, Benodjenh Center and the Housing Authority.
- (7) A completed voter registration form must be submitted to the Membership Office by the date and time indicated on the Schedule of Events made a part of these regulations. The Schedule of Events may be amended by the Election Board. Any Tribal member who fails to timely register to vote shall not be eligible to vote in the election. Voter Registration deadlines are currently scheduled as follows:  
Primary Election (if necessary): March 26, 2020, by 4:00 p.m.  
General Election: May 6, 2020, by 4:00 p.m.  
Run-Off/Re-Ballot Election (if necessary): June 29, 2020 by 4:00 p.m.

- (8) Any Tribal member whose voter registration has been rejected or who has been determined ineligible to vote may request review of that denial by the Election Board. Any requests for review must be made within five (5) business days.

**V. BALLOTS**

- (1) The following definitions for ballots shall apply throughout these regulations:
- (a) A “cast ballot” means an official ballot that is cast in the proper manner at the proper time by a duly registered voter. A vote is cast by duly placing it in the ballot box, or in the case of absentee voting, when the ballot is received by the Election Board.
  - (b) An “invalid ballot” means an official cast 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 to be counted for determining the number of cast ballots.
  - (c) A “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. There are two kinds of mutilated ballots:
    - (i) 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 a mutilated absentee ballot, no additional time will be provided for the new ballot to be received by the Election Board.
    - (ii) A ballot that is mutilated and cast. A mutilated cast ballot is to be counted in tabulating the total number of voters who have cast votes, but shall otherwise not be counted in the tallying of votes.
  - (d) An “official ballot” means a ballot prepared by the Election Board for use in an election pursuant to these regulations. It is possible that an official ballot may be found to be either mutilated or spoiled at the time the votes are counted.
  - (e) A “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 official ballots:
    - (i) 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 a spoiled absentee ballot, no additional time will be provided for the new ballot to be received by the Election Board.
    - (ii) A ballot that is spoiled and cast. A spoiled cast ballot is to be counted in tabulating the total number of voters who have cast votes, but shall otherwise not be counted in the tallying of votes.
- (2) The Election Board shall approve and have prepared ballots which are clear and simple so that it is easy for the voters to indicate their choice of candidate(s). The Election Board shall supply a sufficient number of ballots to each designated polling site.
- (3) Should any voter spoil or mutilate a ballot in the course of voting at a polling site, the voter shall destroy the ballot in the presence of an election official and the election official shall then make note of the destroyed ballot and shall furnish the voter with another ballot.
- (4) Any spoiled or mutilated absentee ballot may be exchanged for a new one by returning to the Election Board or the Membership Office with a request for another. The Election Board or Membership Office shall honor the request promptly and note the date of the

related actions on the absentee ballot voter log. No extension of time will be granted for receipt of exchanged ballots that might not be cast on time.

## **VI. THE BALLOT PROCESS**

- (1) Except as outlined below, residents of Antrim and Grand Traverse counties must vote at the Traverse City Three Mile Education Office, residents of Benzie and Manistee counties must vote at the Benzie Satellite Office, residents of Charlevoix county must vote at the Charlevoix Satellite Office, Beaver Island registered voters may vote by Absentee Ballot, and residents of Leelanau county must vote at the Peshawbestown GTB Tribal Administration Office.
- (2) Registered voters must cast their ballots only at their designated polling places as specified above, except members of the Election Board, duly assigned polling place assistants, Tribal Police Officers, transport drivers, and maintenance/janitorial workers assigned to polling places outside of their designated polling places may vote at the polling place to which they are assigned.
- (3) Candidates will not be allowed to vote at any designated polling place. Candidates are not allowed to be within 100 feet of any polling place pursuant to Article XIII, Section 5(e) of these regulations. Any candidate wishing to vote must do so by absentee ballot so that no Candidate is required to be at or near any polling site on the date of an election.
- (4) Each registered voter must present valid picture identification to the polling official before receiving a ballot. The polling official will deny a person a ballot and not allow them to vote if their picture identification information does not match the person's voter registration information.
- (5) An election ballot for the candidates will be provided to each registered voter at the designated polling places.
- (6) Each registered voter will be entitled to vote for the following number of candidates:
  - (a) If a **Primary Election** is held, each registered voter will be entitled to vote for no more than six (6) candidates for Tribal Councilor and two (2) candidates for Gaming Commissioner.
  - (b) In the **General Election**, each registered voter will be entitled to vote for no more than three (3) candidates for Tribal Councilor and one (1) candidate for Gaming Commissioner.
- (7) Each voter must complete the ballot in accordance with the voting instructions included with the ballot.

## **VII. THE ABSENTEE BALLOT PROCESS**

- (1) Absentee ballots are available for all elections. They provide voters with a convenient method for casting a ballot when they are unable to attend the polls on election day.
- (2) Everyone that wishes to may vote by absentee ballot, provided they follow the process outlined in these Regulations.
- (3) **Candidates for Tribal Council or other offices in the Election shall be required to vote by absentee ballot and will be automatically included on the list of persons receiving absentee ballots. Persons who are no longer candidates because they did not make it past the primary election who wish to vote by absentee ballot must request an absentee ballot pursuant to these regulations.**
- (4) Voters who register to vote after the deadlines established for receipt of absentee ballot applications will be required to vote in person at their designated polling place for that

election. However, voters may still request absentee voter ballots for subsequent elections (i.e. a voter who submits a request for an absentee ballot too late for the Primary Election must cast their vote at their designated polling place in the Primary Election, but may submit a request for an absentee ballot for the General Election).

- (5) A request for an absentee ballot must be in writing and must be submitted to the Membership Office. The voter must request an absentee ballot with a letter, or by submitting a pre-printed application form at the Membership Office. **Voters are encouraged to utilize the pre-printed application forms to avoid confusion or mistakes that may result in the rejection of a request for an absentee ballot.**
- (6) A request for an absentee ballot must include the following information:
  - (a) The residence of the voter that is within the six (6) county service area;
  - (b) The address the voter wishes the absentee ballot mailed to, if different from their residence;
  - (c) The voter's signature; and
  - (d) If the voter required assistance in completing their application for an absentee ballot, the name, residence and signature of the person assisting the voter.
- (7) A request for an absentee ballot may be submitted to the Membership Office in the following manner:
  - (a) By placing the request in an envelope addressed to: GTB Membership Office, 2605 N. West Bay Shore Drive, Peshawbestown, MI 49682, and by placing the envelope in the U.S. mail with postage fully prepaid thereon, or by utilizing another public postal service, express mail service, parcel post service, or common carrier sent to the same address with postage fully prepaid thereon.
  - (b) By hand-delivering the request personally to the Membership Office.
  - (c) Any person other than a candidate for office may mail or deliver the request to the Membership Office on behalf of a registered voter.
- (8) Absentee ballot requests must be received by the Membership Office no later than:
  - (a) March 16, 2020, by 4:00 p.m. for the Primary Election (if necessary);
  - (b) April 30, 2020, by 4:00 p.m. for the General Election; and
  - (c) June 17, 2020, by 4:00 p.m. for the Runoff/Re-Ballot Election (if necessary).
- (9) Once a request for absentee ballot is received by the Membership Office, the signature of the voter on the request must match the signature on the voter registration record before an absentee ballot will be issued. The Membership Office will make a log of each request for an absentee ballot received which identifies the name of the voter making the request, the requester's residence, the date/time the request was received by the Membership Office and the person who assisted the voter in completing the request (if applicable).
- (10) Requests for absentee voter ballots shall be rejected by the Membership Office if:
  - (a) The person making the request is not a registered voter;
  - (b) The request does not include the signature of the voter;
  - (c) The Membership Office is unable to match the voter signature on the request with the signature on the voter registration record;
  - (d) The request was received by the Membership Office after the deadline established for that election;
  - (e) The request was delivered in a manner inconsistent with subsection (7), or was delivered by a candidate for office.



- (11) The Membership Office will immediately notify each voter requesting an absentee ballot in writing if their request has been rejected, stating the reason the request was rejected, and notifying the voter that they have the right to appeal the rejection to the Election Board. Any registered voter whose absentee ballot request has been rejected may still vote in person at their designated polling place for that election.
- (12) Upon receipt and verification of a properly completed request for absentee voter ballot, the Membership Office will file the same and enter the name of the applicant and the address to which the ballot is to be sent on a list to be kept for the purpose of mailing absentee ballots. The applications and lists of approved absentee voters shall be open to public inspection at reasonable hours and upon reasonable notice.
- (13) Emergency Absentee Ballots.
  - (a) Any registered voter may request an emergency absentee ballot at any time before 12:00 p.m. (noon) the day prior to an Election Day if one of the following has occurred which has made it impossible for the voter to request an absentee ballot by the deadline(s) prescribed in subsection (8) herein:
    - (i) The voter has become physically disabled as a result of an accident or illness; or
    - (ii) The voter will be absent from the six county area on Election Day because of an illness, death, or work-related absence;
  - (b) The request for an emergency absentee ballot must be made either in person or by a person authorized in writing by the voter to request the emergency absentee ballot, provided that person is not a candidate for office. The request must include the following:
    - (i) The residence of the voter that is within the six (6) county service area;
    - (ii) A statement that the voter meets the criteria for issuance of an emergency absentee ballot described in subsection (a) above;
    - (iii) The voter's signature; and
    - (iv) If someone other than the registered voter is requesting the emergency absentee ballot, written verification that the person requesting the emergency absentee ballot has been authorized by the voter to do so.
  - (c) Once a request for an emergency absentee ballot is received by the Membership Office, the signature of the voter on the request must match the signature on the voter registration record before an emergency absentee ballot will be issued. The Membership Office will make a log of each request for an emergency absentee ballot received which identifies the name of the voter making the request, the requester's residence, the date/time the request was received by the Membership Office and the person who assisted the voter in completing the request and who is making the request on behalf of the voter (if applicable).
  - (d) If the Membership Office verifies that the registered voter requesting the emergency absentee ballot qualifies to receive an emergency absentee ballot, including verifying the signature of the registered voter making the request, the Membership Office will make available to the voter in person or through the person authorized by the voter, the emergency absentee ballot.
  - (e) Requests for emergency absentee voter ballots shall be rejected by the Membership Office if:
    - (i) The person making the request is not a registered voter;
    - (ii) The request does not include the signature of the voter;

- (iii) The Membership Office is unable to match the voter signature on the request with the signature on the voter registration record;
  - (iv) The request was received by the Membership Office after the deadline established for that election;
  - (v) The request was delivered in a manner inconsistent with this subsection (7), or was delivered by a candidate for office.
  - (vi) The request does not include a statement that the voter meets the criteria for issuance of an emergency absentee ballot described in subsection (a) above.
- (f) The Membership Office will immediately notify each voter requesting an emergency absentee ballot in writing if their request has been rejected, stating the reason the request was rejected, and notifying the voter that they have the right to appeal the rejection to the Election Board. Any registered voter whose emergency absentee ballot request has been rejected may still vote in person at their designated polling place for that election.
- (g) Upon receipt and verification of a properly completed request for emergency absentee voter ballot, the Membership Office will file the same and enter the name of the applicant and the address to which the ballot is to be sent on a list to be kept for the purpose of delivering emergency absentee ballots. The applications and lists of approved absentee voters shall be open to public inspection at reasonable hours and upon reasonable notice.
- (h) The emergency absentee ballot must be cast in the same manner as a regular absentee ballot, and must be returned to the Election Board by the deadlines prescribed in subsection (15) below. Emergency absentee ballots may be rejected as spoiled for the same reason(s) applicable to other absentee ballots.
- (14) Absentee Voting.
- (a) Absentee ballots will be mailed to voters at the address designated in each voter's request. Absentee ballots will be mailed to voters on the date(s) specified in the Election Schedule established within these Regulations.
  - (b) Voters must complete the absentee ballot in accordance with the voting instructions included with the ballot and sign the ballot. If the person requires assistance in completing the ballot, or in delivering the ballot to the voter's designated polling place, the person providing that assistance must complete the portion of the absentee ballot certifying the assistance provided.
  - (c) Absentee ballots may be delivered to the Election Board using any of the methods described below:
    - (i) By placing the absentee ballot in an envelope with the necessary postage on the return envelope and depositing the envelope in the United States mail or with another postal service, express mail service or common carrier for delivery to the Election Board at the following address: Grand Traverse Band Election Board, P.O. Box 7118, Traverse City, MI 49686. Mailed absentee ballots must be received in the Election Board's designated post office box by 3:00 p.m. on the day before Election Day;
    - (ii) By arranging to have the absentee ballot hand delivered to the Membership Office by 3:00 p.m. on the day before Election Day.
    - (iii) By arranging to have the absentee ballot hand delivered to the voter's designated polling place by 7:00 p.m. on Election Day.

- (iv) In any case in which an absentee ballot is hand-delivered by someone other than the voter to whom the absentee ballot was sent (see paragraphs (ii) and (iii) above), the person delivering the absentee ballot must sign and return the certificate in the form prescribed by the Election Board. Only another registered voter may deliver an absentee ballot for another voter.
- (v) Persons hand-delivering absentee ballots to the Membership Office or to a designated polling place shall be required to sign a log verifying the name of the registered voter whose absentee ballot is being delivered and the date/time of delivery.
- (d) Absentee ballots may be rejected for the following reasons:
  - (i) The envelope containing the absentee ballot is not signed by the voter;
  - (ii) The absentee ballot is not completed in accordance with the voting instructions included with the ballot;
  - (iii) If upon examination of the envelope containing the absentee voter's ballot it is determined that the signature cannot be matched with the signature on the new updated voter's registration record; or
  - (iv) It is determined by a majority of the Election Board that the vote contained in the ballot is illegal for any other reason under these Regulations.
- (e) Rejected absentee ballots shall be marked on their face with the phrase "rejected as illegal" and initialed by the Chairperson of the Election Board. The envelope containing rejected ballots and the rejected ballots shall be retained and preserved by the Membership Office for thirty (30) days after the Election Day.
- (f) An absentee voter may vote in person at their designated polling place, notwithstanding the fact that he/she has requested an absent voter ballot and received an absentee voter ballot, under the following circumstances:
  - (i) The voter has not mailed or otherwise delivered the absentee ballot to the Election Board; and
  - (ii) Before voting in person, the voter has returned the absentee ballot they received to the polling officials at their designated polling place. The Polling Officials shall mark the ballot as "cancelled". Cancelled absentee ballots will be placed in the box with other cancelled or spoiled ballots.
- (15) Deadlines for receiving Absentee Ballots are as follows:
  - (a) Absentee ballots for the **Primary Election** (if necessary) sent through the mail or hand-delivered to the Membership Office must be received by the Membership office by April 6, 2020, at 3:00 p.m., or be hand-delivered to the voter's designated polling site officials by April 7, 2020, at 7:00 p.m.
  - (b) Absentee ballots for the **General Election** sent through the mail or hand-delivered to the Membership Office must be received by the Membership Office by May 11, 2020, at 3:00 p.m., or be hand-delivered to the voter's designated polling site officials by May 12, 2020, at 7:00 p.m.
  - (c) Absentee ballots for the **Runoff/Re-Ballot Election** (if necessary) sent through the mail or hand-delivered to the Membership Office must be received by the Membership Office by July 13, 2020, at 3:00 p.m.; or be hand-delivered to the voter's designated polling site officials by July 14, 2020, at 7:00 p.m.
- (16) A log shall be maintained to record:
  - (a) The total number of absentee ballots mailed to registered voters;

- (b) The number of absentee ballots received by mail at the Election Board’s P.O. Box, the number of absentee ballots hand-delivered to the Membership Office, and the number of absentee ballots hand-delivered to each polling location;
  - (c) The number of absentee ballots rejected by the Election Board under subsection (14)(d);
  - (d) The number of Absentee Ballots “cancelled” under subsection (14)(f); and
  - (e) The number of Absentee Ballots to be counted in each Election.
- (17) Absentee voting disputes shall be resolved by the Election Board in accordance with Article XIII of these Regulations.

**VIII. BALLOT COUNTING AND ELECTION CERTIFICATION**

- (1) In the event a **Primary Election** is held, the ballots shall be counted by the Election Board on April 7, 2020, at approximately 8:30 p.m. (or as soon thereafter as all necessary Election Board members are present) in the Tribal Council Chambers at the Tribal Administration Building in Peshawbestown.
- (2) For the **General Election**, the ballots shall be counted by the Election Board on May 12, 2020 at approximately 8:30 p.m. (or as soon thereafter as all necessary Election Board members are present) in the Tribal Council Chambers at the Tribal Administration Building in Peshawbestown.
- (3) In the event of a **Runoff/Re-Ballot Election**, the ballots shall be counted by the Election Board on July 14, 2020 at approximately 8:30 p.m. (or as soon thereafter as all necessary Election Board members are present) in the Tribal Council Chambers at the Tribal Administration Building in Peshawbestown.
- (4) Each election ballot shall be completed in accordance with the voting instructions; otherwise it shall be considered as a spoiled ballot which shall not be counted in the vote tally.
- (5) Tribal membership including candidates and general public are welcome to be present when the election ballots are counted by the Election Board.
- (6) If a **Primary Election** is held, the candidates for Tribal Councilor receiving the eight (8) highest numbers of votes shall be deemed winners of the Primary Election. In the event of a tie for the eighth place candidate for Tribal Councilor in the Primary Election, all those tying for eighth place shall be deemed winners of the Primary Election.
- (7) In the **General Election**, the candidates for Tribal Councilor receiving the three (3) highest numbers of votes shall be deemed to be elected for a term expiring in May 2024. In the event of a tie for the third place candidate for Tribal Councilor in the General Election, then a Runoff Election shall be held with all those tying for third place being placed on the ballot. The candidates receiving the first, and second highest vote totals shall be deemed elected in the General Election and are not subject to the Runoff Election.
- (8) If a **Primary Election** is held, the candidates for Tribal Chairman receiving the two (2) highest numbers of votes shall be deemed winners of the Primary Election. In the event of a tie for the second place candidate for Tribal Chairman in the Primary Election, all those tying for second place shall be deemed winners of the Primary Election.
- (9) In the **General Election**, the candidate for Tribal Chairman receiving the highest number of votes shall be deemed to be elected for a term expiring in May 2024. If there is a tie following the General Election for the position of Tribal Chairman, a Runoff Election shall be held for that position with both tying candidates being placed on the ballot.

- (10) If the unofficial results from the Election indicate that a candidate for office was eliminated or defeated in the General Election by one percent (1%) or less of the votes counted for the office, the Election Board will automatically conduct a recount on the same date, or as soon thereafter as possible. If the result of the recount for any precinct, or for the absentee ballots, is different than the vote total(s) from the original count, the Election Board will conduct a hand count of the ballots cast at that precinct or the absentee ballots, as appropriate. Any request for a recount, other than the above automatic recounts, shall be treated as an Election Dispute and person(s) requesting the recount must allege some irregularity in procedure, mistake or fraud that justifies the need for a recount.
- (11) The unofficial election results shall not be certified by the Election Board until the deadline for filing election challenges has expired.
- (12) Once the election results have been certified by the Election Board, provided that the candidates elected to office have complied with the Election Regulations (including submission of Financial Disclosure Statements), an oath of office will be administered by a Tribal Judge, tentatively scheduled to occur on May 21, 2020, at 2:00 p.m.
- (13) Ballots shall be secured by the Election Board for thirty (30) days after the election date or resolution of any conflicts (such as a recount, election challenge, etc.) before disposal, whichever occurs later. After the expiration of said time period, all ballots shall be destroyed.

## **SECTION 2**

**ELIGIBILITY TO BE A CANDIDATE  
FOR TRIBAL CHAIRMAN**

**ELIGIBILITY TO BE A CANDIDATE  
FOR TRIBAL COUNCIL**

**ELIGIBILITY TO BE A CANDIDATE  
FOR GAMING COMMISSIONER**

**CANDIDACY DECLARATION PROCESS**

**CAMPAIGN RULES**

## **IX. ELIGIBILITY TO BE A CANDIDATE FOR TRIBAL COUNCIL CHAIRMAN**

- (1) In order to be eligible to be a candidate for the Office of Tribal Council Chairman, a person must meet the following criteria:
  - (a) Be an enrolled member of the Grand Traverse Band of Ottawa and Chippewa Indians;
  - (b) Be at least twenty-five (25) years old on the date of the election for Tribal Council Chairman's position;
  - (c) Shall have maintained residence in the six-county service area of the Tribe for a period of six (6) months immediately preceding the date of the General Election for Tribal Council Chairman; and
  - (d) Shall not have been convicted of any felony by a court of competent jurisdiction, whether Tribal, State or Federal, unless such person has not been convicted of such felony within the preceding ten (10) years.
- (2) Any person who is a tribal official, elected or appointed, must adhere to the provisions of Constitution, Article XII governing conflict of interest.
- (3) A person who is employed by the Tribal government, or in any other position that is controlled by the Tribal Council directly or indirectly through the Tribal Manager, may run for the office of Tribal Councilor. However, if elected, the candidate will be required to resign his/her position as an employee of the Tribe. Grand Traverse Band of Ottawa and Chippewa Indians Constitution, Article XII, Section 2(a).
- (4) A person who is employed by the Grand Traverse Band Economic Development Corporation, or any other for-profit business enterprise chartered by the Tribe may run for the office of Tribal Councilor in the Tribal Election without jeopardizing his/her position as an employee of such, unless such person's employment in that position otherwise conflicts with his/her role as a Tribal Council member. Grand Traverse Band of Ottawa and Chippewa Indians Constitution, Article XII, Section 2(b). However, if elected he/she will be required to resign his/her position as an employee of the Tribe.

## **X. ELIGIBILITY TO BE A CANDIDATE FOR TRIBAL COUNCIL**

- (1) To be eligible to be a candidate for Tribal Council, a person must meet the following criteria:
  - (a) Be an enrolled member of the Grand Traverse Band of Ottawa and Chippewa Indians;
  - (b) Be at least eighteen (18) years old on the date of the election for Tribal Council positions;
  - (c) Shall have maintained residence in the six-county service area of the Tribe for a period of six (6) months prior to the election; and
  - (d) Shall not have been convicted of any felony by a court of competent jurisdiction, whether Tribal, State or Federal, unless such person has not been convicted of such felony within the preceding ten (10) years.
- (2) Any person who is a tribal official, elected or appointed, must adhere to the provisions of Constitution, Article XII governing conflict of interest.
- (3) A person who is employed by the Tribal government, or in any other position that is controlled by the Tribal Council directly or indirectly through the Tribal Manager, may run for the office of Tribal Councilor. However, if elected, the candidate will be required to resign his/her position as an employee of the Tribe. Grand Traverse Band of Ottawa and Chippewa Indians Constitution, Article XII, Section 2(a).

- (4) A person who is employed by the Grand Traverse Band Economic Development Corporation, or any other for-profit business enterprise chartered by the Tribe may run for the office of Tribal Councilor in the Tribal Election without jeopardizing his/her position as an employee of such, unless such person's employment in that position otherwise conflicts with his/her role as a Tribal Council member. Grand Traverse Band of Ottawa and Chippewa Indians Constitution, Article XII, Section 2(b). However, if elected he/she will be required to resign his/her position as an employee of the Tribe.

## **XI. ELIGIBILITY TO BE A CANDIDATE FOR GAMING COMMISSIONER**

- (1) In order to be eligible to be a candidate for the office of Gaming Commissioner, a person must meet the following criteria:
- (a) Be an enrolled member of the Grand Traverse Band of Ottawa and Chippewa Indians;
  - (b) No member of the Tribe may serve concurrently on the Tribal Commission and the Tribal Council, excluding *ex officio* participation as provided in 18 GTBC § 413;
  - (c) Take and pass a background investigation as outlined in 18 GTBC §411(c);
  - (d) Pursuant to the Tribal Code, specifically 18 GTBC §411(c), no person shall serve as a Gaming Commissioner if:
    - (1) The prospective member's prior activities, criminal record, if any, or reputation, habits or associations:
      - (A) Pose a threat to the public interest; or
      - (B) Threaten the effective regulation and control of gaming; or
      - (C) Enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of gaming; or
    - (2) The prospective member has been convicted of or entered a plea of nolo contendere to a felony or any gaming offense in any jurisdiction or to a misdemeanor involving dishonesty or moral turpitude; or
    - (3) The prospective member or any member of his immediate family has a financial interest in any gaming activity or facility.
    - (4) The prospective member cannot pass a credit check and does not have a certifiable history of credit worthiness from a credit agency for the last 10 years.
    - (5) The prospective member cannot pass a drug test as provided in Chapter 14 of this code (18 GTBC §1401 et seq.).
- (2) No member of the Gaming Commission shall serve more than two (2) terms. 18 GTBC § 412(b).

## **XII. CANDIDACY DECLARATION PROCESS**

- (1) To declare candidacy for office, a Tribal member must do each of the following:
- (a) Complete and submit to the Membership Office, by the date and time indicated on the Schedule of Events contained within these Regulations a Declaration of Candidacy form and a Consent Form to allow disclosure of information required for a background check (faxed or e-mailed submissions will NOT be accepted);
  - (b) On the Declaration of Candidacy, certify by written statement that they meet all of the requirements to be a candidate as stated in the Constitution and these regulations;



- (c) On the Consent Form, consent to submission of information required for the Election Board to conduct a background check to confirm eligibility for candidacy;
  - (d) Complete all requirements for background checks, by the deadline stated in the Schedule of Events contained within these Regulations;
  - (e) Pay a \$100.00 application fee when submitting their candidacy packet. The fee shall be used to cover costs for background checks, postage and printing.
  - (f) If desired, submit a picture and an essay up to 200 words stating why they wish to be a Tribal Council Member, Tribal Chairman, or Gaming Commissioner when submitting their candidacy packet. If a submission contains more than 200 words, then only the first 200 words will be printed. Subject to the word limit, the photo and essay will be submitted for publication in the GTB Newsletter.
- (2) The Membership Office shall time stamp every document submitted to it by each candidate, and the initials of the person accepting each document shall be written on the document. The Membership Office may reject submission of any incomplete or questionable candidate forms, or may request evidence be submitted by the candidate that the candidate is eligible for candidacy. If the Membership Office determines that a Tribal member is not eligible to be a candidate, then the Membership Office shall notify the Tribal member and the Election Board in writing that the candidate has been determined ineligible for candidacy, and stating the reasons he/she is not eligible. The written notice shall also advise the Tribal member that they may appeal the determination as outlined below.
  - (3) Failure to fully and completely comply with filing of required forms by the deadline for declaring candidacy stated in the Schedule of Events or failure to meet the eligibility requirements for office, shall result in a person being declared ineligible for candidacy.
  - (4) Prior to announcing or publishing the list of qualified candidates, the Membership Office shall provide all relevant documentation to the Election Board to review and approve the list of persons who are qualified candidates for office.
  - (5) Any Tribal member who has been determined to be ineligible for candidacy for any reason may request review of the determination by the Election Board, utilizing the procedure for resolving election disputes as stated in these Regulations.
  - (6) **Candidates must declare their candidacy by submitting all required forms and items by February 28, 2020, at 4:00 p.m.** Those who have not declared their candidacy and **completed all the required forms and submitted all of the required items for a background check, etc.,** by the deadlines indicated shall not be eligible for election to office.
  - (7) The Election Board and the GTB Newsletter will only be responsible for publishing the essay in the GTB Newsletter with contact information (i.e. address; telephone numbers; e-mail address; webpage) of each candidate. All other campaigning will be the sole responsibility of the candidate. The GTB Communication Department is a separate entity from the GTB Election Board; the Election Board shall not be responsible for any printing errors concerning any information submitted by a candidate.

## **XII. CAMPAIGN RULES**

- (1) For purposes of this Article, the following definitions shall apply:
  - (a) "Campaigning" includes, but is not limited to, the taking of organized or regular action for, or in opposition to, the election of a particular candidate or slate of candidate, or for or against any issue which may be on the election ballot,

distributing campaign materials, canvassing voters, or giving speeches or presentations to groups of voters and other activities which may reasonably be considered as intending to persuade voters in a political campaign. Merely expressing support for, or opposition to, a candidate or slate of candidates does not constitute campaigning unless the circumstances indicate that such expressions are part of a pattern of organized or regular conduct to influence the vote of other persons. Campaigning does *not* include placing a sign or sticker on one's own property, placing a bumper sticker on one's personal vehicle (even when parked at a Tribal Government Building or Tribal Enterprise), or wearing a campaign button.

- (b) "Campaign materials" include, but are not limited to, posters, flyers, bumper stickers, or other items related to a person's candidacy or related to the election.
  - (c) "Candidate" means a person who has declared his or her candidacy for office pursuant to these regulations, or a person acting for or on behalf of the person running for office.
  - (d) "Tribal government building" includes, but is not limited to, any building or structure housing the office of any Tribal government employee, or at which Tribal government or community meetings are held, or at which Tribal government program activities are conducted or services to Tribal members are delivered.
  - (e) "Tribal enterprise building" includes, but is not limited to, all buildings and other real property owned by the Tribe or a Tribally chartered business entity, including the Leelanau Sands Casino, Turtle Creek Casino and Hotel, Grand Traverse Resort and Spa, Eagle Town Market, and Harpo's Coffee Cafe.
- (2) Candidates may accept campaign contributions from Tribal Members and from the candidate's sponsored fund-raising events. Candidates may also accept contributions from non-Tribal Members with the stipulation that they publicly disclose the amount and the contributor.
- (3) All candidates, within five (5) business days after the date of the General Election, and any Run-off/Re-Ballot Election, shall file a Financial Disclosure Statement with the Election Board on the form provided by the Election Board in order to protect and to maintain the integrity of the election process. The candidate shall state on the disclosure statement the amount but not the identity of funds collected from Tribal members and fund-raising events. The candidate shall also state on the disclosure statement the name and amount, including the dollar value of any in-kind contributions, received from non-Tribal Members and the identity of the person or persons, corporation or other entity contributing that amount. If a Candidate did not receive any contributions of funds (or in-kind contributions from non-Tribal members), he/she shall file a Financial Disclosure Statement that simply states: "No campaign contributions received from Tribal members or non-Tribal members." For purposes of reporting campaign finances, the term "in-kind" contribution includes any item (such as paper, stamps, food, waived room charges, etc.) or contribution of personal services (such as volunteer work stuffing envelopes, campaign consulting, etc.) by a non-Tribal member in support of a particular Candidate or slate of Candidates.
- (4) Any Candidate who fails to file the Financial Disclosure Statement within the time period described in subsection (3) herein, will be subject to a **fine of \$25.00 per day** for each day such Candidate's report is late. **Any winning Candidate who fails to file the Financial Disclosure Statement within the time period described in subsection (3)**

**herein shall be considered to have forfeited their right to hold office, and the next highest vote getter shall be deemed the winner of the election [provided they have complied with subsection (3) herein].**

- (5) The following provisions will apply to concerning any election conducted under these Regulations.
- (a) No campaign materials may be posted or distributed, nor is any campaigning of any kind by any individual or candidate allowed in any Tribal government building, or Tribal enterprise building, on any Tribal vehicles, or in any parking lots or common areas of such buildings. Notwithstanding the above, candidate forums which are open to all candidates, may be held in Tribal government or Tribal enterprise buildings if they are held after 5:00 p.m. Monday – Friday, or any time on a Saturday or Sunday, with the prior approval of the Election Board. Campaign materials may be distributed at such a candidate forum, but all campaign materials must be removed within one hour following the conclusion of the candidate forum. Notwithstanding the above, campaigning may also occur on property owned by the Tribe if the campaigning is on or within residential apartment units (including common areas) or residential lots leased or assigned to Tribal members.
  - (b) No person who is an employee or contractor of the Grand Traverse Band government or any Tribally chartered or owned business entity shall engage in any campaign activities during his/her assigned working hours. Any person may engage in campaign activities on their own personal time, while on vacation, etc., provided said campaigning complies with these regulations.
  - (c) No person shall use any Tribal government or Tribal enterprise property or funds for campaign activities, including, but not limited to, the use of any telephone, facsimile, e-mail, website, office supplies, vehicles, bulk mailing permit, etc.
  - (d) No person who is an employee of the Grand Traverse Band government or any Tribally chartered or owned business entity shall make express endorsements for or against any candidate or slate of candidates, or for or against any issue on the election ballot, at any public meeting attended in his/her employment capacity, or in any newsletter, report, mailing or other document distributed by the Tribe or which uses Tribal funds or property.
  - (e) No campaigning may occur within one hundred (100') feet of any Tribal government or Tribal enterprise building serving as a polling place on the date of the election. Candidates who are employees of the Grand Traverse Band government or any Tribally chartered or owned business entity and whose office is located at any of the buildings service as a polling site must either make arrangements to work off-site or at a building that is at least one hundred (100') feet away from the polling site, or arrange to take time off of work (a vacation day or General Purpose Time) that day.
  - (f) All candidates must remove all campaign materials, posters, signs, etc., no later than five (5) business days after the election has been certified.
  - (g) With the exception of the special section of the Grand Traverse Band Newsletter outlined above, no person shall utilize the Grand Traverse Band Newsletter to campaign for or against any candidate (or potential candidate) or any issue on the election ballot. A candidate may not obtain or copy any written campaign materials such as mailings, flyers, etc. from the Communications office. Notwithstanding the above, candidates or their representatives may obtain voter address mailing labels

or address lists from the Membership Office upon payment of any reasonable fee which may be set by the Membership Office.

- (h) No person shall send campaign e-mails to the work e-mail of any Grand Traverse Band government employee or any Tribally chartered or owned business entity employee.
  - (i) No person shall, either directly or indirectly, give, lend or promise money or other valuable consideration to or for a person as an inducement to influence the manner of voting by a person relative to a candidate or as reward to refrain from voting.
  - (j) No person shall, either directly or indirectly, discharge or threaten to discharge an employee of the person or the person's employer for the purpose of influencing the employee's vote at an election.
  - (k) No person, or person acting on another's behalf, shall, directly or indirectly, knowingly make, publish, circulate or place in the public, either orally or in writing, an assertion, representation, or statement of fact concerning a candidate for elected office, that is false, deceptive, or malicious.
  - (l) No person shall attempt, by means of bribery, menace or other corrupt means or device, either directly or indirectly, to influence a voter's free act of voting for candidates of the voter's own choice, or to deter a voter from voting.
  - (m) No person shall, in connection with an election, falsely impersonate another person, or vote or attempt to vote under the name of another person, or attempt to induce another person to impersonate another person or attempt to vote under the name of another.
  - (n) No person shall knowingly and willingly give false information to establish his/her eligibility to vote, or give false information in connection with an application for voter registration, application for absentee voting, a candidacy declaration, or Campaign Finance Disclosure.
  - (o) No person shall, directly or indirectly, solicit voters for the purpose of receiving voters' authorization to request absentee ballots for voters or to assist voters with completing and delivering absentee ballots.
  - (p) No person shall, either directly or indirectly, knowingly violate or induce another person to violate any provision of these Election Regulations with the specific intention of, or for the purpose of, interfering with, or casting doubt upon the integrity of, an election or a candidate's campaign for election.
  - (q) No person except an authorized member of the Election Board involved in the counting of ballots, who has possession of an absentee ballot mailed or delivered to another person shall do any of the following, except as may be specifically authorized under these regulations:
    - (i) Open the envelope containing the absentee ballot;
    - (ii) Make any marking on the absentee ballot;
    - (iii) Alter the absentee ballot in any way;
    - (iv) Destroy or dispose of the absentee ballot;
    - (v) Substitute another absentee ballot for the absentee ballot that the person possesses.
  - (r) No candidate shall request, obtain, or turn in Absentee Ballot Request forms for any person other than themselves.
- (6) Penalties for Violation of Campaign Regulations. Persons (including Candidates) who, after notice and hearing as provided in these Regulations, are determined to have violated

Regulations governing campaign activities may be sanctioned by the Election Board. Penalties for violation(s) of these Regulations will vary depending upon the particular circumstances in each case, including: the severity of the infraction, whether the Election Board has sanctioned the person for similar conduct or violations, and the extent to which the violation impacts the integrity of the election or the election process. Penalties imposed by the Election Board shall be reasonably calculated to remedy any harm resulting from violation(s) and may include, but not be limited to, any of the following:

- (a) Public censure/condemnation of offending person;
  - (b) Issuance of an order requiring removal signs or campaign materials posted or distributed in violation of these Regulations;
  - (c) Issuance of an order requiring the offending person to publish a public retraction and/or apology with regard to campaign conduct which is determined to violate these Regulations;
  - (d) Removal of the offending candidate's name from the ballot;
  - (e) Imposition of a civil fine of up to Five Thousand (\$5,000) for each violation;
  - (f) Referring a matter for criminal prosecution where appropriate;
  - (g) Requiring payment of the filing fee for the election dispute/challenge; or
  - (h) Any other remedy the Election Board deems just and proper under the circumstances.
- (7) Candidates or other persons wishing to undertake campaign activities which are not clearly permitted or prohibited by these Regulations are encouraged to seek a determination from the Election Board regarding the permissibility of such activities.
- (8) Complaints alleging violation of campaign regulations shall be resolved by the Election Board in accordance with the procedures established by these Election Regulations to resolve election disputes.

## **SECTION 3**

### **ELECTION DISPUTES AND ALLEGATIONS OF IMPROPRIETY**

### **RETENTION OF BALLOTS, ELECTION RECORDS**

### **XIII. ELECTION DISPUTES AND ALLEGATIONS OF IMPROPRIETY**

- (1) Election disputes shall be resolved in the following manner:
  - (a) All election disputes related to any action by the Election Board, the Membership Office on behalf of the Election Board, a candidate, a voter, or any other person under these regulations shall first be brought before the Election Board consistent with Article VII, Section 5 of the GTB Constitution. An “election dispute” includes without limitation, any complaint related to candidate eligibility, campaign misconduct, error in the conduct of an election, or any violation of these regulations. Challenging the outcome of an election must be within the scope and guidelines of an “election dispute”.
  - (b) Any registered voter or candidate may submit a written election dispute to the Election Board. All election disputes shall be in writing, and must be filed by certified mail; return receipt requested, to the Grand Traverse Band Election Board, P.O. Box 7118, Traverse City, MI 49686. The dispute will be considered filed as of the date of mailing; the return receipt shall be proof of filing. All election disputes shall be accompanied by a \$350.00 filing fee to offset the costs to the Election Board for processing the complaint, and a budget line item shall be created for this purpose. Payment of the filing fee must be made by cashier’s check or money order. Personal checks will not be accepted. The filing fee may be waived at the discretion of the Election Board upon completion and submission of an Application for Waiver of Filing Fee. Said Application for Waiver of Filing Fee form is available at the Membership Office. The complaint submitted shall describe, with as much detail and specifics as possible, the person(s) involved (including any candidate, if applicable), the particular conduct alleged to violate any election law or regulation (including the date the conduct is alleged to have occurred), the manner in which the conduct is alleged to have impacted the integrity of the election process, and the relief or remedy requested.
  - (c) All election disputes must be filed within five (5) business days after the error or other violation is alleged to have occurred. Any election dispute that is not filed with the Election Board within these time periods shall be considered waived.
  - (d) In all cases, the person filing an election dispute shall have the burden of proving by clear and convincing evidence that the conduct alleged: (i) violates one (1) or more election laws or regulations; or (ii) constitutes a mistake or other irregularity in the election process that requires correction or adjustment.
- (2) The following procedures shall be used to resolve election disputes:
  - (a) Following receipt of an election dispute, the Election Board Chairperson shall:
    - (i) Schedule a timely Election Board hearing to consider the dispute(s); and
    - (ii) Serve a copy of the dispute(s) on any other interested person(s) (i.e. the candidate(s) or person(s) alleged to have violated campaign regulations; registered voter whose entitlement to vote is in dispute). In the case of an election outcome dispute, the Election Board Chairperson shall serve a copy of the dispute on all Candidates in the disputed election.
  - (b) Prior to the date set for the hearing on the dispute(s), the Election Board shall set procedures and ground rules for the conduct of the hearing that are appropriate to the circumstances presented by the particular dispute(s). These procedures may include some or all of the following:
    - (i) Exchange of documentary exhibits each party or parties to the dispute(s);

- (ii) Exchange of list of proposed witnesses to be introduced by each party to the dispute(s);
  - (iii) Election documents (i.e. absentee ballot logs) requested by parties bringing dispute(s) submitted to the Election Board;
  - (iv) Opening statements;
  - (v) Presentation of evidence and/or witnesses by each party;
  - (vi) Cross-examination where appropriate;
  - (vii) Questioning of witnesses by Election Board members; or
  - (viii) Closing statements.
- (c) The Election Board Chairperson shall send a notice to the party who filed the dispute(s) and the candidate(s) or other relevant persons involved, which identifies the date, time and location of the hearing, as well as the procedures or ground rules to be used in conducting the hearing.
  - (d) If the person initiating the dispute(s) fails, without good cause, to attend the hearing, the Election Board shall dismiss the dispute(s) with prejudice.
  - (e) The record of the hearing shall consist of all documents submitted in connection with the hearing on the dispute(s) as well as any testimony presented at the hearing. The Election Board shall make its decision based only on evidence presented on the record.
  - (f) The Election Board shall deliberate on the dispute in a closed session. No minutes or records shall be kept of the deliberations.
  - (g) If the Election Board finds, by clear and convincing evidence, that there are sufficient grounds to sustain the election dispute(s), it shall enter such orders, as are necessary and proper to address substance of the dispute(s). If the person(s) submitting the dispute have not met the burden of proof established above, the Election Board shall dismiss the dispute. The Election Board shall issue its determination in a timely manner and shall issue a written opinion. The orders of the Election Board shall be in conformity with hearing findings and per Grand Traverse Band of Ottawa and Chippewa Indians Constitution Article VII, Section 5(a) the decisions of the Election Board shall be final and conclusive on the Grand Traverse Band.
  - (h) If the Election Board finds that an election dispute is frivolous, it may, in its discretion, charge the whole cost of the hearing to the person who makes the frivolous dispute. The Election Board may also require the person who makes a frivolous dispute pay the reasonable costs and attorney fees (if any), of the opposing party. As used in this section:
    - (i) "Frivolous" means that at least 1 of the following conditions is met:
      - (1) The party's primary purpose in initiating the election dispute or asserting the defense was to harass, embarrass, or injure the prevailing party;
      - (2) The party had no reasonable basis to believe that the facts underlying that party's position were in fact true; or
      - (3) The party's legal position was devoid of arguable merit.
  - (i) The Election Board, in its discretion, may order the return of the filing fee to the person(s) submitting the dispute.
  - (j) In addition to any other remedies authorized herein, the Election Board in its discretion may order the candidate(s) to pay to the Election Board an amount equal to the filing fee submitted by the person(s) submitting the dispute.



- (3) Allegations of Impropriety.
- (a) The decisions of the Election Board shall be final and conclusive upon the Grand Traverse Band. Grand Traverse Band of Ottawa and Chippewa Indians Constitution, Article VII, Section 5(a). There is no right to appeal a decision or determination made by the Election Board as to any election dispute.
  - (b) Allegations of impropriety by the Election Board must be filed with and settled by the Tribal Judiciary. Grand Traverse Band of Ottawa and Chippewa Indians Constitution, Article VII, Section 5(c).
  - (c) All complaints or actions involving allegations of impropriety against the Election Board are governed by the Grand Traverse Band Tribal Court Rules governing “election cases” (see GTBCR 4.800 et seq.), and must be filed with the Tribal Judiciary within five (5) business days of alleged act of impropriety. GTBCR 4.805.
  - (d) Allegations of impropriety must meet the definition of “impropriety” as defined by these regulations and the Tribal Judiciary, and must include more than mere disagreement with a decision made by the Election Board. “Impropriety” has a specific meaning under the Constitution as interpreted by the Tribal Judiciary<sup>1</sup>, which includes circumstance where:
    - (i) The Election Board itself acted improperly, such as where the Election Board acted in violation of the law or the Board’s own election rules, regulations, and procedures;
    - (ii) The Election Board’s conduct showed bias or prejudice such that its ability to render a fair decision was compromised or impaired; or
    - (iii) The Election Board failed to carry out its responsibilities with integrity, impartiality and competence.
  - (e) The Tribal Judiciary in election cases may only consider allegations of impropriety by the Election Board consistent with Article VII, Section 5(c) of the Grand Traverse Band of Ottawa and Chippewa Indians Constitution. The Tribal Judiciary review of Election Board action shall not be in the nature of appellate review of the Election Board’s decisions or determinations as to any election dispute.
  - (f) Every complaint or action filed in an election case must meet the requirements of the Grand Traverse Band Tribal Court Rules governing Election Cases, or it may be rejected or dismissed by the Tribal Judiciary without hearing.
  - (g) Election cases shall be resolved as quickly and efficiently as possible while still ensuring the parties receive their respective rights to due process and the procedural safeguards provided by the court rules. The Tribal Judiciary may elect at any stage in an election case brought under this subchapter, to hear the matter en banc in order to expedite the proceeding. The Tribal Judiciary and/or the Chief Judge may in their discretion require shorter time frames than would normally be provided under the general civil court rules for filing of pleadings, discovery, filing of briefs, etc. The parties shall make every effort to resolve election cases quickly. The Chief Judge and/or Tribal Judiciary may sanction a party if the party is found to be intentionally delaying the resolution of an election case, up to and including default or dismissal with prejudice. GTBCR 4.802.

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<sup>1</sup> See *Yannott v. GTB Election Board*, Order Concerning Jurisdiction and Dismissing Complaint, 2008-1003-CV-CV, 2008 WL 6191983, p. 4 (2008), citing *TwoCrow v. GTB Election Bd.*, Opinion Concerning Jurisdiction and Dismissing Complaint, Case No. 2008-998-CV-CV, 2008 WL 6192001, p. 6 (2008).

**XIV. RETENTION OF BALLOTS, ELECTION RECORDS**

- (1) Election ballots shall be destroyed either six (6) months after the election is certified, or 60 days after any election challenge is resolved in the GTB Tribal Court, whichever is later, unless otherwise ordered by any Court having jurisdiction over the Election Board. All other election records shall be maintained pursuant to the Tribe's record retention policy.

## **SECTION 4**

### **SCHEDULE OF EVENTS**

### **SEVERABILITY; REPLEALER**

**XIV. SCHEDULE OF EVENTS**

The following schedules are hereby adopted for conducting the elections. The Election Board may revise the Schedule of Events if an election challenge, election dispute, court order, or other circumstances require a delay or adjustment to the dates listed herein.

**Primary Election**

<b>DATE</b>	<b>EVENT</b>
February 3, 2020	2020 Election Regulations shall be mailed on or before this date to each Tribal member who will be eighteen (18) years old as of the date of the election whose address of Tribal record is within the Tribe’s six-county service area (Antrim, Benzie, Charlevoix, Grand Traverse, Leelanau, and Manistee counties).
February 3, 2020	Declaration of Candidacy and Consent forms shall be made available by Membership office.
February 27, 2020	Requests for absentee ballots for the <b>Primary Election</b> accepted by the Membership Office.
February 28, 2020 <b>4:00 p.m.</b>	Deadline for filing completed Declaration of Candidacy and Consent forms declaring candidacy for Tribal office.
March 6, 2020	Deadline for Election Board releasing list of registered voters and absentee voters for posting.
March 16, 2020 <b>4:00 p.m.</b>	Deadline for submitting a request for an absentee ballot.
March 19, 2020	Absentee ballots mailed out to each registered voter who has sent in a timely request for an absentee ballot.
March 26, 2020 <b>4:00 p.m.</b>	Deadline for registering to vote for the <b>Primary Election</b> .
April 6, 2020 <b>12:00 p.m. (noon)</b>	Deadline for submitting a request for emergency absentee ballot.
April 6, 2020 <b>3:00 p.m.</b>	Deadline for receipt of absentee ballots and emergency absentee ballots by mail to GTB Election Board, P.O. Box 7118, Traverse City, MI 49686, or hand-delivered to the Membership Office.
April 6, 2020 <b>5:00 p.m.</b>	Testing and certification of polling machines by Election Board. All Tribal members are welcome to attend.
April 7, 2020 <b>7:00 a.m. – 7:00 p.m.</b>	Polls open for voting for <b>Primary Election</b>
April 7, 2020 <b>7:00 p.m.</b>	Deadline for receiving hand-delivered absentee ballots and emergency absentee ballots at the voter’s designated polling place.
April 7, 2020 <b>8:30 p.m.</b> (approximately)	Ballots for the <b>Primary Election</b> counted by Election Board in Tribal Council Chambers at the Tribal Administration Building in Peshawbestown and unofficial election results announced. All Tribal Members are welcome to attend.
April 14, 2020 <b>5:00 p.m.</b>	Deadline for filing election challenges with Election Board
April 15, 2020 <b>5:30 p.m.</b>	<b>Primary Election</b> results certified if no election challenges filed.

## General Election

DATE	EVENT
February 3, 2020	2020 Election Regulations shall be mailed on or before this date to each Tribal member who will be eighteen (18) years old as of the date of the election whose address of Tribal record is within the Tribe's six-county service area (Antrim, Benzie, Charlevoix, Grand Traverse, Leelanau, and Manistee counties).
February 3, 2020	Declaration of Candidacy and Consent forms shall be made available by Membership office.
February 28, 2020 <b>4:00 p.m.</b>	Deadline for filing completed Declaration of Candidacy and Consent forms declaring candidacy for Tribal office.
April 13, 2020	Deadline for Election Board releasing list of registered voters and absentee voters for posting.
April 16, 2020	Requests for absentee ballots for the <b>General Election</b> accepted by the Membership Office.
April 30, 2020 <b>4:00 p.m.</b>	Deadline for submitting a request for an absentee ballot.
May 1, 2020	Absentee ballots mailed out to each registered voter who has sent in a timely request for an absentee ballot.
May 6, 2020 <b>4:00 p.m.</b>	Deadline for registering to vote for the <b>General Election</b> .
May 11, 2020 <b>12:00 p.m. (noon)</b>	Deadline for submitting a request for emergency absentee ballot.
May 11, 2020 <b>3:00 p.m.</b>	Deadline for receipt of absentee ballots and emergency absentee ballots by mail to GTB Election Board, P.O. Box 7118, Traverse City, MI 49686, or hand-delivered to the Membership Office.
May 11, 2020 <b>5:00 p.m.</b>	Testing and certification of polling machines by Election Board. All Tribal members are welcome to attend.
May 12, 2020 <b>7:00 a.m. – 7:00 p.m.</b>	Polls open for voting for <b>General Election</b> .
May 12, 2020 <b>7:00 p.m.</b>	Deadline for receiving hand-delivered absentee ballots and emergency absentee ballots at the voter's designated polling place.
May 12, 2020 <b>8:30 p.m.</b> (approximately)	Ballots for the <b>General Election</b> counted by Election Board in Tribal Council Chambers at the Tribal Administration Building in Peshawbestown and unofficial election results announced. All Tribal Members are welcome to attend.
May 19, 2020 <b>5:00 p.m.</b>	Deadline for filing election challenges with Election Board.
May 20, 2020 <b>5:30 p.m.</b>	<b>General Election</b> results certified if no election challenges filed.
May 21, 2020 (Tentative)	Oath of Office administered at Leelanau Sands Showroom. (Date tentative pending expiration of challenge period or resolution of any election challenges, or Leelanau Sands scheduling issues).

## Runoff/Re-Ballot Election

Date	Event
June 2, 2020	Notice to membership of runoff or election challenge re-balloting
June 2, 2020	Request for application for absent voter ballot for <b>Runoff or Re-Ballot Election</b> accepted by the Membership Office.
June 12, 2020	Deadline for Election Board releasing list of registered voters and absentee voters for posting.
June 17, 2020 <b>4:00 p.m.</b>	Deadline for submitting a request for an absentee ballot.
June 22, 2020	Absentee ballots mailed out to each registered voter who has sent in a timely request for an absentee ballot.
June 29, 2020 <b>4:00 p.m.</b>	Deadline for registering to vote for the <b>Runoff or Re-Ballot Election</b> .
July 13, 2020 <b>12:00 p.m. (noon)</b>	Deadline for submitting a request for emergency absentee ballot.
July 13, 2020 <b>3:00 p.m.</b>	Deadline for receipt of absentee ballots and emergency absentee ballots by mail to GTB Election Board, P.O. Box 7118, Traverse City, MI 49686, or hand-delivered to the Membership Office.
July 13, 2020 <b>5:00 p.m.</b>	Testing and certification of polling machines by Election Board. All Tribal members are welcome to attend.
July 14, 2020 <b>7:00 a.m. to 7:00 p.m.</b>	Polls open for voting for <b>Runoff or Re-Ballot Election</b> .
July 14, 2020 <b>7:00 p.m.</b>	Deadline for receiving hand-delivered absentee ballots and emergency absentee ballots at the voter's designated polling place.
July 14, 2020 <b>8:30 p.m.</b> (approximately)	Ballots for the <b>Runoff or Re-Ballot Election</b> counted by Election Board in Tribal Council Chambers at the Tribal Administration Building in Peshawbestown and unofficial election results announced. All Tribal Members are welcome to attend.
July 21, 2020 <b>5:00 p.m.</b>	Deadline for filing election challenges.
July 22, 2020 <b>5:30 p.m.</b>	<b>Runoff or Re-Ballot Election</b> results certified if no election challenges filed.
July 23, 2020 (Tentative)	Oath of Office administered at Leelanau Sands Showroom. (Date tentative pending expiration of challenge period or resolution of any election challenges, or Leelanau Sands scheduling issues).

**XV. SEVERABILITY; REPEALER**

- (1) If a court of competent jurisdiction determines that any portion of these regulations is invalid for any reason, the remainder of these regulations shall continue to be given effect to the extent possible.
- (2) All Election Board regulations in effect prior to the date of enactment of these regulations are repealed and replaced by these regulations.

We certify that the foregoing 2020 Election Regulations were duly adopted by the Election Board at a special meeting held on January 10, 2020. The vote for adoption of these Regulations was as follows:

4 IN FAVOR, 0 OPPOSED, 0 ABSTAINING, 1 ABSENT

  
Shawn Koon-Nolf  
Election Board Chairperson