

**BEFORE THE ELECTION BOARD**  
**OF THE**  
**GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS**

---

In RE: Theresa M. Pelcher vs. Sonya Zotigh

**DECISION AND DETERMINATION**

On April 3, 2018, pursuant to the 2018 Election Regulations, Section 3, Article XIII, an Election Dispute was properly and timely filed by Theresa M. Pelcher, alleging campaign misconduct by Primary Election Candidate Sonya Zotigh. An Election Dispute Hearing was scheduled for April 17, 2018. Election Board Hearing Procedures were served on both parties.

At the April 17, 2018 Hearing, Ms. Pelcher presented a Statement of Facts alleging that on April 2, 2018, Sonya Zotigh posted her GTB issued work phone number on a Facebook group which included over 500 GTB tribal members, inviting registered voters to contact her via her work phone number to schedule times for voters to come to the GTB Tribal Chairman's office to inspect documents relating to an upcoming Recall Election, in violation of Election Regulations Section XII(5)(a-d) which prohibit any campaigning for any candidate during work hours and prohibiting the use of GTB Tribally owned property, including work-issued phone numbers, from being used for campaigning purposes.

Ms. Zotigh presented a written response stating that the Facebook post was made at 5:12pm, which was after business hours, and that although she did post her office number, she specifically stated that "The Chairman said he will show anyone just stop by the office. 534-7103 my office # if you have questions or want to stop in". She further argued that Ms. Pelcher only filed the dispute due to the fact that if Ms. Zotigh was eliminated as a candidate, Ms. Pelcher would then be on the General Election ballot, as she had the 7<sup>th</sup> highest number of votes in the Primary Election, and only the 6 candidates with the highest votes moved forward from the Primary Election to the General Election.

The Election Board, after questioning both parties, and after thorough examination of the evidence, unanimously determined that Ms. Zotigh had in fact violated Election Regulation Section 2, Article XII. (5)(c), by posting her work phone number for a campaign-related matter.

The Election Board was then required by Section 2, Article XII. (6) to determine an appropriate penalty for the violation. Section 2, Article XII. (6) states in part "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 the 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; or
- (g) Any other remedy the Election Board deems just and proper under the circumstances."

After a lengthy deliberation, after thorough examination of the statements and all submitted documents, in light of the fact that the violation occurred only 1 day prior to the Election, in consideration of the fact that no evidence was presented to prove that the violation had impacted any voter's decision or that any voter had actually contacted Ms. Zotigh through her GTB issued work phone number, and after thoroughly reading and weighing the penalty choices (a)-(g) of the Election Regulations, the Election Board unanimously decided that the appropriate punishment would be to issue an order requiring Ms. Zotigh to submit a public apology and to read the apology at the April 18<sup>th</sup>, 2018 Election Board Session.

At the April 18, 2018 Election Board Session, Ms. Zotigh submitted her apology, read it aloud, and by majority vote, the Election Board accepted the apology, and therefore, determined the dispute resolved.

Respectfully Submitted,



Diane Sullivan, Election Board Secretary

Dated: June 25, 2018