



**LAC COURTE OREILLES BAND  
OF  
LAKE SUPERIOR CHIPPEWA INDIANS**

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**TRIBAL CODE OF LAW**

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**TITLE V  
ELECTIONS**

**TITLE V – CHAPTER 1**  
**ELECTION CODE**  
**OF THE**  
**LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS**

**Preamble**

This ordinance is enacted pursuant to the inherent sovereign authority of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians to determine its Tribal leadership which predates its Treaties of 1825, 1826, 1837, 1842, 1847 and 1854 with the United States Government. In the implementation of this inherent sovereign authority, Article IV, § 3 of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians empowers the tribal governing board to “prescribe rules and regulations conducting all subsequent elections.” The Tribal Governing Board duly enacted the Election Code on April 29, 2005 pursuant to Tribal Governing Board Resolution No. 05-29; as amended on May 16, 2005 pursuant to Tribal Governing Board Resolution No. 05-50; as amended on May 29, 2007 pursuant to Tribal Governing Board Resolution No. 07-59; as amended on March 11, 2011 by the Tribal Governing Board at the Lac Courte Oreilles Tribal General Membership Meeting; and as amended on May 27, 2015 pursuant to Tribal Governing Board Resolution No. 15-53.

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**SUBCHAPTER 1.1 - INTRODUCTION.**

**§ 1.101      Title.**

This ordinance shall be known as the Election Code of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

**§ 1.102      Authority.**

This ordinance is enacted pursuant to the inherent sovereign authority of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians to determine its Tribal leadership which predates its Treaties of 1825, 1826, 1837, 1842, 1847 and 1854 with the United States Government. In the implementation of this inherent sovereign authority, Article IV, § 3 of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians empowers the tribal governing board to “prescribe rules and regulations conducting all subsequent elections.”

**§ 1.103      Purpose.**

It is the purpose of this ordinance to:

(1) Define and regulate elections of the Lac Courte Oreilles Tribe in accordance with the Constitution and By-Laws of the Lac Courte Oreilles Tribe; and

(2) Establish an orderly election procedure which affords due process of Tribal law to all citizens (members) of the Lac Courte Oreilles Tribe.

**§ 1.104      Effective Date.**

The provisions of this ordinance shall be effective on the date adopted by the Tribal Governing Board.

**§ 1.105      Interpretation.**

The provisions of this ordinance:

(1) Shall be interpreted and applied as minimum requirements applicable to elections of the Lac Courte Oreilles Tribe;

(2) Shall be liberally construed in favor of the Tribe;

(3) Shall not be deemed a limitation or repeal of any other tribal power or authority.

**§ 1.106      Severability and Non-Liability.**

If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. The Tribe further asserts immunity on its part and that of its agencies, employees, and/or agents from any action or damages that may occur as a result of reliance upon and conformance with this ordinance.

**§ 1.107      Repeal of Inconsistent Tribal Ordinances.**

All ordinances and resolutions inconsistent with this ordinance are hereby repealed. To the extent that this ordinance imposes greater restrictions than those contained in any other tribal law, code, ordinance or regulation, the provisions of this ordinance shall govern.

**SUBCHAPTER 1.2 – GENERAL DEFINITIONS.**

**§ 1.201      General Definitions.**

The following terms, wherever used in this ordinance, shall be construed to apply as follows:

(1) “**Candidate**” means a nominee that has signed the “Acceptance Form” within the ten (10) working days allowed pursuant to § 1.311 of this ordinance and satisfied the prerequisite requirements pursuant to § 1.312 of this ordinance.

(2) “**Citizen**” means a member of the Lac Courte Oreilles Lake Superior Band of Chippewa Indians.

(3) “**Citizen Services Department**” or “**Department**” means the citizen services department of the Tribe.

(4) “**Direct Relation**” means a candidate’s mother, father, sister, brother, son, daughter or immediate household companion (in the case where individuals may be common-law companions, and/or have children in the same household).

(5) “**Election Committee**” means the Committee established on the day of the caucus as established pursuant to § 1.304 (3) of this ordinance.

(6) “**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.

(7) “**Meetings**” means the meetings of the Election Committee.

(8) “**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.

(9) “**Nominee**” means all persons nominated as candidates for election to the Tribal Governing Board at the time of the caucus, whether or not personally present.

(10) “**Official Ballot**” means a ballot prepared for use in an election.

(11) “**Polling Sites**” means the designated official polling sites for all Lac Courte Oreilles tribal elections.

(12) “**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.

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(13) “**Teller**” means members of the Election Committee, other than the Election Committee Chairperson, whom shall preside at the polling sites.

(14) “**Tribal Court**” mean the Lac Courte Oreilles Tribal Court.

(15) “**Tribal Governing Board**” means the Tribal Governing Board of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

(16) “**Tribe**” means the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

**SUBCHAPTER 1.3 – ELECTION POLICY.**

**§ 1.301      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.

**§ 1.302      Election Procedure.**

(1) 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 citizenship (membership) requirements, pursuant to Title IV, Chapter 1 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law – Citizenship Code, will be eligible to vote on election day at designated polling sites as stated in Article IV, § 1 of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

(2) Eligible Voter List. A computerized listing of all eligible voters will be provided to tellers at the polling sites. The designated member of the Election Committee from the Citizen Services Department shall be on duty in the Citizen Services 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.

(3) Security System. The Election Committee shall be responsible for ensuring the best possible security of cross reference so there are no dual votes cast.

(4) Polling Sites. The following has been designated as the official polling sites for all Lac Courte Oreilles tribal elections:

- |                                    |                       |
|------------------------------------|-----------------------|
| (a) Tribal Administration Building | 9:00 A.M. – 6:00 P.M. |
| (b) New Post Elderly Center        | 9:00 A.M. – 6:00 P.M. |

(5) Tellers. Members of the Election Committee, other than the Election Committee Chairperson, shall preside at the polling sites as tellers, along with security officer(s) and observer(s). In the event that any member of the Election Committee cannot fulfill their duty, the Alternate with the next highest number of votes shall be asked to fill the position.

(6) Ballot Counting. When the polling site closes at 6:00 p.m., the ballots shall 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.

(a) New Post Site Only. Once the ballots are counted, replaced in the ballot box, and the ballot box is locked and sealed while an observer(s) witnesses the process, the



security officer shall then hand the key to the Head Teller or Election Committee Chairperson and transport the ballot box along with the observer(s) to the Tribal Administration Building. Absolutely no stops shall be made, as all Election personnel shall report directly to the Tribal Administration Building. The ballot box shall then be opened while an observer(s) witnesses the process and then cross counted by the remaining Election Personnel. Upon final completion, the ballots shall be replaced in the ballot box. The ballot box shall then be locked and sealed and then put under lock at the Tribal Administration Building in a secured area. This process shall be noted and witnessed by security officer(s) and by observer(s).

(7) 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 observer(s) and security officer(s) shall be present. No one person shall be allowed to exit the room with any ballots, count sheet, or any other written material pertaining to the election results.

(8) 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 pursuant to § 1.303 (3) of this ordinance. Those present shall be members of the Election Committee and observer(s).

(9) Distribution of Ballots. The Election Committee Chairperson will distribute a predetermined number of ballots, as determined by the Tribal Governing Board, at the polling site. The Chairperson and a designated 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 two-hundred (200) 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, shall open and verify the number of ballots and sign 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 shall be signed by both the Election Committee Chairperson and receiving Head Teller. (Attachment "A")

(10) Types of Ballots. The following types of ballots are hereby defined as established in 25 CFR § 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.

(i) A ballot that is mutilated and not cast. A mutilated ballot that has not been cast 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.

(ii) A ballot that is mutilated and cast. A mutilated ballot that has been cast shall 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” as follows:

(i) A ballot that is spoiled and not cast. A spoiled ballot that has not been cast 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.

(ii) A ballot that is spoiled and cast. A spoiled ballot that has been cast shall 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.

**§ 1.303      Voting Procedure.**

(1) 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.

(2) Assignment of Tellers.

(a) Teller #1. Check membership status. This shall be done by checking the voters list.

(b) Teller #2. Observe the signing of the registration book. This teller shall sign in each voter with updated address in log book.

(c) Teller #3. Hand out official ballot with the Teller's initial on each ballot. The ballot cannot be initialed in advance, but must be initialed just prior to handing to voter.

(d) 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.

(e) Head Teller. A head teller shall be assigned for each polling site. Any teller may be assigned to more than one duty.

(3) Controversial Ballot Procedure. Should a voter's eligibility to vote be challenged, the voter shall proceed as above, except the 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 shall place the ballot in a small envelope, initial the envelope, and seal it. The ballot shall then be placed in the ballot box. The teller shall then inform the voter that the Election Committee shall decide the issue at the same time the ballots are counted after the closing of the polls. This shall be done in the Tribal Administration Building.

(4) 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.

**§ 1.304**      **Caucus.**

(1) 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 of eligible citizens (members) of the Tribe 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.

(2) 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 of eligible citizens (members) of the Tribe for general election.

(i) Present name of nominator.

(ii) 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.

(i) Present name of nominator.

(ii) Nominator names nominee.

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

(3) Election Committee Voting Procedures. Secretaries shall pass out ballot to all enrolled tribal members present.

(a) Only six (6) votes per ballot. If for any reason the ballot contains more than six (6) votes per ballot, then ballot shall be considered “spoiled” and cast out.

(b) The ballots shall be collected at each table.

(c) The ballots shall be counted and cross referenced with the sign-in sheet to estimate numbers.

(i) Ballots tallied and marked on display chart.

(ii) Six (6) top vote getters are seated on Election Committee.

(iii) Two (2) next highest vote getters are designated as alternates.

(4) Chairman adjourns caucus.

**§ 1.305      Election Committee.**

(1) The Election Committee shall be established on the day of the caucus as established pursuant to § 1.304 (3) of this ordinance, by virtue of nominations by the general membership, and shall be composed of six (6) nominated and elected band members along with one designated member from the Citizenship Services Department (Enrollment Clerk).

(2) The duties of the Election Committee shall be to develop procedures in accordance with this ordinance, and hear and attempt to resolve any grievances and irregularities.

(3) In the event that grievances and irregularities cannot be resolved by the election committee, they shall be referred to the Tribal Court for resolution.

(4) The Election Committee shall meet as soon as possible after the caucus to select a Chairperson.

(5) 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 pursuant to § 1.311 of this ordinance.

(6) If a member of the Election Committee fails to sign the acceptance form, then that member shall be removed from the Election Committee and the alternate (the next highest vote getter) will be asked to fill that position.

(7) No one person shall serve on the Election Committee who is a direct relation of a candidate.

(a) "Direct Relation" means a candidate's mother, father, sister, brother, son, daughter or immediate household companion (in the case where individuals may be common-law companions, and/or have children in the same household).

(8) Election Committee Members Pay.

(a) No member of the Election Committee shall be paid for attending any Election Committee meeting. Any member of the Election Committee who is an employee of the Tribe or an employee of a tribal entity shall be allowed to receive release time pursuant to 14 LCOTCL § 1.707 (4), 14 LCOTCL § 4.707 (4), 14 LCOTCL § 5.707 (4), 14 LCOTCL § 7.707 (4), or 14 LCOTCL § 9.708 (4) to attend Election Committee meetings held during normal working hours.

(b) Election Day workers shall be paid an hourly rate, established by the Tribal Governing Board, as compensation for working on Election Day.

(c) Meals (lunch and dinner) for Election Day workers shall be provided by the Tribal Governing Board.

(d) Mileage reimbursements shall be provided to Election Committee members upon submission of proper documentation.

(e) Checks for mileage reimbursements and/or compensation for working on Election Day shall be disbursed according to Accounting Department Policy.

**§ 1.306 Placement of Election Committee Members.**

(1) Election Committee Chairperson. The Chairperson of the Election Committee 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 shall be responsible for delivering all printed materials to election sites, as well as collecting lunch and dinner orders pursuant to § 1.305 (8) (c) of this ordinance.

(2) Citizenship Services Department. The designated member of the Election Committee from the Citizenship Services Department (Enrollment Clerk) pursuant to §§ 1.302 (2) and 1.305 (1) of this ordinance, shall be present in the Citizenship Services Department during the whole process of the voting procedure, in the event any citizenship (membership) is questioned.

(3) Placement of the Other Members of the Election Committee.

(a) Tribal Administration Building. Three (3) members of the Election Committee shall be assigned to the Tribal Administration Building polling site.

(b) New Post Elderly Center. Two (2) members of the Election Committee shall be assigned to the New Post Elderly Center polling site.

**§ 1.307 Tribal Governing Board Liaison.**

The Tribal Governing Board shall appoint a Tribal Governing Board Liaison to the Election Committee. The liaison shall 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 pursuant to § 1.308 of this ordinance.

**§ 1.308 Executive Committee.**

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

(a) Chairperson of the Election Committee;

(b) Designated member of the Election Committee from the Citizenship Services Department (Enrollment Clerk); and

(c) Tribal Governing Board Liaison.

(2) The 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 of the Election Committee.

**§ 1.309 Election Committee Advisor.**

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

**§ 1.310      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.

**§ 1.311      Nominees Acceptance or Rejection.**

(1) 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”).

(2) Those who do not sign the “Acceptance Form” (Attachment “C”) within the allotted time will automatically be removed from the ballot.

**§ 1.312      Candidate Prerequisite Requirements Prior to Being Placed on the Ballot.**

(1) Upon a person’s acceptance of their nomination to stand for election to the Tribal Governing Board, the following prerequisites as determined by the Election Committee shall be met prior to the candidate being placed on the ballot:

(a) The prospective candidate shall be a citizen (member) of the Tribe.

(b) The prospective candidate shall have attained the age of twenty-one (21) years on the date of election.

(c) The prospective candidate shall physically reside within the Tribe’s established Service Area.

(d) The prospective candidate shall provide consent for the completion of a comprehensive background check. If a comprehensive background check establishes that a prospective candidate has plead guilty, no contest or been found guilty in any tribal, county, district, state, or federal court of any felony or other serious offense including: bribery, embezzlement, extortion, fraud, perjury, theft, deceit, dishonesty, or misappropriation of funds, the Election Committee shall establish that the prospective candidate thereby fails to pass the background check. A prospective candidate that fails to pass the background check shall be prohibited from being placed on the ballot for election, unless:

(i) The Election Committee provides the prospective candidate with an Election Background Waiver upon a due diligent investigation of sufficient rehabilitation and present fitness. Any prospective candidate requesting an Election Background Waiver must complete an “Election Background Waiver Petition” which is attached and incorporated as an Exhibit to this ordinance.

(e) The prospective candidate shall submit payment of a ballot fee to the Accounting Department in the amount of two-hundred and 00/100 dollars (\$200.00) in an attempt to offset the administrative costs of the election. Upon the submission of the ballot fee, the prospective candidate shall provide the payment receipt to the Election Committee. A prospective candidate that fails to provide a ballot payment receipt to the Election Committee shall be prohibited from being placed on the ballot for election.

(f) The prospective candidate shall undergo testing for illegal drugs and prescribed medication for which they do not have a valid prescription at the LCO-CHC as a condition of being placed on the ballot for election. The laboratory evaluation of the sample will be carried out by a laboratory that is contracted with the LCO-CHC and is certified by either the College of American Pathologists or the National Institute on Drug Abuse. Such drug tests require laboratory testing as provided by the Mandatory guidelines for Federal Workplace Drug Testing Programs pursuant to 94 FR 28101, May 15, 2015 as amended, as minimum standards for the following five classes of drug and correlative cutoff concentrations: Marijuana; Cocaine; Opiates including opium and codeine derivatives such as Oxycodone, Oxymorphone, Hydrocodone, Hydromorphone; Amphetamines and Methamphetamines including Methylenedioxyamphetamine (MDA) and Methylenedioxyethylamphetamine (MDEA); Phencyclidine (PCP). The cost for this testing will be deducted from the ballot fee of the prospective candidate.

(i) In the event of a positive test result, a confirmation test will be performed by a laboratory specified in subs. (5) above, using the original sample (not a new sample). The confirmation test will be based on a different analytical method of higher analytical certainty.

(ii) A prospective candidate who tests positive (upon completion of a confirmation test) for illegal drugs and/or prescribed medication for which they do not have a valid prescription, shall be prohibited from being placed on the ballot for election.

(iii) A prospective candidate who declines a drug test shall be prohibited from being placed on the ballot for election.

(2) Upon the Election Committee's determination that a prospective candidate has failed to meet the prerequisites established in subs. (1) above, the prospective candidate may file an appeal of the Election Committee's determination in Tribal Court by filing a typed or written statement setting forth the grounds for and evidence supporting the challenge(s) along with the established court filing fee. Any such challenge shall be filed no later than twenty-four (24) hours following the prospective candidate's notification of the Election Committee's determination. Upon receipt of the filing of the appeal of the Election Committee's determination, the Tribal Court shall provide for a hearing and render a decision within twenty-four (24) hours of the appeal. The decision of the tribal court shall be final and not subject to further appeal.



**§ 1.313      Ballot Order.**

The names of all nominees that have signed the “Acceptance Form” within the ten (10) working days allowed pursuant to § 1.311 of this ordinance and satisfied the prerequisite requirements pursuant to § 1.312 of this ordinance, shall be drawn from a “hat” and placed in that order on the official ballot. In the event that a nominee subsequently withdraws from the election, the nominees will be moved up in proper order.

**§ 1.314      Code of Ethics.**

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

**§ 1.315      Polling Site Workers.**

Polling site workers do not necessarily have to be members of the Election Committee. They can be hired by the Tribal Governing Board to work at the polling sites on Election Day only, and shall be paid the same rate as Election Committee Members as established pursuant to § 1.305 (8) (b) of this ordinance.

**§ 1.316      Observers.**

Observers shall be appointed by the Tribal Governing Board prior to the day of the election. Upon the completion of the election process, on the date of the election, the observers shall sign a final statement stating whether or not they have witnessed a properly run voting and tallying process. If the statement is not signed and returned to the Chairperson of the Election Committee 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.

**§ 1.317      Security Officers.**

A written request shall be made to the Lac Courte Oreilles Police Department and/or Conservation Department for three officers to provide security at the polling sites on Election Day. Security officers shall remain with the members of the Election Committee and polling site workers until such time as all ballots have been counted, election results certified, and cast ballots secured. Security officers are not allowed to transmit any premature information regarding the election results over the radio. If they are found doing this, they shall not be paid,

they may be subject to disciplinary action, and they shall not be allowed to act as a security officer in future elections.

**§ 1.318      Posting.**

A copy of this ordinance shall be available in the Tribal Administration Building and a copy shall be provided to any citizen (member) of the Tribe upon request.

(1) 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 the telephone numbers and person to contact for those voters in need of transportation to the polling site.

(2) Designated Locations. The following business establishments have been designated as the locations to hang posters pursuant to subs. (1) above: Tribal Administration Building, Housing Authority, LCO Commercial Center, LCO Quick Stop, Gaming Enterprises, LCO Convenience Store, LCO-CHC, LCOOS-Waadookodaading, LCO Ojibwe Community College, LCO Head Start – Early Head Start, Reserve Elderly Center, New Post Elderly Center, and WOJB.

**§ 1.319      Challenges.**

Challenges to the eligibility of any nominee to be placed on the ballot must be made to the Election Committee within three (3) working days after the date of the ballot order being established pursuant to § 1.313 of this ordinance. 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; or

(3) Withdraw its certification of election results and immediately enter the Election Challenge to the Tribal Court, so that the Tribal Court may decide the appropriate course of action.

**§ 1.320      Primary Election.**

(1) The Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians requires that elections for the Governing Board occur every two (2) years. Article IV, § 4. In addition, the Tribal 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, § 3.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

**§ 1.321      Campaigning.**

(1) No campaigning shall 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 shall be removed by Election Day workers. Security Officers shall check periodically to be sure that no new materials are posted.

(2) All campaigning materials shall be removed by the prospective candidate associated with the campaigning material within thirty (30) days following Election Day. All prospective candidates that fail to adhere to this subs, shall be subject to a citation pursuant to 10 LCOTCL § 2.305.

**§ 1.322      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 Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. 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.

**§ 1.323      Absentee Ballot Information.**

(1) 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 form established in Attachment B is not required, but recommended.

(2) “Absentee Ballot” requests are only filed under these circumstances pursuant to Article IV, § 3 of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians:

(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.

(3) All “Absentee Ballot” requests must be mailed to:

Election Committee Chairperson  
c/o LCO Tribal Administration Building  
13394W Trepania Road  
Hayward, WI 54843

(4) 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.

(5) All “Absentee Ballot” requests shall include all of the voter’s previously-used surnames (i.e. maiden, previous marriage, etc).

(6) 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.

(7) 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;

(8) Once an “Absentee Ballot” is received, the voter will not be allowed to vote at the polling site.

(9) All Absentee Ballots, however received, shall be placed and maintained by the Election Committee in a locked ballot box until counted.

**§ 1.324      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.