**Title ELE**

**Elections**

Chapter ELE.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; and as amended on March 1, 2021 pursuant to Tribal Governing Board Resolution No. 20-2021.

**Subchapter ELE.1.1**

**Introduction**

**ELE.1.1.010 Title**

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

**ELE.1.1.020 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," which includes the authority to require a Primary Election. The Amended Constitution and By-laws also requires that elections for the Governing Board occur every two (2) years. Article IV, § 4.

**ELE.1.1.030 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 members of the Lac Courte Oreilles Tribe.

**ELE.1.1.040 Effective Date**

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

**ELE.1.1.050 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

**ELE.1.1.060 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.

**ELE.1.1.070 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.

**ELE.1.1.080 Amendment of Election Ordinance**

This ordinance may be amended at any time by a majority of the Tribal Governing Board. The Election Committee can recommend amendments, revisions, and changes to the ordinance for consideration by the Tribal Governing Board to amend.

**Subchapter ELE.1.2**

**General Definitions**

**ELE.1.2.010**

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 three (3) working days allowed pursuant to ELE.1.5.020 and satisfied the prerequisite requirements pursuant to ELE.1.5.030 and ELE.1.5.060 or a write-in candidate who satisfied the prerequisite requirements pursuant to ELE.1.5.030 and ELE.1.5.060.
2. **"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).
3. **"Drug Offense"** means the unlawful use, cultivation, manufacture, distribution, sale, purchase, possession, transportation, or importation of any controlled drug or narcotic or prescription medication for which the person does not maintain a current valid prescription.
4. **"Election Committee"** or “**Committee”** means the Committee established on the day of the Caucus as established pursuant to ELE.1.5.010 (c), including the non-voting Enrollment Clerk position.
5. **“Election Day Worker”** means Election Committee members, Enrollment Clerk, and Security Officers.
6. **“Electorate”** means the tribal members who meet the requirements to be eligible to vote in a particular election.
7. **“Eligible Voter”** means those members of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians who are, or shall be, eighteen (18) years of age or older, on or before the day of the election, and meet the necessary membership requirements, pursuant to Title IV, Chapter 1 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law — Enrollment Code, shall 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.
8. **“Enrollment Clerk”** means the designated individual Election Committee member from the Enrollment Department.
9. **"Enrollment Department" or "Department"** means the Enrollment Department of the Tribe.
10. **“Executive Committee”** means the Chairperson, the Vice-Chairperson, and the Secretary/Treasurer of the Election Committee.
11. **"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.
12. **“Lac Courte Oreilles”** or **“LCO”** means the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.
13. **"Meetings"** means the meetings of the Election Committee.
14. **"Tribal Member” or “Member"** means an individual meeting the membership requirements of, and on file in the Enrollment Department as, an enrolled with the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.
15. **"Mutilated Ballot"** means, as established in 25 CFR § 81.1, an official ballot that has been damaged to the extent that it is not possible to determine the choice the voter intended to make. The two kinds of “Mutilated Ballots” are as follows:
    1. **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 shall be provided for the new ballot to be received by the Election Committee.
    2. **A ballot that is mutilated and cast.** A mutilated ballot that has been cast shall not be counted in the same manner as a Spoiled Cast Ballot.
16. **"Nominee"** means all persons nominated as candidates for election to the Tribal Governing Board, Election Committee members, or observers at the time of the Caucus, whether or not personally present.
17. **"Official Ballot"** means, as established in 25 CFR § 81.1, a ballot prepared for use in an election.
18. **"Polling Sites"** means the designated official voting sites for all Lac Courte Oreilles tribal elections.
19. **"Spoiled Ballot"** means, as established in 25 CFR § 81.1, 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. The two kinds of “Spoiled Ballots” are as follows:
    1. **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 shall be provided for the new ballot to be reviewed by the Election Committee.
    2. **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 qualified voters has participated in the Election.
20. **“Tribal Court”** means the Lac Courte Oreilles Tribal Court.
21. **“Tribal Governing Board"** means the Tribal Governing Board of Lac Courte Oreille Tribal Band of Lake Superior Chippewa Indians.
22. **“Tribe”** means the Lac Courte Oreille Band of Lake Superior Chippewa Indians.
23. **“Tribal Membership” or “Membership”** means the individuals who are enrolled with the Lac Court Oreilles Band of Lake Superior Chippewa Indians.
24. **“Working Day”** means business days and excludes all observed holidays including tribal holidays.

**Subchapter ELE.1.3**

**Election Committee and Polling Site Workers**

**ELE.1.3.010 Election Committee**

1. The Election Committee shall be established on the day of the Caucus as established pursuant to ELE.1.5.010 (c) of this ordinance, by virtue of nominations by the general membership, and shall be composed of seven (7) nominated and elected band members along with one designated member from the Enrollment Department (“Enrollment Clerk”), who does not vote in matters before the Election Committee or Election Executive Committee.
2. The duties of the Election Committee shall be to develop procedures in accordance with this ordinance, run an orderly election, hear and attempt to resolve any grievances and irregularities, and to provide election and voter education.
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 an Executive Committee.
5. 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 three (3) working day period to sign the Code of Ethics. 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.
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) shall be asked to fill that position. The alternate must sign the Code of Ethics in accordance with subsection (e) above.
7. No one person shall serve on the Election Committee who is a direct relation of a nominee or candidate.
8. Election Committee Members Pay
9. Election Committee members shall be paid a stipend for each meeting of the Election Committee as well as a daily stipend for each Election Day (including primary, general, or recount). The Election Committee member's stipend amount(s) shall be established by the Tribal Governing Board. 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 PAP.1.7.070(d); PAP.4.7.070(d); PAP.5.7.070(d); PAP.7.7.070(d); or PAP.9.7.080(d) to attend Election Committee meeting held during normal working hours.
10. Meals (lunch and/or dinner) for Election Committee Members for Election Day (including primary, general, or recount) shall be provided by the Tribal Governing Board.
11. Mileage reimbursements shall be provided to Election Committee members upon submission of proper documentation,
12. Checks for mileage reimbursements and/or compensation for working on Election Day shall be distributed according to Accounting Department policy as established in 14 LCOTCL — Chapter 10 Governmental Fiscal Policies and Procedures.
13. Election Day Worker Pay
14. Election Day Workers shall be paid a daily stipend, as established by the Tribal Governing Board, as Compensation for working on each Election Day (including primary, general, or recount).
15. Meals (lunch and dinner) for Election Day Workers shall be provided by the Tribal Governing Board.
16. Mileage reimbursements shall be provided to Election Day Workers as approved by the Election Committee, upon submission of proper documentation,
17. Checks for mileage reimbursements and/or compensation for working on Election Day shall be distributed according to Accounting Department policy as established in 14 LCOTCL — Chapter 10 Governmental Fiscal Policies and Procedures.

**ELE.1.3.020 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 ELE.1.3.010 (h) (2).
2. Enrollment Department. The designated member of the Election Committee from the Enrollment Department (Enrollment Clerk) pursuant ELE.1.3.010 (a), shall be present in the Enrollment Department on Election Day, so that the eligibility of any voter may be determined.
3. Placement of the Other Members of the Election Committee
4. **Tribal Administration Building.** Four (4) members of the Election Committee shall be assigned to the Tribal Administration Building polling site.
5. **New Post Elderly Center.** Two (2) members of the Election Committee shall be assigned to the New Post Elderly Center polling site.

**ELE.1.3.040 Executive Committee**

1. An Executive Committee of the Election Committee shall consist of the following three (3) members who shall be selected by the Election Committee members upon their election:
2. Chairperson of the Election Committee whom shall preside at all Committee meetings and maintain order, and as official representative of the Committee;
3. Vice Chairperson of the Election Committee whom shall preside in the absence of the Chairperson or whenever the Chairperson temporarily vacates the chair. In case of resignation or removal of the Chairperson, the Vice-Chairperson shall assume the position until a permanent chair is elected, and perform other duties as assigned; and
4. Secretary/Treasurer of the Election Committee whom shall record the minutes of every meeting; maintain a file/record of minutes; assist the Chairperson in following the agenda; record and read motions as they are made; keep accurate records, and perform other duties as assigned.
5. 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.

**ELE.1.3.050 Election Committee Advisor**

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

**ELE.1.3.060 Budget**

The maximum budget for the Election Committee shall not exceed the amount as approved by the Tribal Governing Board. 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.

**ELE.1.3.070 Observers**

Observers shall be selected on the day of the Caucus as established pursuant to ELE.1.5.010 (d), by virtue of nominations by the general membership. 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 (Attachment "F"). 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. 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. Observers shall not transmit any premature information regarding the election results. If they do so, the observers shall not be paid, shall not be permitted to act as observers in future elections, and may be subject to disciplinary action.

**ELE.1.3.080 Security Officers**

A written request shall be made by the Election Committee Chairperson to the Lac Courte Oreilles Police Department, Lac Courte Oreilles Fire 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 shall not transmit any premature information regarding the election results by radio or electronic communication, or otherwise. If they do so, the security officers shall not be paid, shall not be permitted to act as security in future elections, and may be subject to disciplinary action.

**Subchapter ELE.1.4**

**Election Policy and Procedure**

**ELE.1.4.010 Election Procedure**

1. **Eligibility.** Those members of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians who are, or shall be, eighteen (18) years of age or older, on or before the day of the election, and meet the necessary membership requirements, pursuant to Title IV, Chapter 1 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law — Enrollment Code, shall 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 consisting of tribal enrollment number, name, address, birthdate, and signature line for all eligible voters shall be provided to tellers at the polling sites.
3. **Security System.** The Election Committee shall be responsible for ensuring that no dual votes are cast by contacting the tellers at the other polling sites.
4. **Polling Sites.** The official polling sites for all Lac Courte Oreilles tribal elections:
5. Tribal Administration Building 9:00 A.M. — 6:00 P.M.
6. New Post Elderly Center 9:00 A.M. — 6:00 P.M.
7. **Tellers.** Members of the Election Committee, other than the Election Committee Chairperson, shall preside at the polling sites as tellers. 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.
8. **Ballot Counting.** When the polling site closes at 6:00 p.m., all Election Committee Members/Workers shall be escorted by security to the Tribal Administration Building with the locked and sealed ballot box. Security shall place the remaining ballots into the ballot box and shall lock it in the presence of observers. Security shall then hand the key to a member of the Executive Committee and transport the ballot box along with an observer to the Tribal Administration Building. Absolutely no stops are to be made and all Election Committee Members/Workers are to report directly to the Tribal Administration Building. The ballot box shall then be opened and witnessed by observers. Upon formal completion, the ballots shall be locked and sealed in the ballot box and then put under lock at the Tribal Administration Building in a secured area.
9. **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 shall be done in a common room where all observer(s) and security officer(s) shall be present. No person shall be allowed to exit the room with any ballots, count sheet, or any other written material pertaining to the election results.
10. **Ballot Controversies.** Any challenge to a voter's eligibility shall be referred to, and settled by, the Election Committee upon completion of the counting process pursuant to ELE.1.4.020 (c). Those present shall be members of the Election Committee and Observer(s).
11. **Distribution of Ballots.** The Election Committee Chairperson shall distribute a predetermined number of ballots, as determined by the Election Committee, 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 in 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 the time of election, an Election Committee Member 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 Election Committee members at the site shall receive from the Election Committee Chairperson the Distribution of Official Ballots Certification, which shall he signed by both the Election Committee Chairperson and the Election Committee members. (Attachment "A")
12. **Types of Ballots.** The following types of ballots, as established in 25 CFR § 81.1, are defined in ELE.1.2.010 above: Official Ballot, Invalid Ballot, and Mutilated Ballot.
13. **Timing of Elections.**
14. Caucus. The Caucus shall be held on the first Saturday in April of every election year.
15. Primary Election. The Primary Election shall occur on the second Saturday in May of every election year.
16. General Election. The General Election shall occur on the third Saturday in June of every election year.

**ELE.1.4.020 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 shall proceed as follows:
2. Tellers shall check all voters for membership status. At this time positive identification may be required prior to voting.
3. All members who wish to vote shall sign on the voter's registration list.
4. Voters shall receive the official ballot, take it to the voting booth and mark appropriately, and return it to the ballot box, where an observer shall witness the ballot being placed in the ballot box.
5. **Election Day Duties of the Election Committee Members.**
6. Check age and membership status. This shall be done by checking the voters list.
7. Observe the signing of the registration book. This teller shall sign in each voter with updated address in logbook.
8. 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.
9. Observe ballot being placed in the ballot box and assist voters with the voting process.
10. **Controversial Ballot Procedure.** Should a voter's eligibility to vote be challenged, the voter shall proceed as above, except the ballot shall 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.
11. **Cast Ballots.** In the event there are no challenges to the election results, the cast ballots shall be destroyed, by means of shredding or burning, at a time frame that is determined by the Election Committee, but at no time shall the cast ballots be destroyed before all tribal remedies under this Code are exhausted.

**ELE.1.4.030 Posting**

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

1. **Items to Be Posted.** A listing of the candidates shall be posted at designated locations, along with posters stating the location of the polling site and the times polls will be open.
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 Community Health Center, LCOOS-Waadookodaading, LCO Ojibwe University, LCO Head Start — Early Head Start, Reserve Elderly Center, New Post Elderly Center, and WOJB.
3. No campaign materials shall be posted at the designated locations listed above.

**ELE.1.4.040 Campaigning**

1. No campaigning shall be allowed within one hundred and fifty (150) yards of the polling site building on the day of election. All campaigning materials that were previously posted in or around the polling site by candidates, or supporters of candidates, 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 nominee or candidate associated with the campaigning material within one (1) week following Election Day. All candidates that fail to adhere to these subs, shall be subject to a citation pursuant to PHS.2.3.050.

**Subchapter ELE.1.5**

**Elections**

**ELE.1.5.010 Caucus**

1. The Caucus shall be heldon the date specified in ELE.1.4.010(k). At the Caucus, the Tribal Governing Board shall receive nominations of eligible members of the Tribe for vacancies on the Tribal Governing Board and General Election which shall be held on the date specified in ELE.1.4.010(k). Also, at the Caucus, the nomination and election of the Election Committee and Election Observers shall take place.
2. Upon arrival to the location designated by the Tribal Governing Board to hold the Election Caucus, tribal members shall sign the check-in sheet verifying the enrollment status and eligibility to participate in the caucus.
3. **Meeting Order of Business and Procedures.**
   1. Chairman calls the meeting to order and roll call.
   2. **Nominations for Tribal Governing Board.**
      1. Floor opened for nominations of eligible members of the Tribe for election by tribal members who are eighteen (18) years of age or older.
         1. Present name of nominator.
         2. Nominator names nominee.
      2. Chairman calls three (3) times for any additional nominees before floor is closed for additional nominations.
      3. 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 shall move up in that order.
   3. **Election of Election Committee.**
      1. For the Caucus held in 2023, four (4) Election Committee Members shall be elected to serve a four (4) year term and three (3) Committee Members shall serve a one-time two-year term, with the four highest vote getters serving the four (4) year term and the other candidate serving two-year term. The highest four vote getters will receive the four-year terms, with the remaining candidates receiving the two-year term. Thereafter, all Election Committee Members shall serve four-year terms. Consequently, beginning in 2025, election of the Election Committee Members shall occur every two years, the number of which shall coincide with the number of outgoing Election Committee members.
      2. Floor opens for nominations to fill positions on the Election Committee.
         1. Present name of nominator.
         2. Nominator names nominee.
      3. Chairman calls three (3) times for any additional nominees before floor is closed for additional nominations.
      4. Election Committee Members shall pass out ballots to all enrolled tribal members present who are eighteen (18) years of age or older.
      5. Only votes for the upcoming vacancies are allowed per ballot. If for any reason the ballot contains more votes per ballot, then such ballot shall be considered "spoiled" and cast out.
      6. The ballots shall be collected.
      7. The ballots shall be counted and cross referenced with the sign-in sheet to estimate numbers.
         1. Ballots shall be tallied and marked on display chart.
         2. The top vote getters are seated on Election Committee for four-year terms, except as otherwise provided in ELE.1.5.010(c)(i.).
      8. Two (2) next highest vote getters are designated as alternates.
   4. **Election of Observers.** Election Committee Members shall pass out ballots to all enrolled tribal members present.
      1. The number of Observers for an election is the same number of offices to be filled in the election, i.e., three (3) or four (4). If for any reason the ballot contains more than three (3) or four (4) votes per ballot, the ballot shall be considered "spoiled" and cast out.
      2. The ballots shall be collected.
      3. The ballots shall be counted and cross referenced with the sign-in sheet to estimate numbers.
         1. Ballots shall be tallied and marked on display chart.
         2. Three (3) or Four (4) top vote getters are seated as Election Observers.
         3. Two (2) next highest vote getters are designated as alternates.
   5. **Chairman adjourns the caucus.**

**ELE.1.5.020 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 three (3) working days of the day of Caucus, of their acceptance or rejection of their nomination to stand for election (Attachment "C") and verification that they have satisfied the prerequisites pursuant to ELE.1.5.030 (Attachment "I").
2. Those that do not sign the "Acceptance Form" (Attachment "C") and complete the "Prerequisite Certification for Primary Ballot" (Attachment "I") within the allotted time shall automatically be removed as a candidate for election to the Tribal Governing Board.

**ELE.1.5.030 Candidate Prerequisites Prior to Being Placed on the Primary Ballot**

1. Prior to 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's "Prerequisite Certification for Primary Ballot" (Attachment "I") being completed:
2. The prospective candidate shall be a member of the Tribe.
3. The prospective candidate shall have attained the age of twenty-one (21) years on the date of election.
4. The prospective candidate shall provide consent for the completion of a comprehensive background check within three (3) working days from the day of Caucus. If a comprehensive background check establishes that a prospective candidate has a record of a conviction of election fraud (or other similar classification substantially similar to election fraud) or a felony of any crime in any tribal, county, district, state, or federal court, 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 Primary Ballot, unless:
5. The Election Committee shall provide the prospective candidate with an Election Background Waiver when the prospective candidate establishes that fifteen years or more has passed since the disposition and punishment (including sentencing and probation) of the felony or other serious offense charge as established in subs. (3), above, that has caused the prospective candidate to fail the background check. Any prospective candidate requesting an Election Background Waiver must complete an "Election Background Waiver Petition" which is attached and incorporated as Attachment "L" to this ordinance.
6. Upon the Election Committee's review of the prerequisites established in subs. (a) above and receipt of the results of the comprehensive background check for each candidate, the Election Committee shall notify the LCO Human Resources Director of whether each candidate has satisfied or failed to meet the prerequisites established in subs. (a) above.
7. The prospective candidate must contact the LCO Human Resources Department within five (5) working days from the close of the three (3) working day period allowed pursuant to ELE.1.5.020 to learn if they have satisfied or failed to meet the prerequisites established in subs. (a) above.
8. Tribal Court Challenge to Decision on Meeting Prerequisites. Upon the Election Committee's determination that a prospective candidate has failed to meet the prerequisites established in subs. (a) 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 from the LCO Human Resources Department. 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 two working days of the appeal. The decision of the tribal court shall be final and not subject to further appeal.

**ELE.1.5.040 Primary Ballot Order**

1. The names of all nominees shall be drawn from a "hat" and placed in that order on the official ballot, provided the following requirements have been met:
2. The Nominee has signed the "Acceptance Form" (Attachment “C”) within the three (3) working days allowed pursuant to ELE.1.5.020;
3. The Nominee has completed the "Prerequisite Certification for Primary Ballot" within the three (3) working days allowed pursuant to ELE.1.5.020; and
4. The Nominee has received verbal notification from the LCO Human Resources Department that they have satisfied the prerequisites established in ELE.1.5.030; or received an order from the Tribal Court overturning the Election Committee's determination that they have failed to meet the prerequisites established in ELE.1.5.030.
5. In the event that a nominee subsequently withdraws or is disqualified from the Election, the nominees shall be moved up in proper order.

**ELE.1.5.050 Primary Election**

1. 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.
2. Primary Elections shall occur on the date specified in ELE.1.4.010(k) and shall be conducted in accordance with the general requirements and procedures applicable to elections conducted under this Election Ordinance.
3. 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 be accepted during the Primary Election.
4. Write-in candidates who receive the necessary votes to be moved to the General Election must first meet the prerequisites and have a negative drug test pursuant to ELE.1.5.030(a)(1)-(3) and ELE.1.5.060 prior to being added to a ballot for the General Election.
5. Candidates from the Primary Election, equal in number to twice the number of offices to be filled in the Election, which receive the greatest number of votes shall be named as candidates in the General Election, subject to meeting all the requirements of ELE.1.5.030(a)(1)-(3) and ELE.1.5.060.

**ELE.1.5.060 Candidate Prerequisites Prior to Being Placed on the General Ballot**

1. Within three (3) working days after the Primary Election, the prospective candidate must undergo testing for illegal drugs and prescribed medication for which they do not have a valid prescription.
2. The prospective candidate shall undergo testing at the LCO-CHC at the times established for candidate testing for illegal drugs and prescribed medication for which they do not have a valid prescription as a prerequisite requirement for being placed on the ballot for the General Election. The laboratory evaluation of the sample shall 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: Cocaine; Opiates including opium and codeine derivatives such as Oxycodone, Oxymorphone, Hydrocodone, Hydromorphone; Amphetamines and Methamphetamines including Methylenedioxyamphetamine (MDA) and Methylenedioxymethamphetamine (MDEA); Phencyclidine (PCP).
3. In the event of a positive test result, a confirmation test shall be performed by a laboratory specified in subs. (1) above, using the original sample (not a new sample). The confirmation test shall be based on a different analytical method of higher analytical certainty.
4. 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 the General Election. The prospective candidate with the next highest votes from the Primary Election shall be elevated in the process. This new individual shall meet the same drug testing prerequisites prior to being approved to be placed on the ballot for the General Election.
5. A prospective candidate who declines a drug test shall be prohibited from being placed on the ballot for the General Election. The prospective candidate with the next highest votes from the Primary Election shall be elevated in the process. This new individual shall meet the same drug testing prerequisites prior to being approved to be placed on the ballot for the General Election.
6. A prospective candidate whose drug test is adulterated or diluted shall be prohibited from being placed on the ballot for the General Election. The prospective candidate with the next highest votes from the Primary Election shall be elevated in the process. This new individual shall meet the same drug testing prerequisites prior to being approved to be placed on the ballot for the General Election.
7. The results of the tests shall be released to the Election Committee. The Election Committee Chairperson, or designee, shall contact each of the prospective candidates to let them know if their test was positive or negative, and whether they shall be placed on the ballot for the General Election. The Election Committee Chairperson, or designee, shall also contact any prospective candidate with the next highest votes from the Primary Election, if necessary, to elevate them in the process to be drug tested. This process shall continue until there are candidates numbering no more than twice the number of offices to be filled in the Election who meeting the requirements of ELE.1.5.030(a)(1)-(3) and ELE.1.5.060.

**ELE.1.5.070 General Ballot Order**

1. The names of all candidates shall be drawn from a "hat" and placed in that order on the official ballot for the General Election, provided the candidates meet the prerequisites and have a negative drug test pursuant to ELE.1.5.030(a)(1)-(3) and ELE.1.5.060.
2. In the event that a candidate subsequently withdraws or is disqualified from the Election, the candidates shall be moved up in proper order.

**ELE.1.5.080 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 their own separate ballot in a separate envelope and sign the request. (See Sample Request Form — Attachment "B").
2. The use of the form established in Attachment B is not required but recommended.
3. "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:
4. Member is in a nursing home, hospital, or other health care facility;
5. Member is serving in a branch of the United States Armed Forces away from the reservation on the day of the Election.
6. All "Absentee Ballot" requests must be mailed to:

Election Committee Chairperson

LCO Tribal Administration Building

13394W Trepania Road

Hayward, WI 54843

1. All "Absentee Ballot" requests must be received no later than two (2) weeks prior to the election date. No Absentee Ballots shall be distributed after the Monday preceding the election date.
2. All "Absentee Ballot" requests shall include all of the voter's previously used surnames (i.e., maiden, previous marriage, etc.).
3. All requests for Absentee Ballots shall be processed as follows:
4. Determine if absentee voter meets the eligibility requirements by checking the enrollment status of the absentee voter; and

Deliver the Official Ballot, Absentee Ballot Certification (Attachment "E"), and Instructions for Voting by Absenteeism (Attachment "H") to the requesting voter by US Mail.

1. Log the listing and numbering of all individuals that have requested, and shall receive, an "Absentee Ballot."
2. Log all Absentee Ballots returned to the Election Committee.
3. Provide a copy of the absentee ballot log to the Election Committee members at each polling site.
4. Cast Absentee Ballots shall be received via regular mail or hand-delivery to the Tribal Administration Building; no later than 6:00 P.M. on the day prior to the Election;
5. Once an "Absentee Ballot" is received, the voter shall not be allowed to vote at the polling site.
6. All Absentee Ballots, however received, shall be placed and maintained by the Election Committee in a locked ballot box until counted.

**ELE.1.5.090 Certification of Election Results**

Upon completion of the ballot counting, the Election Committee Chairperson, or another member of the Election Executive Committee if the Election Committee Chairperson is unavailable, shall certify the number of votes received by each candidate on a form approved by the Election Committee (Attachment "G"). The Election Chairperson, or other member of the Executive Committee if the Chairperson is unavailable, 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, a member of the Executive Committee shall ensure that the ballots are placed in a locked location to which all persons having access are known by the Executive Committee. No person shall gain access to the locked ballot storage location without prior approval of Executive Committee. The Chairperson, or other member of the Election Executive Committee if the Chairperson is unavailable, shall maintain a log of all persons obtaining access to the ballots indicating the date and time of such access.

**ELE.1.5.100 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 such request. 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.

**ELE.1.5.110 Challenges**

1. Challenges to the eligibility of any individual to be placed on either the Primary or General Election Ballot must be made to the Election Committee within three (3) working days after the date of the ballot order being established pursuant to ELE.1.5.040 or ELE.1.5.070 of this ordinance. 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 consider the challenge, including the grounds and supporting documentation. The Election Committee shall then, by absolute majority vote:
2. Issue a decision to stand by original ballot order;
3. Modify the ballot order; or
4. Withdraw its ballot order and forward the challenge to the Tribal Court within twenty-four (24) hours, so that the Tribal Court may decide the appropriate course of action.
5. 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:
6. Issue a decision to stand by original certification of election results;
7. Modify the results originally certified and issue a new certification of results; or
8. Withdraw its certification of election results and forward the challenge to the Tribal Court within twenty-four (24) hours, so that the Tribal Court may decide the appropriate course of action.
9. Tribal Court Challenges. Upon receipt of the challenge from the Election Committee, the Tribal Court shall provide for a hearing and render a decision within two working days of the hearing. The decision of the tribal court shall be final and not subject to further appeal.