



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

TRIBAL CODE OF LAW

**TITLE V
ELECTIONS**

TITLE V – CHAPTER 2
REFERENDUM 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 ascertain the will of the people 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 VI of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians empowers the Tribal Governing Board to “enact an ordinance to implement the provisions of this Article [Referendum].”

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SUBCHAPTER 2.1 - INTRODUCTION.

§ 2.101 Title.

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

§ 2.102 Authority.

This ordinance is enacted pursuant to the inherent sovereign authority of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians to ascertain the will of the people 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 VI of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians empowers the Tribal Governing Board to “enact an ordinance to implement the provisions of this Article [Referendum].”

§ 2.103 Purpose.

It is the purpose of this ordinance to:

- (1) Define and regulate the right of referendum 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 referendum procedure which affords due process of Tribal law to all citizens (members) of the Lac Courte Oreilles Tribe.

§ 2.104 Findings and Declarations.

The Tribal Governing Board finds and declares that:

- (1) Article VI of the Constitution and By-Laws of the Lac Courte Oreilles Tribe provides for a referendum on any legislative enactment or proposed enactment on submission by a majority vote of the Tribal Governing Board or upon petition by at least one-hundred (100) qualified voters of the Tribe.
- (2) Article VI is self-executing, but specifically provides that the Tribal Governing Board “shall have the authority to enact an ordinance to implement the provisions of this Article.” It is necessary for the Tribal Governing Board to enact an ordinance providing orderly procedures for the conduct of referendums in order to implement the constitutional provision.
- (3) Orderly procedures, for the conduct of referendums, promotes the transaction of Tribal governmental and commercial business. The Tribe conducts a large amount of its commercial and governmental activities by motion and/or resolution, and the absence of procedures would jeopardize Tribal contractual arrangements, create uncertainty in the conduct of Tribal commercial and governmental business, impair the ability of the Tribe to serve its

citizens (members), and subject the Tribe to potential liability for breach or impairment of contract.

(4) The procedures set forth in this ordinance protect the right of referendum and are reasonable and necessary to protect Tribal commercial and governmental operations as well.

§ 2.105 Effective Date.

The provisions of this ordinance shall be effective on the date adopted by the Tribal Governing Board. The provisions of this ordinance shall apply to a referendum by petition of qualified voters on this ordinance and the resolution enacting the ordinance.

§ 2.106 Interpretation.

The provisions of this ordinance:

(1) Shall be interpreted and applied as minimum requirements applicable to referendums 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.

§ 2.107 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.

§ 2.108 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.

§ 2.109 Relation to Election Ordinance.

The provisions of this ordinance shall govern the conduct of referendum elections. Referendum elections shall also be governed by the provisions of the Title V, Chapter 1 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law – Election Ordinance, to the extent expressly provided in this ordinance and to the extent that the provisions of the Election Ordinance are not inconsistent with the provisions of this ordinance.

SUBCHAPTER 2.2 – GENERAL DEFINITIONS.

§ 2.201 General Definitions.

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

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

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

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

(4) **“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.

(5) **“Legislative Enactment” or “Proposed Enactment”** means the action and date upon which the Tribal Governing Board votes by motion or resolution to approve or reject a proposed legislative enactment or votes to approve or reject a proposed amendment to a legislative enactment.

(6) **“Meeting”** means a regular meeting of the Tribal Governing Board.

(7) **“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.

(8) **“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.

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

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

(11) **“Qualified Voter” or “Those Entitled to Vote”** means 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 referendum 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.

(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.

(13) **“Secretary”** means the Secretary of the Tribal Governing Board and includes staff acting under the direction of the Secretary.

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

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

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

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

SUBCHAPTER 2.3 – REFERENDUM POLICY.

§ 2.301 Introduction.

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

§ 2.302 Submission by Board of Directors.

The Tribal Governing Board may submit any legislative enactment or proposed enactment to a popular referendum by resolution adopted by an affirmative vote of a majority of the Tribal Governing Board. The resolution shall establish the wording of the referendum question on the ballot and the date of the referendum election; however such referendum election shall be no later than ninety (90) days from the date of the enactment of the referendum resolution.

§ 2.303 Submission by Petition of Qualified Voters.

(1) A legislative enactment or proposed enactment of the Tribal Governing Board shall be submitted to a popular referendum upon petition of at least one hundred (100) qualified voters of the Tribe presented to the Tribal Governing Board at a regular meeting of the Tribal Governing Board in accordance with this section.

(2) The petition submitted shall be in substantially the following form:

“WE, THE UNDERSIGNED QUALIFIED VOTERS OF THE TRIBE, REQUEST A REFERENDUM ON [NAME OF LEGISLATIVE ENACTMENT AND NUMBER OF RESOLUTION ENACTING SUCH LEGISLATION, OR NAME OF PROPOSED ENACTMENT] ENACTED [OR REJECTED] BY THE TRIBAL GOVERNING BOARD ON [DATE OF ENACTMENT OR REJECTION].”

(3) The petition shall bear the signature, printed name, address, and enrollment number of each signatory in legible form. The name and address of the person(s) circulating the petition shall also be included. The person circulating the petition shall, through an affidavit, subscribe and swear before a notary of public, that each of the names on the petition were signed and the name, address and enrollment number were printed in the presence of the qualified voter and circulator, and that it is his/her belief each signer was a qualified voter of the Tribe. The absence of a printed name shall invalidate that signature. Signatures and handwriting comparisons may be made.

(3) All petitions must be received at the main administrative office of the Tribe, 13394 W Trepania Road, Hayward, WI 54843, by no later than the close of business of the next business day following the expiration of sixty (60) calendar days from the date of the legislative enactment or proposed enactment of the Tribal Governing Board which is the subject of the

petition. This provision is mandatory and jurisdictional. Each petition submitted must contain the original signatures; no copies, duplications or facsimiles may be submitted.

(4) As soon as practicable after receipt of a petition, the Secretary shall consult with the Citizen Services Department whom shall review Tribal voter registration records to determine whether the petition contains the requisite number of signatures. Upon completion of the review by the Citizen Services Department, the Secretary shall report to the Tribal Governing Board on the matter at its next regular meeting or a special meeting called for that purpose. Such review must be complete within a sufficient time to allow the Tribal Governing Board to determine the validity of the petition within the sixty (60) day timeframes specified in subsection (5) below.

(5) The Tribal Governing Board shall determine whether the petition is valid no later than sixty (60) days after receipt of the petition. If the petition is determined to be valid, the Election Committee as established pursuant to 5 LCOTCL § 1.304 (3) shall hold such referendum within ninety (90) days of the regular Tribal Governing Board meeting where the petition was received. Regardless of whether the petition is valid or not, the Secretary shall keep the original petition(s) on file at least until the time for contesting the validity of the referendum has expired. The Secretary shall allow interested citizens with the opportunity to examine the original referendum.

(6) The referendum question on the ballot shall be worded substantially as follows:

"DO YOU APPROVE OR DISAPPROVED OF [NAME OF LEGISLATIVE ENACTMENT AND NUMBER OF RESOLUTION ENACTING SUCH LEGISLATION, OR NAME OF PROPOSED ENACTMENT]?"

_____ APPROVE

_____ DISAPPROVE"

(7) The Tribal Governing Board may, in its sole discretion, suspend the legislative enactment or proposed enactment which is the subject of the referendum petition pending the referendum election. If the Tribal Governing Board does not act affirmatively to suspend such legislative enactment, it shall continue in effect during the pendency of the referendum election.

§ 2.304 Procedure for Withdrawing Signatures.

A qualified voter who has signed a petition calling for a referendum may, by executing and filing with the Secretary an affidavit within ten (10) days from the day, on which the petition is presented to the Tribal Governing Board at a regular meeting of the Tribal Governing Board, withdraw his signature from the petition. Any signature so withdrawn shall not be counted in determining the validity of the petition. The affidavit shall:

- (1) Be signed and sworn before a notary public;
- (2) Be in the given name and surname of the affiant;
- (3) State the affiant's address, enrollment number, and serial number of the petition which he signed;

- (4) Affirm the affiant's intention to withdraw his/her signature from the petition.

§ 2.305 Prohibition on Circulating of Petitions by Certain Persons.

No member of the Election Committee shall circulate a referendum petition and all signatures verified by any such person shall be void and shall not be counted in determining the validity of the petition unless such person has removed themselves from the Election Committee.

§ 2.306 Conduct of Referendum Election.

(1) The referendum election on a valid petition shall be conducted, within ninety (90) days from the date of the regular Tribal Governing Board meeting where the petition was received, by the Election Committee as established pursuant to 5 LCOTCL § 1.304 (3), in accordance with the procedures established in Subchapter 2.4 of this ordinance.

(2) The Election Committee in consultation with the Tribal Governing Board, may develop objective explanatory materials or a statement pertaining to the contents of the referendum question and may place such statement directly on the ballot or as a separate insert accompanying the ballot.

§ 2.307 Referendum Election Challenges.

Challenges to the results of a referendum election must be made to the Election Committee within three (3) working days after the date of the referendum 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 the original certification of the referendum 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.

§ 2.308 Referendum Result.

(1) In the event that less than two-hundred (200) qualified voters cast ballots in the referendum election, such election shall be null and void and of no consequence or effect. The result of any referendum election in which at least two-hundred (200) qualified voters cast ballots shall be valid and binding and conclusive upon the Tribe.

(2) The effective date of the result of a valid referendum election shall be upon the expiration of the period for filing an election contest, if no such contest is filed or, if such contest is filed, upon the disposition of the election contest by the Election Committee.

(3) Any legislative enactment of the Tribal Governing Board which shall be disapproved at a valid referendum election by a majority of at least two-hundred (200) qualified voters voting in such referendum shall be repealed upon the effective date of the result of the referendum election and shall not be reconsidered for a period of at least one (1) year.

(4) Any legislative enactment or proposed enactment submitted for referendum by the Tribal Governing Board, which shall be approved at a valid referendum election by a majority of at least two-hundred (200) qualified voters voting in such referendum shall be enacted upon the effective date of the referendum election or on the date provided in such legislative enactment or proposed enactment, whichever is later.

SUBCHAPTER 2.4 – REFERENDUM ELECTION PROCEDURE.

§ 2.401 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 referendum 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) Qualified Voter List. A computerized listing of all qualified 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 Qualified 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 referendum 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 as established pursuant to 5 LCOTCL § 1.304 (3), 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 § 2.402 (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" of Title V, Chapter 1 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law – Election Ordinance)

(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.

§ 2.402 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 the day of the Referendum Election. 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.

§ 2.403 Election Committee.

(1) The Election Committee shall be established on the day of the caucus as established pursuant to 5 LCOTCL § 1.304 (3), 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 a petition is validated to begin planning for the referendum election.

(5) Election Committee members are required to sign the Code of Ethics pursuant to § 2.409 of this ordinance.

(6) If a member of the Election Committee resigns from serving on the Election Committee, then that member shall be removed from the Election Committee and the alternate (the next highest vote getter at the Caucus) will be asked to fill that position. In the event additional Alternates are required to oversee a referendum election beyond those nominated pursuant to 5 LCOTCL § 1.304 (3), the Tribal Governing Board shall appoint additional Alternate candidates. Such additional Alternate candidates shall sign an acceptance form pursuant to 5 LCOTCL § 1.305 (6). In the event that the Election Chairperson resigns, then the Election Committee shall select a new chairperson.

(7) Election Committee Members Pay.

(a) Election Committee members shall be paid an hourly rate for attending an Election Committee meeting in preparation for a referendum election. 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) Referendum 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 the Referendum 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 Referendum Election Day shall be disbursed according to Accounting Department Policy.

§ 2.404 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 § 2.403 (7) (c) of this ordinance.

(2) Citizenship Services Department. The designated member of the Election Committee from the Citizenship Services Department (Enrollment Clerk) pursuant to §2.401 (2) and §2.403 (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.

§ 2.405 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. 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 § 4.406 of this ordinance.

§ 2.406 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.

§ 2.407 Election Committee Advisor.

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

§ 2.408 Budget.

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

§ 2.409 Code of Ethics.

The Tribal Governing Board has adopted a “Code of Ethics” (Attachment “D” of Title V, Chapter 1 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law – Election Ordinance) 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. 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. In the event additional Alternates are required to oversee a referendum election beyond those nominated pursuant to 5 LCOTCL § 1.304 (3), the Tribal Governing Board shall appoint additional Alternate candidates.

§ 2.410 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 Referendum Election Day only, and shall be paid the same rate as Election Committee Members as established pursuant to § 2.403 (7) (b) of this ordinance.

§ 2.411 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” of Title V, Chapter 1 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law – Election Ordinance). 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.

§ 2.412 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.

§ 2.413 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. The referendum ballot question 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.

§ 2.414 Referendum Campaigning.

(1) No campaigning shall be allowed in or around the polling site on the day of the referendum election. All campaigning materials that were previously posted in or around the polling site 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 person associated with the campaigning material within thirty (30) days following Referendum Election Day. Failure to adhere to this subs, shall be subject to a citation pursuant to 10 LCOTCL § 2.305.

§ 2.415 Certification of Referendum 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 approving and disapproving the ballot question. Provided at least two-hundred qualified voters vote in the referendum election, the Chairperson shall then certify the election results and declare the outcome of the referendum election. The Election Committee must complete their respective tasks of ballot counting, certification of election results, and the declaration of the outcome of the referendum election in one sitting without recess or adjournment. Once the election results have been certified and the outcome of the referendum election 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.

§ 2.416 Absentee Ballot Information.

(1) No absentee ballot can be received without first being requested for in writing, by the person desiring to vote. Each qualified voter must request his or her own separate ballot in a separate envelope, and sign the request. (See Sample Request Form – Attachment “B” of Title V, Chapter 1 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law – Election Ordinance).

(a) The use of the form established in Attachment B of Title V, Chapter 1 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law – Election Ordinance 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 referendum 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” of Title V, Chapter 1 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law – Election Ordinance), and Instructions for Voting by Absenteeism (Attachment “H” of Title V, Chapter 1 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law – Election Ordinance) 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) 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

(c) 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.

§ 2.417 Recounts.

Any qualified voter may request a referendum 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 referendum election results and declaration of the outcome of the referendum election 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 the outcome of the referendum election. 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.



Pride of the Ojibwe

13394 W Trepania Road . Hayward . Wisconsin . 54843
Phone 715-634-8934 . Fax 715-634-4797

RESOLUTION NO. 17-130

**ESTABLISHMENT OF TITLE V, CHAPTER 2
OF THE
LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
TRIBAL CODE OF LAW
REFERENDUM CODE**

WHEREAS, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians (“Tribe”) is a federally recognized Indian tribe organized pursuant to the provisions of the Indian Reorganization Act of 1934, 25 U.S.C. § 461, *et seq.*; and

WHEREAS, the Tribal Governing Board serves as the governing body of Lac Courte Oreilles Band of Lake Superior Chippewa Indians pursuant to Article III, Section 1 of the Amended Constitution and Bylaws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians; and

WHEREAS, pursuant to Article VI of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians the Tribal Governing Board is empowered to “enact an ordinance to implement the provisions of this Article [Referendum]; and

WHEREAS, pursuant to Article VI of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, it is necessary for the Tribal Governing Board to enact an ordinance providing orderly procedures for the conduct of referendums in order to implement the constitutional provision. Orderly procedures, for the conduct of referendums, promotes the transaction of Tribal governmental and commercial business. The Tribe conducts a large amount of its commercial and governmental activities by motion and/or resolution, and the absence of procedures would jeopardize Tribal contractual arrangements, create uncertainty in the conduct of Tribal commercial and governmental business, impair the ability of the Tribe to serve its citizens (members), and subject the Tribe to potential liability for breach or impairment of contract; and

WHEREAS, pursuant to Article VI of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, the procedures set forth in this ordinance protect the right of referendum and are reasonable and necessary to protect Tribal commercial and governmental operations as well; and

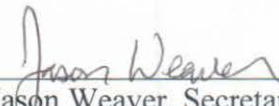
WHEREAS, the Tribal Governing Board determines that it is in the best interests of the Tribe to establish the Referendum Code.

NOW THEREFORE BE IT RESOLVED that the attached Title V, Chapter 2 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law "Referendum Code" shall be, and hereby is, enacted as an ordinance of the Tribe, pursuant to Article VI of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

NOW THEREFORE BE IT FINALLY RESOLVED, that any conflicting language that may exist between the established Title V, Chapter 2 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law "Referendum Code" and any policy or other preexisting operational documents shall be guided by the language contained in the hereby established Code.

CERTIFICATION

I, the undersigned, as Secretary/Treasurer of the Lac Courte Oreilles Tribal Governing Board, hereby certify that the Tribal Governing Board is composed of seven (7) members, of whom 6 being present, constituted a quorum on this 20th day of November, 2017; that the foregoing Resolution was duly adopted at said meeting by an affirmative vote of 5 members, 0 against, 0 abstaining, and that said Resolution has not been rescinded or amended in any way.



Jason Weaver, Secretary/Treasurer
Lac Courte Oreilles Tribal Governing Board