



# The Minnesota Chippewa Tribe

## ANNOUNCEMENT

### **TO: FOND DU LAC RESERVATION BUSINESS COMMITTEE**

Administration  
218-335-8581  
Toll Free: 888-322-7688  
Fax: 218-335-8496  
Home Loan  
218-335-8582  
Fax: 218-335-6925  
Economic Development  
218-335-8583  
Fax: 218-335-8496  
Education  
218-335-8584  
Fax: 218-335-2029  
Human Services  
218-335-8586  
Fax: 218-335-8080

The Minnesota Chippewa Tribe hereby announces that a Regular Election will be held on June 9, 2020 on the FOND DU LAC RESERVATION.

This REGULAR ELECTION provides for a March 31, 2020 PRIMARY ELECTION in the event there are more than two (2) eligible candidates for each open position.

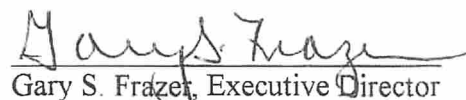
Elected positions to be filled are as follows:

- A. CHAIRPERSON – FOND DU LAC RESERVATION BUSINESS COMMITTEE – FOUR (4) YEAR TERM
- B. COMMITTEEPERSON DISTRICT I – FOND DU LAC RESERVATION BUSINESS COMMITTEE – FOUR (4) YEAR TERM
- C. COMMITTEEPERSON DISTRICT III – FOND DU LAC RESERVATION BUSINESS COMMITTEE – FOUR (4) YEAR TERM

Candidates shall file with the Secretary/Treasurer or his designee during regular business hours beginning on January 14, 2020. Filing will close on January 24, 2020 at 4:30 P.M.

Attached are the Dates & Guidelines for the 2020 Tribal Elections.

Date: January 10, 2020

  
Gary S. Frazer, Executive Director

**ELECTION CALENDAR  
2019 – 2020 Regular Election**

December 27, 2019:	Last day for sitting RTC member to give notice of resignation to file for other RTC office.
January 9, 2020:	Last day for sitting RTC member to give notice of resignation to file for vacated RTC seat.
January 13:	Election Announcement
January 14:	8:00 a.m. - Opening of period for filing for office.
January 24:	Close of filing period
February 3:	Selection of Election Court of Appeals Judge (For certification of candidate)
February 10:	Deadline for Notice of Certifications to TEC.
February 12:	Challenge certification or non-certification to MCT by 4:30 p.m. on the second business day following receipt of certification.
February 13:	Deadline for appointment of Election Boards.
February 13:	Deadline for appointment of Election Contest Judge and alternate Election Contest Judge.
February 14:	Complete record of all documents related to challenge, submit to Minnesota Chippewa Tribe by 4:30 p.m.
February 14:	Answer to challenge from the person whose certification is being challenged to the MCT by 4:30 p.m.
February 18:	Decision of certification or non-certification or within 48 hrs. of appeal.
February 20:	Notice of Primary Election and Posting.
February 21:	TEC provides ballots for Primary Election.
March 27:	Notify MCT on choice of appellate forum.
March 31:	Primary (Polling places open from 8:00 a.m. until 8:00 p.m.)

April 1:	General Reservation Election Board certifies Primary Results. (Prior to 8:00 p.m.)
April 2:	General Reservation Election Board publishes Primary Results.
April 3:	Deadline for Request for Recount. (Filed with General Election Board prior to 5:00 p.m.)
April 3:	Deadline to Post Regular Election Notice without Primary.
April 7:	4:30 p.m. - Deadline for Contest of Primary Election. (Filed with Reservation Election Judge and Executive Director of the Minnesota Chippewa Tribe).
April 8: <i>(Results, if Allowed or 6<sup>th</sup> or 7<sup>th</sup> If earlier request)</i>	Deadline for Decision on Request for Recount and Results of Recount, if allowed.
April 17:	Deadline for Decision on Contest
April 20 <i>(or within 3 days of decision on Contest)</i>	4:30 p.m. - Deadline for Appeal to Court of Election Appeals. (Filed with the Executive Director of the Minnesota Chippewa Tribe and with Reservation Tribunal rendering Decision).
April 23 <i>(or within 3 days upon receipt of Notice to Appeal):</i>	Record of Contest forwarded to Court of Election Appeals.
April 27 <i>(hearing within 7 days notice of appeal).</i>	Last Day for Hearing on Appeal
May 7 <i>(10 days from hearing on appeal).</i>	Last Day for Decision on Appeal
May 8:	Notice of General Election
May 8:	TEC provides ballots for General Election.
June 9:	General Election (Polling Places open from 8:00 a.m. until 8:00 p.m.)
June 10:	General Reservation Election Board certifies results of Election. Prior to 8:00 p.m.
June 11:	General Reservation Election Board publishes Election results.
June 12:	Deadline for Request for Recount. (Filed with General Election Board prior to 5:00 p.m.)

June 16:	4:30 p.m. - Deadline for Notice of Contest. (Filed with Reservation Election Judge and Executive Director of the Minnesota Chippewa Tribe.)
June 17 <i>(or 15,16, if request for Recount is filed before deadline):</i>	Decision on Request for Recount and Results of Recount, if allowed.
June 26 <sup>th</sup> :	Deadline for Decision on Contest for General Election.
June 29th <i>(or within 3 days of decision on Contest):</i>	4:30 p.m. - Deadline for appeal to Court of Election Appeals. (Filed with Executive Director of the Minnesota Chippewa Tribe and Reservation Tribunal rendering Decision).
July 2nd <i>(or within 3 days upon receipt of Notice to Appeal):</i>	Record of contest forwarded to Court of Election Appeals.
July 6th <i>(hearing within 7 days notice of appeal).</i>	Last Day for Hearing on Appeal.
July 14 <sup>th</sup> :	Winning candidates assume office by operation of law, unless sooner seated, or the election is subject of appeal to the Court of Election Appeals.
July 16 <i>(or Ten days from Hearing on Appeal):</i>	Deadline for decision of the Court of Elections Appeal.
Day following Decision of Appeal:	Winning candidate prevailing on appeal takes office.

Section 1.3.

Candidates for Office.

1.3(A). Eligibility.

A candidate for office must: (1) be an enrolled member of the Tribe; (2) be enrolled with the Reservation of his/her candidacy; (3) reside on the Reservation of his/her candidacy and enrollment; and (4) meet the requirements of Article IV, Section 4 of the Constitution, as set forth in Section 1.3(D). A candidate for Committeeperson to represent a district established pursuant to Section 1.4(A), below, must reside in the district of his/her candidacy and enrollment. Requirements (1), (2) and (3) must be met for at least the twelve-month period immediately preceding the date established for the Primary election. No member of the Tribe will be eligible to hold office, either as a Committeeperson or Officer, unless he or she will reach his/her twenty-first (21st) birthday on or before the date of the Primary or Special Election. A candidate may file for only one (1) position.

1.3(B). Reservation Definition.

A Reservation is defined as all lands within the exterior boundaries of the reservation. A Band governing body, by official action, may define "reservation" to include specified lands outside the boundaries of the reservation, as may be defined by treaty, statute, executive order, or other document considered sufficient authority by the Band governing body, including all lands considered Indian Country under the governmental authority of that Reservation.

1.3(C). Filing of Notice of Candidacy.

- 1.3(C)(1). For Regular Elections, eligible candidates must file their notice of candidacy for Chairperson, Secretary/Treasurer, or Committeeperson, with the Secretary/Treasurer of the Band governing body or his/her designee beginning on the next business day after the Tribal Executive Committee prepares the election announcement. The filing period shall end not less than ten (10) days after it begins.
- 1.3(C)(2). For Special elections, eligible candidates must file their notice of candidacy for such offices beginning the next business day after the Band governing body prepares and posts the election announcement. The filing period shall end not less than ten (10) days after it begins.
- 1.3(C)(3). The Notice of Candidacy must be in writing, include the Candidate's physical (residence) address, the Candidate's name as they wish it to appear on the ballot, have the original signature of the candidate, comply with the requirements of Section 1.3(D), below, and be filed by the candidate in person. The Candidate's name may include a nickname or maiden name in parentheses on the ballot, provided that the Band governing body certifies that such nickname is widely known and appropriate for listing on the ballot. A filing fee will accompany each notice of candidacy. The amount of the fee will be Thirty Dollars (\$30.00) for Officers (Chairperson, Secretary/Treasurer) and Fifteen Dollars (\$15.00) for Committeeperson. An incomplete Notice of Candidacy shall be rejected by the Secretary/Treasurer of the Band governing body or his/her designee.
- 1.3(C)(4). Each Band governing body will certify eligible candidates for office in accordance with the Minnesota Chippewa Tribe Constitution, the Minnesota Chippewa Tribe Election Ordinance and the dates and guidelines established for Minnesota Chippewa Tribe elections. Each Band governing body will certify the names of eligible candidates as they shall appear on the ballot. Within twenty-one (21) days after the filing deadline the Band governing body must notify the Tribal Executive Committee of the eligible and ineligible candidates and the position for which they have filed. Certification decisions must adhere to the requirements of the Constitution and this Ordinance. The

Band governing body shall make its certification decision based on all information available at the time for determination including information provided by the person who filed the Notice of Candidacy.

- 1.3(C)(5) If a candidate fails to submit a complete Notice of Candidacy, Certification of Eligibility, or Authorization and Consent to Disclosure during the filing period, the Band governing body shall not certify the candidate as eligible for office.
- 1.3(C)(6) Any person who has filed a complete Notice of Candidacy has standing to challenge the certification or non-certification of a person who has filed a Notice of Candidacy for the same position. Any challenge of such a decision must be filed with the Executive Director of the Minnesota Chippewa Tribe or a person designated in writing by the Executive Director by 4:30 p.m. on the second business day following receipt by the Tribal Executive Committee of the notice of certification or non-certification. Any challenge must state with specificity the reason(s) why the decision of the Band governing body did not comply with the requirements of the Constitution and may include supporting documentation. Immediately upon receipt of a challenge, the Executive Director or designee shall: (1) notify the Band governing body of the challenge and advise it that a complete record of all documents related to the challenge determination must be submitted to the Executive Director by 4:30 p.m. on the second business day following receipt of the challenge; (2) provide a copy of the challenge and documentation to the person whose certification is being challenged and advise the person that any answer to the challenge must be filed with the Executive Director by 4:30 p.m. on the second business day following receipt of the challenge; and (3) notify the Tribal Election Court of Appeals that a challenge has been filed. The Executive Director or designee shall submit the following materials to the Tribal Election Court of Appeals at the expiration of the aforementioned deadlines: the challenge and supporting documentation; the record compiled by the Band governing body; and any timely filed answer to the challenge. Notwithstanding any provision of this Ordinance, the Tribal Election Court of Appeals shall convene and within forty-eight (48) hours of receiving the challenge, record, and answer, decide the issue of certification or non-certification based on the materials

described above. The Tribal Election Court of Appeals may convene by telephone conference. The decision of the Tribal Election Court of Appeals must be in writing and signed by the Chief Judge. The decision of the Tribal Election Court of Appeals shall be final.

1.3(C)(7). If a member serving in any position on an existing Band governing body, and whose term does not end with the current election, desires to file for a different office on that Committee, he/she may do so. However, at least fifteen (15) days prior to the day that the Election Announcement is posted pursuant to Section 1.2(A)(3), such member will file with the Band governing body or its designee and serve upon each of its other members a notice of resignation from that member's current position. Said resignation shall be irrevocable upon certification of the tribal member who has resigned as a candidate and will be effective upon the successful candidate's assumption of authority of the position for which such member has filed.

1.3(C)(8). In the event another incumbent member desires to file for the office for which a notice of resignation has been filed and served, he/she must file and serve a notice of resignation as least three (3) days prior to the date that the Election Announcement is prepared.

1.3(C)(9). Each office for which a notice of resignation has been filed and served in accordance with this section will be included in the Election Announcement, and a Special Election for those positions will be held contemporaneously with the Regular Election.

1.3(D). Ineligibility by Reason of Criminal Conviction

1.3(D)(1). General. No member of the Tribe shall be eligible as a candidate or be able to hold office if he or she has ever been convicted of any felony of any kind or if he or she has ever been convicted of a lesser crime if that crime involved the theft, misappropriation or embezzlement of money, funds, assets or property belonging to an Indian tribe or a tribal organization.

1.3(D)(2). Definitions. As used in this subsection:

1.3(D)(2)(a). "Lesser crime" means a misdemeanor, gross misdemeanor or other equivalent offenses



under applicable law, but shall not include petty offenses or misdemeanors punishable only by a fine under applicable law.

1.3(D)(2)(b). “Felony” means a crime defined as a felony by applicable law.

1.3(D)(2)(c). “Applicable law” means the law of the jurisdiction in which a crime was prosecuted. In regard to “lesser crimes,” the offense must be evaluated in conjunction with the law at either the time of the prosecution or presently, whichever version identifies a lower level offense in the event of a subsequent statutory reclassification.

1.3(D)(2)(d). “Indian tribe” means any federally-recognized Indian tribe, band, group or community.

1.3(D)(2)(e). “Tribal organization” means the recognized governing body of any Indian tribe and any legally established organization or subordinate entity which is owned or controlled by an Indian tribe or tribes.

1.3(D)(2)(f). “Theft”, for purposes of illustration, means taking of another’s personal property with the intent of depriving the true owner of it.

1.3(D)(2)(g). “Misappropriation”, for purposes of illustration, means the application or conversion of another’s personal property dishonestly to one’s own use.

1.3(D)(2)(h). “Embezzlement”, for purposes of illustration, means the fraudulent taking of personal property with which one has been entrusted.

1.3(D)(3). Certification of Eligibility. Each person filing for office shall at the time of filing execute before a notary a representation that he or she is eligible to be a candidate and has not been convicted of a crime which would disqualify him or her under Section 1.3(D)(1). The Tribal Executive Committee shall prescribe the form of the certification. An incomplete Certification of Eligibility