

## SUPREME COURT OF THE LUMBEE TRIBE

**Larry Townsend**  
**Petitioner,**

V

**COURT ORDER**  
**2004-008**

**Lumbee Tribal Elections Board**  
**Respondent,**

This matter is before the Court pursuant to a petition filed on July 20, 2004, requesting relief of interpretation of the Lumbee Constitution by the Lumbee Tribal Elections Board as it pertains to term limits, under Article 7 section 7(b)(i).

This matter was heard before the Court on September 11, 2004, at the Tribal Office. Present at the hearing was Larry Townsend, Petitioner, and Emma Locklear, Chairperson of the Lumbee Tribal Elections Board.

Justices Presiding: Chief Justice Anthony Hunt, Justice Anthony Blanks, Justice Pat Freeman, and Justice Michelle Frizzell. Written Order by: Chief Justice Anthony Hunt

History of this case: Mr. Larry Townsend ran for elected office for District 6 in June 2002 and was elected to the Tribal Council representing District 6, which was a vacated seat by Reggie Oxendine. This was pursuant to Article 7 Section 7 (b)(i) of the Lumbee Constitution, governing vacated seats by council members. After completing the 2001-2003, Mr. Larry Townsend ran for office in 2003 for the 2004-2007 term in which he won, the length of this term was dependant on Article XII Section 3(c), of the Lumbee Constitution.

Mr. Larry Townsend upon election in November 2003, by some means of chance, drew a one-year term. Therefore, his elected term ends in 2004.

Mr. Larry Townsend's primary question before this court was to define a term. The Court unanimously defined that a "term" is when a

person files for election for a district seat for the Tribal Council, and wins such election, then at the swearing in ceremony the said person begins that "term".

Therefore: The Court ruled that Mr. Larry Townsend had served his first term, when he filed and ran for election in June 2002 which was pursuant to Article 7 Section 7(b)(i), which was a special election, that did not constitute a new term, but the remaining term of District 6.

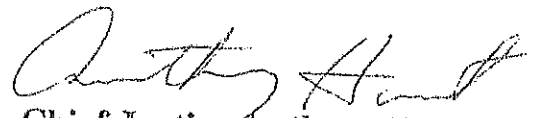
The Court defined Mr. Larry Townsend's second term when he filed in September 2003 for the possible 2004-2007 term in which he won that election. The length of Mr. Larry Townsend's second term was decided by Article xii Section (e) of the Lumbee Constitution.

Therefore, it is the finding of this Court that Mr. Larry Townsend has served (2) consecutive terms and is therefore not eligible to run for office in accordance with Article 7 Section 2.


(As a result of Mr. Townsend being removed from the election ballot, the Supreme Court of the Lumbee Tribe orders that Mr. Townsend be refunded his \$150.00 filing fee since he was allowed to file by court order.)

Chief Justice Anthony Hunt

This Order is entered this 28<sup>th</sup> day of September 2014.

  
Chief Justice Anthony Hunt

  
Justice Michelle Frizzell

  
Justice Pat Freeman

  
Justice Anthony Blanks