



SUPREME COURT OF THE LUMBEE TRIBE

**Danita Locklear,
Petitioner**

Vs.

Case #: 2008-0002

**Lumbee Tribal Elections Board,
Respondent**

This matter was heard before the Lumbee Supreme Court on March 20th, 2008 at the Tribal Office on Union Chapel Road.

This petition alleges violations of Tribal Ordinance #2005-0002 section 5(2)(c). This section of the ordinance sets out the procedure to be followed in voting absentee ballot. Specifically the ordinance specifies that the return envelope to be used to return the absentee ballot shall be signed on the outside by the absentee voter.

Present at the hearing was petitioner, Ms. Danita Locklear. She was represented by Tribal Council Member Ms. Wendy Moore-Graham. Also present was Oceanus Lowry, Chairman of the Tribal Elections Board and also present was Election Board Member, Mr. Ertle Oxendine. The Elections Board was represented by Attorney Brooke Clark.

The Chairman of the Elections Board acknowledged at a previous hearing involving Hearl Oxendine that the Election Board did not require the absentee voter to sign the outside of the envelope. They did however require the absentee voter to sign an accompanying document that was on the inside of the envelope.

The Election Board also assigned a tracking number to each absentee ballot. This was an additional measure, not required by the ordinance, that was taken by the Election Board to prevent fraud in the absentee ballot process.

We held in the Hearl Oxendine case that even though there may have been irregularities in the voting process, the result could stand providing that the alleged irregularities were not of a material or substantial nature. The procedure as adopted by the Election Board did not, in the opinion of the Court, alter the outcome of the election.

There was no evidence presented to show that the petitioner lost any absentee votes or that her opponent gained any absentee votes. If the Court were to eliminate all absentee votes from both sides, the outcome of the election would not have changed.

We therefore decline to declare the election held in District 12 null and void.

We also decline to take any action against the Election Board as requested by the petitioner in paragraph two of her statement of relief being sought.

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Justices Darlene Ransom and David Locklear concur in this opinion.

This order is issued this 27th day of March, 2008.

**Henry W. Oxendine
Chief Justice**

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