



SUPREME COURT OF THE LUMBEE TRIBE

Danita Locklear
Petitioner,

V

Lumbee Tribal Elections Board
Respondent,

COURT ORDER
2004-010

NOW COMES this matter before the Supreme Court of the Lumbee Tribe of North Carolina pursuant to a petition filed November 16, 2004 by Danita Locklear requesting a new election for District 12 of the Lumbee Tribe.

Pursuant to Article IX, Section 1 of the Lumbee Constitution, the Supreme Court heard this matter on December 4, 2004 at the Tribal Office Hearing Room. Present at the hearing was Danita Locklear, hereinafter referred to as "Petitioner", Mr. Montford Dial and Ms. Darlene Ransom, Tribal Board of Elections member.

Michele Strickland Frizzell writing opinion for the Supreme Court

Petitioner submitted a petition alleging voting violations under Section 12 (a) and (b) of the "Election Regulations for the Election of the Lumbee Tribal Council, November 2, 2004. (See Exhibit "A")

Sworn testimony given by Petitioner provided evidence that moving the polling site from Townsend Middle School to Queheel Fire Department resulted in confusion and voting irregularities.

Sworn testimony given by Mr. Ray Oxendine, voter in District 12, provided evidence that he was one of the first voters to vote at Townsend Middle School and there were no problems at the polling site.

ARCHIVE

Sworn testimony given by Mr. Larry Locklear, observer, provided evidence that the tribal elections were being mixed with the general elections and that campaign materials were being passed out within the 50 feet radius in violation of Section 12(a).

Sworn testimony given by Mr. Richard Oxendine, worker for Petitioner, provided evidence that he observed violations of the 50 feet radius rule and he informed Ms. Emma Locklear of such violation.

Sworn testimony given by Ms. Darlene Ransom provided evidence that written verification was given that Townsend Middle School would be a polling site for District 12.

Based upon these incidences at the District 12 polling site, Petitioner is requesting a new election.

Having heard and reviewed the evidence presented, it is the finding of this Court that there was gross negligence by the Tribal Board of Election in allowing the relocation of the polling site after people had voted at Townsend Middle School.

THEREFORE, IT IS HEREBY ORDERED, ADJUGDED AND DECREED,

- (i) That Petitioner is entitled to a new election;
- (ii) That the Tribal Board of Election members are hereby removed; and
- (iii) That Ms. Ruth Locklear is no longer to act in any capacity relative to the Tribal Board of Elections.

THIS the 4th day of December 2004.


Chief Justice Tony Hunt

Justice Michelle Strickland Fizzell

Justice Anthony Blanks

Justice Pat Freeman

ARCHIVE