



# SUPREME COURT OF THE LUMBEE TRIBE

**Ricky Burnette  
Petitioner,**

**V**

**Lumbee Tribal Elections Board  
Respondent,**

**COURT ORDER  
2004-009**

NOW COMES this matter before the Supreme Court of the Lumbee Tribe of North Carolina pursuant to a petition filed November 8, 2004 by Ricky Burnette requesting a new election for District 13 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 Ricky Burnette, hereinafter referred to as "Petitioner", Mr. Al Locklear and Mrs. Darlene Ransom, Tribal Board of Elections member.

Michelle Strickland Frizzell writing opinion for the Supreme Court

Petitioner submitted a petition alleging voting violations under Section 12 (c) and (g) 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 the addresses given by voters at the polling site and address records of the Tribal Board of Elections were not accurate.

Sworn testimony given by Ms. Marilyn Locklear, poll worker in District 13, provided evidence that at poll worker voted out of district. Ms. Locklear further testified

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that it was not possible to verify voter's addresses because a map was not readily available.

Sworn testimony given by Ms. Katie Brewington, observer, provided evidence that she observed one citizen voting out of district.

Sworn testimony given by Ms. Darlene Ransom, Tribal Board of Election member, provided evidence that other citizens also voted out of district.

Based upon these incidences at the District 13 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 Elections in not verifying residency of voters and allowing out of district voting.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED,

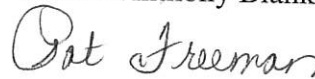
- (i) That Petitioner is entitled to a new election;
- (ii) That the Tribal Board of Election members are hereby removed; and
- (iii) That Ms. Ruth Locklear is no longer to act in any capacity relative to the Tribal Board of Elections.

THIS the 4<sup>th</sup> day of December, 2004.

  
Chief Justice Tony Hunt

  
Justice Michelle Strickland Fizzell

  
Justice Anthony Blanks

  
Justice Pat Freeman

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