

ORIGINAL



THE SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA

*Chief Justice Von D. Locklear
Justice Wendell Lowery
Justice Matthew C. Scott*

*Justice Tina Dicke
Justice Francine Chavis*

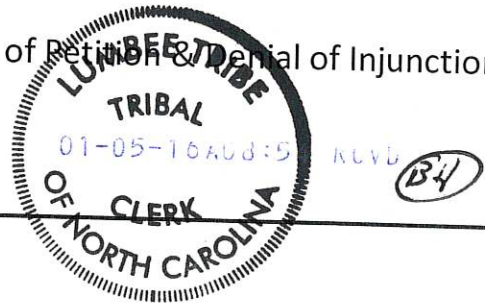
Elaine Collins-McNeil, Petitioner

Case No.: 2015-009

Vs.

Dismissal of Petition & Denial of Injunction

Lumbee Tribal Board of Elections,
Respondent



Chief Justice Von D. Locklear writing for a majority of the Court finds from the evidence presented in Respondent’s response and information secured from the Tribal Enrollment Office that the four tribal members stated in the Petition do not reside within District 9; therefore their votes are invalid. Further, pursuant to Tribal Ordinance 2005-0002 Section 6, subsection 5, “An election result may be challenged on the basis of an allegation of irregularities other than fraud only if such challenge alleges material and substantial irregularities and of such a nature that (b) Proves it is impossible to determine with mathematical certainty which candidate is entitled to be certified as elected...” The Petitioner prevailed in the election by three votes. Invalidating the votes of the four tribal members named in the Petition would cause this case to rise to the level of mathematical uncertainty. Therefore the Court denies the Injunction filed by Petitioner and finds in favor of the Respondent that a new election is warranted to determine the winner of District 9. However, the Court, is of the Opinion that 1) the Lumbee Tribal Board of Elections should have a process in place that would have prevented the four stated tribal members or any other tribal member from voting in the wrong district on Election Day; hence, the reason for the requirement of

identification which should ensure the tribal member is voting in the appropriate district; 2) the Lumbee Tribal Board of Elections should provide more training, help, support or what is necessary to volunteers at the polling site to prevent similar situations in the future; 3) the Enrollment Office should ensure the tribal members are listed in their appropriate district and the Court further finds the individuals voting out of district did so without malice aforethought to disrupt this election.

Chief Justice Von D. Locklear

Chief Justice Von D. Locklear

Signed this the 28th day of Dec., 2015 on behalf of the Supreme Court of
The Lumbee Tribe of North Carolina.