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October 8, 2021

PLEASE SEE ATTACHED

October 8, 2021

To: SHELIA BECK, DEWEY MCNEILL, AND LTNC TRIBAL SPEAKER RICKY BURNETT

IN THE MATTER OF:

Challenge of Sheila Beck to the residency of Tribal Candidate, Dewey McNeill to meet the eligibility requirements to run for District 9 also known as Saddletree District as set forth in the Constitution of the Lumbee Tribe of North Carolina Article VII, Section 2.b., as Adopted November 16, 2001.

THIS MATTER coming on to be heard and being heard on September 27, 2021 at 6:30 pm before the Lumbee Tribe of North Carolina Board of Elections pursuant to the filing of a challenge to the residency of Tribal Candidate Dewey McNeill to meet the eligibility requirements to run for District 9, by Shelia Beck and in accordance with the Constitution of the Lumbee Tribe of North Carolina Article X, Section 1.c., as Adopted November 16, 2001 and Lumbee Tribe of North Carolina Ordinance No. 2005-002 Section 3 and Section 7, dated May 4, 2005 amended March 21, 2019. The hearing was properly scheduled and noticed. All members of the Lumbee Tribe of North Carolina Board of Elections; Crystal L. Graham, Attorney for the Board; challenger, Shelia Beck; and Tribal Candidate, Dewey McNeill, were present at the hearing.

After hearing all testimony and reviewing all submitted evidence and the arguments of the Parties the Board makes the following:

FINDINGS OF FACT

1. On September 5, 2021 Mr. Dewey McNeill, was certified as winner in District 9 as an unopposed Candidate by the Lumbee Tribe of North Carolina Board of Elections.
2. On September 9, 2021 Ms. Shelia Beck sent a letter (not duly notarized) challenging the residency of Tribal Candidate, Dewey McNeill to meet the eligibility requirements to run for District

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October 11, 2021


To Whom It May Concern:

Re: David Locklear v. Ron Oxendine Case No. 2021-001

On behalf of Lumbee Tribe of North Carolina Board of Elections, please see the attached motion to dismiss.

Should you have any questions or need further clarification, please contact my office.

Sincerely,
GRAHAM LAW FIRM, PLLC



Crystal L. Graham
Attorney at Law

THE SUPREME COURT OF THE LUMBEE TRIBE
OF NORTH CAROLINA

NORTH CAROLINA
ROBESON COUNTY

CASE NO. 2021-001

DAVID LOCKLEAR,
Petitioner,

v.

MOTION TO DISMISS

RON OXENDINE,
Respondent.

COMES NOW, The Lumbee Tribe of North Carolina Board of Elections, by and through counsel, respectfully objecting to any joinder of the Tribal Board of Elections without due process; The Court lacks personal jurisdiction over the Board of Elections to enter any Orders against the Board of Elections as it is not a properly joined party.

The Lumbee Tribe of North Carolina Board of Elections, reserving said objection, does make a special appearance for the purpose to dismiss the petition filed herein to preserve the precedence of the policies and procedures of the Lumbee Tribe of North Carolina Board of Elections.

INTRODUCTION

1. The closing date for filing for all Lumbee Tribal Candidates was set by the Board of Elections to end on Friday September 3, 2021 at 5:00pm.
2. Within five (5) days of the closing date, the Board of Elections did certify the candidate Ron Oxendine on September 5, 2021.
3. All proper notifications were sent and no proper allegations were made within the five (5) days of receipt.
4. No matters certified on September 5, 2021 have been appealed to the Supreme Court of the Lumbee Tribe of North Carolina.

ARGUMENT

A. THE PETITIONER FAILS TO STATE A CLAIM FROM WHICH THE RESPONDENT CAN GRANT RELIEF OR REMEDY AND STATES NO CAUSE OF ACTION AGAINST THE RESPONDENT.

1. The Petitioner is attempting to appeal the certification of the Candidate to Run which is set forth in the duties of the Election Board of the Lumbee Tribe of North Carolina Ordinance No. 2005-002 Section 3 paragraph 2, dated May 4, 2005 amended March 21, 2019.

2. The Respondent lacks authority to decertify his candidacy or remove his name from the ballots.

3. The Petitioner failed to challenge the certification of the candidacy of Ron Oxendine within the five (5) day time frame from which to allow the Tribal Board of Elections to further investigate any allegations pursuant to Lumbee Tribe of North Carolina Board Policies and Procedures, Section 7 Adopted November 17, 2016, Amended September 12, 2021 and September 19, 2021.

4. As such, no administrative matter was heard or decided as to the Petitioner's untimely allegations and the certification of the candidate Ron Oxendine to run as a candidate has not been appealed.

5. The Petitioner has shown no injury from the Respondent, but only request remedy from the Tribal Board of Elections. The Respondent can grant no Relief and no Remedy to the Petitioner.

6. Thus, the Petitioner lacks standing to sue the Respondent and there is therefore no case or controversy before the Supreme Court of the Lumbee Tribe to be resolved and the matter should be dismissed.

B. THE PETITIONER FAILED TO EXHAUST ALL ADMINISTRATIVE REMEDIES BEFORE FILING THE PETITION.

1. The Petitioner failed to challenge the residency of the candidacy of Ron Oxendine at any time prior to the certification by the Tribal Board of Elections for which to allow an opportunity for the Board of Elections to investigate the allegations within the petition.

2. The Petitioner failed to challenge certification of the candidacy of Ron Oxendine within the five (5) day time frame from which to allow the Tribal Board of Elections to further investigate any allegations pursuant to Lumbee Tribe of North Carolina Board Policies and Procedures, Section 7 Adopted November 17, 2016 Amended September 12, 2021 and September 19, 2021.

3. The Petitioner failed to appeal the certification of the candidacy of Ron Oxendine by the Tribal Board of Elections in accordance with the Constitution of the Lumbee Tribe of North Carolina Article X, Section 3, as Adopted November 16, 2001.

4. Thus, the Petitioner failed to exhaust all of his administrative remedies before filing the petition before the Supreme Court of the Lumbee Tribe of North Carolina and the matter should be dismissed.

C. THE PETIONER HAS FAILED TO MEET THE TIME LIMIT FOR WHICH TO SEEK RELIEF EITHER BY OPERATION OF THE STATUTE OF LIMITATIONS OR LATCHES.

1. The Petitioner at any time prior to the certification of the candidate Ron Oxendine by the Lumbee Tribe of North Carolina Elections Board could have petitioned the Supreme Court for a decision as to the Residency of Tribal Chairman Candidate of the Respondent as set forth in the Constitution of the Lumbee Tribe of North Carolina Article VIII, Section 2.b., as Adopted November 16, 2001. However, on September 5, 2021, the time became set in which his residency could be challenged pursuant to Lumbee Tribe of North Carolina Board Policies and Procedures, Section 7 Adopted November 17, 2016, Amended September 12, 2021 and September 19, 2021.

2. The Petitioner failed to challenge certification of the candidacy of Ron Oxendine within the five (5) day time frame from which to allow the Tribal Board of Elections to further investigate any allegations pursuant to Lumbee Tribe of North Carolina Board Policies and Procedures, Section 7 Adopted November 17, 2016 Amended September 12, 2021 and September 19, 2021.

3. The Petitioner failed to appeal the certification of the candidacy of Ron Oxendine by the Tribal Board of Elections in accordance with the Constitution of the Lumbee Tribe of North Carolina Article X, Section 3, as Adopted November 16, 2001.

4. The Petitioner now, thirty-one (31) days after Respondent, Ron Oxendine has been certified to run for Tribal Chairman, files a Petition on October 6, 2021, has sat on his rights and the Lumbee Tribe Board of Elections has justifiably relied on that inaction and has ordered ballots and has sent out absentee ballots, action that has been taken with deference to his inaction.

5. The Petitioner slept on his rights and allowed the process to take its course "Those who sleep on their rights are not protected" "Equity aids the vigilant" it is an unreasonable delay that is prejudicial to the electoral process.

6. Thus, the Petitioner has failed to meet the time limit to challenge the certification of Candidate Ron Oxendine to run or in the alternative has allowed his rights to such an appeal to vanish by his failure to exercise those rights and as such his actions creates a prejudicial delay to the electoral process and the matter should therefore be dismissed.

CONCLUSION

Respondent is not the real party at interest that the Petitioner seeks relief or remedy. The Court has no Jurisdiction over a non-party. It has no authority to join a party without due process. The Petitioner sought to circumvent the Tribal Board of Elections so that it could circumvent its policies and procedures as well as its recent case law in Beck v. McNeill, October 8, 2021. Once the candidate was certified to run for office by the Lumbee Tribe of NC Board of Elections our policies and procedures are the only rules of law that operate and petitioner has simply failed to comply. If the Supreme Court of the Lumbee Tribe fails to uphold our policies

and procedures then the Independence of the Lumbee Tribe of North Carolina Board of Elections is not protected.

WHEREFORE, Lumbee Tribe of North Carolina Board of Elections, by way of special appearance, request the court to dismiss the petition filed herein to preserve the precedence of the policies and procedures of the Lumbee Tribe of North Carolina Board of Elections, in order to protect the interest and the integrity of the Lumbee Tribe of North Carolina election process.

This the 10th day of October, 2021

Crystal L. Graham, Esq.



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October 8, 2021

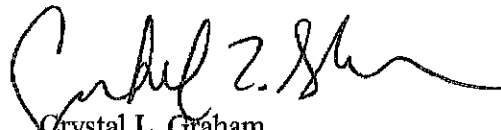
To Whom it May Concern:

Re: David Locklear v. Ron Oxendine Case No. 2021-001

On behalf of Lumbee Tribe of North Carolina Board of Elections, please see the attached case law as well as the Election Ordinance of the Lumbee Tribe of North Carolina Ordinance No. 2005-002 Section 3 and Section 7, dated May 4, 2005 amended March 21, 2019 and the Lumbee Tribe of North Carolina Elections Board Policies and Procedures as amended September 19, 2021. The ordinance authorizes the policies that were applied in the case law and define residency. This is a standard for which the Supreme Court must uphold as law. The Supreme Court lacks any authority over the independent Board of Elections as it is not a party to any action to prohibit any action authorized by statute to stop the issuance of ballots.

Should you have any questions or need further clarification, please contact my office.

Sincerely,
GRAHAM LAW FIRM, PLLC



Crystal L. Graham
Attorney at Law

October 8, 2021

To: SHELIA BECK, DEWEY MCNEILL, AND LTNC TRIBAL SPEAKER RICKY BURNETT
IN THE MATTER OF:

Challenge of Sheila Beck to the residency of Tribal Candidate, Dewey McNeill to meet the eligibility requirements to run for District 9 also known as Saddletree District as set forth in the Constitution of the Lumbee Tribe of North Carolina Article VII, Section 2.b., as Adopted November 16, 2001.

THIS MATTER coming on to be heard and being heard on September 27, 2021 at 6:30 pm before the Lumbee Tribe of North Carolina Board of Elections pursuant to the filing of a challenge to the residency of Tribal Candidate Dewey McNeill to meet the eligibility requirements to run for District 9, by Shelia Beck and in accordance with the Constitution of the Lumbee Tribe of North Carolina Article X, Section 1.c., as Adopted November 16, 2001 and Lumbee Tribe of North Carolina Ordinance No. 2005-002 Section 3 and Section 7, dated May 4, 2005 amended March 21, 2019. The hearing was properly scheduled and noticed. All members of the Lumbee Tribe of North Carolina Board of Elections; Crystal L. Graham, Attorney for the Board; challenger, Shelia Beck; and Tribal Candidate, Dewey McNeill, were present at the hearing.

After hearing all testimony and reviewing all submitted evidence and the arguments of the Parties the Board makes the following:

FINDINGS OF FACT

1. On September 5, 2021 Mr. Dewey McNeill, was certified as winner in District 9 as an unopposed Candidate by the Lumbee Tribe of North Carolina Board of Elections.
2. On September 9, 2021 Ms. Shelia Beck sent a letter (not duly notarized) challenging the residency of Tribal Candidate, Dewey McNeill to meet the eligibility requirements to run for District

9. Alleging, that Mr. McNeill was a resident of District 3 and had not lived in District 9 since October 2020.

3. A Board meeting was held on September 19, 2021 and a decision that a hearing was necessary was rendered and on September 20, 2021 a notice of hearing was issued.

4. Challenger, Shelia Beck testified that Mr. McNeill resides in an apartment located 508 Amberdale Circle, Lumberton, North Carolina leased under his name with utilities registered in his name and has resided there since October 2020 with his wife. Ms. Beck introduced into evidence an unsubstantiated copy of Mr. McNeill's 508 Amberdale Circle, Lumberton, North Carolina utility bill. *See (Exhibit A)*

5. Tribal Candidate, Dewey McNeill testified that his wife lived at 508 Amberdale Circle, Lumberton, North Carolina leased under his name with utilities registered in his name in District 3 while their permanent home was being renovated. He testified that as her husband it was his responsibility to provide her a safe place to stay while he slept in a one room camper located at 1439 Rennert Road, Lumberton, North Carolina in District 9 during the renovation of their marital home.

6. Dewey McNeill, testified that he spent five to six nights a week in the camper but that he would return often during the day to 108 Sunset Road, Lumberton, North Carolina also in District 9 for showers or to complete ordinary daily task that one would do in their normal home. He testified that he receives all of his personal and business mail at 108 Sunset Road, Lumberton, North Carolina and did not spend more than one to two nights a week at 508 Amberdale Circle, Lumberton, North Carolina with his wife. He testified that he lived at 108 Sunset Road, Lumberton, North Carolina in District 9 from October 2020 until February 2021 and at 1439 Rennert Road, Lumberton, North Carolina in District 9 in a camper on the premises from February 2021 until September 2021 and now currently resides inside the marital home located thereon.

7. Dewey McNeill testified that he had lived in District 9 for 32 years. He testified that he has lived at two different addresses in District 9, but that he listed both address on his residency affidavit and that at all times his principal residence has been in District 9. He testified that his intent has been and is to permanently reside at 1439 Rennert Road, Lumberton, North Carolina, as his principal place of residence. He introduced multiple documents to include, his driver's license, 2020 tax return, multiple utility bills indicating utility usage, automobile registration, insurance documents, banking documents, general warranty deeds, as well as multiple affidavits from members of the community. *See (Exhibit B)*

8. Dewey McNeill testified that his intent was to reside at 1439 Rennert Road, Lumberton, North Carolina in District 9 in a camper on the premises during the renovation of his marital home and to move in after its completion and had moved into 1439 Rennert Road, Lumberton, North Carolina in District 9 with his wife as their principal residence as it was officially completed.

9. Based on the testimony of the witnesses appearing before the Board and the evidence submitted it appears that challenger, Shelia Beck has failed to meet her burden of proof to establish that Tribal Candidate, Dewey McNeill failed to meet the eligibility requirements to run for District 9. Ms. Beck

has failed to provide any substantial affirmative proof adequate to support a conclusion that Tribal Candidate, Dewey McNeill has abandoned his residency in District 9. In this case the conduct and intent of Mr. McNeill is of greater evidential value. The evidence does not support a determination that Mr. McNeill had at any time abandoned his principal place of residence in District 9.

10. Board Member _____ made a motion to dismiss the challenge, it was seconded by Board member, _____ and passed unanimously.

CONCLUSIONS OF LAW

1. This matter is properly before the Lumbee Tribe of North Carolina Board of Elections and was properly noticed and served upon all necessary parties.
2. The challenger and challenged were present and presented testimony and submitted evidence.
3. Dewey McNeill's habitation is fixed in District 9 at 108 Sunset Road, Lumberton, North Carolina until February 2021 and at 1439 Rennert Road, Lumberton, North Carolina since February 2021 where he has testified that he sleeps most of the time, and from all the evidence and testimony given is his place of residence from which he has never permanently left with the intention of not returning.
4. 508 Amberdale Circle, Lumberton, North Carolina is a place to which Dewey McNeill visited for temporary purposes, without the intent or conduct of making it a permanent place of residence.
5. Tribal Candidate, Dewey McNeill meets the eligibility requirements to run for District 9 as set forth in the Constitution of the Lumbee Tribe of North Carolina Article VII, Section 2.b., as Adopted November 16, 2001.

NOW, THEREFORE, IT IS ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law that the Challenge of Tribal Candidate, Dewey McNeill's residency to meet the eligibility requirements to run for District 9 is hereby Dismissed.

Entered this the 29th day of September, 2021 and signed this 8th day of October 2021.

Lamari Louise Mitchell, Chairperson

Christopher Clark, Vice-Chairman

Rubalena Hunt Locklear, Secretary

Linda Maynor Oxendine, Treasurer

Tommy Cox, Member

cc: Shelia Beck, Challenger
Dewey McNeill, District 9 Candidate
Ricky Burnett, Tribal Council Speaker



Lumbee Tribe of North Carolina
Board of Elections
Post Office Box 1799
Pembroke, North Carolina 28372
910-521-8965

December 2, 2015

**ORDER OF LTNC BOARD OF ELECTIONS
SETTING ASIDE RESULTS IN THE NOVEMBER 17, 2015
ELECTION FOR THE DISTRICT 9 TRIBAL COUNCIL SEAT**

To: Anita Hammonds Blanks, Elaine McNeil Collins, and LTNC Tribal Speaker Lesaundri Hunt

Subj: RESPONSE TO FORMAL CONTEST OF ELECTION RESULTS FOR DISTRICT 9 TRIBAL COUNCIL ELECTION CONDUCTED ON NOVEMBER 17, 2015 BASED ON MATERIAL AND SUBSTANTIAL IRREGULARITIES THAT OCCURRED DURING THE ELECTION

Ref: (a) Constitution of the Lumbee Tribe of North Carolina
(b) Lumbee Tribe of North Carolina Ordinance No. 2005-0002 dated 4 May 2005
(c) Anita Hammonds Blanks contest letter dated November 24, 2015

1. **Authority of the Elections Board of the Lumbee Tribe of North Carolina in this matter**
 - a. The Elections Board of the Lumbee Tribe of North Carolina was established and operates under the authority of Article X of the Constitution of the Lumbee Tribe of North Carolina. (Reference (a))
 - b. Article X, Section 1.c. of the Constitution of the Lumbee Tribe of North Carolina grants the Elections Board of the Lumbee Tribe of North Carolina authority on "any other matters specified herein or authorized by tribal ordinance." (Reference (a))
 - c. Lumbee Tribe of North Carolina Ordinance NO. 2005-0002 dated May 4, 2005, cited as "ELECTION ORDINANCE", Section 6: Election Results, Paragraphs 4 and 5 state the conditions that constitute grounds for an election to be contested or challenged. (Reference (b))
 - d. The parties were notified by the Elections Board of this hearing.

2. Basis of Contest /Challenge

- a. The Anita Hammonds Blanks' letter of November 24, 2015 timely contested the elections results based on material and substantial irregularities that occurred during the November 17, 2015 District 9 Tribal Council Election process. (Reference (c))
- b. The material and substantial irregularities cited in the Anita Hammonds Blanks' contest letter of November 24, 2015 is that four (4) voters from outside the District 9 boundaries voted in the District 9 Tribal Council Election.
- c. The material fact alleged is that these four (4) voters were not eligible to vote in the District 9 Tribal Council Election.
- d. The impact of the four (4) ineligible votes in this election is substantial because the result of the ineligible votes could determine the outcome of the election.

3. Discussion of Case

- a. The Lumbee Tribal Elections Board independently verified that the four (4) voters named in the Anita Hammonds Blanks' contest letter (Reference (c)) were entered into the 2015 Electoral Roll Book and the 2015 Election Voter Sign In Book of District 9 as having voted in the District 9 Tribal Council Election on November 17, 2015.
- b. The Lumbee Tribal Elections Board after a hearing concludes that the four (4) voters named in the Anita Hammonds Blanks' contest letter (Reference (c)), live outside the boundaries of District 9.
- c. There is no means to verify which candidate the four (4) ineligible voters cast their ballot for in the District 9 Tribal Council Election.
- d. After a recount by the Lumbee Tribal Elections Board, the total vote count difference between the two candidates for the District 9 Tribal Council was three (3) votes: Elaine McNeil Collins 200, and Anita Hammonds Blanks 197.

4. FINDINGS

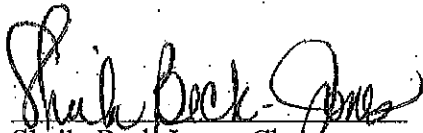
- a. That there were material and significant voter irregularities that occurred during the District 9 Tribal Council Election on November 17, 2015.
 - i. Material -At least four ineligible voters voted in the District 9 Tribal Council Election
 - ii. Significant - The number of ineligible votes is greater than the difference in the total vote between the candidates
- b. That Anita Hammonds Blanks, the contestor/protestor/candidate in this matter, has offered undisputed proof of her claims of sufficient material and substantial irregularities that could have affected the elections results for the Tribal Council seat in District 9.
- c. Given the number (four) of material and substantial irregularities, this Board cannot certify the election results for the District 9 Council seat.

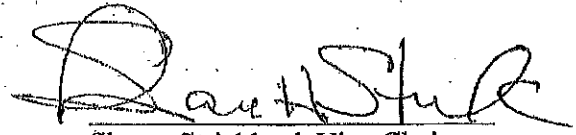
5. ACTION BY THIS BOARD

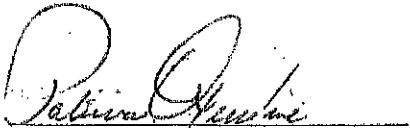
- a. Based upon substantial material and significant voter irregularities, the election for District 9 Tribal Council conducted on November 17, 2015 is hereby declared null and void.
- b. That the Lumbee Tribe Elections Board hereby declares that a new election for the District 9 Tribal Council seat will be held on a date to be announced by the Lumbee Tribal Elections Board within 10 days from the date of this action.
- c. That this decision is approved and adopted by a majority of the members of the Lumbee Tribal Elections Board.

The findings and actions stated above are hereby declared by the Lumbee Tribal Election Board and are attested to by the members affixing their signature below.

This the 2nd day of December, 2015.


Sheila Beck-Jones, Chairman


Sharee Strickland, Vice Chairman


Patricia Oxendine, Secretary


Mabel Revels, Member

CC: Anita Hammonds Blanks, District 9 Council Candidate
Elaine Collins, District 9 Council Candidate
Lesaudri Hunt, Tribal Council Speaker

LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2005-0002

DATE: May 4, 2005
Amended: March 21, 2019

WHEREAS, The Lumbee Tribe of North Carolina, a recognized Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina and its inherent powers of self-government; and

WHEREAS, Article VII, Section 1 of the Constitution of the Lumbee Tribe of North Carolina delegates all legislative authority to the Tribal Council; and

WHEREAS, Article X of the Constitution of the Lumbee Tribe of North Carolina establishes an independent Tribal Elections Board and the method in which the Elections Board shall be seated, and

WHEREAS, Article X authorizes the Tribal Council to adopt ordinance (s), which shall govern voter registration and the conduct of all regular and special tribal elections and any other matters, specified herein.

THEREFORE, Be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina the following ordinance that shall be cited as "ELECTION ORDINANCE."

SECTION 1: QUALIFICATIONS OF ELECTIONS BOARD AND ALTERNATES

1. No person who is elected, appointed, or employed with the Lumbee Tribal government shall serve as a member or alternate on the Elections Board (hereafter referred to as "Board").
2. The Board members and alternates shall be an enrolled member of the Tribe and at least 18 years of age at the time of their appointment to the Board or when selected as an alternate.
3. Members and alternates shall be appointed according to Article X, Section 2 of the Constitution of the Lumbee Tribe of North Carolina (hereafter referred to as "Lumbee Constitution").
4. When appointing a member to the Board, each appointing committee shall also select an alternate that shall be appointed to the Board if his or her district seat becomes available due to disqualification or resignation of the district Board member.

5. Each appointing committee, shall, to the extent possible, appoint Board members and alternates with experience in tribal and/or state elections.

SECTION 2: DISQUALIFICATION AND REPLACEMENT OF BOARD AND ALTERNATES

1. The members of the Board shall disqualify themselves and withdraw from all functions of their positions during any election or process in which a conflict of interest exists as defined by the ordinance on Ethics and Conflict of Interest. Such members shall resume their duties only when there is no longer a conflict of interest.
2. If a member of the immediate family of a Board member files as a candidate for a position in the tribal government, the Board member shall be disqualified from serving in that election and a Board alternate shall serve in his or her place.
3. If a Board member files as a candidate for a position in the tribal government, the Board member's appointment shall be deemed automatically withdrawn.
4. A Board member SHALL NOT be eligible to run for Tribal Office (Tribal Council or Tribal Chairman) for (2) years following the expiration of their term on the Lumbee Tribe Election Board.
5. A Board member may resign his or her office at any time. Resignation is immediate upon submitting written notice to the Tribal Council of his or her resignation.
6. If an alternate named pursuant to Section 1 of this Ordinance is not available or willing to serve on the Board for the appointing committee seat that is available, the Tribal Council shall appoint a person to fill such vacancy according to Article X, Section 2 of the Lumbee Constitution.

SECTION 3: OATH AND DUTIES OF ELECTION BOARD

Upon accepting appointment to the Board, each member shall sign the Lumbee Tribe of North Carolina's Oath of Office, which shall become part of the Board's records.

The Election Board's authority to promulgate rules and regulations shall include, but not be limited to:

1. Verifying that a person meets the qualifications for candidacy under Article II of the Lumbee Constitution and any adopted Ordinances;
2. Certifying candidate/s;
3. Examining and verifying petitions for measures;
4. Supervising elections for candidates and measures;
5. Distributing to candidates a copy of the Lumbee Constitution, ordinance on Election Regulations, and any other election materials;
6. Designating polling sites and election dates and hours. The Board shall cause to be published all polling sites, election dates and hours and other information deemed necessary at least forty-five (45) days before the election in newspapers of wide distribution and other forms of media outlay;

7. Distributing a list of voter addresses and any other contact information approved by the tribal membership to candidates in a format to be determined by the Board;
8. Publishing and posting sample ballots;
9. Completing an alphabetical ordering of candidates for ballot arrangement;
10. Preparing ballots;
11. Mailing absentee ballots;
12. Designating a post office box where absentee ballots shall be returned;
13. Retrieving absentee ballots from the designated post office box;
14. Accepting or rejecting absentee ballots by a verification process;
15. Counting or supervising the counting of ballots cast in an election, excluding rejected absentee ballots;
16. Posting election results;
17. Supervising recounts of election results;
18. Certifying election results;
19. Conducting election appeals and awarding a new election, if necessary;
20. Reporting election results to the tribal membership;
21. Maintaining accurate election records, including the poll book;
22. Storing ballots in such a manner that will ensure the safekeeping and security of said ballots for a period of one (1) year from the date of the election or until any contested election is resolved, whichever is later.

SECTION 4: CONDUCT OF ELECTIONS

1. Ballots

- a. The Board shall prepare all ballots. The ballot shall be printed on white paper with black ink. Tribal Council election ballots shall include the number of candidates to be elected and detailed instructions regarding the number of vote(s) a voter can cast.
- b. Not later than the five (5) business days following the certification of candidates, the Board shall complete an alphabetical ordering of the candidates. The names of the candidates shall be arranged on the ballot according to said random ordering. If the Board determines that a candidate has died or withdrawn, the name of the candidate shall not be printed on the ballot or, if the ballots have already been printed, shall be erased or canceled before the ballots are distributed.

2. Voting Procedure

- a. Except as otherwise provided, any eligible voter may vote by appearing at the voter's prescribed polling site, announcing to the Election Precinct Committee his or her name, address, and signing the ballot sign out sheet. If the voter is unable to sign the ballot sign out sheet, the elections worker shall write "unable to sign" by that name.

- b. The Election Precinct Committee will verify that the prospective voter is the voter whose name he or she is seeking to vote under by his or her tribal enrollment card, driver's license, or other state issued identification card with picture before permitting the eligible voter to vote. Any eligible voter unable to vote in person may vote by absentee ballot as prescribed in this ordinance. If the poll book indicates the voter has already submitted an absentee ballot, the voter will not be permitted to vote again.
- c. Once a voter's identity has been verified, the elections worker shall note such verification in the poll book by signing his or her initials by the voter's name. The voter will then be issued a ballot.
- d. The voter shall then mark the ballot in a private area to be designated by the Board. The voter may receive assistance with voting from an Elections Precinct Committee member if requested by the voter. The voter shall deposit the ballot in the locked ballot receptacle when completed.
- e. If the voter accidentally makes a mistake or mutilates his or her ballot, a new ballot shall be issued to the voter with the correction noted in the poll book. The spoiled ballot shall be sealed in an envelope by the voter and stored in the locked ballot receptacle or machine.
- f. If a voter presents his or herself and states that he or she, because of a physical disability is unable to mark the ballot, assistance shall be provided by at least two members of the Election Precinct Committee, whenever possible.
- g. Immediately after the polls are closed, the Board shall count or cause to be counted the ballots cast. Election winners shall be chosen by plurality according to the rank order of votes received.
- h. Upon completion of the ballot counting at each polling site, the Elections Precinct Committee shall announce the election results for that site.

3. Electioneering at Polling Sites

- a. No person shall be allowed to electioneer within fifty (50) feet of the entrance to any polling site while an election is in progress. Nor shall any person, except election officials and other persons authorized by law, be allowed to approach the ballot box while an election is in progress or remain within fifty (50) feet of the polling site except while actually voting.
- b. No written or printed material other than that provided by the Board shall be publicly placed or exposed on public or private property within fifty feet

(50) of the entrance to any polling site while an election is in progress. The Board may establish additional procedures on electioneering.

- c. Candidates may submit two names to serve as their respective designated watchers for each polling place, one of which shall be an alternate. Poll watchers:
 - i. Must be an eligible voter;
 - ii. Must be clearly identified by a badge, armband or other appropriate identification to be issued by the Board;
 - iii. Are prohibited from conversing with voters and Election Precinct Committee members. Any disruption by watchers will be cause for their removal from the polling site; and
 - iv. Are to remain only in areas designated by the Board.
- d. In an election for a measure, one voter advocating and one voter opposing the measure shall be used as observers at polling sites when such advocates are available.
 - i. Prior to an election involving a measure, the Board shall run a notice in newspapers of wide distribution and other forms of media outlay requesting that voters volunteer for pools supporting and opposing the measure, from which these observers shall be selected.
 - ii. In the event that an advocate is not available for a polling site, the Board shall have in place procedures to uphold the integrity of the voting results at that polling site.

4. Use of Voting Machines

- a. No voting machine shall be used in any election unless it:
 - i. Secures to the voter secrecy in casting his or her ballot
 - ii. Permits the voter to vote for any candidate and as many candidates for which the voter has a right to vote; and, where marked ballots are used;
 - iii. is capable of correctly counting ballots on which the proper number of votes have been marked for any candidates or measures that have been voted; and,
 - iv. Is capable of totaling votes by candidate and totaling votes for and against each measure on the ballot.
- b. If a voting machine becomes inoperative, the Board shall repair the voting machine at once or substitute another voting machine. If no other voting

machine can be procured and the inoperative voting machine cannot be repaired in time for further use in the election, or when in the discretion of the majority of the Board it is impracticable to use the voting machine, the Board shall resort to the use of paper ballots, and to the counting of same by the Board.

SECTION 5: ABSENTEE VOTING

1. Provisions for Absentee Voting

- a. The Board shall determine a period prior to all elections to provide voters with "No Excuse" absentee voting.
- b. The Board shall designate a post office box rented by the Board or a box belonging to the Board as the place where absentee ballots shall be returned.
- c. The Board shall send by U.S. Mail an absentee ballot to each voter who has requested an absentee ballot according to procedures.
- d. Absentee ballots shall be returned by U.S. mail, and must be received at the location designated by the Board no later than 5:00 p.m. of the business day prior to the election.
- e. The absentee ballot shall consist of a ballot which otherwise meets the requirements of this ordinance, an outer envelope, instruction sheet, ballot secrecy envelope, and return envelope.

2. Voting Procedure for Absentee Ballots

- a. An immediate family member of a voter can request an absentee ballot for the voter. The Board shall have in place the procedures for verification of returned absentee ballots when the ballot is requested by an immediate family member.
- b. Voters who live outside the territory of the Lumbee Tribe of North Carolina may, in a one time only declaration, select a district within the tribal territory that shall be used for the purpose of identifying the voting district in which the voter votes.
- c. When voting by absentee ballot, the voter shall mark the ballot, place it in the ballot secrecy envelope, and seal it. The voter shall then place the ballot secrecy envelope inside the return envelope and seal it. The return envelope shall be signed by the voter as it appears on the return envelope and returned by U.S. Mail to the location designated by the Board.

- d. The Board shall compare the signature on the return envelope with the signature on the voter's signature form. If the signature is absent or does not match, the absentee ballot shall be rejected. The entire rejected absentee ballot shall be deposited unopened in a separate, secure box for invalid ballots. If the signatures match, the ballot shall be deposited in the locked ballotbox.
- e. For ballots placed in the locked ballot box, the Board shall record the return of the voter's absentee ballot by and through a process that will identify the voter as having voted by absentee ballot. The process shall provide information to be used on the day of election, to identify those voters who have already cast a vote and to prohibit the voter from casting a second vote.

3. Security of Ballots

- a. Returned absentee ballots shall remain in the designated post office box until retrieved by the Board.
- b. The Board may retrieve returned absentee ballots during the timeframe of:
 - i. Not more than two (2) days before the election, and
 - ii. After the deadline for absentee ballots to be returned, but before the beginning of the election.
- c. In the event the post office box is no longer adequate or workable, the Board shall secure a comparable means for assuring the security of ballots.
- d. Following the counting of ballots, The Board shall store all ballots, upon approval of the Tribal Council, in such a manner that will insure the safekeeping and security of said ballots for a period of one (1) year from the date of the election or until any contested election is resolved, whichever is later.

SECTION 6: ELECTION RESULTS

- 1. During the canvassing of election results, the Board shall:
 - a. Judge the applicability of absentee and questioned ballots, shall open and tally those accepted, and shall compile the total votes cast in the election.
 - b. Review the tallies of the recorded vote to check for mathematical error by comparing totals with other tallies such as the number of ballots issued, signatures, and other data.
 - c. Correct all obvious errors found during the canvassing.

2. Automatic Recount: There shall be an automatic recount of election results if there is a difference of one (1) percent or less in the number of votes cast for a candidate or measure.
 - a. The automatic recount shall not be subject to the other sections of this ordinance. The automatic recount shall be held within three (3) business days after the first counting of ballots.
 - b. Upon completion of the automatic recount, the Board shall announce the results of the recount pursuant to this ordinance. The results of the recount shall be the unofficial results of the election, contingent to any appeal or a request for a recount by
 - i. A written request to the Board, and
 - ii. Within three (3) business days after the Board has announced the election results.
3. Request for Recount: If a request for a recount is filed and granted, the recount shall be provided within three (3) business days following the granting of a recount.
 - a. Opening the Ballot Box: The ballot box shall be opened by the chairperson of the Board or his or her designee only in the presence of the Board and other persons referred to in this section who has a vested interest. The Board shall conduct the recount and permit any candidate or voter, authorized in writing by a candidate to be present as his or her representative, to watch the recount.
 - b. In an election for a measure, one voter advocating and one voter opposing the measure may be present to watch the recount. (Prior to an election involving a measure, the Board shall run a notice in the local media requesting that voters volunteer for pools supporting and opposing the measure, from which these observers shall be selected.)
 - c. If voting machines were used in the election, voting machines may also be used for the recount.
 - d. The results from the recount shall be the unofficial results of the election.
4. Contested Election: A candidate may contest the results of an election for Tribal Chairperson or Tribal Council, while a voter may contest the results of any measure.
 - a. Any contest must be based on a violation of tribal law or applicable common federal law.

- b. The candidate, or any person authorized to act for such candidate, whose right to the office is contested, has given to a voter, election judge or election clerk a bribe or reward, or has offered such bribe or reward for the purpose of procuring his or her election.
 - c. The complaint must identify the specific act constituting such alleged fraud and the names of the alleged perpetrators of such fraud.
 - d. If fraud is proven on the part of a candidate, such candidate shall be declared ineligible for the office for which he or she was a candidate. However, if the allegations are not proven by clear and convincing evidence, the candidate shall be declared eligible for the office.
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:
- a. The outcome of the election would have been contrary to the reported result; or
 - b. Proves it is impossible to determine with mathematical certainty which candidate is entitled to be certified as elected, or in an election concerning a referendum, that the outcome of the election is impossible to determine with mathematical certainty.
 - c. The board may order a new election upon agreement of at least 3 members of the election board.

SECTION 7: ELECTION CERTIFICATION

1. After counting, the ballots shall be placed in ballot boxes, locked, and marked by the Election Precinct Committee with the name, polling site and the date of the election.
2. All unused, spoiled or rejected ballots shall be labeled and placed in the ballot box.
3. The Precinct Judge and at least one other precinct committee member shall immediately return the locked ballot boxes containing all election ballots to the place designated by the Board.
4. The Board shall certify all elected candidates to the seat or office in which they were a candidate and/or certify the results of a vote on a measure(s):
 - a. Provided that a challenge to election results or request for recount or automatic recount has not been filed with the Board by 5:00 pm at the end of five (5) business days after the Board has announced the unofficial results of the election.

5. Certification of a candidate or measure in question will be made by the Board following the determination of the challenge or recount, as the case may be.
 - a. Upon certification of an election, a candidate or voter may within five (5) business days, appeal to any lower court with jurisdiction.
 - b. If the decision of any lower court is not satisfactory or if no lower court exists, the candidate or voter may appeal to the Supreme Court, or to any Supreme Court designee, or any lower court given jurisdiction by the Supreme Court, according to Article IX, Section 1 of the Lumbee Constitution.

SECTION 8: VIOLATIONS OF ORDINANCE

A. A person is guilty of violation of this ordinance who:

1. Knowingly votes more than once in any election;
2. Not being entitled to vote, knowingly votes;
3. Hinders the voting of others;
4. After having received a ballot as a voter, knowingly fails to cast the ballot or return the ballot to the Election Precinct Judge before leaving the polling site or going outside the voting area;
5. Knowingly adds a ballot to those legally cast at any election by fraudulently introducing the ballot into the ballot box or mixing the ballot with other ballots lawfully cast while they are being canvassed or counted;
6. Knowingly detains, destroys, alters, or mutilates a ballot or election returns; or
7. Intentionally disables or removes from the polling site or custody of an election official, a voting machine, ballot box, or voting record; or
8. While at a polling site, refuses to obey a lawful order of a member of the Board or Precinct Committee.
9. Willfully contributes to the fraud and/or irregularity of an election.

B. Any person found in violation of this ordinance shall be subject to the following:

1. If a candidate, shall be subject to Section 6 of this ordinance;
2. Shall be ineligible to vote and be present at any tribal polling sites during tribal elections for a period of four (4) years.

Definitions:

Elections Precinct Committee- poll workers designated by the Board of Elections

Voter(s) - those members of the Lumbee Tribe who meet the requirements as set forth in Article II of the Lumbee Constitution.

Challenge - a duly notarized statement setting forth a challenge: to the right of any person to be listed as an eligible voter, or as to the authenticity of any signature upon a nominating petition.

Contest of Election - to protest the election results

Immediate Family Members - shall mean son, daughter, husband or wife, brother, sister, mother, father, aunt, uncle, grandmother, grandfather, step and/or half brother and sister, stepmother, stepfather, nephew, niece, and cousin of the first degree and a person in which there is a spousal relationship.

Board - the Election Board of the Lumbee Tribe as created by the Lumbee Constitution.

Measure - any election submitted to the Elections Board or Tribal Council for the approval or rejection by the tribe at an election, except the election of the Tribal Chairperson and Tribal Council. Examples of election measures are: initiative or referendum petition, recall, and amendment to the Lumbee Constitution.

Voter Verification Form - a form as prescribed by the Elections Board to be used in the issuance of absentee ballots.

Voting Machine - any piece of equipment, which will examine and tally marked ballots or which will record every vote cast for candidates or measures and will total all votes cast on that equipment.

"No Excuse" Absentee Voting - allows the voter to vote for a period prior to all elections according to the provisions of this ordinance. The voter is not required to list an excuse for voting absentee.

CERTIFICATION

THIS CLLO-2005-0002 "ELECTION ORDINANCE" AMENDED AT A MEETING OF THE TWENTY-ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 19 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 21TH DAY OF MARCH 2019 BY A VOTE OF 12 YES 7 NO, AND 0 ABSTENTION(S).

Ricky Burnett 3-21-2019
ATTEST: RICKY BURNETT DATE
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

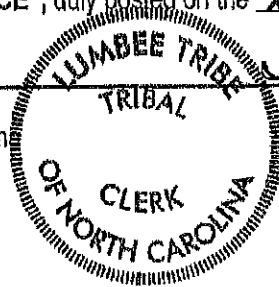
Wendy Moore-Graham 3-21-2019
ATTEST: WENDY MOORE-GRAHAM DATE
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

Harvey Godwin Jr. 4-3-2019
ATTEST: HARVEY GODWIN JR. DATE
Chairman, Lumbee Tribe of North Carolina

POSTING

THIS CLLO-2005-0002 "ELECTION ORDINANCE", duly posted on the 21 day of MARCH, 2019.

Belinda Brewer 3-21-19
ATTEST: BELINDA BREWER DATE
Tribal Clerk Designee, Lumbee Tribe of North Carolina



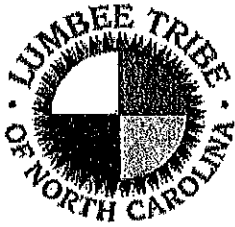
ROLL CALL VOTE RESULTS

CLLO-2005-0002

AMENDED MARCH 21, 2019

12 YES, 7 NO, 0 ABSTENSION(S)

District 1:	Carlvous Barfield	NO
District 2:	Sharon Hunt	YES
	Janie McFarland	NO
District 3:	James B. Hunt	NO
	Vacant	-----
District 4:	Ted Woodell	NO
District 5:	Wendy Moore-Graham	NO
	Jarrold Lowery	ABSENT
District 6:	Larry Chavis	YES
	Douglas Locklear	YES
District 7:	Reginald Oxendine	YES
	Jan Lowery	NO
	Alvin Mercer	YES
District 8:	Corbin Eddings	YES
District 9:	Dewey J McNeill	YES
District 10:	Marshil Locklear	YES
District 11:	Frank Cooper	YES
District 12:	Annie Taylor	NO
	Michael Chavis	YES
District 13:	Ricky Burnett	YES
District 14:	Terry Hunt	YES



Lumbee Tribe of North Carolina
The Desk of the Tribal Clerk

Record of Posting

Tribal Ordinance: CLLO-2005-0002

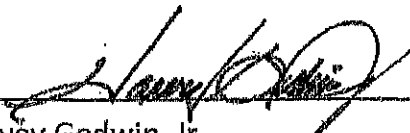
Posted Date: 03/21/19

Presented to Tribal Chairman for Review: 03-21-19 VIA EMAIL

Signature or Veto date: _____

Reason for Veto: _____

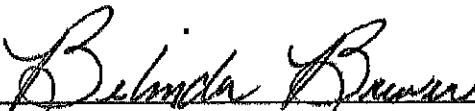
Other: _____



Harvey Godwin, Jr.

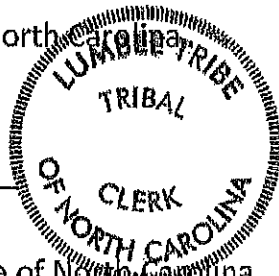
Tribal Chairman of the Lumbee Tribe of North Carolina

4-3-2019
Date



Belinda Brewer

Tribal Clerk Designee of the Lumbee Tribe of North Carolina



3-21-19
Date

LUMBEE TRIBE of NORTH CAROLINA ELECTIONS BOARD POLICIES AND PROCEDURES

Adopted November 17, 2016
Amended September 12, 2021
Amended September 19, 2021

SECTION 1. PURPOSE

1. As an independent governmental entity of the Lumbee Tribe, the Constitution authorizes the Lumbee Tribe Elections Board (LTEB) to conduct regular and special elections and to adopt rules and regulations governing elections. In exercise of such authority, the Elections Board approves the following Policies and Procedures to conduct elections in general all activities of the Election Board.

SECTION 2. DEFINITIONS

1. The Elections Board Policies and Procedures (EBPP) adopt the same Definitions contained in the Constitution, Elections Ordinance 2005-002, Amended 3/21/19 and any other applicable Ordinances pertaining to Tribal Membership.

SECTION 3. ELECTIONS BOARD MEETING

1. *Frequency, Time and Location of Meetings.* Meetings of the Board shall be held monthly. The Board may meet as often as necessary to carry out its duties and functions. Each meeting of the Board shall be held at a place and time specified by advance notice required in SECTION 3.8 below and shall be open to the Tribal membership and any other person that Tribal Council may designate to attend.
2. *Meeting Agendas.* Each meeting of the Board will proceed in accordance with Robert Rules of Order. An agenda will be prepared at least five (5) days in advance by the Board's Chairman. The agenda will include the following items in the following sequence:
 - a. Call to Order. The Chairman calls the meeting to order
 - b. Invocation. The Board's meetings will open with prayer.
 - c. Roll Call. The Secretary performs roll call, noting all Board members, staff members, Tribal Council members and others visitors present, and noting any Board members absences and whether the absence are excused.

- d. Approval of the Agenda. The Board reviews the agenda and notes whether the agenda should be amended to accommodate any special needs during the meeting. The Board then approves the agenda prepared or as amended by motion.
- e. Motions. All official action must be taken by motion. Motions will be made, supported and read back before taking a vote. Any motion recorded in the Minutes shall be identical read back prior to the vote.
- f. Approval of the Minutes. The Board reviews the Minutes of the immediately preceding meeting as presented by the Secretary. The Board then approves the Minutes as presented or as amended by motion.
- g. Public Comment. The Board opens the floor by way of a sign in sheet, to allow tribal membership to speak on a topic concerning the Elections process. The speaker is allowed five (5) minutes and will be respectful to those in attendance.
- h. Budget Report. The Board's Chairman and Treasurer will provide the Board's budget to the Tribal Council Treasurer, Chairman of Tribal Council Finance Committee and Director of Tribal Administration in the month of *July*, for the upcoming election year. The Board's Chairman in conjunction with the Board's Treasurer will also prepare a year-end expenditure report to be presented to same named authorities, previously mention above, no later than *March*, following the most current election. If a special election is held, an expenditure report will be completed no later than three (3) months following the special election. The LTEB Clerk will prepare and maintain a monthly expense report that will be used in preparing the year-end report. The report will be presented at each monthly meeting.
- i. Unfinished Business. The Board will consider and discuss unfinished business carried over from a previous meeting. Unfinished business may include: (1) any matter that was pending when the previous meeting adjourned; (2) any matters on the previous meeting's agenda that was not reached; or (3) matters that was postponed to the present meeting.
- j. New Business. The Board will discuss any additional new business not already addressed in the meeting and items will be added to agenda before the agenda is approved.

- k. Next Meeting. The Board will confirm the date, time and location of the next meeting. The Secretary will note this information and ensure that all Board members and the public receive proper notice.
 - l. Adjournment. The Chairman will adjourn the meeting.
3. *Open Session.* The Board will discuss items that relate to its work that do not require the privacy of Closed Session. Such items may include, but not limited to, the review or drafting of legislation by Tribal Council, rules, or regulations, election policies, or public communications with the Tribe's Administration, Representatives or Tribal Council. Such items may include the review of the Board's by-laws, rules of procedure, code of ethics, mission, goals, or budget.
 4. *Closed Session.* The Board shall enter Closed Session to discuss any item necessary for confidential discussion. Closed Session are permitted when the Board considers personnel matters or confidential attorney/client privilege communication(s) or fundamental rights of tribal members.
 5. *Decorum.* The proceedings of Board Meetings shall at all times be respectful and maintain a decorum appropriate for carrying out of official Tribal business.
 6. *Public Participation.* When members of the public attend Board Meetings, the Chairman is advised to immediately welcome them and explain that an opportunity for public comments will be available during Public Comment period on the agenda.
 7. *Quorum.* A simple majority number of Board members notwithstanding vacancies shall constitute a quorum. Business shall only be conducted at a meeting when a quorum is present.
 8. *Notice of Meetings*
 - a. Public Notice. The Board shall schedule regular meetings six (6) weeks in advance and post public notice. In the event, any regular scheduled meeting is changed, the Board must provide public notice of the meetings at least five (5) days in advance by any appropriate and effective means. Such appropriate and effective means may include on social media open to Tribal members. The Board may also schedule special meetings when necessary to carry out its duties and functions.
 - b. Notice of Board Members. If a Board member is present during a Board meeting when date, time and location of a future meeting is scheduled, that Board member will deemed to have received notice of the meeting.

9. *Attendance.* In the event a Board member accumulates three (3) consecutive unexcused absences from regularly scheduled meetings, such absences shall be deemed misconduct and the neglect of duties and the Board may vote for removal of the member in accordance with the Constitution and By-Laws.

10. *Voting.* At all meetings of the Board where a quorum is present, all matters shall be decided by a vote of the majority of all of the Board members present at the meeting and eligible to vote.

11. *Record of Meetings.* The Secretary of the Board shall keep, or cause to be kept, a complete and accurate record of minutes containing a record of the proceedings of each meeting. Copies of Minutes shall be made available to each Board member. A copy of the approved Minutes shall be kept in the Election Board files.

SECTION 4. APPOINTMENTS, DUTIES, TERM AND NUMBER OF OFFICERS

1. *Appointment.* The officers of the Board shall be elected by the Board members. The officers shall consist of a Chairman, Vice Chairman, Secretary and Treasurer. The officers shall perform such duties and have such responsibilities as provided for in the EBPP or as otherwise determined by the Board. The election of officers will take place in July of each year. There is not limitation on the re-election of officers to successive terms.

2. *Chairman's Duties.* The Chairman shall call and preside over Board meetings, represent the Board outside Board meetings as directed by Board members, and otherwise be responsible for the active management of the business of the Board consistent with the Board's powers, duties, and limitations on authority as prescribed by the Board or specified law. The Chairman must also keep record of all Board members terms, including the date, each Board member is appointed, and the date when appointments ends. The Chairman shall also have authority to delegate to any Board member any duties and responsibilities of the Chairman, and to exercise any other authority delegated to the Chairman by statute.

3. *Vice Chairman's Duties.* The Vice Chairman shall assume the duties and exercise the powers of the Chairman in the event of the Chairman's absence or incapacity and shall perform such duties as the Board may from the time prescribe or as may be delegated by the Chairman in the signing documents.

4. *Secretary's Duties.* The Secretary shall be responsible for taking roll call at all Board meetings and for maintaining the attendance for all regular and emergency meetings. In addition, the Secretary shall be responsible for making a record, or causing a

record to be made, of the proceedings of all meetings of the Board and its committees. These records must take the form of Minutes. At each meeting, the Secretary shall present the Minutes of the immediately preceding meeting for the review of all Board members. Upon the Board's minutes and the notation of any revisions, the Secretary will note whether the Board passes a motion to approve as presented or as amended. In the event, the Minutes are approved as presented, the Secretary will immediately sign them. The Secretary shall do such other duties as may prescribed by the Board or delegated to the Secretary by the Chairman:

5. *Treasurer's Duties.* The Treasurer shall be responsible to the Board's budgetary proceedings in preparation for the Board's proposed budget for the yearly election by **July** and the year-end expenditure report by **March** after yearly election. In the event, of a special election the Treasurer will follow the policy cited in Section (3.2. h.). The Treasurer, with prescribed duties of the Chairman, will ensure that the Board's proposed budget is mailed and received by the appropriate authorities of the Tribe, cited in Section (3.2.h.) of the EBPP for the Tribal Council to approve. The Treasurer will ensure that the Board's budget follows the fiscal year October to September. The Treasurer shall, or cause to, make certain that adequate fiscal control exist to safely guard the Board's budget and follow procedures and policies for the Board's mission and goals. The Treasurer will present an oversight of the monthly financial report to the Board's regular meetings and shall be co-signature of the Board's budget bank account.

6. *Clerk's Duties.* The Clerk shall be responsible to the Board for the following duties:

- Answer telephone calls, greet and assist visitors, tribal members, and operates a variety of office equipment
- Interact with voters and Tribal Enrollment in maintaining accurate membership records
- Assist with the maintenance equipment and retaining secure records (record keeper)
- Actively participates in all Elections Board meetings
- Serve as the purchasing agent (supplies, equipment, printing, etc.)
- Serve as an accounts payable clerk (pays rent, receipts incoming payments, advertisements, etc.)
- Receive and process all candidate/voter applications
- Organize polling places and prepare ballots

- Solicit poll workers to monitor polls during elections
- Other duties as assigned

SECTION 5. VACANCIES OCCURRENCES

1. If any Tribal Council's Regional Districts Board Appointee seat becomes vacant because of death, resignation, retirement, disqualification, removal, or other cause, the Board shall provide an informative letter to the Tribal Council Chairman of the Constitution and Ordinance Committee of vacant occurrence.

- Resignation.* A Board member may resign and shall provide an informative letter for reason to the Board and to the Tribal Council Chairman of Constitution and Ordinance Committee.
- Removal.* A Board officer may be removed by majority vote of the LTEB.
- Unexcused Absences.* A Board member shall be removed by majority vote of the Board, when the Member has three (3) consecutive unexcused absences pursuant to the Constitution, Election Ordinance and the Board's EBPP.
- Vacancies of an Office.* If any Board office, such as chairman, or vice-chairman, or secretary, or treasurer becomes vacant on the Board, pursuant to causes cited in Section 5.1, the Board shall by a majority vote to elect a successor from among the remaining Board members who will hold the office.

SECTION 6. MISCELLANEOUS

1. *Signatures.* The Board Chairman and, or the Vice Chairman designee may sign documents for and on behalf of the Board. The Chairman and Treasurer shall be co-signatures of the Board's budget bank account.

2. *Fiscal Year.* The fiscal year of the Board's budget shall be to October to September.

SECTION 7. CERTIFICATION OF CANDIDATES TO RUN

1. The privilege to run for election to the Tribal Chairman or Tribal Council shall be limited to those members of the Lumbee Tribe of North Carolina who at the commencement of the term of office for which the member stands for election is mandatory to be eligible.

a. Any candidate may request the use of one or more of the following as the name of the candidate on the ballot:

- i. Their given name
- ii. Contraction or familiar form of a given name; or
- iii. Nickname

b. In the event that two candidates have the same given name candidates have the option of using a title or description

A name on candidate on ballot form shall be completed by the candidate within 10 days of notification of certification by the Elections Board.

2. The candidate's eligibility is pursuant to the Lumbee Constitution, and whereas the Election Board's authority shall be to canvass the candidates' applications after the closing date of filing and within five (5) days certify those who are eligible to run, once the Board members have voted to certify. In the absence of a definition for residency in the Lumbee Tribe of North Carolina's constitution and in the Elections Board ordinance, this Board shall adopt the following residency definition for certification purposes: *"That place shall be considered the residence of a person in which that person's habitation is fixed, and to which, whenever that person is absent, that person has the intention of returning."*

3. All the Board's members shall sign the Candidate Certification Document and provide copies to the Tribal Council Speaker, the office of the Tribal Chairman, the Supreme Court, and candidates.

4. If an allegation is made by any tribal member against a candidate, that individual member shall be required to provide the burden of proof in written form to the Election Board. The Board will proceed to investigate the allegation that has been raised within five (5) days of the receipt.

5. Any matter decided or certified by the Tribal Elections shall be deemed final Tribal action and shall be reviewable by the Supreme Court of the Lumbee Constitution.

SECTION 8. POLL JUDGES

1. At least sixty (60) days before the Election Date, the Clerk of the Election Board will publish an announcement in the media of the Election Board's choice, requesting applications of qualified individuals to serve as Poll Judge on the day of the election.

2. Candidates to the Poll Judge position will be asked to fill out an application that will allow the Board to establish whether or not they meet the qualifications. The Board

will select to the position who, in their judgement, best meet the qualifications and could best serve the role. Poll Judge shall be limited to Tribal enrolled members.

3. Poll Judges training is mandatory; Poll Judges will be notified at least ten (10) days in advance of place and time of training. Training will be conducted by the Board.

SECTION 9. POLL WATCHERS' GUIDELINES

1. Candidates by application may select two (2) inside poll watchers for his or her designated poll sites on the day of the election pursuant to the Board's policy. Upon granted selection, one (1) of the poll watchers shall be an alternate.

2. Poll watchers are not to interfere with the election procedures and must conform to the Poll Watchers' Guidelines.

3. A Poll Watcher's observation of any discrepancies or deviations from standard procedures must be addressed with the candidate or sponsor who selected him or her to perform the duties of Poll Watcher.

4. Poll Watchers will be designated to specific area inside the poll site to watch and will be provided a badge or name tag by the Chief Poll Judge for identification. Poll watchers are not allowed to take still pictures, or use their cell phones while performing their duties, unless the Election Board has provided authorization. Poll Watchers shall not be excessively in and out of poll sites during the election, unless they are relieved, or being relieved by the alternate poll watcher.

5. Poll Watchers whose behavior is disruptive and contrary to their functions may be removed from the Polling Place, at the request of the Chief Judge or Board member.

SECTION 10. CERTIFICATION OF THE ELECTION RESULTS

1. *Certification of the Election Results.* The election shall be certified by the Election Board in the manner established in the Election Ordinance #2005-002, Amended 3/21/19. All Board members will sign and certify the election once the Board members have voted to certify. The certified results will be sent to the Tribal Council Speaker, the office of the Tribal Chairman, the Supreme Court, and each individual candidate that was certified.

2. *Challenged Elections.* An Election may be challenged by a candidate who alleges fraud at any Polling Site during voting hours such as; voting out of district, double voting, identity fraud, bribery, or any violation that would jeopardize the integrity and outcome of an election. The challenge shall be made as written in the Election Ordinance

#2005-002 Amended 3/21/19, Section 6.4. The challenge must include detailed and accurate information to allow the Board to thoroughly investigate allegations presented.

3. *Provisional Ballots.* A provisional ballot is used to record a vote when there are questions about a given voter's eligibility. A provisional ballot would be cast when the voter's name does not appear on the electoral roll for the given district or the voter's registration contains inaccurate or outdated information.

- a. Provisional Ballots are counted if:
 - i) *A candidate request that provisional ballots be counted.*
 - ii) *The number of provisional ballots could make a difference in the outcome of the election.*
- b. After conditions are met; within five (5) business days after the Elections Board has announced the unofficial results of the election, the candidate must submit a request in writing for a count of the provisional ballots.
- c. If the Board approves the counting of the Provisional Ballots, the candidate/s will be notified of a date, time and location for the count within five (5) business days.
- d. When granted by the Board, the counting of provisional ballots will be conducted at the Tribal Enrollment Office. All Elections Board Members, the Tribal Enrollment Manager (hereafter referred to as Manager), the Legal and Compliance Specialist, the Candidates and or a representative for the Candidate should be present for determining: verification of enrollment, district residence, and active tribal enrollment status.
- e. Provisional ballots will be conveyed to the Tribal Enrollment office by the Elections Board's Chairman, Members of the Elections Board, the Manager, and the Legal and the Compliance Specialist all will sign the verification form that the Provisional ballot container's carabiner numbered seal on the security bag is intact.
- f. The Board Chairman will break the carabiner numbered seal of the provisional ballot's security bag and the Board Secretary will record the carabiner numbered seal in the presence of witnesses in attendance, as proscribed in SECTION 10.3.d.
- g. The Board Chairman will remove provisional ballot envelopes, one at a time, and place the voter's envelope on the Manager's desk in view of the Board Chairman and the Manager, without pronouncing the name of the voter. The voter's tribal enrollment status will then be determined as will the voter's assigned poll for

voting purposes. The Manager will then make a final decision as to the type of ballot cast, either provisional or valid for election purposes.

- h. Two (2) designated Elections Board members will begin tallying the valid ballots until the Provisional bag is empty, afterwards the tally results will be announced.
- i. The Board will determine if this tally will make a difference in the outcome of the election, and if so, the now valid ballot envelope will be opened and counted.
- j. If this tally will not make a difference in the outcome of the election, the now valid ballot envelope will remain sealed.
- k. The Board Chairman will then place all the sealed provisional/uncounted ballot envelopes back in the Provisional Ballots Security Bag and secure the bag with a new carabiner numbered seal and the Board's Secretary will record the numbered seal.
- l. If a difference in the election was determined, the new tally will be officially recorded and the unofficial results will be updated by the Lumbee Tribe Elections Board.
- m. The Board Chairman will adjourn the meeting.

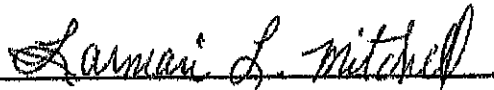
SECTION 11. AMENDMENTS

1. These Elections Board Policies and Procedures may be amended by a majority vote of a quorum of the Board at any meeting. Any amendment adopted by the Board is effective immediately and continues in effect unless the amendment is subsequently rescinded by the Board.

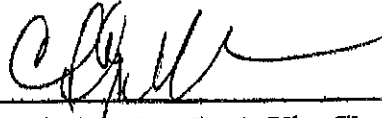
SECTION 12. SAVINGS CLAUSE

1. In the event that any phrase, provision, part, paragraph, subsection or section of these Policies and Procedures is found by a court of competent jurisdiction to violate the Constitution, statutes, or regulations of the Lumbee Tribe of North Carolina, such phrase, provision, part, paragraph, subsection, or section shall be considered to stand alone and will be deleted from these Policies and Procedures. The entirety of the balance of the Policies and Procedures shall remain in full and binding force and effect.

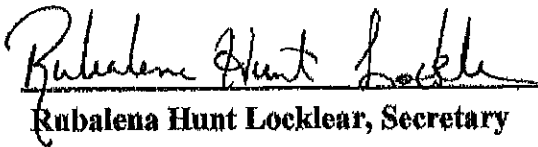
Adopted and signed this the 17th day of November, 2016
Amended and signed this the 12th day of September, 2021
Amended and signed this the 19th day of September, 2021



Larmari Louise Mitchell, Chairman
Tribal Elections Board



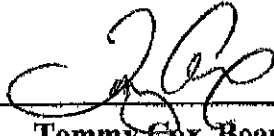
Dr. Christopher Clark, Vice Chairman
Tribal Elections Board



Rubalena Hunt Locklear, Secretary
Tribal Elections Board



Linda Maynor Oxendine, Treasurer
Tribal Elections Board



Tommy Cox, Board Member
Tribal Elections Board