

Lac Vieux Desert Band Of Lake Superior Chippewa Tribal Government

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Executive Officers:

James Williams Jr., Tribal Chairman
Henry Smith, Tribal Vice-Chairman
Andrea Russell, Tribal Treasurer
Alice Brunk, Tribal Secretary



Council Members:

Tina Caron
Roberta Ivey
Jeffery McGeshick
Mitchell McGeshick
June Saad

RESOLUTION NO. T2020-093

DECLARING THE EXISTENCE OF SPECIAL CIRCUMSTANCES REGARDING ABSENTEE BALLOTS AND VOTING FOR THE 2020 PRIMARY ELECTION SCHEDULED FOR SEPTEMBER 15, 2020

- WHEREAS,** The Lac Vieux Desert Band of Lake Superior Chippewa Indians (“Tribe”), is a federally recognized Indian tribe pursuant Pub. L. 100-420 (Sept. 8, 1988) with a Constitution approved and adopted pursuant to the Indian Reorganization Act of June 18, 1934, 48 Stat. 984, 25 U.S.C. §476; and
- WHEREAS,** The Lac Vieux Desert Tribal Council is the governing body of the Band pursuant to the Tribal Constitution of the Lac Vieux Desert Band of Lake Superior Chippewa Indians; and
- WHEREAS,** The Council acknowledges and affirms that the Constitution is the supreme law of the tribe subordinate to no other ordinance, resolution, regulations, rule or other enactment of the Council, boards or organizations, or other branches of government of the Tribe; and
- WHEREAS,** The Council is empowered, pursuant to Article IV, Section 1(m), of the Constitution “[t]o take action, not inconsistent with [the] Constitution, which shall be necessary and proper to carry out the sovereign powers of the [Tribe];” and,
- WHEREAS,** Pursuant to the Article IV, Section 1(a) of the Constitution, the Council is authorized to promulgate ordinances, and adopt resolutions not inconsistent with [the] Constitution, and to enforce the same; and
- WHEREAS,** Pursuant to Resolution T2020-059, Council adopted certain amendments to the current Election Ordinance to modify election procedures when special circumstances exist due to an unexpected and disruptive event such as a public health emergency or natural disaster; and

WHEREAS, Pursuant to Election Ordinance, 15.2(b) “[a]pplications for an Absentee Ballot must be received by the Election Board by 3:30 p.m. Central five (5) Business Days before Election Day” which was September 8, 2020; and,

WHEREAS, Recent COVID-19 confirmed cases affecting eligible voters ability to present themselves at the polling place due to quarantine make it necessary to implement Special Circumstances to allow eligible voters to exercise their right to vote in the upcoming Primary Election scheduled for September 15, 2020; and,

WHEREAS, Pursuant to SC 12.4 the Election Board is authorized, upon a declaration of Special Circumstances by the Council, to allow for Absentee Ballots to be remitted by eligible voters “in a format necessary to ensure that the Absentee Ballots are readable, understandable, may be marked to indicate a vote, and may be Cast in such a way as the Eligible Voter’s votes are not revealed” thus removing the particular requirements regarding “format, shape, color, font size, etc. or on any particular medium, e.g. printed, electronic, so long as an eligible voter may read, understand, mark, and cast the Absentee Ballot”; and,

WHEREAS, SC15.2 removes the aforementioned timeframe in 15.2(b) to allow eligible voters to remit Absentee Ballot Applications and receive an Absentee Ballot up until the Absentee Ballot deadline of September 14, 2020 at 3:30 p.m. Central; and,

WHEREAS, The Council believes that in the interest of public health and safety as well as the best interest of the eligible voters, implementation of Special Circumstances are necessary to “conduct fair, legal and impartial elections under Special Circumstance that are consistent with the requirements of the Constitution of the Lac Vieux Desert Band of Lake Superior Chippewa Indians to implement Special Circumstances based on COVID-19 and to allow the Election Board to accept Absentee Ballot Applications until September 14, 2020 at 11:00 a.m. and accept Absentee Ballots in any form that satisfies the requirements of SC12.4 until September 14, 2020 at 3:30 p.m. Central.

THEREFORE BE IT RESOLVED,

that the Council hereby declares that Special Circumstances exist due to COVID-19 to allow the Election Board to accept Absentee Ballot Applications until September 14, 2020 until 11:00 a.m. Central and accept Absentee Ballots in any form that satisfies the requirements of SC12.4 until September 14, 2020 at 3:30 p.m. Central.

BE IT FURTHER RESOLVED,

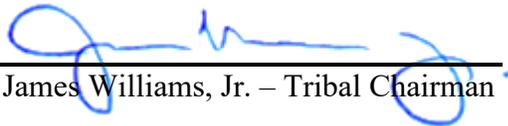
These Special Circumstances shall only be valid, unless declared otherwise by further Resolution of the Council, for the September 15, 2020 Primary Election scheduled for September 15, 2020.

CERTIFICATION

I, the undersigned, as Chairman of the Lac Vieux Desert Band of Lake Superior Chippewa Indians, a tribal government operating under a Constitution adopted pursuant to Section 16 of the Indian Reorganization Act 25 U.S.C. 476 and, more specifically, 25 U.S.C. 1300(h), do hereby certify that the Tribal Council of the Band is composed of nine (9) members, of whom (7), constituting a quorum, were present at an emergency meeting duly called, noticed, convened and held on the 11th day of September, 2020 and that the foregoing resolution was duly adopted at said meeting by an affirmative vote of (6) members, (0) against, and (0) abstaining, and that the said resolution has not been rescinded or amended in any way.



Alice Brunk – Tribal Secretary



James Williams, Jr. – Tribal Chairman