

BAY MILLS INDIAN COMMUNITY
ELECTION ORDINANCE

- Section 1. **Election Committee.** There is hereby created an Election Committee of three adult members and one alternate member of the Bay Mills Indian Community which shall carry out the provisions and procedures of this ordinance. The members of the Election Committee shall be appointed by the Tribal Council to serve for the term of good behavior, at a rate of compensation to be set by the Council.
- Section 2. **Candidates for Tribal Office.** Any member of the Bay Mills Indian Community who is a qualified registered voter and at least twenty-one (21) years of age is eligible to hold tribal office.
- Section 3. **Filing for Tribal Office.** A candidate for tribal office shall submit to the Election Committee a written notice of such candidacy.
- Section 4. **Deadline for Filing.** Each candidate for tribal office must file his petition with the Election Committee by the first Wednesday in October of the election year. No petition will be accepted by the Committee after 4:00 o'clock in the afternoon of that date.
- Section 5. **Primary Elections.** Upon acceptance of all the candidates' positions for office, the Election Committee shall call a primary election for those offices, if any, for which more than two (2) candidates have filed. If a primary election is called by the Committee, it shall be held on the third Wednesday of the month of October in the election year. The duties of the Committee in publicizing and overseeing the election shall be the same as those provided herein for general elections. The Committee shall announce the results of the primary election as soon as practicable. The two candidates for each tribal office who receive the highest number of votes shall be announced as the candidates in the General Election.
- Section 6. **General Elections.** The election of Tribal Officers shall be held on the first Wednesday in the month of November of each election year. Notice of the election shall be posted by the Election Committee at least 30 days in advance of the election date. It shall be the responsibility of the Committee to prepare the ballots, supervise the polling places, count the ballots, and announce the results as soon as practicable. The winners of the General Election shall be invested in office the first Monday of the month of November following the election.

- Section 7. **Recounts.** Any candidate for tribal office may request within 24 hours of the announcement of election results that the Election Committee recount the ballots cast for the office for which he is a candidate. Such request shall be accompanied by the notarized affidavits of at least one (1) other adult member of the Community containing facts of his own knowledge which causes him to believe that a recount should be made. Upon the receipt of a request for a recount, the Committee shall declare the tribal office at issue to be vacant until the results of the recount.
- Section 8. **Referendum.** A referendum election shall be called by the Election Committee within twenty (20) days of its receipt of either a petition for such vote signed by at least thirty (30) per cent of the resident eligible voters, or a resolution passed by a two-thirds (2/3) majority of the Tribal Council, providing for such vote. Notice of such an election shall be posted by the Election Committee at least fifteen (15) days prior to the referendum date. Absentee ballots shall be sent to those persons whose request for such ballot is on file with the Committee. The time, place and manner of voting shall be governed by the provisions of this ordinance.
- Section 9. **Voter Eligibility.** Any member of the Community who will be at least eighteen (18) years of age by the date of the General Election is eligible to vote in any election. Such members who wish to vote must register with the Election Committee; any member who is registered to vote in any election to be called by the Secretary of the Interior by the effective date of this ordinance shall be considered eligible to vote in the general elections. Registration must be made with the Election Committee by the first Tuesday in the month of October of each election year. Once made, such registration is effective for as long as such voter is a member of the Bay Mills Indian Community.
- Section 10. **Absentee Ballots.** Any registered voter who will not be able to cast his/her ballot in person may request the Election Committee to issue him/her an absentee ballot. Such request may be made in person or by mail and signed by the person requesting the ballot, but in any case be made by thirty-six (36) hours before the day of the election. Reason for requesting absentee ballot must be given, as absentee ballots are for persons unable to vote in person.
- Section 11. **Time and Place of Voting.** The casting of ballots in any election called under this ordinance shall be done within the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m. at the Bay Mills Indian Community Tribal Office.
- Section 12. **Election of Conservation Committee Members.** The provisions of this ordinance shall apply to election of members to the Conservation Committee by members of the Bay Mills Indian Community.

Section 13. **Special Elections.** A special election shall be called to fill a vacancy on the Executive Council when such a vacancy is created more than 90 days prior to the expiration of the Council member's term of office. The Election Committee shall conduct the special election under the following procedures:

(a) The Election Committee shall post a notice of special election to be conducted not less than 21 days, and not more than 30 days, from the date of posting, and require any candidate for the position to file a written notice of such candidacy within ten (10) days of the posting date with the Committee.

(b) The Election Committee shall review the candidacy notices to ensure each is eligible to hold tribal office and prepare the election ballots.

(c) Each special election shall be conducted pursuant to Sections 9 (Voter Eligibility), 10 (Absentee Ballots) and 11 (Time and Place of Voting) of this Ordinance.

(d) If the results of the special election are determined by the Election Committee to cause the winner of the election to have obtained 51 per cent or more of the votes cast, the Election Committee shall declare the vacancy to be filled by the winner. If no candidate obtains at least 51 per cent of the votes cast, the Election Committee shall schedule a second special election, with the ballot limited to the two candidates who received the highest number of votes in the first special election.

(e) The Election Committee shall schedule, if it is required, the second special election to occur no less than 10 days, and no more than 20 days, after the first special election. The winner of the second special election shall be declared by the Election Committee and shall immediately take office as a member of the Executive Committee, and shall serve the remainder of that position's unexpired term.