



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Michigan Agency

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IN REPLY REFER TO:

Tribal Operations

3718-P5 Tribal Code Amendment

F60-470 Bay Mills Indian Community

FY 2017

August 22, 2017

Levi Carrick, Sr., President  
Bay Mills Indian Community  
12140 W. Lakeshore Drive  
Brimley, MI 49715

### RE: Amendments to Tribal Code and Ordinances

Dear Mr. Carrick:

Today we received Resolution No. 17-18-14-A to adopt a new Chapter of the Tribal Code [Chapter XXI] establishing terms and conditions under which a tribal member grandparent may seek visitation with member children. The new chapter to the Tribal Code was submitted here for approval pursuant to Article VI, Section 1(f) of the Tribe's Constitution.

Also received today was Resolution No. 17-18-14-B, which serves to amend various sections of the Tribe's Election Ordinance. These amendments to the Election Ordinance were submitted here for approval pursuant to Article VI, Section 1(f) of the Tribe's Constitution.

Pursuant to Article VI, Section 4 of the Tribal Constitution the new Chapter being added to the Tribal Code is approved. A copy of Resolution No. 17-18-14-A and the new chapter as well as Resolution No. 17-18-14-B with amendments have been forwarded to the Midwest Regional Director, who has further review authority. As stipulated in Article VI, Section 4 of the Tribal Constitution the Secretary may, within 90 days from the date of enactment, rescind the code for any cause, by notifying the General Tribal Council of such rescission.

If you have any questions or comments regarding this matter, they may be directed to Brittney Bender in Tribal Operations, extension 3128.

Sincerely,

Jason D. Oberle  
Superintendent

Enclosure

cc: Kathryn Tierney, Tribal Attorney  
Director, Midwest Region  
Attn: Sherrel LaPointe, Tribal Operations Officer

**Pursuant to Article VI, Sections 1(f) and 4 of the Constitution and By-laws of the Bay Mills Indian Community the new Chapter and amendments to the Tribal Code are hereby approved.**



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**Jason D. Oberle Superintendent  
Bureau of Indian Affairs, Michigan Agency**

**Date:**

**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 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 last Wednesday in September 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' petitions 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 second 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 for 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. **Ties.** In the event of a tie vote for any office, the Election Committee shall conduct a recount of the votes cast for each candidate for that specific office, only. If, after the recount is conducted, there remains a tie in the number of ballots cast, the Election Committee shall decide the result of the election by



drawing lots. The Chair of the Election Committee shall prepare as many slips of paper as there are candidates with an equal number of votes, and write the word "elected" on as many slips of paper as there are offices to be filled, and the words "not elected" on the remaining slips, and fold the slips so as to conceal the writing and so that they appear as near alike as possible. The slips shall be placed in a box and, pursuant to random order as determined by the Election Committee, each candidate shall draw one (1) slip from the box. Any candidate drawing a slip on which "elected" is written shall be declared elected to the office in question.

- Section 8. **Polling Place Conduct; Assistance in Voting.** No individual shall be present at the polling place unless he or she is engaged in voting or is physically assisting an adult member to enter or leave the voting booth. Any member requesting or needing assistance in the act of voting, shall receive such assistance from a member of the Election Committee, only.
- Section 9. **Recounts.** The Election Committee shall conduct an automatic recount for any office when the margin between the candidates is five (5) votes, or less. 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 leads 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 10. **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 11. **Voter Eligibility.** Any member of the Community who is eighteen years of age is eligible to vote in any election.
- Section 12. **Absentee Ballots.** Any 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, by electronic mail, by telefacsimile, 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 the absentee ballot must be given, as absentee ballots are for persons unable to vote in person.

- Section 13. **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 location(s) designated by the Election Committee.
- Section 14. **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 15. **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 the 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 notice to ensure each is eligible to hold tribal office and prepare the election ballots.
  - (c) Each special election shall be conducted pursuant to Section 11 (Voter Eligibility), 12 (Absentee Ballots) and 13 (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 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 Council, and shall serve the remainder of that position's unexpired term.
- Section 16. **Campaigning.** Any election conducted under this Ordinance is subject to the following rules of conduct:

- (a) On election day, a person shall not post, display, or distribute in a polling place, in any hallway used by voters to enter or exit a polling place, or within 100 feet of an entrance to a building in which a polling place is located, any material which directly or indirectly makes reference to a candidate.
- (b) All campaign signs or advertisements shall be removed within thirty (30) days following the election.
- (c) No employee of the Bay Mills Indian Community shall post candidate support material within any facility owned or operated by the Tribe.





## Bay Mills Indian Community

12140 West Lakeshore Drive  
Brimley, Michigan 49715  
(906) 248-3241 Fax-(906) 248-3283



August 17, 2017

Jason Oberle, Superintendent  
Michigan Agency  
Bureau of Indian Affairs  
U.S. Department of the Interior  
2845 Ashmun Street  
Sault Ste. Marie, Michigan 49783

Re: **Amendments to Tribal Code and Ordinances**

Dear Mr. Oberle:

Enclosed for review and approval by the Secretary of the Interior are original copies of two enactments by the Executive Council. Secretarial approval is required by Article VI, Section 4 of the Constitution of the Bay Mills Indian Community for each one to go into effect.

The first enactment is contained in Resolution No. 17-8-14-A, which adopts a new Chapter of the Tribal Code [Chapter XXI], in order to establish the terms and conditions under which a member grandparent may seek visitation with member grandchildren. The entire content of the Chapter is attached to the Resolution.

The second enactment is contained in Resolution No. 17-8-14-B, which amends various sections of the Tribe's Election Ordinance, as specified in the Resolution. Also enclosed for your convenience is a complete version of the Election Ordinance, which incorporates the amendments in the text.

Please advise if any additional information is required in order to approve the amendments.

Sincerely yours,

Kathryn L. Tierney  
Tribal Attorney

KLT/slf

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cc: Executive Council  
Tribal Court

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MICHIGAN AGENCY