



# Saint Regis Mohawk Tribe

## ELECTION BOARD

Hope Wheelock, C  
Frances Jacobs-Phelix, VC  
Kyrie Ransom  
Rudy Hart  
Vacant

Deborah Terrance, Alternate  
Elizabeth McDonald, Alternate

Ohiarí:ha | June 16, 2021

We, the Saint Regis Mohawk Tribe Election Board, support and uphold the laws and customs of the Saint Regis Mohawk Tribe. To protect the best interests of the community and the Saint Regis Mohawk Tribe, we are hereby releasing this report to you.

### BACKGROUND

On December 16, 2019, the Saint Regis Mohawk Tribe accepted by way of Tribal Council Resolution 2019-03, the Saint Regis Mohawk Tribe Election and Referendum Ordinance (the "Election Ordinance"). The Election Ordinance was created to govern the conduct of the Saint Regis Mohawk Tribal Elections. It also serves as the vehicle for any legitimate disputes involving the election process, and in this way ensures that all Tribal Elections will be conducted with the utmost fairness and credibility. Although it is everyone's wish that each Saint Regis Mohawk Tribal Elections be conducted without incident, if a wrong is perceived, there is an appeal procedure in the Election Ordinance.

On June 5, 2021, the Saint Regis Mohawk Tribe Election Board conducted the Annual Election pursuant to the terms of the December 16, 2019, Election Ordinance. Subsequent to the voting exercise and announcement of the unofficial results, an appeal was properly made on June 9, 2021, pursuant to Section XIV. A. 2. to the Election Board. An Election Board member recused themselves from the appeal process and an Alternate Election Board member filled their seat on the appeal panel. Due to scheduling conflicts, another Election Board member was unable to attend meetings for the appeal process and an Alternate Election Board member filled their seat on the appeal panel.

The appeal panel convened on June 9, 2021, to review and consider the appeal and determined to hold a hearing pursuant to Election Ordinance Section XIV. B. Hearing Procedures. The Appellant was given notice of their hearing on June 10, 2021.

The Appellant requested in their appeal to examine election ballots for the Tribal Chief position that were determined by the Election Board to be VOID. The Election Ordinance does stipulate that an appellant may be provided an opportunity to examine any public documents directly relevant to the hearing. Election ballots are not considered a public document and do not fall under this provision of the Election Ordinance. However, the appeal panel agreed to grant access for the Appellant to examine the 58 VOIDED Tribal Chief Ballots and the 257 Write-In Tribal Chief Ballots. The appeal panel also provided opportunity to the Appellant to view that portion of the Tribal Membership Roll which pertained to the Appellant.

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The Appellant was allowed an Observer to be present during the examination of the aforementioned election ballots on June 11, 2021, and during the hearing that was held on June 14, 2021.

The appeal panel conducted its due diligence by reviewing all relevant documentation and hearing the testimony of a key individual for clarification on specific points of the election process. The appeal panel has considered the evidence as follows:

**CONSIDERED EVIDENCE:**

- June 9, 2021 Appeal of Tribal Member (Appellant)
- June 14, 2021 Oral Testimony of Appellant
- June 14, 2021 Oral Testimony of Witness
- Past records of decision of the Election Board (2011-2021)

**DECISION:**

The Saint Regis Mohawk Tribe Election Board’s appeal panel conducted an in-depth review and hearing of the June 5, 2021, Saint Regis Mohawk Tribal Elections and decisions of the Election Board.

The basis of the June 9, 2021, appeal filed by a Tribal Member is that the Election Board erred in ruling on the validity of multiple ballots and that this error may have changed the result of the election.

After careful consideration and reviewing past records of decisions of the Election Board, the testimony presented by the appellant during the hearing, the testimony provided by the witness during the hearing – the appeal panel has determined that the concerns raised by the Appellant are legitimate and with merit.

The Election Board had determined the validity of ballots without consideration of the criteria listed in Section V. Eligibility of Candidates as it would relate to determining the intention of the voter. The Election Boards failure to consider this may have changed the results of the election.

Based upon the above, the Election Board need not address the remainder of the arguments raised in other appeals submitted on or after June 9, 2021, pursuant to Section XIV. A. 2., because they are now considered moot.

Pursuant to Section XIV.A.4 of the Election Ordinance, decisions from the Election Board are final and are not appealable to the Tribal Court.

**ORDER:**

The Saint Regis Mohawk Tribe Election Board will call for a Special Election in accordance with the Election Ordinance, including setting a time for another Caucus to be called for only the position of Tribal Chief.

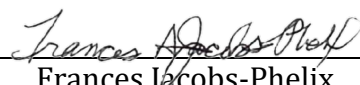
The Saint Regis Mohawk Tribe Election Board will certify the results as official for the unaffected positions of Sub-Chief and Tribal Clerk from the June 5, 2021 Saint Regis Mohawk Tribal Election.

The Saint Regis Mohawk Tribe Election Board will adopt counting procedures consistent with the Election Ordinance that will provide consistent direction, guidance, and ballot management.

**THE SAINT REGIS MOHAWK TRIBAL ELECTION BOARD**



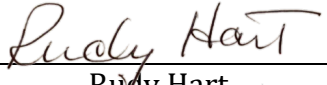
Elizabeth McDonald  
Alternate



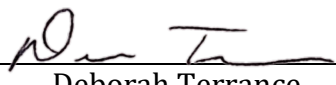
Frances Jacobs-Phelix  
Vice-Chairwoman



Kyrie Ransom  
Board Member



Rudy Hart  
Board Member



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