

STOCKBRIDGE-MUNSEE COMMUNITY ELECTION BOARD

IN THE MATTER OF THE REQUESTED RECONSIDERATION OF THE
ELECTION BOARD DECISION DATED OCTOBER 14, 2016 FILED BY JOE
MILLER AND WAYNE MURPHY

DECISION AND ORDER

I. INTRODUCTION

The Election Board issued its Order on October 14, 2016 calling for a new election to be held on November 12th, 2016. On October 18, 2016 both Joe Miller and Wayne Murphy filed papers withdrawing their challenge to the election thereby requesting vacation of the October 14, 2016 Election Board Order and reinstatement of the October 8, 2016 Election Results.

II. ANALYSIS

No procedure exists in Chapter 49 that would allow challengers to an election to withdraw their challenges especially after the Election Board has issued an Order redressing those challenges.

Therefore, the Election Board has considered the request as a request for reconsideration of the October 14, 2016 Order. While no specific procedure exists in Chapter 49 for a reconsideration of an Election Board issued order, logic dictates that if a board has the authority to issue an order it must also have the authority to reconsider that same order.

Based on the undisputed facts that Mr. Murphy was enrolled by Tribal Council yet was unable to vote because his name did not appear on the certified tribal roll, the Election Board held that a violation of Chapter 49 occurred. The remedy ordered by the Election Board was a new election on November 12, 2016.¹

The Election Board did not take its duty to conduct the election in an impartial and equitable manner lightly. Nor did it shirk its responsibility to resolve all disputes arising out of the election process.²

¹ See the October 14, 2016 Election Board Decision and Order.

² See Section 49.2.

Given the unforeseen and unusual circumstance of enrolled members not appearing on the certified tribal roll, the Election Board ordered a new election to ensure all members were treated impartially and equitably.

The clear process in Chapter 49 for challenging an Election Board Order is appeal to Tribal Court.³ The Election Board is aware of two (2) appeals to Tribal Court already filed by Jolene Bowman and Joe Miller.

III. DECISION

The requests for reconsideration and vacation of the October 14, 2016 Election Board Order filed by Joe Miller and Wayne Murphy are hereby denied.

Affected candidates may appeal this decision to the Tribal Court within five (5) working days.⁴

Dated this 24th day of October, 2016

Melissa Penass – Clerk

Jessica Boyd – Teller

Beverly Miller - Teller

³ See Section 49.12.5.

⁴ Section 49.12.5(B).