

**NON-REMOVABLE MILLE LACS BAND OF OJIBWE**

**DISTRICT OF NAY-AH-SHING**

2016 MAY -9 PM 1: 14

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**COURT OF APPEALS**

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Suzanne Wise,

Contester,

Court File No.: 2016-APP-05

v.

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND FINAL DECISION**

General Reservation Election Board,

Respondent.

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A Notice of Contest was filed on April 8, 2016. An election contest hearing was held on May 2, 2016, before this Court pursuant to the Minnesota Chippewa Tribe Election Ordinance (as amended to 11/09/15) and Mille Lacs Band Statutes. Appearing at the hearing and challenging the election was Suzanne Wise, the contester. The General Reservation Election Board ("Election Board") was represented by Todd Matha, Solicitor General. Also present was Deanna Sam, Chair of the Election Board.

The MCT Election Ordinance (as amended 11/09/15) ("MCT Election Ordinance") is the law applicable to this election contest. Pursuant to MCT Election Ordinance, Section 3.2(B)(1), the burden of proof rests with the contester who must show by clear and convincing evidence that violations of the Election Ordinance by Election Board members occurred. MCT Election Ordinance, Section 3.2(B)(1) further provides that there is a presumption of correctness in favor of the Election Board. MCT Ordinance, Section 3.2(B)(8) requires that the contester demonstrate violations of the Election Ordinance that change who was the winning candidate. These provisions set a very high bar for a contester to prevail.

Pursuant to MCT Election Ordinance, Section 3.2(B)(9), the Court now makes the following findings of fact, conclusions of law and final decision:

### **FINDINGS OF FACT**

1. Suzanne Wise (“Contester”) was a candidate for the District I Representative position in the primary election held on April 5, 2016.

2. Contester did not raise any specific allegations of violations of the MCT Election Ordinance by the Election Board. She did not present any witnesses, or otherwise introduce evidence at the election contest hearing.

3. Contester asserted that the manner in which elections are conducted pursuant to the MCT Election Ordinance is harmful to the Community because it pits family members against each other.

4. While she desires that future elections be conducted less formally; and more in the spirit of consensus building, she holds no ill will against anyone.

### **CONCLUSIONS OF LAW**

5. Contester possesses standing to contest this election pursuant to MCT Election Ordinance Section 3.2(A)(1).

6. Contester has not demonstrated violations of the MCT Election Ordinance by members of the Election Board that changed who were the winning candidates in the District I Representative race.

### **FINAL DECISION**

Contester did not establish that violations of the MCT Election Ordinance occurred; and she did not establish by clear and convincing evidence that anything occurred during the primary election that changed who were the winning candidates for the District I Representative position.

As a result, in accordance with MCT Election Ordinance, Section 3.2(B)(8), the results of the primary election are affirmed.

**BY THE COURT:**

Dated: May 9, 2016

Clarence R. Boyd

Justice Clarence Boyd

Joseph Plumer /MT.  
Special Justice Joseph Plumer