

Tribal Executive Committee
Special Meeting
March 24, 2020
Teleconference

A Special Tribal Executive Committee was called to order by President Chavers at 3:06 p.m. via Zoom video conferencing.

Roll Call: Catherine Chavers, Chairwoman, Bois Forte; Dave Morrison, Secretary-Treasurer, Bois Forte; Beth Drost, Chairwoman, Grand Portage; April McCormick, Secretary-Treasurer, Grand Portage; Kevin Dupuis, Chairman, Fond du Lac; Ferdinand Martineau, Secretary-Treasurer; Melanie Benjamin, Chief Executive, Mille Lacs; Sheldon Boyd, Secretary-Treasurer, Mille Lacs; Faron Jackson, Chairman, Leech Lake; Archie LaRose, Secretary-Treasurer, Leech Lake; Mike Fairbanks, Chairman, White Earth; Alan Roy, Secretary-Treasurer, White Earth.

Quorum

Others: Gary Frazer, Executive Director, MCT; Joel Smith, Director of Administration, MCT; Phil Brodeen, Legal, MCT; Bruce Savage, Representative, Fond du Lac; Roger Smith, Rep., Fond du Lac; Wally Dupuis, Rep., Fond du Lac; Sean Copeland, Legal, Fond du Lac; Shane Brunette, Rep., Bois Forte; Travis Morrison, Rep., Bois Forte; Caleb Dogeagle, Solicitor General, Mille Lacs; Emily Johnson, Strategic Initiatives Coordinator/Deputy Assistant, Mille Lacs; Syngen Kanassatega, Legal and Policy Counsel, Mille Lacs; Leroy Fairbanks, Rep., Leech Lake; Steve White, Rep., Leech Lake; Reid Lebeau, Terry Rainey, AES.

President Chavers stated that we would forgo the minutes as this is a special meeting on the Minnesota Chippewa Tribe Tribal Elections, decision to make today on tribal elections. She noted there were at least three options suggested over the previous conference calls. She asked if anyone wanted to entertain a motion about these options.

Secretary-Treasurer LaRose requested that each option be noted and explained prior to a motion being made.

President Chavers responded affirmatively and requested a motion to approve the agenda with just the Minnesota Chippewa Tribe election.

Motion by Secretary-Treasurer McCormick. Seconded by Secretary-Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

President Chavers noted there are currently four options:

Option 1: Keep the Election as is.

Option 2: Postpone for 30 days – date of April 28th, up to 30 days.

Option 3: Postpone until June 9 - Primary

Option 4: Skip the Primary Election and have General Election on June 9th.

Secretary- Treasurer McCormick requested the record clarify that all absentee ballots up to this point will remain valid for the election. Secretary-Treasurer LaRose suggested the wording used is “casted.” All the absentee ballots casted up to this date will be valid.

Chairman Dupuis agreed and noted a similar concern from Secretary-Treasurer Morrison that cast votes cast are valid and bands need a secure place for storing, and Secretary-Treasurer Morrison concurred. President Chavers stated that each tribe must take necessary measures to secure ballots.

Secretary-Treasurer McCormick noted we should also see that we have some guidance for any ballots collected between now and then to ensure they are still valid and asked if Band Election boards to continue processing them until that date.

Chairman Dupuis suggested the TEC make the decision and put the details behind the decision.

President Chavers asked if there was a motion regarding the Election.

Chief Executive Benjamin suggested a process is needed for voting for each option, and TEC members engaged in a discussion to agree on a process. Consensus was that each option should be read aloud, then each Band asked for their first and second choices.

Mille Lacs: Secretary-Treasurer Boyd prefers Option 1 – noting the MLB election board is ready to go as is.

President Chavers called for Grand Portage.

Chairwoman Drost stated option 1, also noting the Grand Portage election board is ready, but she wants to hear discussion from other Bands and be united during the time of uncertainty.

President Chavers called for Fond du Lac

Chairman Dupuis noted he doesn't have a primary, but supports Secretary-Treasurer Martineau and the FDL RBC's decision to vote for having the election the way it used to be before primary elections came into being and run it all the way to June 9th. Secretary-Treasurer Martineau agreed: Keep it the way it is or move forward with just the general election June 9th.

President Chavers called for White Earth.

Chairman Fairbanks addressed concerns about social unrest in Minneapolis (due to George Floyd murder) and concern that the Indian Center may not being available as a polling place. He expressed concern about urban members having a place to vote. Option 3 and option 4, but he would like the TEC to be together on the decision.

Secretary-Treasurer Roy addressed similar issues with closure of the Minneapolis site where polling place is located. He stated his agreement that first preference would be option 4, second preference would be option 3.

President Chavers called for Leech Lake.

Secretary-Treasurer LaRose stated that his council was leaning toward option 2, but after listening to discussion, he agrees with Option 4. Chairman Jackson reiterated concern about election polling place concerns in Minneapolis and agreed that Option 4 is more viable.

President Chavers called for Bois Forte Secretary-Treasurer Morrison.

Secretary-Treasurer Morrison gave an overview of all options. He prefers Option 3 to have primary on June 9 and General in August, noting he believes this is fairest to all candidates and Band Members. He also noted option 2 would be fair but has concerns about all other options as being unfair to candidates and the Band voters. He discussed importance of all votes cast to date being valid and secured and sealed to ensure people are not voting twice.

President Chavers noted she also does not have a primary and understands positions on all options. She noted her preference for option 3 then 4, feel that there needs to be a primary for all those with numerous individuals with numerous candidates that they all get a fair shake but that is just my opinion.

President Chavers asked Chief Executive Benjamin for her preference; Chief Executive Benjamin responded that Secretary/Treasurer Boyd spoke on behalf of Mille Lacs Band and she concurred with Sheldon. Option 1 and 4

Chairwoman Drost stated that originally Grand Portage would prefer Option 1, Grand Portage is very proactive and ready to go and has a lot of votes in already. She feels best that we stick together in what we do. I would like a primary as well as for the citizens and candidates - Option 3.

President Chavers asked Executive Director Frazer if he had a tally on vote.

Executive Director Frazer presented the following votes:

Grand Portage:	Secretary/Treasurer McCormick - Option 1/Option 3 Chairwoman Drost - Option 1/Option 3
Fond du Lac:	Chairman Dupuis - Option 4 Secretary/Treasurer Martineau - Option 4/Option 1
White Earth:	Chairman Fairbanks - Option 3/Option 4 Secretary/Treasurer Roy - Option 4/Option 3
Mille Lacs:	Chief Executive Benjamin - Option 1/Option 4 Secretary/Treasurer Boyd - Option 1/Option 4
Leech Lake:	Secretary/Treasurer LaRose - Option 2/Option 4

Bois Forte: Chairman Jackson - Option 2/Option 4
Secretary/Treasurer Morrison - Option 3
President Chavers - Option 3/Option 4

President Chavers asked for total tally.

Executive Director Frazer presented total tally:

Option 1 = 4

Option 2 = 2

Option 3 = 3

Option 4 = 3

Executive Director Frazer stated that's the first choice as some had a second choice.

President Chavers requested discussion and vote just on Option 1 and 4, the top two choices.

Secretary-Treasurer Martineau request a brief break to discuss with FDL Tribal Council.

Chief Executive Benjamin question depending on how the vote happens, have we thought of any legal complication with options 2,3, 4? Phil responded, yes, there are legal complications, require a later change with election date and some of the reservations have closed.

President Chavers informed Committee that they have 35 minutes to come up with an answer, because they have a call with the Lieutenant Governor.

Reid LeBeau informed the Committee that Fond du Lac would be sending over some language just trying to figure out the jurisdictional issue as to how that would work and how they would say it.

Chairman Dupuis informed the Committee that Fond du Lac would like to go with option 3. President Chavers asked for clarification, Fond du Lac changed from Option 4 to Option 3 correct? Chairman Dupuis responded yes.

President Chavers stated that Option 3 has 4 votes, rather than option 1. Can I entertain a motion for option 3?

Option 3 has 5 votes then. President Chavers responded no, correction your right.

Chairman Dupuis stated that Secretary/Treasurer Roy wanted to hear from Secretary/Treasurer Martineau.

Secretary/Treasurer Martineau informed the Committee that they discussed what was going on with the pandemic and travel bans, that would keep people from going off the reservation and on the reservation to keep that disease from getting our people. Also talked about our elders, having a clean building and keeping it clean. Watch so they are not infected by the virus. Still thinking about their safety and their desire to want to come here and vote. So we changed our mind and went with option 3, for that reason. Even though we don't know what's going on in June, that option had better opportunities. Time to educate voters on the process, get absentee ballots in and vote before June.

Secretary/Treasurer Roy asked for Chief Executive Benjamin's opinion. Chief Executive Benjamin responded Sheldon made the decision for the Mille Lacs band, Option 1. Alan stated, White Earth Chairman wanted option 3 or 4. Based upon Chairman's preference and our discussions, I switch my vote to Option 3 because of the complexities we have here we want to make sure we in mind with what Secretary/Treasurer Martineau had to say.

President Chavers asked for any others that want to change their vote.

Secretary/Treasurer LaRose stated that Leech Lake were leaning on number 2 and are now recommending number 4. President Chavers asked for clarification, first option is number 4 for Leech Lake. Secretary/Treasurer LaRose responded yes.

President Chavers stated we removed option 2 completely, correct. What are the numbers now?

Phil Brodeen responded:

Option 1 = 4
Option 3 = 6
Option 4 = 2

President Chavers repeated the count for clarification as requested.

Option 1 = 4
Option 3 = 6
Option 4 = 2

Motion by Secretary/Treasurer Morrison to approve postponing Primary Election to June 9, 2020 and the General Election August 18, 2020 (Option 3). Seconded by Secretary/Treasurer Martineau. 7 For, 4 Against (Secretary/Treasurer Boyd, Chief Executive Benjamin, Chairwoman Drost, Secretary/Treasurer McCormick) 0 Silent

Secretary/Treasurer LaRose stated Leech Lake had not voted.

Secretary/Treasurer Roy suggested a roll call vote.

President Chavers request a roll call vote Option 3

Secretary/Treasurer Morrison - Yes
Secretary/Treasurer Martineau - Yes
Chairman Dupuis - Yes
Chairwoman Drost - No
Secretary/Treasurer McCormick - No
Chief Executive Benjamin - No
Secretary/Treasurer Boyd -No
Chairman Fairbanks - Yes
Secretary/Treasurer Roy – Yes
Secretary/Treasurer LaRose - Yes
Chairman Jackson - Yes

Vote count: 7 Yes, 4 No
President Chavers voted Yes

8 For, 4 Against, 0 Silent, motion carried.

Chief Executive Benjamin noted that usually the Chair doesn't vote; with clarification from MCT attorney Phil Brodeen, President Chavers rescinded her vote.
7 For, 4 Against, 0 Silent, motion carried.

Executive Director Frazer stated that the Tribe would get out the notices.

President Chavers reiterated decision that all the absentee ballots cast already would be valid and each tribe's election board would secure their ballots either sealed or locked, correct.

Chairwoman Drost opened discussion about whether other Bands are considering releasing their election board with the postponed election, or whether they will continue working. Bois Forte will discuss with their election board, Fond du Lac will look at as well.

President Chavers clarified the decision is to hold Primary on June 9 and General August 18th.

Phil Brodeen requested discussion about amending election ordinance, and whether the TEC wants it amended to include notes or consideration.

1. The ballots cast are valid
2. Security of the ballots
3. The ballots cast between now and election will also be counted as absentee ballots.

President Chavers concurred and led discussion about above. Executive Director Frazer will produce another calendar. He suggested making it so that the polls are closed until the 31st, which is next Tuesday up until the ballot are printed and given to them, which is at least 30 days prior to June 9th. They cannot send out any ballots until they get the absentees anyway. There would not be any voting because the new ballots are going to have the new dates on them.

TEC members discussed issue of ballots still in-hand with Band Members and what happens to those ballots. Consensus was that those ballots must remain valid. stated some people still have ballots at home that haven't done their voting yet. Phil Brodeen agreed and clarified that this means the TEC is extending the absentee ballotin period until the primary occurs on June 9. Voters can still only cast one vote and be counted regardless of the current date or corrected date on the ballot.

Secretary/Treasurer Boyd asked if this means terms are being extended and shortened, and whether that must be accounted for in the record.

President Chavers responded that this happened at Bois Forte election – their District Reps did not start their term until October last election. Phil asked did we delay the MCT elections until those folks were seated? Chairman Dupuis responded yes. Phil state the terms for the purposes of this are approximated anyway.

Secretary/Treasurer Martineau stated that has one election on Fond du Lac that extended district representative term for a year.

Chief Executive Benjamin asked does that mean our terms are extended. President Chavers responded yes.

Chief Executive Benjamin asked about whether there is a legal answer if someone challenges this, and Phil Brodeen responded affirmatively.

Phil stated would be adding a new section providing the dates on which the new election would occur. It would be specific to the 2020 election due to the coronavirus pandemic. Account for ballots already cast and require security for the ballots going forward and the ballots cast between now until the date is changed up until the primary will be counted as absentee ballots for the primary election.

Phil read exact language: The Minnesota Chippewa Tribe Tribal Executive Committee amends the election ordinance by adding a new section, section 1.12 which reads as follows: Notwithstanding any other provisional law in this ordinance the Tribal Executive Committee may postpone the 2020 elections due to the coronavirus pandemic. This postponement shall require that the primary election will occur on June 9, 2020 and the general election will occur on August 18, 2020. Ballots cast already for the Primary election shall be kept, maintained and counted for the new primary date. Such ballots shall be kept in a secure place by the election board and ballots cast between the date of effect of this ordinance shall be counted as absentee ballots for the primary election.

President Chavers asks do we have a motion as read by Phil?

Chairwoman Drost request language be added about protecting the health and safety of our tribal members after coronavirus pandemic.

Phil responded yes.

Motion by Chairwoman Drost to approve the amendment to the election ordinance. Second by Secretary/Treasurer Morrison. 10 For, 0 Against, 1 Silent (Chief Executive Benjamin). Motion carried.

Secretary/Treasurer Morrison requested amendment to election be sent to election boards asap. Phil responded he would send to Executive Director Frazer and he can distribute accordingly with any notice because he is assuming Executive Director Frazer is going to have more of a general notice to send out for the election boards as well.

Motion by Secretary/Treasurer Martineau to adjourn the video conference at 5:03 p.m. Seconded by Secretary/Treasurer Morrison. 11 For, 0 Against, 0 Silent. Motion carried.