

Memorandum

To: Stockbridge-Munsee Tribal Members

From: Recall Election Board

Date: August 26, 2019

Re: Recall Election Board Answers to Questions about the September 14, 2019 Recall Vote.

The Recall Board wants to ensure that voters have all the information they need to understand the recall vote scheduled for September 14. This information is to provide answers to common questions regarding this recall.

1. When and where is the recall vote? What will be on the ballot?

The recall vote will occur on Saturday, September 14, 2019. Polls will be open from 8 a.m. to 8 p.m. at the Tribal Office Building located at N8476 Mohheconnuck Road, Bowler, Wisconsin. The voting will be in person and by secret ballot, like for other Tribal votes. People eligible to vote in a regular Tribal election can vote. The recall ballot will ask the voter to separately vote “yes” or “no” to recall each of the four Council members who are the subject of the vote.

2. What is the basis under Tribal law to have a recall vote (also known as a recall election)?

Recalls are authorized under Article V, Section 2 of the Tribe’s Constitution, which states:

The members of the Stockbridge-Munsee Community shall have power to remove Council members through a recall election. The Tribal Council shall not have jurisdiction over the recall election process. The recall election process shall be conducted in accordance with the following procedures:

- a) the petitioners shall form an election board consisting of five members to oversee and conduct the recall election process;
- b) upon receipt of a petition signed by at least one-third of the number of those voting in the last general election, it shall be the duty of the recall election board to certify the validity of the signatures on the recall petitions, and to call for an election to be held not more than thirty days from the submission of the recall petition;
- c) individual petitions shall be circulated for each Council member who is subject to recall.

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3. How many signatures were required to trigger a recall vote? How many signatures were obtained for each of the Council members subject to recall?

The “last general election” as of the time the petitions were started was October 2018, and the total number of registered voters was 382. Therefore, the minimum number of required voter signatures to trigger a recall vote is 128. The total number of signatures obtained for each of the Council members subject to the recall petitions were above the 128 needed.

As [council member] acted out of the scope of the constitution and by-laws of the Stockbridge-Munsee Community, as approved November 18, 1937, By Voting to make ineligible people full blood on our rolls.

4. What did the petitions to recall these four Council members say?

As [council member] acted out of the scope of the constitution and by-laws of the Stockbridge-Munsee Community, as approved November 18, 1937, by voting to make ineligible people full blood on our rolls.

5. What is the process by which the recall petitions were gathered?

Certain Tribal members drafted the recall petitions beginning in June and began circulating them to Tribal Members believed to be eligible to vote for signature. Thereafter, certain Tribal members convened as a Recall Board to review the signed petitions in person in mid August 2019. The Board members compared the name and member number of each person who signed the petitions with the official member roll maintained by the Enrollment Department to confirm voter eligibility. Each Board member individually reviewed each petition signature and confirmed the count on each petition. All Board members agreed as to the totals. Enrollment Department staff also confirmed the names and counts. The Board then certified the petitions and called for the recall election.

6. Will the Recall Board publicly post the names of the people who signed the recall petitions, or post copies of the signed petitions?

No. Tribal law neither requires nor authorizes the Board to do that.

7. Who is currently on the Recall Election Board?

Members include Maggie Bennett, Kim Pecore, Rainer Posselt, Angela Waupochock and CJ Komanekin, with Jayci Malone and BethAnn Molentkin as alternates.

8. What rules apply to the conduct of the recall vote?

A Recall Board traditionally follows the Tribe’s Election Ordinance as much as possible to conduct the actual vote. For that purpose, the Recall Board sits as the Election Board, although the Recall Board is not formed by the Council like a regular Election Board.

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9. How are people being informed about the recall vote?

Many Tribal members saw and signed the recall petitions. Notice has also been posted on the Tribe's website and in all Tribal buildings. Information will also appear in the next edition of the Tribal newspaper. The Board has additionally asked the Tribe to send postcards to all eligible voters. Each of the Council members affected by the recall vote has been served with notice of the recall petitions by the Tribal Police.

10. What happens if some or all of the Tribal Council members in the recall vote are recalled?

The next steps are laid out under Article V of the Tribe's Constitution, which states:

Sec. 3 – No Council member recalled or removed shall be eligible to run or hold office for four (4) years from the date of removal from office.

Sec. 4 – If a Council member should die, resign, or be removed from office, under either Section 1 or Section 2 of this Article, the Tribal Council shall declare the position vacant. The Tribal Council shall fill a vacancy by special election unless less than ninety (90) days remain in the term, in which case the Tribal Council shall leave the position vacant. The person who fills the vacant position shall only serve out the term of the person being replaced.

In this specific instance, the Saturday following the recall vote is the Primary, and October 12th is the general election.

11. What if a Council member who is up for recall is no longer in office as of the date of the recall vote?

The recall ballot will still include that person's name even if the person is no longer in office as of the date of the recall vote. The Recall Board takes the position that it has a constitutional duty to call for the vote required in the recall petitions, regardless of any changes in a Council member's status after the petition is received.

12. Where can I find records to make an informed decision?

Sec. 44 A.4 – It is the policy of the Stockbridge-Munsee Community to allow the tribe and tribal members to have access to tribal land records, tribal enrollment records, and related documents unless such access would violate the Privacy Act (5 U.S.C. 552a).

As tribal members you have access to the constitution and by-laws and all tribal ordinances which are available on the tribal website. You can also request copies of tribal council minutes, which are also printed in the tribal newspaper. You can request tribal enrollment meeting minutes and addendums if applicable, affidavits, and speak with tribal enrollment staff who have firsthand knowledge of events.

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