



## THE SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA

*Chief Justice Joshua D. Malcolm*  
*Justice Matthew C. Scott*

*Justice Everette Moore*  
*Justice Mary Beth Locklear*

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Dewey McNeill, in his capacity as  
a Tribal Council Candidate, District 9 of the  
Lumbee Tribe of North Carolina,

Case No.: 2018-006

**PETITIONER,**

v.

**EMERGENCY ORDER**

Shelia Beck, in her capacity as  
a Tribal Council Candidate, District 9 of the  
Lumbee Tribe of North Carolina,

**RESPONDENT.**

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IN THIS MATTER, the Petition was filed on November 8, 2018 alleging violation(s) of the "Election Ordinance<sup>1</sup>" that mandates processes to be followed during tribal elections. The Court has taken notice that the Lumbee Tribe of North Carolina is due to conduct an election on November 13, 2018. The Court has determined that it is vested with inherit authority per Article IX of the Constitution of the Lumbee Tribe of North Carolina to schedule any hearing and/or issue any orders as necessary to ensure constitutional operation of the Election Board and the associated processes.

**THEREFORE**, after considerable consultation and deliberation, and after considering the exigent circumstances involved and the evidence submitted to the Court, which clearly depicts what appears to be "voting records" of tribal members, the Court finds the Petitioner and similarly situated tribal members may suffer irreparable harm, if the allegations contained in the petition are true. In addition, this Court takes notice that on July 24, 2017 we determined in *Jones v. Jones, Godwin et al.*<sup>2</sup> that disclosure of "tribal members' addresses,

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<sup>1</sup> Ordinance No. 2005-0002 (Date: May 4, 2005; last Amended July, 20, 2017)

<sup>2</sup> Case No.: 2017-003

signatures and tribal enrollment numbers” does “create an unwarranted invasion of personal privacy.”

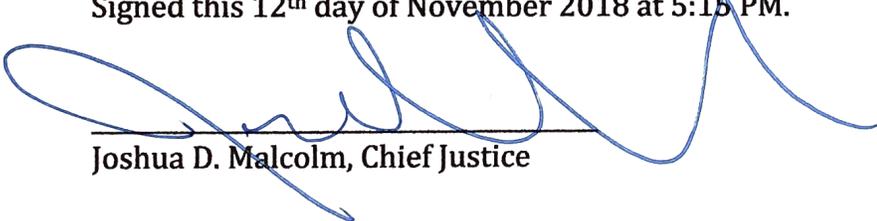
**Accordingly**, this Court hereby takes the extraordinary step of **ORDERING** the Lumbee Tribe of North Carolina’s Election Board *to retain any/all envelopes/packages/containers used for delivery of any/all absentee ballots that will be opened and counted on November 13<sup>th</sup> at 1:00PM or at any other time*, which are to be included in any tally/count related to any race/election of the LTNC on November 13, 2018. The Court orders that these envelopes shall be segregated/maintained by District, in a secured method and in the same manner as the ballots that are removed from these envelopes/packages/containers. To be clear, the ballots and envelopes/packages/containers shall be maintained by District and **NOT** comingled with other districts whether ballots are cast for council members or in the chairman’s race/election. Furthermore, the Election Board is hereby ordered not to destroy, until released of this obligation of the Court in writing, any ballots or the envelopes/packages/containers that contain/contained absentee ballots.

The Court has determined that intervention is necessary and appropriate as it relates to election matters in order to ensure a fair and complete election by eligible voters.

The Court conferred on this matter on numerous occasions since this matter was filed, for the purpose of issuing this ORDER.

Per the unanimous decision and on behalf of the Court in conference.

Signed this 12<sup>th</sup> day of November 2018 at 5:15 PM.



Joshua D. Malcolm, Chief Justice