



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

Kindra Locklear, in her capacity as
a Tribal Council Candidate, District 4 of the
Lumbee Tribe of North Carolina,

Case No.: 2018-010

PETITIONER,

v.

ORDER

Lumbee Tribal Board of Elections,

RESPONDENT.

IN THIS MATTER, the Petition was filed on November 26, 2018, alleging violation(s) of the "Election Ordinance¹" that mandates processes to be followed during tribal elections. The Court has taken notice that the Lumbee Tribe of North Carolina conducted an election on November 13, 2018. The Court entered a "dismissal order²" in another case³ alleging similar assertions regarding the November 13, 2018 election, involving the same parties set forth herein. 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.

The Petitioner alleges numerous violations of provisions of the Election Ordinance, including assertions that the Respondent has failed to adjudicate her "challenge," as required by Section 6 and Section 7 of the Election Ordinance.

The Court has noted that a "2018 Election Certification" document appears to have been fully executed, with signatures of all four (4), and published by the Respondent, which has been

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

² Dated: November 20, 2018

³ Case No.: 2018-009

purportedly distributed to this Court and "Certified Candidates." In said document, the Respondent appears to declare the winner of District 4 to be Mr. Ted Woodell.

Accordingly, this Court hereby **ORDERS** the Respondent to immediately, no later than Thursday, November 29, 2018 at 3 p.m., to "rescind" its "2018 Election Certification" for District 4, until such time as this Court orders otherwise or the Respondent carries out its duties/responsibilities as set forth in the Election Ordinance, which requires Respondent to formally consider the Petitioner's challenge. The Court hereby reminds the Respondent that "time is of the essence" in getting this matter resolved to ensure tribal members from District 4 have representation on the Tribal Council.

The Court conferenced 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 26th day of November 2018 at 6:30 PM.



Joshua D. Malcolm, Chief Justice