



KAA

THE SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA

Robeson County
North Carolina

Petition to the Supreme
Court of the Lumbee Tribe

Petitioner,

Kindra Locklear 910-785-0523

Name Phone No.

348 Woods Rd

Case No: 2018-010
(To be assigned by Tribal Clerk)

Address

Pembroke NC 28372

V.

Respondent,

LINC BOE

Name

Address

Union Chapel Rd Pembroke NC

PETITION

COMES NOW, Kindra Locklear, Petitioner and files this
Petition against LINC BOE, Respondent.

The Petitioner is a resident of the Robeson County of North
Carolina and resides at the following address:
348 Woods Rd Pembroke NC 28372.

The Respondent is a resident of Robeson County of North
Carolina and resides at the following address:
Union Chapel Rd Pembroke, NC.

**EXPLAIN WHAT SECTION OF THE LUMBEE CONSTITUTION OR TRIBAL
ORDINANCE THAT HAS BEEN VIOLATED**

1. See Attachment

2. _____

3. _____

**EXPLANATION OF HOW OR WHY THE LUMBEE CONSTITUTION OR TRIBAL
ORDINANCE WAS VIOLATED**

See Attachment

STATEMENT OF RELIEF BEING SOUGHT

1. See Attachment

2. _____

Kristen Stan
Petitioner's Signature

11/24/18
Date

November 26, 2018

Dear Lumbee Tribe Supreme Court:

I am filing a complaint on November 26, 2018, alleging violations of the Ordinance No. 2005-0002 dated May 4, 2005, known as "Election Ordinance,". My complaint is specific to the November 13, 2018, District 4, Lumbee Tribal Council Election.

For the record, I communicated with the LTNC Board of Elections via email (lumbeetribeelectionboard@yahoo.com) on Thursday, November 15 and Friday, November 16, as well as hand delivered my complaint on November 15. I have yet to receive a response, other than a call indicating that a provisional count would be held on November 20.

Below is the basis for my complaint:

1. Ordinance violation — Section 6.1
 - a. Ballots were counted, calculations were not the same (ie. judges tallies/results were not the same) and ballots were not recounted on site, which also may have caused inaccuracies.
 - b. Ordinance violation — Section 6.1, clearly states that a recount must happen during canvassing.
 - i. Recount also, did not happen within three days following election.
 - c. Witnesses can prove the tally's did not match. Witnesses include, Ms. Betty Locklear (poll observer) and Ms. Kim Hunt (district 4 tribal member).
2. Ordinance violation — Section 3.21
 - a. Maintaining accurate election records including the poll book;
 - i. Members outside of the district, who voted within District 4, may have been allowed to vote not only for Chairman (which is allowed, from my understanding) but also for district members (which is not allowed);
 1. An enrolled Member Tribal Member, who resides in District 5, was able to vote for me, even though he went into District 4 (Lumbee Lodge polling site) to vote only for Chairman. After submitting his ballot, he communicated to me and others, he received a ballot inside, and was able to vote for Chairman and District 4 candidates. He stated that he was also able to place his ballot into the "red locked box." I prefer not to provide name, but I will, if necessary.
 - a. How is this fair? What is the process for allowing tribal members outside of specific district to be allowed to vote? From what I saw, there is no separate ballot allowing voter

November 26, 2018 - Kindra D. Locklear - Complaint filed via Tribal Clerk

- to only vote for Chairman; which may be one option moving forward.
- b. Does the poll book include all tribal members or specific to district? If the poll book includes all tribal members, how does one determine what district members are in? Is there a specific field/column in the book?
 - ii. There were tribal members who indicated that they had active cards but were not listed on the "voter book." In some cases they were allowed to complete a provisional ballot. How is it decided if a member completes a provisional ballot vs. regular ballot?
 1. I know I at least one instance, where a tribal member was denied a ballot at Pembroke polling site, visited District 4 polling site, and was allowed to vote provisionally.
3. Ordinance violation — Section 8
- a. My election site ran out of ballots, twice, during the allotted time for voting (see attachment 1.1 — Chief Judge, Johnny Chavis, via public Facebook post, confirmed District 4 polling site, ran out of ballots; and attachment 1.2 — opponent Jody Bullard, via public Facebook Post, confirmed running out of ballots twice during the voting time allotted).
 - b. Running out of ballots hindered the voting of tribal members, essentially resulting in inaccuracies and causing loss of votes for candidates.
4. LTNC Members who voted provisionally were told their votes would count. If so, what is the process, how and when?;
- a. There is no mention within the election ordinance, that I am aware of, that indicates how the provisional ballots will be gathered or used for an election; nor does it mention what justifies provisional vs. regular ballot:
 - b. Provisional ballots were counted Tuesday, November 20, 2018, at 9AM.
 - i. I requested more information regarding the process for counting provisional ballots in advance, via email to the Lumbee Tribe BOE via email, and did not receive a response.
 - ii. Ballots were counted, and I am not certain age requirements, tribal members of the age of 55, were taken into consideration while reviewing ALL provisional ballots. I made mention during count; approx. 24 provisional ballots had been reviewed. Once I made mention, the next provisional ballot HAPPENED to be a member over the age of 55. Was this taken into consideration for the previous 24 ballots reviewed? I was assured yes, but how can I be sure when the process was explained initially, that measurement was not communicated as a requirement that would be reviewed.
5. Ordinance violation — Section 3.22.
- i. The ballot box lock was destroyed when the box was opened by Chief Judge at District 4 polling site. We did not see a new lock placed on box before we left the building.

6. Violation of Oath and Duties of Election Board (Section 3.15 and Section 3.21) Ordinance.
 - a. Chief Judge for District 4, Mr. Johnny Chavis, publicly responds to a known wrong and challenge, while adding #wethepeople at the end of his public post on Facebook. This specific group (political group), "We the People," publicly acknowledged support for my opponent. He acknowledged running out of ballots before the election was over and lied about people that were waiting and left as well as the amount of time said votes waited on ballots. (see attachment 1.1 — Chief Judges Public Facebook Post to confirm we ran out of ballots)
 - i. This is not ethical, and I see his response as bias and the results of the election at the site, may be biased, since Mr. Chavis was the Chief Judge at my polling site. When I left the site, he held the provisional ballots in his hand in a red folder, not in a secure location, and there was no lock on the red ballot box, because lock was broke when he opened box to count ballots.

My decision to challenge the election, is based solely on treating ALL Tribal members equally, with respect and protecting rights for ALL tribal members. I feel all issues discussed, are due to the lack of documented process, communication, and inconsistency from our Tribal Election Board and the election process overall. This complaint is not in any way a reflection of negativity regarding my opponents. The District 4 polling sites were amazing. Throughout my campaign message I indicated that I would fight for equal rights for my people. I can not accept any results, knowing the inconsistencies of voting and issues addressed from tribal members regarding the election process. I have to ensure my people's voice is heard.

For the past few months, tribal leaders, stressed to our tribal members, the importance of voting in tribal elections. From what I have heard and what I have witnessed, tribal members were disrespected and treated unfairly. I cannot stand back and not file a complaint. I am not sure how to resolve the issues above, but possible solutions may include: training for LTNC Board Members; electronic voting system that is synced with official tribal rolls and clearly indicate members districts, members with active/inactive card; updated Lumbee Tribal Board of Election Ordinances; updated training for ALL poll workers; and create and communicate clear documented processes for tribal candidates running for office and for tribal members.

Respectfully submitted,



Kindra Locklear

Attachment 1.1



Gwendolyn Sue Locklear Is it true they ran out of ballots

Like · 22h



Gerome Chavis Gwendolyn Sue Locklear I haven't seen proof. Some said a so called preacher made that statement. But he's a known liar....

Like · 22h



Johnny Chavis It was my precinct (District 4 Lumbee Lodge) that they are stating that we ran out of ballots twice. I was the Chief Judge at that site and at 7:05 PM, we did run out of ballots with TWO people in line, but I had ballots in 10 mins and that pastor only waited 10 mins and he got to vote, along with anyone else that was wanting to vote! It is protocol that if someone is in line when I announced "The Polls are closing", those folks will get to vote. No one was in line when I announced the polls were closed! We did not run out of ballots "multiple times", it was ONCE, and when I did, they were there in 10 mins and everyone got to vote!
#WeThePeople
#FACTS

Like · 21h · Edited



Attachment 1.2



Jody Bullard

November 13 at 9:46 PM · 🌐



Ran out of ballots in district 4 not once but twice today in Philadelphus... 🙄🙄



👍 🙄 🗨️ Terry Locklear, Allison R. Cummings and 26 others

5 Comments



Like



Comment



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Luciana Lynn Does that mean that everyone was voting in that district Jody Bullard?

Like · Reply · 2d

↩️ Jody Bullard replied · 1 Reply



Leslie Lovette I voted for you buddy! But I forgot to change my address at the tribe so it's a provisional vote 😊

Like · Reply · 2d



Andrea Branch Jacobs A lot of things happened in District 4 yesterday that still have me puzzled!

Like · Reply · 2d



Wendy Moore That's highly unusual 🙄

Like · Reply · 1d



Write a comment...

