



Decision of Election Committee
In Re Robert McRorie

Allegations of Complaint

Election Committee

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

Phone

906.635.6050

Fax

906.635.4969

The Election Committee received a written complaint from Janet Liedel. The complaint alleges that Robert McRorie's residence may not be as he has provided the Election Committee and questions his residency qualifications. Specifically, Ms. Liedel alleges that Mr. McRorie resides at 3494 S. Riverside Drive, Sault Ste. Marie and not at 1600 Marquette Avenue, Sault Ste. Marie.

Section 10.112(13) of the Election Ordinance provides, "*Campaigning shall be monitored by the Election Committee. Any infraction of the campaign regulations by any person shall subject to penalties as provided by this Chapter.*" Sections 10.119 and 10.120 authorizes the imposition of fines or other penalties as determined appropriate by the Election Committee.¹

That pursuant to Section 10.120(2)(c), a quorum of the Election Committee convened electronically on June 8, 2022 to discuss the matter and rendered a decision. This matter has been decided pursuant to Section 10.120(2)(c).

Ordinance Provisions Implicated

1. Section 10.103 Definitions.

- (23) "**Residency**" shall mean the address at which a Member has his or her true, fixed home and principal establishment, and to which he or she has the intention of returning whenever absent. Residency therefore requires two elements: (a) physical presence in a Unit and (b) the intent to make that Unit home. For the purposes of this Election Code, a Member has only one residency, regardless of the number of houses maintained. In determining which of a Member's houses is their true residence, attention must be given to the Member's intent, which requires an examination of the entire course of the Member's conduct.

¹ Although the Election Ordinance is silent as to the appropriate standard of proof, the preponderance of the evidence standard appears to be the historical standard utilized, which was used in this instance, which will not be disturbed absent an amendment to Election Ordinance.

- (24) "Resident" shall mean those members of the Tribe who maintain a permanent Residency with the Service Area.
2. Section 10.110 Candidates for Election. To be eligible for election to the Board of Directors or the office of Tribal Chairperson, each Candidate must [among other requirements] "have established **Residency** within the Election Unit the Candidate seeks to represent, at least one (1) year prior to the election;"
 3. Section 10.111 Nomination of Candidates. Each Candidate shall submit to the Designated Representative at the Designated Office, a Letter of Intent and background investigation disclosure report prior to receiving nominating petitions to run for a particular office. The Letter of Intent must be received by the Designated Representative at the Designated Office at least ninety (90) days prior to the date of the election and shall include [among other requirements] the following:
 - (b) The Election Unit in which the Candidate maintains **Residency**...
 - (c) The **physical** and mailing **address** and phone number **where the Candidate can be reached**...
 - (e) A certification under oath and penalty of perjury, that the Candidate meets the requirements contained in Section 10.110.
 4. Section 71.1103 Election Fraud.
 - (1) Offense. A person commits the offense of election fraud, if the person: (b) acts to compromise the integrity of the election, or attempts to do so by falsifying any document, including documents filed with the Tribal Election Committee or Board of Directors.

Findings of Fact by the Election Committee

1. The Election Committee has chosen to address this complaint pursuant to 10.120(2)(c) without the necessity of a hearing.
2. That based upon an internal investigation, Mr. McRorie has an ownership interest in the address known as

1600 Marquette Ave., Sault Ste. Marie, MI 49783, however, it is not his "Residency".

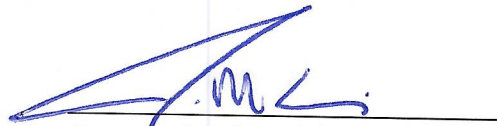
3. That it appears that Mr. McRorie's "Residency" is located at 3494 S. Riverside Drive, Sault Ste. Marie, MI 49783, but he has no ownership interest at this location.
4. That both addresses listed above are within the Unit One Service area.
5. That Mr. McRorie does receive personal mail at the 1600 Marquette Ave., Sault Ste. Marie, MI 49783, however it is not where he can be physically reached.
6. That Mr. McRorie listed on his background information both addresses; the 1600 Marquette Ave., as his mailing address and the 3494 S. Riverside as an address he has lived at other than his mailing address.
7. That Mr. McRorie's application and campaign material is misleading to some extent as he does not maintain "Residency" at the 1600 Marquette avenue address, however, he still receives mail at this address and he still maintains "Residency" within Unit One and as such he is still a "Resident" of Unit One for Candidacy purposes.

Sanction Imposed by Election Committee

The Election Committee, by majority vote, finds that Robert McRorie should have listed his true "Residency" address on his Letter of Intent and Background Information form, and he failed to do so. The Election Committee does not find that Mr. McRorie was *intentionally* trying to deceive anyone, but his actions were misleading, nonetheless. Candidates are expected to be forthcoming and transparent with the information she/he provides to the Election Committee and all Tribal Members. Although Mr. McRorie's actions do not amount to disqualification, his actions are deserving of a fine. The Election Committee fines Robert McRorie \$350.00 to be paid within 15 days of the date of this decision and not from election contributions.

APPROVED BY UNANIMOUS VOTE OF THE ELECTION COMMITTEE

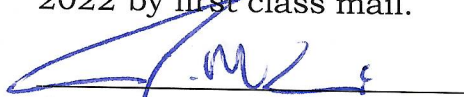
Dated: June 9, 2022



James McKerchie
Election Committee Chairman

NOTICE: Pursuant to Section 10.120(7) of the Election Code a decision issued by the election committee may be appealed to the Sault Tribe Chippewa Tribal Court of Appeals pursuant to Chapter 82 (Subchapter II) of the Tribal Code. A notice of appeal must be filed within five business days of the Appellant receiving an adverse decision from the Election Committee.

A copy of this decision was mailed to Robert McRorie on June 8, 2022 by first class mail.



James McKerchie
Election Committee Chairman