

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 498

H. P. 388

House of Representatives, February 13, 1979

Referred to the Committee on Election Laws. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Pearson of Old Town.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Concerning the Investigation and Invalidation of Indian Tribal Elections.

Be it enacted by the People of the State of Maine, as follows:

22 MRSA § 4792, sub-§ 4 is enacted to read:

4. Investigation and invalidation of tribal election. The governor and council shall request the commissioner to investigate any tribal election provided a petition is presented to the governor and council bearing charges and legal signatures of at least 2/3 majority of votes cast in the contested election. The commissioner shall have 15 days to investigate those charges and present his findings to the governor and council who within 5 days shall make a final determination of the validity of the election which shall be final. The commissioner shall not certify any person on the election results until the final determination of the validity of the election by the governor and council. Any petition contesting a tribal election shall be filed with the tribal clerks office no later than 5 days from the day of the election. A violation of the tribal caucus rules shall be the sole reason for declaring a tribal election null and void.

STATEMENT OF FACT

There exists a void in tribal law for purposes of investigating and invalidating a tribal election where tribal caucus rules have been violated. This bill provides for an investigation.