



SAULT STE. MARIE CHIPPEWA TRIBAL COURT

**THE ELECTION COMMITTEE OF THE
SAULT STE. MARIE TRIBE OF CHIPPEWA
INDIANS,**

Plaintiff,

v.

Case No. GCV-2022-02

**TRIBAL CITIZENS FOR CHANGE, UNKNOWN
CLAIMANTS, and NANCY HATCH,
Defendants.**

OPINION & ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

This matter comes before the Court on Plaintiff's Complaint for Equitable Relief and Defendants' Motion to Dismiss in a case contending that Defendants were in violation of requirements arising under Tribal Code Chapter 10: Election Ordinance.

Factual Background and Procedural History

The Election Committee received a complaint from DJ Hoffman, a Unit 1 candidate for the Tribal Board of Directors, regarding a campaign billboard. The billboard indicated on its face that it was "Paid for by Tribal Citizens for Change." The Election Committee found the sign to be in violation of Tribal Code, Chapter 10: Election Ordinance and issued a written decision. The decision instructed the Tribal Citizens for Change and its members to register as a Non-Candidate Registrant. Candidate Hoffman also filed a complaint with the Election Committee regarding a campaign postcard from the Tribal Citizens for Change.

On June 20, 2022, the Plaintiff filed a *Complaint for Equitable Relief* in this Court against Tribal Citizens for Change and Unknown Claimants. Within the complaint, the Plaintiff requests that the Court permanently enjoin the Defendants from campaigning as Non-Candidate Registrants and to issue an order requiring all unknown claimants to register as Non-Candidate Registrants and to comply with Election Ordinance financial reporting requirements. In accordance with the requirements of Chapter 81, the Court issued summonses for service on the named defendants. Tribal Code § 81.203. On August 22, 2022, Plaintiff filed a *First Amended Complaint for Equitable Relief*, adding Nancy Hatch as a named Defendant.

On October 3, 2022, Defendant Hatch filed a *Motion to Dismiss for Lack of Jurisdiction*. Following briefing by the parties, the Court heard oral argument on the motion to dismiss on October 27, 2022.

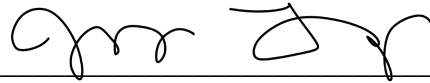
Discussion

As recently analyzed by this Court, based on our Tribe's Constitution and Tribal Code, Tribal Court is a court of limited jurisdiction and only has the power to hear cases that the Board deems so via legislative action. *MacLeod v. Sault Ste. Marie Tribe of Chippewa Indians*, GCV-20-01 (Dec. 22, 2022), *appeal pending*, APP-21-01; *Hoffman v. Board of Directors, et al.*, GCV-2022-03 (Nov. 7, 2022) (“[O]ur Tribal Court is only empowered with the jurisdiction and authority provided to it by the Board of Directors, the Tribe’s sole governing body.”). Therefore, the Court only has the jurisdiction over the subject matter pled by the Plaintiff in this matter and authority to grant the relief requested if there is a legislative action so granting it.

Tribal Court has not been empowered to grant any legal or equitable relief for violations of Chapter 10 as currently enacted. Only the Appellate Court has in a limited capacity, in that Chapter 10 provides the Appellate Court with the authority to hear appeals from Election Committee decisions. § 10.120(7); e.g. *Liedel & Freiheit v. Election Committee*, APP-08-05 (2008). The Plaintiff is asking this Court to enforce Chapter 10 and issue orders in equity requiring Defendants to comply with the law. Because the Plaintiff has filed this original action before the Tribal Court, which has not been empowered to hear the same, the Court must dismiss. Plaintiff’s

allegations of unlawful conduct by Defendants can only be addressed through appropriate action under Chapter 10, or by referral to the tribal prosecutor's office.

Based upon the foregoing, the Court grants the Defendants' Motion to Dismiss For Lack of Jurisdiction. The parties retain the right to file a timely appeal in accordance with § 82.110 of the Tribal Code. **IT IS SO ORDERED** this 9th day of November 2022, by the Sault Ste. Marie Chippewa Tribal Court located in Sault Ste. Marie, Michigan within the sovereign lands of the Tribe.



Jocelyn K. Fabry, Chief Judge (P67806)