

**St. Regis Mohawk Tribal Court**

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<b>Hattie Rene Hart,</b>	)	
<b>Plaintiff</b>	)	<b>DECISION AND ORDER</b>
	)	
<b>-V-</b>	)	<b>Case No.: 12-CIV-00007</b>
	)	
<b>SRMT Election Board,</b>	)	
<b>Defendant</b>	)	

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**Procedural History**

Hattie Renee Hart on behalf of herself filed a complaint against the St. Regis Mohawk Tribe Election Board, (hereinafter SRMT Election Board) in St. Regis Mohawk Tribal Court on June 20<sup>th</sup>, 2012.

On June 21<sup>st</sup>, 2012 a proof of service was filed with the Court stating that the complaint and civil summons was served upon the Defendant, the SRMT Election Board.

On July 9<sup>th</sup>, 2012 a motion to dismiss was filed by SRMT General Counsel on behalf of the SRMT Election Board with the SRMT Court.

A proof of service that the motion to dismiss was served upon the Complainant was filed with the Court on July 12<sup>th</sup>, 2012.

**Factual Background**

On June 8<sup>th</sup>, 2012 and June 9<sup>th</sup>, 2012 the Complainant, Ms. Hattie Renee Hart submitted in writing her wish to appeal the SRMT Tribal Elections that were held on June 2<sup>nd</sup>, 2012.

On June 13<sup>th</sup>, 2012, it appears that Ms. Hart's appeal was given a hearing in accordance with the SRMT Election and Referendum Ordinance.<sup>1</sup>

Following the hearing conducted by the SRMT Election Board, a letter was sent to Ms. Hart from the SRMT Election Board on June 15<sup>th</sup>, 2012. The letter addressed to Ms. Hart outlined the SRMT Election Board's decision, and did so in accordance with the timing requirements in the SRMT Election and Referendum Ordinance.<sup>2</sup>

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<sup>1</sup> See, SRMT Election and Referendum Ordinance XIV (A) (2).

<sup>2</sup> See, SRMT Election and Referendum Ordinance XIV (A) (3).

Discussion

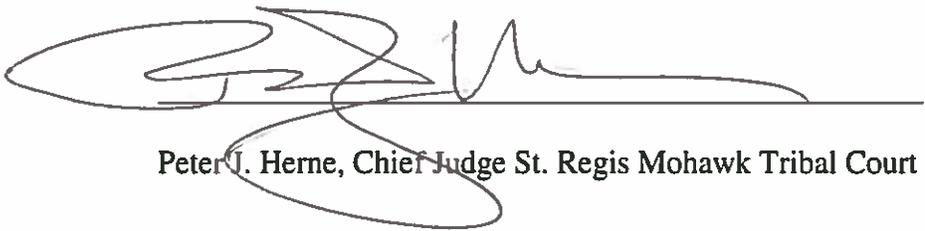
Although the Complainant in this matter has asked the Court to review the denial of her appeal to the SRMT Election Board for the June 2<sup>nd</sup>, 2012 Tribal Elections, the Court must dismiss this complaint, for the following reasons.

As the Court has already found in *Bell v SRMT Election Board 15-CIV-00001*, there is a process which exists for the results of a Tribal Election to be appealed. We held in *Bell*, that if the SRMT Election Board follows the process for an appeal that is required of them under the SRMT Election and Referendum Ordinance, there is nothing that is appealable to the Tribal Court following that decision. Our holding in *Bell* was consistent with the language used in the SRMT Election and Referendum Ordinance, which states, "The Election Board shall render a decision within 5 business days. All decisions made by the Election Board shall be final and there shall be **no appeals to Tribal Court.**" See, SRMT Election and Referendum Ordinance XIV (A) (3).

It is clear from the record before the Court that the SRMT Election Board met the requirements contained in the SRMT Election and Referendum Ordinance when it answered and conducted the appeal filed to it by the Complainant, Ms. Hattie Renee Hart. Acceptance of the written objection was done, a hearing for the appeal was conducted in a timely manner, and a decision was rendered by the SRMT Election Board within the timing requirements contained in the SRMT Election and Referendum Ordinance.

Wherefore, the SRMT Court will dismiss this complaint as the applicable law in this matter does not allow for an appeal of an SRMT Election Board decision made pursuant to the SRMT Election and Referendum Ordinance to be heard in St. Regis Mohawk Tribal Court.

Entered by my hand this <sup>JTH</sup> 2 day of February, 20 15

  
Peter J. Herne, Chief Judge St. Regis Mohawk Tribal Court

