



THE MILLE LACS BAND OF
OJIBWE INDIANS

43408 Oodena Drive, Onamia, MN 56359
Phone (320)532-7894 Fax (320)532-7836

Office of the Solicitor General

Opinion of the Solicitor General
No. 46-22
September 18, 2022

Title 4 MLBS § 18 reads the Solicitor General shall have the following responsibilities, obligations and authority on behalf of the Non-Removable Mille Lacs Bands of Chippewa Indians: (d) To interpret all laws and executive, legislative, secretarial and commissioner's orders and policies on behalf of the Non-Removable Mille Lacs Bands of Chippewa Indians. (1) All said interpretations shall be titled in the form of Opinion of the Solicitor General, be consecutively numbered, dated as to the date of issuance, and contain the official seal of the Band. (2) All said opinions of the Solicitor General shall have the force of law and shall be binding until annulled by the Court of Central Jurisdiction or amended pursuant to legislative order of the Band Assembly. This opinion is issued pursuant to the authority conferred upon the Solicitor General in 4 MLBS § 18 (d) and shall have the force of law subject to the conditions stated in § 18 (d) (2).

Title 3 MLBS § 33 states should there be any doubt as to the proper interpretation of any part of this title, or of 2 MLBS Chapter 1, the Speaker of the Assembly or the Band Assembly as an entity may submit such question to the Solicitor General, who shall give his or her written Opinion thereon, and such Opinion shall be binding unless annulled in whole or in part, by the Court of Central Jurisdiction, or amended by the Band Assembly pursuant to the enactment of the law. On September 7, 2022, the Band Assembly adopted Resolution 22-02-34-22 requesting a Solicitor's Opinion providing thorough legal analysis on the following questions:

- (1) Under the Constitution of the Minnesota Chippewa Tribe, the Minnesota Chippewa Tribe election ordinance, and Band law, does the Band need to call a special election in order to fill the vacancy on the School Board?

Within Resolution 22-02-34-22, Band Assembly provides the following facts and information:

- Band Assembly observes that 9 MLBS § 7(a) states that “In the event that a Board Member resigns, is removed as a Board Member, or is otherwise unable to complete

her or his term as a Board Member or there is otherwise a vacancy, the vacancy shall be filled by appointment.”

- Band Assembly observes that 9 MLBS § 7(b) states that “The District Representative from the District where the vacancy occurs shall provide the Chief Executive with the names of two (2) eligible persons from which the Chief Executive shall nominate one (1) person to fill the vacancy that is subject to ratification of the Band Assembly.”
- During the regular election in July of 2022, no candidate filed to run for the Nay-Ah-Shing School Board (“the School Board”) in District III.
- On or about 10 August 2022, District Representative Harry Davis submitted a letter to the Chief Executive nominating two individuals to serve on the School Board, and the Chief Executive nominated one of the two, which is now under consideration for ratification by the Band Assembly.

Resolution 22-02-34-22.

Question: Under the Constitution of the Minnesota Chippewa Tribe, the Minnesota Chippewa Tribe election ordinance, and Band law, does the Band need to call a special election in order to fill the vacancy on the School Board?

Answer: No. The School Board vacancies are governed by MLBS Title 9 § 7.


The Minnesota Chippewa Tribe Constitution Article IV Section 1 states all elections held on the six (6) Reservations shall be held in accordance with a uniform election ordinance to be adopted by the Tribal Executive Committee. The Minnesota Chippewa Tribe Election Ordinance Chapter 1 Section 1.2(B)(1) states if a vacancy due to death, removal, or resignation occurs **on the Band governing body** more than 365 days before the next scheduled Primary Election, the Band governing body must call a Special Election to fill the vacancy. (emphasis added).

The Minnesota Chippewa Tribe Election Ordinance Chapter 1 Section 1.2(A)(3) defines for Band governing body as the Reservation Business Committee, Reservation Tribal Council, or other entity recognized by the Tribal Executive Committee as the lawful governing body of a constituent Band of the Minnesota Chippewas Tribe. The governing body for the Mille Lacs Band of Ojibwe consists of the Chief Executive, Secretary/Treasurer, and three District Representatives. 4 MLBS § 2 and 3 MLBS § 2. Here, we do not have a vacancy on the Band governing body but one on the School Board. The Minnesota Chippewa Tribe Constitution and Election Ordinance do not provide a clear answer for a vacancy on the School Board.

MLBS Title 9 § 7(a) states in the event that a Board Member resigns, is removed as a Board Member, or is otherwise unable to complete her or his term as a Board Member or **there is otherwise a vacancy, the vacancy shall be filled by appointment** (emphasis added). Here we have a vacancy on the School Board. The District Representative from the District where the

vacancy occurs shall provide the Chief Executive with the names of two (2) eligible persons from which the Chief Executive shall nominate one (1) person to fill the vacancy that is subject to ratification of the Band Assembly. MLBS Title 9 § 7(b). District Representative Harry Davis submitted a letter to the Chief Executive nominating two individuals to serve on the School Board, and the Chief Executive nominated one of the two, which is now under consideration for ratification by the Band Assembly. Resolution 22-02-34-22.

Based upon the foregoing I conclude the Band Assembly may move forward with the ratification process for the School Board nominee.


Caleb Dogeagle
Solicitor General

September 18, 2022
Date of Issuance



As to form and numbering according to Title 25 § 4(f);

Hanna Valento

9/19/2022

Hanna Valento
Revisor of Statutes

Date