

In Decision by the Honorable Samuel Biers, he ruled

[4] The February 8, 2022 Battle Mountain Band Special Election and the February 8, 2022 Battle Mountain Special Election Results, including all of the February 10 and 11, 2022 Battle Mountain Band Election Committee findings, shall STAND and REMAIN on the record as valid and lawful. The February 8, 2022 Battle Mountain Band Special Election constituted a valid election and the results from that election are final, further proven when the Battle Mountain Band Election Committee members affixed their signatures, before a notary public, on February 10, 2022.

His findings:

1. On February 8, 2022 Battle Mountain Band Election Committee held a Special Election after the former Te-Moak Tribal Council Chairman and Battle Mountain Council Member Joseph Holley failed or refused to conduct the Battle Mountain Regular Election in October 2021.

2. For all relevant times Jessica Mortensen has been the Battle Mountain Election Chairperson and according to the evidence submitted, Chairperson Mortensen and the Battle Mountain Election Committee conducted the Battle Mountain Election in compliance with Te-Moak Tribal law. See Te-Moak Election Ordinance, 03-ORD-TM-01 (2003).

3. The February 8, 2022 Battle Mountain Special Election Results were signed and notarized on February 10, 2022 by Chairperson Mortensen and the Battle Mountain Band Election Committee.

4. Three (3) election disputes were filed on February 9, 2022. The Battle Mountain Band Election Committee addressed each of the three (3) election disputes filed and determined that, as filed, the disputes lacked "merit" and the allegations in all three (3) failed to "constitute a dispute." Mortensen Affidavit at 34 ¶¶ 25-27.

5. On February 11, 2022 the Battle Mountain Band Council ratified and accepted the Battle Mountain Band Election Committee's certified election results for the February 8, 2022 Battle Mountain Band Special Election causing the selection of seven (7) new members onto the Battle Mountain Band Council:

1. Clarinda M. Guzman – (37);
2. Rhonda Hicks – (36);
3. Evan A. Jim – (35);
4. Tejliah J. Holley – (29);
5. Julius Holley – (28);
6. Yvonne Winap – (27);
7. Eddie Holley – (27).¹