

**IN THE SUPREME COURT FOR THE SAC AND FOX NATION
ROUTE 2, BOX 246, STROUD, OKLAHOMA 74079**

Carol Ann Holmes,
APPELLANT,
vs.

Case No: APL-05-01

FILED

**Election Board of the Sac and
Fox Nation of Oklahoma and
Delores Byford**
APPELLEES.

IN THE SUPREME COURT
DATE 7-25-05
DOCKET 10 PAGE 1 RECORDED
SAC & FOX NATION
Conte COURT CLERK
BY _____ DEPUTY

WRIT OF MANDAMUS
APPEAL FROM THE DISTRICT COURT OF THE SAC AND FOX
NATION HONORABLE JUDGE STEFANI PADILLA, TRIAL JUDGE

NOW, on this 15th day of July 2005, this matter comes before the Supreme Court before the Honorable Chief Justice Larry K. Lenora and Associate Justices Timothy Posey and Montie Deer for Oral Arguments on the Appellants application for Writ of Mandamus. The Appellant, Carol Holmes, appears in person represented by James J. Hodgens. The Appellee, Election Board, appears in person represented by D. Michael McBride III. The Appellee, Delores Byford, appears in person represented by Marjorie Roane Black. The Court after having examined the file and records in this case and having heard the oral arguments from all parties, having fully considered the evidence and being fully advised in the premises FINDS unanimously:

That for reasons cited in Young v. Election Board, case number SC-01-01, this Court determines that Section 401 of the Sac and Fox Election Ordinance is unconstitutional in its totality;

That the Writ of Mandamus is granted;

2 Writ of Mandamus
APL-05-01

That pursuant to Article 5 Section 6 of the Constitution of the Sac and Fox Nation, the Election Board is directed to re-institute the entire election, including the filing period without any of the Section 401 restrictions to filing for office;

That all refiling candidates shall not be required to pay an additional filing fee.

IT IS SO ORDERED.



LARRY K. LENORA
CHIEF JUSTICE

Not participating: Jim Merz, Associate Justice; John J. McClelland, Vice Justice