

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## **BC Resolution # 05-13-20-H Adoption of Emergency Amendments to the Election Law**

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Election law (“the Law”) was adopted by the General Tribal Council for the purpose of governing the procedures for the conduct of orderly elections of the Nation, and was most recently amended by the Oneida Business Committee on an emergency basis through the adoption of resolution BC-03-17-20-B; and
- WHEREAS,** the Law requires a primary election be held on a Saturday at least sixty (60) calendar days prior to the election whenever there are three (3) or more candidates for any Oneida Business Committee officer positions or sixteen (16) or more candidates for the at-large council member positions; and
- WHEREAS,** after the primary election the two (2) candidates receiving the highest number of votes cast for each Oneida Business Committee officer position shall be placed on the ballot for the General Election, while the fifteen (15) candidates receiving the highest number of votes cast for the at-large council member positions shall be placed on the ballot for the General Election; and
- WHEREAS,** the federal government has proclaimed a public health emergency related to the spread of the COVID-19 virus and has identified that the spread of the virus has resulted in large numbers of individuals becoming ill and high mortality rates, impacts to the stock markets, and businesses; and
- WHEREAS,** state governors, including the State of Wisconsin, have declared public health emergencies and state public health officers have issued orders, for example, closing public schools, limiting public gatherings, and closing restaurants and bars except for take-out orders; and
- WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020, and set into place the necessary authority for action to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses; and

- WHEREAS,** on March 24, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Safer at Home*" declaration which prohibits all public gatherings of any number of people and orders all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed; and
- WHEREAS,** on March 28, 2020 the Oneida Business Committee adopted resolution BC-03-28-20-A titled, "*Extension of March 12th Declaration of Public Health State of Emergency*" which extended the Nation's Public Health State of Emergency declaration until May 12, 2020; and
- WHEREAS,** on May 6, 2020, the Oneida Business Committee adopted resolution BC-05-06-20-A titled, "*Extension of Declaration of Public Health State of Emergency Until June 11, 2020*" which further extended the Nation's Public Health State of Emergency declaration until June 11, 2020; and
- WHEREAS,** on April 27, 2020, the Oneida Election Board took action to postpone the primary for the 2020 General Elections in order to avoid large gatherings of members where the virus could be easily spread; and
- WHEREAS,** the Center for Disease Control has identified that the months of March, April and May should be the time when the potential for the highest increases in the number of confirmed cases would occur; and
- WHEREAS,** the Oneida Election Board has requested emergency amendments to the Election law to address the impact of COVID-19 on the Nation; and
- WHEREAS,** the proposed emergency amendments to the Law allow the Election Board to cancel the primary election when large gatherings of people present a substantial risk to the health and safety of the Nation's citizens; and
- WHEREAS,** the proposed emergency amendments to the Law clarify that if a primary election is canceled then all eligible candidates shall be placed on the ballot for the General Election; and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and
- WHEREAS,** emergency adoption of legislation is allowed when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act; and
- WHEREAS,** the emergency adoption of these amendments to the Law are necessary for the preservation of the public health, safety, and general welfare of the Reservation population to protect the Reservation population against the public health crisis that is the COVID-19 pandemic since the elimination of the requirement to hold a primary election while allowing those individuals who applied to be placed on the ballot for the General Election, as long as all eligibility requirements are met, will eliminate any unnecessary contact between individuals which could spread COVID-19; and

**WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest since the primary election at is required to occur at least sixty (60) calendar days prior to the General Election, which is tentatively scheduled for July 25, 2020, and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the General Election could still occur on July 25, 2020, without violating the primary election procedures contained in the Election law; and

**WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation; and

**WHEREAS,** the Oneida Election Board is actively monitoring the public health crises and will notify membership as soon as possible should the election days be canceled, postponed or polling processes be amended to reduce the spread of the virus; and

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts emergency amendments to the Election Law effective immediately for six (6) months from the date of adoption of this resolution, or until the 2020 General Election is concluded, whichever is sooner.

#### **CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 13<sup>th</sup> day of May, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Lisa Summers, Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."