

NOTICE OF
PUBLIC MEETING

TO BE HELD
THURSDAY, SEPT. 15, 2016 at 12:15 p.m.
IN THE
OBC CONFERENCE ROOM
(2nd FLOOR—NORBERT HILL CENTER)

In accordance with the Legislative Procedures Act, the Legislative Operating Committee is hosting this Public Meeting to gather feedback from the community regarding a legislative proposal.

**TOPIC: ELECTION LAW
AMENDMENTS**

This is a proposal to amend the Election Law to reflect the 2015 amendments to the Oneida Nation Constitution. The proposed amendments to the Election Law would:

- **Permanently adopt the emergency amendments that are currently in effect, which lower the minimum voting age stated in the Law from 21 to 18 years old, so that there is no conflict with the amended Constitution.**
- **Add a new section to the Law which sets out the process for amending the Constitution, following the requirements established in the Constitution.**

To obtain copies of the Public Meeting documents for this proposal, or to learn about the LOC public meeting process, please visit www.oneida-nsn.gov/Register/PublicMeetings or contact the Legislative Reference Office.

**PUBLIC COMMENT PERIOD
OPEN UNTIL SEPTEMBER 22, 2016**

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to the Tribal Secretary's Office or to the Legislative Reference Office in person (Second floor, Norbert Hill Center) or by U.S. mail, interoffice mail, e-mail or fax.

Legislative Reference Office
PO Box 365 Oneida, WI 54155
LOC@oneidanation.org
Phone: (920) 869-4376 or (800) 236-2214
Fax: (920) 869-4040



Election Law Amendments

<i>Analysis by the Legislative Reference Office</i>					
Title	Election Law (the Law)				
Sponsor	Tehassi Hill	Drafter	Krystal John	Analyst	Tani Thurner
Requester & Reason for Request	The Constitutional Amendments Implementation Team has requested these changes in order to implement the Constitutional amendments approved through the May 2, 2015 Secretarial Election.				
Purpose	This Law governs the Nation's process for electing officials.				
Authorized/ Affected Entities	Election Board is created by this law, and delegated primary responsibilities. General Tribal Council (GTC), the Oneida Business Committee (OBC), Judiciary, Tribal Secretary, Trust Enrollment Department, Zoning Administrator, Records Management Department and Oneida Police Department are all delegated specific authorities or responsibilities in this Law. All elected entities will be affected by this law – Oneida Nation Commission on Aging (ONCOA), Land Commission, Land Claims Commission, Gaming Commission and School Board, as well as the Election Board, Trust Enrollments Department, and Judiciary mentioned above.				
Related Legislation	Election Board Bylaws; Comprehensive Policy Governing Boards, Committees and Commissions; Open Records and Open Meetings Law, Removal Law, Zoning Law; Oneida Nation Gaming Ordinance (ONGO) and various laws identifying responsibilities/authority for elected entities.				
Enforcement & Due Process	The Law allows for the Election Board to impose fines for violations of the law's contribution restrictions and campaign sign restrictions. The Zoning Administrator may remove noncompliant campaign signs. The Law provides appeal processes for applicants who are found to be ineligible to run for elected positions, for voters found to be ineligible to vote, and for challenging the results of an election.				
Public Meeting Status	A public meeting has not been held.				

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Overview

On May 2, 2015, the Oneida Nation voted in a Secretarial Election, approving five amendments to the Oneida Nation Constitution (hereinafter: "Constitution"):

- Lowering the minimum voting age for Tribal elections from 21 to 18 years old.
- Establishing a different process for making future amendments to the Constitution; and giving the Secretary of the US Department of the Interior less approval/oversight authority over the Nation.
- Changing the name of the Oneida Tribe of Indians of Wisconsin to "Oneida Nation".
- Formally establishing the Judiciary in the Constitution
- Allowing GTC Annual and Semi-Annual meetings to be held at any time during the months of January and July, instead of on the first Mondays of those months.

18 These proposed amendments to the Election Law (Law) are being submitted to update the Law
19 to reflect the Constitutional amendments.

20
21 **Lowering the minimum voting age for Tribal elections from 21 to 18 years old.**

22 After the Constitution was amended, provisions in the Election Law (Law) conflicted with
23 the new requirements – specifically, the Law still defined “qualified voters” as persons who are
24 at least 21 years old, but the voting age had been lowered to 18 by the Constitution.

25 On April 27, 2016, the OBC adopted emergency amendments to the Law which lowered the
26 minimum voting age to 18 and replaced references to the “Tribe” with references to the
27 “Nation.” [2.3-15]. Those amendments were adopted on an emergency basis in order to reconcile
28 the different voting age requirements before a caucus that was scheduled for May 7, 2016.
29 Emergency amendments to Oneida laws expire after six months, so these emergency
30 amendments are set to expire on October 27, 2016.

31 These proposed amendments to the Law would permanently adopt the changes made by the
32 emergency amendments.

33
34 **Establishing a different process for making future amendments to the Constitution**

35 Currently, the Election Law does not address how the Constitution can be amended; the only
36 requirements are set out in the Constitution. In addition to permanently adopting the emergency
37 amendments, these proposed changes create a new section in the Law, identifying how the
38 Constitution can be amended in the future.

39 The amended Constitution now sets out two different processes by which Constitutional
40 amendments can be placed on a ballot for the membership to vote on:

- 41 1. **OBC Process.** Amendments may be proposed by the OBC
- 42 2. **Petition Process.** Amendments may be proposed by a petition signed by Oneida
43 members.

44 *OBC Process*

45 The new section in the Law essentially repeats most of the requirements set out in the
46 Constitution for the petition process; but for the OBC process, this Law does not repeat the
47 requirements set out in the Constitution. Instead, the Law states that the requirements for the
48 OBC process are “provided in the Constitution and as further detailed in the supporting standard
49 operating procedures which the [OBC] shall adopt.” [2.13-1] The Constitution does not
50 specifically authorize the OBC to adopt supporting SOPs for when they propose amendments;
51 that language only appears in the proposed new language for the Election Law.

52 *Petition Process*

53 The Constitution sets out specific requirements for the petition process; and most of those
54 requirements are repeated in the new section of the Election Law. The Constitution also
55 identifies additional requirements that may/must be established by law. Most of those are
56 established in the new section in this Law:

57

Requirement in the Constitution	Provisions that would be added to the Election Law
On the ballot, proposed Constitutional amendments must be accompanied by a statement of the purpose of the amendments, prepared by “the person who is so authorized by law.”	Authorizes the Oneida Law Office to prepare the statement of purpose that will appear on the ballot. [2.13-4]
Petitions to amend the Constitution must be filed with	Authorizes the Office of the Nation’s Secretary (<i>i.e.</i> Tribal

the “person authorized by law” to receive them.	Secretary) to receive the petitions. [2.13-1]
After receiving a petition, the authorized person must, “as provided by law,”: 1. determine the validity and sufficiency of the signatures, and 2. at least 60 days before the election, make an official announcement about the <u>validity/sufficiency of the signatures</u> ,	The Law makes: 1. The Trust Enrollment Department responsible for verifying petition signatures, and 2. The Election Board responsible for making an official announcement <u>of the proposed amendments</u> , once signatures are verified. [2.13-1]
Petitions must be in the form, and signed and circulated in the manner prescribed by Oneida law.	Qualified voters may request a petition form from the Tribal Secretary: • Then, the Tribal Secretary/designee must direct the Trust Enrollment Department to calculate the number of signatures the petitioner must collect. (This will be calculated as of the date the petition form is requested.) • Then, the Secretary must give the petition form to the requester, and inform the requester of how many signatures they must collect. Petition forms must be circulated with all supporting materials (if any); each person signing the petition must also initial the form to acknowledge the supporting materials were available for review at the time s/he signed the petition. 2.13-1.
Notice: 3 things must be <u>published in full, as provided by Oneida Law</u> : • The proposed amendment • The existing provision of the Constitution and Bylaws that would be changed/deleted. • The question as it shall appear on the ballot.	Proposed amendments must be published by publishing a sample ballot. The Election Board is responsible for mass-mailing the sample ballot no less than 10 days before the election. The Election Board Chair must notify the Trust Enrollment Department no less than 20 days before the requested mailing. 2.13-3.
Notice must be “prominently posted at Tribal <u>administration</u> offices.”	The sample ballot must be prominently posted at Tribal <u>administrative</u> offices; defined as “the location where the [OBC] conducts business.” [2.13-3]
Notice must be “furnished to news media as provided [by] Oneida law.”	The sample ballot must be published in official Oneida media outlets, which must be identified by OBC resolution.

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59 Although not required by the Constitution, one other additional requirement is established
60 in this Law: The Constitution does not identify who is responsible for putting proposed
61 amendments on the ballot for an election. This Law adds that the Election Board is responsible
62 for doing so. [2.13-2]

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Other

65 Various references to the “Enrollment Department” are changed to refer to the “Trust
66 Enrollment Department.” All other relevant references to the “Tribe” were changed to “Nation”
67 – including references to the “Tribal Secretary”, which were changed to the “Nation’s
68 Secretary”; and all references to the Constitution were revised to “Oneida Nation Constitution.”

69 Section 2.2 is updated to incorporate the language requirements set out in the Legislative
70 Procedures Act.

71 A public meeting has not been held.

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Considerations

The following are issues that may need consideration:

Issue#1. The amended Law requires notice of an election for Constitutional Amendments to be published “in official Oneida media outlets, which will be identified by Oneida Business Committee resolution.”

Currently, there is no OBC resolution which identifies “official media outlets”, so the OBC would need to adopt a resolution identifying “official Oneida media outlets.” This could be done in conjunction with these amendments.

Issue #2: OBC & Member Petition Process for Constitutional Amendments.

The new section in the Law identifies the two processes for bringing forward Constitutional amendments and having them placed on the ballot at an election:

- **Petition Process.** This is the process by which Oneida members submit a signed petition. The Law repeats nearly all of the Constitution’s requirements regarding the petition process, clearly spelling out all of the required steps.
- **OBC Process.** This is the process by which the OBC can initiate amendments to the Constitution. The Law does not spell out the steps for this process, stating only that the requirements for the OBC process are provided in the Constitution; and adding that the OBC must adopt SOPs to add further detail to this process.

Impact: Because the level of detail appears to be different for each process, this has the potential to confuse the reader. The Law does not clearly set out a step-by-step plan for the OBC process, like it does for the petition process.

Potential ways to address the disparity:

Option 1. Add the details for the OBC process, as set out in the Constitution. If this option is chosen, it may also be beneficial to separate this provision, creating two sections – one for the OBC process, and one for the petition process. *Note: The missing OBC process requirements are:*

- That 8 members of the OBC, excluding the Chair, must agree to the proposed amendments.
- That once agreed upon, the issue will be put before GTC for a vote.
- That a majority of the voting GTC members must vote in favor of the proposed amendment; and that if they do, the amendment must be placed upon the ballot of the next General election, or Special election called for that purpose.

Option 2. Remove the details for the petition process which just repeat the provisions found in the Constitution.

Issue #3: Notice Requirements – Constitutional Amendments and Special Elections

The following are provisions in the Law, as proposed:

2.13-3: Notice for Constitutional Amendments must be published:	2.12-7: Notice for Special Elections must be published:
<ul style="list-style-type: none"> • prominently posted in each polling place and at the location where the OBC conducts business • in official Oneida media outlets 	<ul style="list-style-type: none"> • prominent locations (polling places, main doors of the Norbert Hill Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida Community Health Center, the SEOTS building and all One-Stop locations) • in the Nation’s newspaper

• no timeline requirements	• not less than 10 days prior to the Special Election.
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113 **Impact:** The Law sets out different notice requirements for Constitutional Amendments and for Special
114 Elections. However, a special election may be held to consider proposed constitutional amendments
115 [2.13-2]. In those situations, it may not be clear which set of notice requirements must be followed.

116 **Potential Solutions:**

117 Option 1 – Clarify in the Law which notice requirements would apply when Constitutional
118 Amendments are scheduled for a special election.

119 Option 2 – revise the notice requirements from the Law to eliminate the conflicting notice
120 requirements.

121
122 • The Election Law already contains several requirements for publishing various other types of
123 notice. Most of those require notice to be published in the “Nation’s newspaper” and in
124 “prominent locations”; both of which are defined in this Law.

125 • This new provision establishes notice requirements for Constitutional amendments which are
126 different from the notice requirements commonly used for elections:

- 127 ○ Notice would not be required to be posted in most “prominent places,” just in the location
128 where the OBC conducts business.
- 129 ○ Notice must be posted in all Oneida media outlets, not just the “Nation’s newspaper”.

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131 **Impact:** If the notice requirements appear to conflict, it may create confusion for the reader.

132 **Potential Solutions:**

133 • Option 1 – Revise the Law so that all requirements match as far as where and how notice must be
134 posted.

135 • Option 2 – amend this new requirement so that notice is required to be posted in the same manner
136 as other notice mentioned in the Law.

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138 **Issue #4: Notice Requirements- Timelines**

139 • The new language (section 2.13-3) identifies where notice must be posted, but does not identify
140 timeline requirements for publishing notice (i.e. how long before an election the notice must be
141 published.)

142 • Various other provisions in the Law set establish a timeline for publishing notice:

143 ▪ 2.12-7: notice of a special election must be posted in “not less than 10 calendar days”
144 before the election.

145 ▪ 2.7-2: Polling information must be posted no less than 10 calendar days before the
146 election, and must remain posted until the poll closes on the day of the election.

147 ▪ 2.7-3. Notice of general elections must be mailed to all Nation members, [...] no less than
148 10 calendar days prior to the election.

149 **Impact:** The lack of a timeline may not be as clear as it could be for the reader.

150 **Potential Solution:** Add timeline requirements to 2.13-3 for posting and publishing notice of the election.

Chapter 2

ONEIDA ELECTION LAW

Onayote'a:ká Tho Ni Yót Tsi? Ayethiyataláko Tsi? Kayanláhsla

People of the Standing Stone how it is we will appoint them the kind of laws we have

2.1. Purpose and Policy

2.2. Adoption, Amendment, Repeal

2.3. Definitions

2.4. Election Board

2.5. Candidate Eligibility

2.6. Selection of Candidates

2.7. Notice of Polling Places

2.8. Registration of Voters

2.9. Election Process

2.10. Closing Polls and Securing Ballots

2.11. Election Outcome and Ties

2.12. Elections

2.1. Purpose and Policy

2.1-1. It is the policy of the ~~Tribe~~Nation that this law shall govern the procedures for the conduct of orderly ~~Tribal~~elections of the Nation, including pre-election activities such as caucuses and nominations. Because of the desire for orderly and easily understood elections, there has not been an allowance made for write-in candidates on ballots.

2.1-2. This law defines the duties and responsibilities of the Election Board members and other persons employed by the Oneida ~~Tribe~~Nation in the conduct of elections. It is intended to govern all procedures used in the election process.

2.2. Adoption, Amendment, Repeal

2.2-1. This law was adopted by the Oneida General Tribal Council by resolution #GTC ~~707~~-06-98-A and amended by resolutions #GTC-01-04-10- A and BC-02-25-15-C. ~~The amendments adopted by resolution #GTC 01 04 10 A shall be effective January 4, 2010.~~

2.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the ~~Oneida Administrative~~Legislative Procedures Act ~~by the Business Committee or the Oneida General Tribal Council.~~ Actions of the Election Board regarding amendments to this law and policies adopted regarding implementation of this law are to be presented to the Business Committee who shall then adopt or forward action(s) to the General Tribal Council for adoption.

2.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

2.2-4. ~~Any law, policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent with or is contrary to this law.~~In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

2.2-5. This law is adopted under authority of the Constitution of the Oneida ~~Tribe of Indians of~~WisconsinNation.

2.3. Definitions

2.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

2.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on the Election Board during an election and until election results have been certified.

2.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

2.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding ~~Tribal~~holidays of the Nation.

- 39 | 2.3-5. “Campaigning” shall mean all efforts designed to influence ~~Tribal~~ members of the Nation
40 | to support or reject a particular ~~Tribal~~ candidate of the Nation including, without limitation,
41 | advertising, rallying, public speaking, or other communications with ~~Tribal~~ members of the
42 | Nation.
- 43 | 2.3-6. “Candidate” shall mean a petitioner or nominee for an elected position whose name is
44 | placed on the ballot by the Election Board after successful application.
- 45 | 2.3-7. “Clerk” shall mean the election official who identifies proper registration for the purpose
46 | of determining voter eligibility.
- 47 | 2.3-8. “Close of business” shall mean 4:30 p.m. Monday through Friday.
- 48 | 2.3-9. “Conflict of Interest” shall mean any interest, whether it be personal, financial, political or
49 | otherwise, in which a ~~Tribal~~ Nation elected official, employee, consultant, appointed or elected,
50 | member of any board, committee or commission, or their immediate relatives, friends or
51 | associates, or any other person with whom they have contact, that conflicts with any right of the
52 | Tribe Nation to property, information, or any other right to own and operate its enterprises, free
53 | from undisclosed competition or other violation of such rights of the Oneida Tribe Nation, or as
54 | defined in any law or policy of the Tribe Nation.
- 55 | 2.3-10. “Election” shall mean every primary and election.
- 56 | 2.3-11. “General election” shall mean the election held every three (3) years in July to elect the
57 | Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the
58 | Business Committee and may include contests for elected boards, committees and commissions
59 | positions.
- 60 | 2.3-12. “Judge” shall mean the election official who informs and advises the Chairperson of
61 | discrepancies, complaints and controversy regarding voter eligibility.
- 62 | 2.3-13. “Judiciary” means the judicial system that was established by Oneida General Tribal
63 | Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of
64 | the Tribe Nation.
- 65 | 2.3-14. “Lot drawing” shall mean the equal chance method used to select a candidate as the
66 | winner of an elected position, in the case of a tie between two (2) or more candidates.
- 67 | ~~2.3-15. “Oneida Police Officer” shall mean an enrolled member of the Oneida Tribe of Indians~~
68 | ~~who is a police officer on any police force~~ “Nation” means the Oneida Nation.
- 69 | 2.3-16. “Nation’s newspaper” shall mean the Kalihwisaks, or any other newspaper operated by
70 | the Nation for the benefit of transmitting news to members of the Nation, which is designated by
71 | the Election Board as a source for election related news.
- 72 | 2.3-17. “Oneida Police Officer” shall mean an enrolled member of the Oneida Nation who is a
73 | police officer on any police force.
- 74 | 2.3-18. “Private property” shall mean any lot of land not owned by the Tribe Nation, a residential
75 | dwelling or a privately owned business within the boundaries of the Reservation.
- 76 | ~~2.3-17~~ 19. “Prominent locations” shall mean the polling places, main doors of the Norbert Hill
77 | Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida
78 | Community Health Center, the SEOTS building and all One-Stop locations.
- 79 | ~~2.3-18~~ 20. “Qualified voter” shall mean an enrolled Tribal member of the Nation who is
80 | 18 eighteen (18) years of age or older.
- 81 | ~~2.3-19~~ 21. “Rejected Ballots” shall mean those ballots which are rejected by the vote tabulating
82 | machine.
- 83 | ~~2.3-20~~ 22. “Spoiled Ballot” shall mean a ballot which contains a voter error or is otherwise

84 marred and is not tabulated.

85 | 2.3-~~21~~23. "Teller" shall mean the election official in charge of collecting and storing of all
86 ballots.

87 | ~~2.3-22. "Tribal newspaper" shall mean the Kalihwisaks, or any other newspaper operated by the
88 Tribe for the benefit of transmitting news to Tribal members which is designated by the Election
89 Board as a source for election related news.~~

90 | ~~2.3-23. "Tribe" means the Oneida Tribe of Indians of Wisconsin.~~

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92 **2.4. Election Board**

93 *Section A. Establishment, Composition and Election*

94 2.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this
95 | law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.

96 2.4-2. The Election Board shall consist of nine (9) elected members. All members shall be
97 elected to terms of three (3) years, not to exceed two (2) consecutive terms.

98 2.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an
99 Election Board member in any pre-election, election day, or post-election activities while he or
100 she is a petitioner, applicant or candidate in any election or there is otherwise a conflict of
101 interest.

102 2.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A
103 member who is removed from the Election Board shall be ineligible to serve on the Board for
104 three (3) years from the time he or she is removed from the Election Board.

105 2.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the
106 Business Committee for the balance of the unexpired term. The filling of a vacancy may be
107 timed to correspond with the pre-election activities and the needs of the Election Board.

108 2.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

109 2.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to the
110 Election Board, as recommended by the Election Board, to assist with election day and pre-
111 election activities.

112 2.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in the
113 By-laws of the Election Board, to preside over the meetings. This selection shall be carried out
114 at the first meeting of the Election Board following an election. The Chairperson shall then ask
115 the Election Board to select a Vice-Chairperson and Secretary.

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117 *Section B. Duties of the Election Board*

118 2.4-9. The Election Board shall have the following duties, along with other responsibilities listed
119 throughout this law.

- 120 (a) The Election Board shall be in charge of all registration and election procedures; and
121 (b) Upon completion of an election, the Election Board shall make a final report on the
122 election results as set out in this law.

123

124 *Section C. Specific Duties of Officers and Election Board Members*

125 2.4-10. Specific duties of the Chairperson and other Election Board members, in addition to
126 being present at all Election Board meetings and assisting the handicapped through the voting
127 process, are as set out herein:

- 128 (a) Chairperson: Shall preside over meetings of the Election Board; shall select the

129 hearing body for applicants found to be ineligible in accordance with 2.5-6 in the event of
 130 an appeal; shall oversee the conduct of the election; shall dismiss the alternates and
 131 ~~OneidaTrust~~ Enrollment Department personnel when their election day duties are
 132 complete; and shall post and report election results.

133 (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.

134 (c) Secretary: Shall keep a record of the meetings and make them available to the
 135 ~~TribalNation's~~ Secretary, other Election Board members and the public as required in the
 136 Open Records and Open Meetings Law.

137 (d) Clerks: Shall implement the requirements of identifying and registering all voters
 138 and determining voter eligibility. Clerks shall work in conjunction with the ~~OneidaTrust~~
 139 Enrollment Department personnel in the registration process, and assist the Chairperson
 140 as directed in conducting the election. Clerks cannot be currently employed by the
 141 ~~OneidaTrust~~ Enrollment Department.

142 (e) Tellers: Shall collect and keep safe all ballots, until the election is complete, as
 143 determined by this law. Shall assist the Chairperson in conducting the election.

144 (f) Judges: Shall inform and advise the Chairperson of all aspects of the election
 145 conducted under this law. In case of disputes among Election Board members, or
 146 between ~~Tribal~~ members of the Nation and Election Board members, or any controversy
 147 regarding voter eligibility, the Judge(s) shall assist the Chairperson in making a
 148 determination. The Judge(s) shall also ensure that all ballots of voters whose eligibility
 149 may be in question, remain confidential.

151 *Section D. Compensation Rates*

152 2.4-11. Election Board members are to be compensated at an hourly rate when conducting
 153 elections as provided for in the Election Board's bylaws as approved by the Business Committee.
 154 The Election Board shall have a budget, approved through the Nation's budgeting process ~~of the~~
 155 ~~Tribe~~.

156 2.4-12. The ~~OneidaTrust~~ Enrollment Department personnel and Oneida Police Officer(s) shall
 157 be compensated at their regular rate of pay out of their respective budgets.

159 **2.5. Candidate Eligibility**

160 *Section A. Requirements*

161 2.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-laws
 162 or other documents, all applicants shall meet the minimum requirements set out in this section in
 163 order to become a candidate.

164 2.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

165 (a) be an enrolled ~~Tribal~~ member of the Nation, as verified by membership rolls of the
 166 ~~Tribe~~Nation.

167 (b) be a qualified voter on the day of the election.

168 (c) provide proof of physical residency as required for the position for which they have
 169 been nominated or for which they have petitioned. Proof of residency may be through
 170 one (1) or more of the following:

171 (1) a valid Wisconsin driver's license;

172 (2) a bill or pay check stub showing name and physical address of the candidate
 173 from the prior or current month;

174 (3) another form of proof that identifies the candidate and that the candidate has
 175 physically resided at the address and identifies that address as the primary
 176 residence.

177 2.5-3. No applicant may have a conflict of interest with the position for which they are being
 178 considered, provided that any conflict of interest which may be eliminated within thirty (30)
 179 calendar days of being elected shall not be considered as a bar to nomination or election.

180 2.5-4. Applications and petitions where the applicant was not nominated during caucus shall be
 181 | filed by presenting the information to the ~~Tribal~~Nation's Secretary, or designated agent, during
 182 | normal business hours, 8:00 to 4:30 Monday through Friday, within five (5) business days after
 183 | the caucus. No mailed, internal ~~Tribal~~Nation mail delivery, faxed or other delivery method shall
 184 | be accepted.

185 2.5-5. The names of the candidates and the positions sought shall be a public record and made
 186 available to the public upon the determination of eligibility by the Election Board or the Board's
 187 designated agent.

188

189 *Section B. Eligibility Review*

190 2.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal.
 191 At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall
 192 select the hearing body. The hearing shall be held within two (2) business days of receipt of the
 193 appeal. The applicant shall be notified by phone of time and place of the hearing. The decision
 194 of the hearing body shall be sent via certified mail or hand delivery within two (2) business days
 195 of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the
 196 Judiciary on an accelerated schedule.

197 2.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to
 198 verify eligibility. Any applicant found to be ineligible for a nominated or petitioned for position
 199 shall be notified by certified mail return receipt requested. The notice shall provide the
 200 following information:

- 201 (a) Position for which they were considered
 202 (b) Qualification of the position and citation of the source. (Copies of source may be
 203 attached.)
 204 (c) A brief summary explaining why the applicant was found to be ineligible.
 205 (d) That the applicant has two (2) business days from notification to make an appeal.
 206 Appeals must be filed at the location designated on the notice by hand delivery. The
 207 | location designated shall be on the Reservation. No mailed, internal ~~Tribal~~Nation mail,
 208 | faxed or other delivery method will be accepted.

209

210 *Section C. Campaign Financing*

211 2.5-8. Contributions:

212 (a) Solicitation of Contributions by Candidates.

213 (1) Candidates shall only accept contributions from individuals who are members
 214 | of the ~~Tribe~~Nation or individuals related by blood or marriage to the candidate.
 215 Candidates may not accept contributions from any business, whether sole
 216 proprietorship, partnership, corporation, or other business entity.

217 | (2) Candidates shall not solicit or accept contributions in any ~~Tribal~~ office or
 218 | business/facility of the Nation.

219 (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the
220 Election Board in an amount specified in a resolution adopted by the Business
221 Committee.

222 2.5-9. Campaign Signs and Campaigning:

223 (a) Placement of campaign signs:

224 (1) Campaign signs shall not be posted or erected on any ~~Tribal~~ property of the
225 Nation except for private property with the owner/tenant's permission.

226 (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum
227 of seven (7) such signs may be placed on a building or on a lot.

228 (3) No campaign sign shall project beyond the property line into the public right
229 of way.

230 (b) Removal of campaign signs. All campaign signs shall be removed within five (5)
231 business days after an election.

232 (c) Employees of the ~~Tribe~~Nation shall not engage in campaigning for ~~Tribal~~-offices of
233 the Nation during work hours. ~~Tribal~~The Nation's employees shall be subject to
234 disciplinary action under the personnel policies and procedures for political campaigning
235 during work hours.

236 (d) Enforcement. The Zoning Administrator shall cause to be removed any campaign
237 signs that are not in compliance with this law, in accordance with the Zoning and
238 Shoreland Protection Law.

239 (e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by
240 the Election Board in an amount specified in a resolution adopted by the Business
241 Committee.

242

243 *Section D. Candidate Withdrawal*

244 2.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by the
245 candidate prior to submission of the ballot for printing to any Election Board member, excluding
246 alternates.

247 2.5-11 After printing of the ballot, any candidate may withdraw his or her name from the
248 election by submitting in writing a statement indicating they are withdrawing from the election
249 prior to the opening of the polls to any Election Board member, excluding alternates. This
250 statement shall be posted alongside any sample ballot printed prior to the election in the
251 newspaper or any posting at the polling places.

252 2.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the
253 Election Board members in charge of the polling place, to be removed from the ballot. The
254 written statement shall be posted next to any posted sample ballot.

255 2.5-13. Candidates withdrawing by any method listed herein shall be denied any position from
256 which they have withdrawn regardless of the number of votes cast for that candidate. A written
257 statement shall be considered the only necessary evidence of withdrawal and acceptance of
258 denial of any position withdrawn from.

259 2.5-14. *Candidate Withdrawal After Winning an Election.*

260 (a) In the event a candidate declines an office after winning an election, the Election
261 Board shall declare the next highest vote recipient the winner. This procedure shall be
262 repeated as necessary until a winner is declared.

263 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a

264 Special Election shall be held.

265
266 **2.6. Selection of Candidates**

267 *Section A. Setting of Caucus*

268 2.6-1. The Election Board shall be responsible for calling a caucus before any election is held.
269 The caucus for the general election shall be held at least ninety (90) calendar days prior to the
270 election date. Caucuses for other elections shall be held at least forty-five (45) calendar days
271 prior to the election date. In a general election year, caucuses shall be combined so that
272 candidates for the Business Committee and elected boards, committees and commissions are
273 nominated at the same caucus.

274 2.6-2. The procedures for the caucus shall be as follows:

275 (a) Candidates shall be nominated from the floor.

276 (b) Candidates present at the caucus will accept/decline their nomination at the caucus.
277 Candidates nominated at the caucus, but not present to accept the nomination, shall be
278 required to follow the petition process.

279 (c) Nominations shall consist of the following positions: Chairperson, Vice-
280 Chairperson, Treasurer, Secretary, Council Member and other elected positions as
281 required by by-laws or creating documents of a board, committee, or commission.
282

283 *Section B. Petition*

284 | 2.6-3. Any eligible ~~Tribal~~ member of the Nation may petition to be placed on a ballot according
285 to the following procedures:

286 (a) Each petitioner, not nominated at caucus, shall file a petition containing
287 endorsee's original signatures; photocopies shall not be accepted.

288 (b) Petitioners shall use an official petition form as designated by this law which may
289 | be obtained in the ~~Tribal~~Office of the Nation's Secretary's ~~Office~~ or from the mailing
290 for that caucus.

291 (c) The petition form shall consist of each endorsee's:

292 (1) printed name and address;

293 (2) date of birth;

294 | (3) Oneida ~~Tribal~~Nation Enrollment Number; and

295 (4) signature.

296 (d) Petitioners shall obtain not less than ten (10) signatures of qualified voters as
297 defined under this law.

298 | (e) Petitions shall be presented to the ~~Tribal~~Nation's Secretary, or designated agent,
299 during normal business hours, 8:00 to 4:30 Monday through Friday, but no later than
300 prior to close of business five (5) business days after the caucus. The location to
301 drop-off petitions shall be identified in the mailing identifying the caucus date.

302 | (f) The ~~Tribal~~Nation's Secretary shall forward all petitions to the Election Board
303 Chairperson the next business day following the close of petition submissions.

304 | (g) The Election Board shall have the ~~Oneida~~Trust Enrollment Department verify all
305 signatures contained on the petition .

306 2.6-4. A person who runs for a position on the Oneida Business Committee, or a position on a
307 judicial court or commission, shall not run for more than one (1) elective office or seat per
308 election.

309

310 **2.7. Notice of Polling Places**

311 2.7-1. The Election Board shall post a notice in the prominent locations, stating the location of
 312 the polling places and the time the polls will be open. This notice shall also be posted in an
 313 easily visible position, close to the entrance of ~~Tribal~~the Nation's businesses/facilities.

314 2.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the
 315 election, and shall remain posted until the poll closes on the day of the election.

316 2.7-3. Except for a Special Election, notice for the election shall be mailed to all ~~Tribal~~Nation
 317 members, stating the time and place of the election and a sample of the ballot, no less than ten
 318 (10) calendar days prior to the election, through a mass mailing. The ~~Oneida~~Trust Enrollment
 319 Department shall be notified, by the Election Board Chairperson, no less than twenty (20)
 320 calendar days prior to the requested mailing.

321 2.7-4. Notice of the election shall be placed in the ~~Tribal~~Nation's newspaper.

322

323 **2.8. Registration of Voters**324 *Section A. Requirements*

325 2.8-1. *Registration of Voters.* All enrolled members of the ~~Tribe~~Nation, who are ~~twenty-one~~
 326 ~~(21)~~eighteen (18) years of age or over, are qualified voters of such election(s) as defined in
 327 Article III, Section 2 of the Oneida ~~Tribal~~Nation Constitution.

328

329 *Section B. Identification of Voters*

330 2.8-2. All voters must present one of the following picture identifications in order to be able to
 331 vote:

- 332 (a) ~~Tribal~~Oneida Nation I.D.
- 333 (b) Drivers License.
- 334 (c) Other I.D. with name and photo.

335

336 *Section C. Registration Procedures*

337 2.8-3. Voters shall physically register, on the day of the election, at the polls.

338 2.8-4. ~~Oneida~~Trust Enrollment Department personnel shall be responsible for verifying ~~Tribal~~
 339 ~~enrollment,~~ with the Nation. Conduct of ~~Oneida~~Trust Enrollment Department personnel is
 340 governed by the Election Officials during the voting period.

341 2.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration
 342 Form containing the voter's following information:

- 343 (a) name and maiden name (if any);
- 344 (b) current address;
- 345 (c) date of birth; and
- 346 (d) enrollment number.

347

348 *Section D. Qualification/Verification of Voter Eligibility*

349 2.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote,
 350 the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with
 351 the ~~Trust~~Enrollment Department personnel who are registering voters, to decide the voting
 352 member's eligibility currently being questioned and shall make such decisions from the facts
 353 available, whether the applicant is, in fact, qualified/verifiable under the Oneida ~~Tribal~~Nation

354 | Constitution, Article III Section 2, to vote in ~~tribal~~the Nation's elections.

355 | 2.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be
356 | placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of
357 | the voter shall be written next to a numbered list which corresponds to the numbered and sealed
358 | envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box
359 | 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they
360 | desire to challenge the decision made by the Election Officials. The Election Board shall make a
361 | final decision, within five (5) business days of receiving the appeal and shall report this decision
362 | in the final report sent to the Oneida Business Committee.

363

364 | **2.9. Election Process**

365 | *Section A. Polling Places and Times*

366 | 2.9-1. In accordance with Article III, Section 45 of the ~~Tribal~~Oneida Nation Constitution,
367 | elections shall be held in the month of July on a date set by the General Tribal Council. The
368 | General Tribal Council shall set the election date at the January annual meeting, or at the first
369 | GTC meeting held during a given year. Special Elections shall be set in accordance with 2.12-6.

370 | 2.9-2. Elections shall be held in an Oneida ~~Tribal~~Nation facility(s) as determined by the Election
371 | Board.

372 | 2.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line
373 | to vote at 7:00 p.m. shall be allowed to vote.

374 | (a) If a ballot counting machine is used, the ballot counting machine shall be prepared
375 | prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after
376 | four (4) ~~Tribal~~members of the Nation verify, through signature on the tape, the ballot
377 | box is empty and the ballot counting machine printer tape has a zero (0) total count.

378 | 2.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open,
379 | and until the counting of ballots is completed, and tentative results posted.

380 | 2.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such
381 | that there is an area with at least two sides and a back enclosure.

382 | 2.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of
383 | the voting area, excluding private property.

384 | 2.9-7. No one causing a disturbance shall be allowed in the voting area.

385 | 2.9-8. Election Board members may restrict the voting area to qualified voters only. This
386 | restriction is in the interest of maintaining security of the ballots and voting process.

387

388 | *Section B. Ballot Box*

389 | 2.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and
390 | shall be locked until counting at the close of polls. Provided that, with electronic ballot counting,
391 | the ballots may be placed within the ballot counting machine as they are received.

392

393 | *Section C. Spoiled Ballots*

394 | 2.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

395 | 2.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials
396 | and placed in an envelope marked as "Spoiled Ballots."

397 | 2.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15)
398 | calendar days following finalization of any challenge of the election, at the Records Management

399 Department.

400

401 *Section D. Rejected Ballots*

402 2.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

403 (a) Computer rejected ballots shall be reviewed by the Election Officials to verify the
404 authenticity of the ballot. Ballots rejected because of mutilation shall be added to the
405 final computer total, provided that, a new ballot was not received as set out in sections
406 2.9-10 through 2.9-12.

407 (b) Ballots rejected, either during the computer process or during a manual counting,
408 shall be reviewed by the Election Officials to verify that they are authentic. If the
409 Election Officials determine that the ballot is not an official ballot, or that it is an illegal
410 ballot, the ballot shall be designated 'void,' and placed in a sealed container marked
411 "Void Ballots."

412

413 **2.10. Tabulating and Securing Ballots**

414 *Section A. Machine Counted Ballots*

415 2.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate
416 from the ballot counting machine copies of the election totals from the votes cast.

417 2.10-2. At least six (6) Election Board members shall sign the election totals, which shall
418 include the tape signed by the ~~Tribal~~ members of the Nation before the polls were opened per
419 section 2.9-3(a).

420

421 *Section B. Manually Counted Ballots*

422 2.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the
423 ballot box and remove the ballots.

424 2.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall
425 be secured in a sealed container for transportation to the ballot counting location. The sealed
426 ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election
427 Officials for counting/tallying of ballots.

428 2.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and
429 witnessed/monitored by an Oneida Police Officer.

430 2.10-6. Ballots must be counted by two different Election Officials until two final tallies are
431 equal in back to back counting. Final tallies shall be verified by the Election Judges.

432

433 *Section C. Securing Ballots*

434 2.10-7. The Judges shall place together all ballots counted and secure them together so that they
435 cannot be untied or tampered with without breaking the seal. The secured ballots, and the
436 election totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed
437 container in such a manner that the container cannot be opened without breaking the seals or
438 locks, or destroying the container. The Oneida Police Officer shall then deliver, on the day of
439 the election, the sealed container to the Records Management Department for retaining.

440

441 **2.11. Election Outcome and Ties**

442 *Section A. Election Results Announcement*

443 2.11-1. The tentative results of an election shall be announced and posted by the Election Board

444 within twenty-four (24) hours after the closing of the polls. Notices of election results shall
445 contain the following statement:

446 *"The election results posted here are tentative results. Final election results are*
447 *forwarded by the Oneida Election Board to the Oneida Business Committee via a Final*
448 *Report after time has lapsed for recount requests, or challenges or after all recounts or*
449 *challenges have been completed, whichever is longer"*

450 2.11-2. The Election Board shall post, in the prominent locations, and publish in the
451 | ~~Tribal~~Nation's newspaper, the tentative results of an election.

452

453 *Section B. Tie*

454 2.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to
455 determine the outcome of an election, the Election Board shall conduct an automatic recount of
456 the votes for each candidate receiving the same number of votes. Any recount conducted shall
457 be the only recount allowed for the tied candidates.

458 2.11-4. For Business Committee positions, a run-off election between the candidates with the
459 same number of votes shall be held if there remains a tie after the recount. Said run-off election
460 shall be held within twenty one (21) calendar days after the recount. For all other positions, if
461 there remains a tie after the recount, the Election Board shall decide the winner of the tied
462 positions at least two (2) business days after, but no more than five (5) business days after the
463 recount through a lot drawing, which shall be open to the public.

464 (a) The Election Board shall notify each of the tied candidates and the public of the date,
465 time, and place of the drawing at least one (1) business day before the drawing. Notice to
466 the tied candidates shall be in writing. Notice to the public shall be posted by the
467 Election Board in the prominent locations.

468 (b) On the date and at the time and place the drawing was noticed, the Election Board
469 Chairperson shall clearly write the name of each tied candidate on separate pieces of
470 paper in front of any witnesses present. The pieces of paper shall be the same, or
471 approximately the same, color, size, and type. The papers shall be folded in half and
472 placed in a container selected by the Election Board Chairperson.

473 (c) The Election Board Chairperson shall designate an uninterested party to draw a name
474 from the container. The candidate whose name is drawn from the container first shall be
475 declared the winner. An Election Board member other than the Chairperson shall remove
476 the remaining pieces of paper from the container and show them to the witnesses present.

477

478 *Section C. Recount Procedures*

479 2.11-5. A candidate may request the Election Board to complete a recount, provided the margin
480 between the requesting candidate's vote total and vote total for the unofficial winner was within
481 two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is
482 | greater. A candidate requests a recount by hand delivering a written request to the ~~Tribal~~office
483 of the Nation's Secretary ~~s~~Office, or noticed designated agent, within five (5) business days after
484 | the election. Requests shall be limited to one (1) request per candidate. The ~~Tribal~~Nation's
485 Secretary shall contact the Election Board Chairperson by the next business day after the request
486 for recounts.

487 2.11-6. The Election Board shall respond by the close of business on the fifth (5th) day after the
488 request regarding the results of the recount. Provided that, no recount request need be honored

489 where there have been two (2) recounts completed as a result of a request either as a recount of
490 the whole election results, or of that sub-section.

491 2.11-7. All recounts shall be conducted manually with, if possible, the original Election Officials
492 and Oneida Police Officer present, regardless of the original type of counting process. Manual
493 recounts may, at the discretion of the Election Officials, be of the total election results, or of the
494 challenged sub-section of the election results.

495 2.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed
496 container with the ballots from the Records Management Department and transporting it to the
497 ballot recounting location.

498 2.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three
499 (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election
500 Board Chairperson and an Oneida Police Officer shall witness the recount.

501 2.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be
502 counted until two (2) final tallies are equal in back to back counting and the total count of ballots
503 reconciles with the total count from the ballot counting machine. Sub-sections of candidates
504 may be recounted in lieu of a full recount.

505 (a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be
506 counted twice by different persons and certified by the Judges.

507 (b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior
508 to using an electronic ballot counting device, it shall be certified as correct either by the
509 maker, lessor of the machine, or Election Board.

510

511 *Section D. Challenges and Declaration of Results*

512 2.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a
513 complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall
514 hear and decide a challenge to any election within two (2) business days after the challenge is
515 filed. Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day
516 after the issuance of the lower body's decision and decided within two (2) business days after the
517 appeal is filed.

518 (a) The person challenging the election results shall prove by clear and convincing
519 evidence that the Election Law was violated or an unfair election was conducted, and that
520 the outcome of the election would have been different but for the violation.

521 (b) If the Judiciary invalidates the election results, a Special Election shall be ordered by
522 the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon
523 as the Election Law allows for a Special Election.

524 2.11-12. *The Final Report.* The Election Board shall forward a Final Report to the
525 | [TribalNation's](#) Secretary after time has lapsed for recount requests, or challenges or after all
526 recounts or challenges have been completed, whichever is longer. The Final Report shall consist
527 of the following information:

528 (a) Total number of persons voting.

529 (b) Total votes cast for each candidate by subsection of the ballot.

530 (c) List of any ties and final results of those ties, including the method of resolution.

531 (d) List of candidates elected and position elected to.

532 (e) Number of spoiled ballots.

533 (f) Cost of the election, including the compensation paid to each Election Board member.

534 2.11-13. *Declaration of Results.* The Business Committee shall declare the official results of the
535 election and send notices regarding when the swearing in of newly elected officials shall take
536 place within ten (10) business days after receipt of the Final Report.

537 2.11-14. Candidates elected to the Business Committee shall resign from any salaried position
538 effective prior to taking a Business Committee oath of office

539 2.11-15. Except in the event of an emergency, as determined by the Business Committee, newly
540 elected officials shall be sworn into office no later than thirty (30) calendar days after the official
541 results of an election are declared by the Business Committee.

542 (a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat
543 shall be considered vacant and the Election Board shall declare the next highest vote
544 recipient the winner. This procedure shall be repeated as necessary until a winner is
545 declared.

546 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a
547 Special Election shall be held.

548 2.11-16. The Election Board shall send notice to the Records Management Department to
549 destroy the ballots thirty (30) calendar days after the election or after the final declaration of
550 official election results occurs, whichever is longer.

551

552 **2.12. Elections**

553 *Section A. Primary Elections; Business Committee*

554 2.12-1. When a primary is required under 2.12-2, it shall be held on a Saturday at least sixty (60)
555 calendar days prior to the election.

556 2.12-2. There shall be a primary election for Business Committee positions whenever there are
557 three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the
558 at-large council member positions.

559 (a) The two (2) candidates receiving the highest number of votes cast for each officer
560 position shall be placed on the ballot.

561 (b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large
562 council member positions shall be placed on the ballot.

563 (c) Any position where a tie exists to determine the candidates to be placed on the ballot
564 shall include all candidates where the tie exists.

565 2.12-3. The Election Board shall cancel the primary election if the Business Committee
566 positions did not draw the requisite number of candidates for a primary by the petitioning
567 deadline set for the primary.

568 2.12-4. In the event a candidate withdraws or is unable to run for office after being declared a
569 winner in the primary, the Election Board shall declare the next highest primary vote recipient
570 the primary winner. This procedure shall be repeated as necessary until the ballot is full or until
571 there are no available candidates. If the ballot has already been printed, the procedures for
572 notifying the Oneida public in section 2.5-11 and 2.5-12 shall be followed, including the
573 requirement to print a notice in the [TribalNation's](#) newspaper if time lines allow.

574

575 *Section B. Special Elections*

576 2.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as
577 defined in this law, may be placed on the same ballot as the subject matter of an election.

578 2.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business

579 Committee as recommended by the Election Board or as ordered by the Judiciary in connection
580 with an election challenge.

581 2.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent
582 locations, and placed in the TribalNation's newspaper not less than ten (10) calendar days prior
583 to the Special Election.

584 2.12-8. In the event of an emergency, the Election Board may reschedule the election, provided
585 that no less than twenty-four (24) hours notice of the rescheduled election date is given to the
586 voters, by posting notices in the prominent locations.

587

588 *Section C. Referendums*

589 2.12-9. Registered voters may indicate opinions on any development, law or resolution,
590 proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a
591 special referendum election.

592 (a) Referendum elections in which a majority of the qualified voters who cast votes shall
593 be binding on the Business Committee to present the issue for action/decision at General
594 Tribal Council.

595 (b) Referendum requests may appear on the next called for election.

596 (c) Referendum questions are to be presented to the TribalNation's Secretary, in writing,
597 at the caucus prior to election, regarding issues directly affecting the TribeNation or
598 general membership.

599

600 *Section D. Initiation of Special Elections*

601 2.12-10. Special Elections may be initiated by a request or directive of the General Tribal
602 Council or the Oneida Business Committee.

603 2.12-11. Special Election may be requested by a Tribal member of the Nation to the Business
604 Committee or General Tribal Council.

605 2.12-12. All Special Elections shall follow rules established for all other elections. This
606 includes positions for all Boards, Committees and Commissions.

607

608 **2.13. Oneida Nation Constitution and By-law Amendments**

609 2.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida
610 Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a
611 petition of qualified voters. The requirements for the Oneida Business Committee's initiation of
612 Constitutional amendments are as provided in the Constitution and as further detailed in the
613 supporting standard operating procedures which the Oneida Business Committee shall adopt.
614 Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by
615 submitting a petition to the Office of the Nation's Secretary which includes the full text of the
616 proposed amendments and signatures that are equal in number to at least ten percent (10%) of all
617 members qualified to vote.

618 (a) Qualified voters may request a petition form from the Office of the Nation's
619 Secretary.

620 (b) When a petition form is requested, the Nation's Secretary, or his or her designee,
621 shall direct the Trust Enrollment Department to calculate the number of signatures
622 currently required for a petition submittal, which shall be ten percent (10%) of all
623 members qualified to vote on the date the petition form is requested from the Office of

624 the Nation's Secretary. When the Nation's Secretary receives the calculation from the
625 Trust Enrollment Department, the Nation's Secretary shall provide the requester with the
626 petition form and the number of signatures that are currently required.

627 (c) Such petitions shall be circulated with all supporting materials and submitted a
628 minimum of ninety (90) days prior to the election at which the proposed amendment is to
629 be voted upon. If a petition includes supporting materials in addition to the petition form,
630 each qualified voter signing the petition shall also acknowledge that the supporting
631 materials were available for review at the time he or she signed the petition by initialing
632 where required on the petition form.

633 (d) The Nation's Secretary shall forward submitted petitions to the Trust Enrollment
634 Department for verification of signatures and to the Election Board to provide notice that
635 the petition may need to be placed on an upcoming ballot.

636 (e) If the petition is verified by the Trust Enrollment Department to contain a sufficient
637 number of signatures, the Election Board shall make an official announcement of the
638 proposed amendments to the Oneida Nation Constitution at least sixty (60) days prior to
639 the election at which the proposed amendments are to be voted on.

640 2.13-2. The Election Board shall place any proposed amendments to the Oneida Nation
641 Constitution that meet the requirements contained in 2.13-1 on the ballot at the next general
642 election. Provided that, the Oneida Business Committee or General Tribal Council may order a
643 special election be held to consider the proposed amendments. In such circumstances, the
644 Election Board shall place any proposed amendments to the Oneida Nation Constitution on the
645 ballot for that special election.

646 2.13-3. The Election Board shall publish any proposed amendments by publishing a sample
647 ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust
648 Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty
649 (20) calendar days prior to the requested mailing. Copies of such publications shall be
650 prominently posted in each polling place and at administrative offices of the Nation and shall
651 also be published in official Oneida media outlets, which shall be identified by Oneida Business
652 Committee resolution. For the purposes of this section, Oneida administrative offices means the
653 location where the Oneida Business Committee conducts business.

654
655 2.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of the
656 proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall ensure
657 that the statement of purpose is one hundred (100) words or less exclusive of caption, is a true
658 and impartial statement and is written in such a manner that does not create prejudice for or
659 against the proposed amendment.

660 2.13-5. Pursuant to Article VI of the Oneida Nation Constitution, proposed amendments that are
661 approved by sixty-five percent (65%) of the qualified voters that vote on that amendment shall
662 become part of the Constitution and By-laws, and shall abrogate or amend existing provisions of
663 the Constitution and By-laws at the end of thirty (30) days after submission of the final election
664 report.

665 2.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the
666 amendment receiving the highest affirmation vote prevails.

667
668
669 *End.*

~~670~~

672 Adopted - June 19, 1993

673 Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)

674 Presented for Adoption of 1997 Revisions - GTC-7-6-98-A

675 Amended- October 11, 2008 (General Tribal Council Meeting)

676 Amended-GTC-01-04-10-A

677 Amended – BC-02-25-15-C

Chapter 2
ONEIDA ELECTION LAW

OnAyote'a·ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? KayanlÁhsla

People of the Standing Stone how it is we will appoint them the kind of laws we have

2.1. Purpose and Policy	2.7. Notice of Polling Places
2.2. Adoption, Amendment, Repeal	2.8. Registration of Voters
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2.5. Candidate Eligibility	2.11. Election Outcome and Ties
2.6. Selection of Candidates	2.12. Elections

1 **2.1. Purpose and Policy**

2 2.1-1. It is the policy of the Nation that this law shall govern the procedures for the conduct of
3 orderly elections of the Nation, including pre-election activities such as caucuses and
4 nominations. Because of the desire for orderly and easily understood elections, there has not
5 been an allowance made for write-in candidates on ballots.

6 2.1-2. This law defines the duties and responsibilities of the Election Board members and other
7 persons employed by the Oneida Nation in the conduct of elections. It is intended to govern all
8 procedures used in the election process.

9

10 **2.2. Adoption, Amendment, Repeal**

11 2.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-98-
12 A and amended by resolutions GTC-01-04-10- A and BC-02-25-15-C.

13 2.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to
14 the procedures set out in the Legislative Procedures Act. Actions of the Election Board regarding
15 amendments to this law and policies adopted regarding implementation of this law are to be
16 presented to the Business Committee who shall then adopt or forward action(s) to the General
17 Tribal Council for adoption.

18 2.2-3. Should a provision of this law or the application thereof to any person or circumstances
19 be held as invalid, such invalidity shall not affect other provisions of this law which are
20 considered to have legal force without the invalid portions.

21 2.2-4. In the event of a conflict between a provision of this law and a provision of another law,
22 the provisions of this law shall control.

23 2.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

24

25 **2.3. Definitions**

26 2.3-1. This section shall govern the definitions of words and phrases used within this law. All
27 words not defined herein shall be used in their ordinary and everyday sense.

28 2.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on
29 the Election Board during an election and until election results have been certified.

30 2.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for
31 acceptance on a ballot.

32 2.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding
33 holidays of the Nation.

34 2.3-5. "Campaigning" shall mean all efforts designed to influence members of the Nation to
35 support or reject a particular candidate of the Nation including, without limitation, advertising,
36 rallying, public speaking, or other communications with members of the Nation.

37 2.3-6. "Candidate" shall mean a petitioner or nominee for an elected position whose name is
38 placed on the ballot by the Election Board after successful application.

- 39 2.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose
40 of determining voter eligibility.
- 41 2.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.
- 42 2.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political or
43 otherwise, in which a Nation elected official, employee, consultant, appointed or elected,
44 member of any board, committee or commission, or their immediate relatives, friends or
45 associates, or any other person with whom they have contact, that conflicts with any right of the
46 Nation to property, information, or any other right to own and operate its enterprises, free from
47 undisclosed competition or other violation of such rights of the Oneida Nation, or as defined in
48 any law or policy of the Nation.
- 49 2.3-10. "Election" shall mean every primary and election.
- 50 2.3-11. "General election" shall mean the election held every three (3) years in July to elect the
51 Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the
52 Business Committee and may include contests for elected boards, committees and commissions
53 positions.
- 54 2.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of
55 discrepancies, complaints and controversy regarding voter eligibility.
- 56 2.3-13. "Judiciary" means the judicial system that was established by Oneida General Tribal
57 Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of
58 the Nation.
- 59 2.3-14. "Lot drawing" shall mean the equal chance method used to select a candidate as the
60 winner of an elected position, in the case of a tie between two (2) or more candidates.
- 61 2.3-15. "Nation" means the Oneida Nation.
- 62 2.3-16. "Nation's newspaper" shall mean the Kalihwisaks, or any other newspaper operated by
63 the Nation for the benefit of transmitting news to members of the Nation, which is designated by
64 the Election Board as a source for election related news.
- 65 2.3-17. "Oneida Police Officer" shall mean an enrolled member of the Oneida Nation who is a
66 police officer on any police force.
- 67 2.3-18. "Private property" shall mean any lot of land not owned by the Nation, a residential
68 dwelling or a privately owned business within the boundaries of the Reservation.
- 69 2.3-19. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill
70 Center, main doors of the Oneida Community Library, Tsyunhehkwaw Retail Store, the Oneida
71 Community Health Center, the SEOTS building and all One-Stop locations.
- 72 2.3-20. "Qualified voter" shall mean an enrolled member of the Nation who is eighteen (18)
73 years of age or older.
- 74 2.3-21. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating
75 machine.
- 76 2.3-22. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred
77 and is not tabulated.
- 78 2.3-23. "Teller" shall mean the election official in charge of collecting and storing of all ballots.
- 79
80

81 **2.4. Election Board**

82 *Section A. Establishment, Composition and Election*

83 2.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this

84 law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.

85 2.4-2. The Election Board shall consist of nine (9) elected members. All members shall be
86 elected to terms of three (3) years, not to exceed two (2) consecutive terms.

87 2.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an
88 Election Board member in any pre-election, election day, or post-election activities while he or
89 she is a petitioner, applicant or candidate in any election or there is otherwise a conflict of
90 interest.

91 2.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A
92 member who is removed from the Election Board shall be ineligible to serve on the Board for
93 three (3) years from the time he or she is removed from the Election Board.

94 2.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the
95 Business Committee for the balance of the unexpired term. The filling of a vacancy may be
96 timed to correspond with the pre-election activities and the needs of the Election Board.

97 2.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

98 2.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to the
99 Election Board, as recommended by the Election Board, to assist with election day and pre-
100 election activities.

101 2.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in the
102 By-laws of the Election Board, to preside over the meetings. This selection shall be carried out
103 at the first meeting of the Election Board following an election. The Chairperson shall then ask
104 the Election Board to select a Vice-Chairperson and Secretary.

105

106 *Section B. Duties of the Election Board*

107 2.4-9. The Election Board shall have the following duties, along with other responsibilities listed
108 throughout this law.

- 109 (a) The Election Board shall be in charge of all registration and election procedures; and
110 (b) Upon completion of an election, the Election Board shall make a final report on the
111 election results as set out in this law.

112

113 *Section C. Specific Duties of Officers and Election Board Members*

114 2.4-10. Specific duties of the Chairperson and other Election Board members, in addition to
115 being present at all Election Board meetings and assisting the handicapped through the voting
116 process, are as set out herein:

117 (a) Chairperson: Shall preside over meetings of the Election Board; shall select the
118 hearing body for applicants found to be ineligible in accordance with 2.5-6 in the event of
119 an appeal; shall oversee the conduct of the election; shall dismiss the alternates and Trust
120 Enrollment Department personnel when their election day duties are complete; and shall
121 post and report election results.

122 (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.

123 (c) Secretary: Shall keep a record of the meetings and make them available to the
124 Nation's Secretary, other Election Board members and the public as required in the Open
125 Records and Open Meetings Law.

126 (d) Clerks: Shall implement the requirements of identifying and registering all voters
127 and determining voter eligibility. Clerks shall work in conjunction with the Trust
128 Enrollment Department personnel in the registration process, and assist the Chairperson

129 as directed in conducting the election. Clerks cannot be currently employed by the Trust
130 Enrollment Department.

131 (e) Tellers: Shall collect and keep safe all ballots, until the election is complete, as
132 determined by this law. Shall assist the Chairperson in conducting the election.

133 (f) Judges: Shall inform and advise the Chairperson of all aspects of the election
134 conducted under this law. In case of disputes among Election Board members, or
135 between members of the Nation and Election Board members, or any controversy
136 regarding voter eligibility, the Judge(s) shall assist the Chairperson in making a
137 determination. The Judge(s) shall also ensure that all ballots of voters whose eligibility
138 may be in question, remain confidential.
139

140 *Section D. Compensation Rates*

141 2.4-11. Election Board members are to be compensated at an hourly rate when conducting
142 elections as provided for in the Election Board's bylaws as approved by the Business Committee.
143 The Election Board shall have a budget, approved through the Nation's budgeting process.

144 2.4-12. The Trust Enrollment Department personnel and Oneida Police Officer(s) shall be
145 compensated at their regular rate of pay out of their respective budgets.
146

147 **2.5. Candidate Eligibility**

148 *Section A. Requirements*

149 2.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-laws
150 or other documents, all applicants shall meet the minimum requirements set out in this section in
151 order to become a candidate.

152 2.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

153 (a) be an enrolled member of the Nation, as verified by membership rolls of the Nation.

154 (b) be a qualified voter on the day of the election.

155 (c) provide proof of physical residency as required for the position for which they have
156 been nominated or for which they have petitioned. Proof of residency may be through
157 one (1) or more of the following:

158 (1) a valid Wisconsin driver's license;

159 (2) a bill or pay check stub showing name and physical address of the candidate
160 from the prior or current month;

161 (3) another form of proof that identifies the candidate and that the candidate has
162 physically resided at the address and identifies that address as the primary
163 residence.

164 2.5-3. No applicant may have a conflict of interest with the position for which they are being
165 considered, provided that any conflict of interest which may be eliminated within thirty (30)
166 calendar days of being elected shall not be considered as a bar to nomination or election.

167 2.5-4. Applications and petitions where the applicant was not nominated during caucus shall be
168 filed by presenting the information to the Nation's Secretary, or designated agent, during normal
169 business hours, 8:00 to 4:30 Monday through Friday, within five (5) business days after the
170 caucus. No mailed, internal Nation mail delivery, faxed or other delivery method shall be
171 accepted.

172 2.5-5. The names of the candidates and the positions sought shall be a public record and made
173 available to the public upon the determination of eligibility by the Election Board or the Board's

174 designated agent.

175
176 *Section B. Eligibility Review*
177 2.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal.
178 At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall
179 select the hearing body. The hearing shall be held within two (2) business days of receipt of the
180 appeal. The applicant shall be notified by phone of time and place of the hearing. The decision
181 of the hearing body shall be sent via certified mail or hand delivery within two (2) business days
182 of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the
183 Judiciary on an accelerated schedule.

184 2.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to
185 verify eligibility. Any applicant found to be ineligible for a nominated or petitioned for position
186 shall be notified by certified mail return receipt requested. The notice shall provide the
187 following information:

- 188 (a) Position for which they were considered
- 189 (b) Qualification of the position and citation of the source. (Copies of source may be
- 190 attached.)
- 191 (c) A brief summary explaining why the applicant was found to be ineligible.
- 192 (d) That the applicant has two (2) business days from notification to make an appeal.
- 193 Appeals must be filed at the location designated on the notice by hand delivery. The
- 194 location designated shall be on the Reservation. No mailed, internal Nation mail, faxed
- 195 or other delivery method will be accepted.

196
197 *Section C. Campaign Financing*

198 2.5-8. Contributions:

- 199 (a) Solicitation of Contributions by Candidates.
 - 200 (1) Candidates shall only accept contributions from individuals who are members
 - 201 of the Nation or individuals related by blood or marriage to the candidate.
 - 202 Candidates may not accept contributions from any business, whether sole
 - 203 proprietorship, partnership, corporation, or other business entity.
 - 204 (2) Candidates shall not solicit or accept contributions in any office or
 - 205 business/facility of the Nation.
- 206 (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the
- 207 Election Board in an amount specified in a resolution adopted by the Business
- 208 Committee.

209 2.5-9. Campaign Signs and Campaigning:

- 210 (a) Placement of campaign signs:
 - 211 (1) Campaign signs shall not be posted or erected on any property of the Nation
 - 212 except for private property with the owner/tenant’s permission.
 - 213 (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum
 - 214 of seven (7) such signs may be placed on a building or on a lot.
 - 215 (3) No campaign sign shall project beyond the property line into the public right
 - 216 of way.
- 217 (b) Removal of campaign signs. All campaign signs shall be removed within five (5)
- 218 business days after an election.

219 (c) Employees of the Nation shall not engage in campaigning for offices of the Nation
220 during work hours. The Nation’s employees shall be subject to disciplinary action under
221 the personnel policies and procedures for political campaigning during work hours.

222 (d) Enforcement. The Zoning Administrator shall cause to be removed any campaign
223 signs that are not in compliance with this law, in accordance with the Zoning and
224 Shoreland Protection Law.

225 (e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by
226 the Election Board in an amount specified in a resolution adopted by the Business
227 Committee.

228

229 *Section D. Candidate Withdrawal*

230 2.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by the
231 candidate prior to submission of the ballot for printing to any Election Board member, excluding
232 alternates.

233 2.5-11 After printing of the ballot, any candidate may withdraw his or her name from the
234 election by submitting in writing a statement indicating they are withdrawing from the election
235 prior to the opening of the polls to any Election Board member, excluding alternates. This
236 statement shall be posted alongside any sample ballot printed prior to the election in the
237 newspaper or any posting at the polling places.

238 2.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the
239 Election Board members in charge of the polling place, to be removed from the ballot. The
240 written statement shall be posted next to any posted sample ballot.

241 2.5-13. Candidates withdrawing by any method listed herein shall be denied any position from
242 which they have withdrawn regardless of the number of votes cast for that candidate. A written
243 statement shall be considered the only necessary evidence of withdrawal and acceptance of
244 denial of any position withdrawn from.

245 2.5-14. *Candidate Withdrawal After Winning an Election.*

246 (a) In the event a candidate declines an office after winning an election, the Election
247 Board shall declare the next highest vote recipient the winner. This procedure shall be
248 repeated as necessary until a winner is declared.

249 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a
250 Special Election shall be held.

251

252 **2.6. Selection of Candidates**

253 *Section A. Setting of Caucus*

254 2.6-1. The Election Board shall be responsible for calling a caucus before any election is held.
255 The caucus for the general election shall be held at least ninety (90) calendar days prior to the
256 election date. Caucuses for other elections shall be held at least forty-five (45) calendar days
257 prior to the election date. In a general election year, caucuses shall be combined so that
258 candidates for the Business Committee and elected boards, committees and commissions are
259 nominated at the same caucus.

260 2.6-2. The procedures for the caucus shall be as follows:

261 (a) Candidates shall be nominated from the floor.

262 (b) Candidates present at the caucus will accept/decline their nomination at the caucus.
263 Candidates nominated at the caucus, but not present to accept the nomination, shall be

264 required to follow the petition process.

265 (c) Nominations shall consist of the following positions: Chairperson, Vice-
266 Chairperson, Treasurer, Secretary, Council Member and other elected positions as
267 required by by-laws or creating documents of a board, committee, or commission.
268

269 *Section B. Petition*

270 2.6-3. Any eligible member of the Nation may petition to be placed on a ballot according to the
271 following procedures:

272 (a) Each petitioner, not nominated at caucus, shall file a petition containing
273 endorsee’s original signatures; photocopies shall not be accepted.

274 (b) Petitioners shall use an official petition form as designated by this law which may
275 be obtained in the Office of the Nation’s Secretary or from the mailing for that
276 caucus.

277 (c) The petition form shall consist of each endorsee’s:

- 278 (1) printed name and address;
- 279 (2) date of birth;
- 280 (3) Oneida Nation Enrollment Number; and
- 281 (4) signature.

282 (d) Petitioners shall obtain not less than ten (10) signatures of qualified voters as
283 defined under this law.

284 (e) Petitions shall be presented to the Nation’s Secretary, or designated agent, during
285 normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to
286 close of business five (5) business days after the caucus. The location to drop-off
287 petitions shall be identified in the mailing identifying the caucus date.

288 (f) The Nation’s Secretary shall forward all petitions to the Election Board
289 Chairperson the next business day following the close of petition submissions.

290 (g) The Election Board shall have the Trust Enrollment Department verify all
291 signatures contained on the petition .

292 2.6-4. A person who runs for a position on the Oneida Business Committee, or a position on a
293 judicial court or commission, shall not run for more than one (1) elective office or seat per
294 election.
295

296 **2.7. Notice of Polling Places**

297 2.7-1. The Election Board shall post a notice in the prominent locations, stating the location of
298 the polling places and the time the polls will be open. This notice shall also be posted in an
299 easily visible position, close to the entrance of the Nation’s businesses/facilities.

300 2.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the
301 election, and shall remain posted until the poll closes on the day of the election.

302 2.7-3. Except for a Special Election, notice for the election shall be mailed to all Nation
303 members, stating the time and place of the election and a sample of the ballot, no less than ten
304 (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment
305 Department shall be notified, by the Election Board Chairperson, no less than twenty (20)
306 calendar days prior to the requested mailing.

307 2.7-4. Notice of the election shall be placed in the Nation’s newspaper.
308

309 **2.8. Registration of Voters**

310 *Section A. Requirements*

311 2.8-1. *Registration of Voters.* All enrolled members of the Nation, who are eighteen (18) years
312 of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the
313 Oneida Nation Constitution.

314

315 *Section B. Identification of Voters*

316 2.8-2. All voters must present one of the following picture identifications in order to be able to
317 vote:

- 318 (a) Oneida Nation I.D.
319 (b) Drivers License.
320 (c) Other I.D. with name and photo.

321

322 *Section C. Registration Procedures*

323 2.8-3. Voters shall physically register, on the day of the election, at the polls.

324 2.8-4. Trust Enrollment Department personnel shall be responsible for verifying enrollment with
325 the Nation. Conduct of Trust Enrollment Department personnel is governed by the Election
326 Officials during the voting period.

327 2.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration
328 Form containing the voter's following information:

- 329 (a) name and maiden name (if any);
330 (b) current address;
331 (c) date of birth; and
332 (d) enrollment number.

333

334 *Section D. Qualification/Verification of Voter Eligibility*

335 2.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote,
336 the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with
337 the Trust Enrollment Department personnel who are registering voters, to decide the voting
338 member's eligibility currently being questioned and shall make such decisions from the facts
339 available, whether the applicant is, in fact, qualified/verifiable under the Oneida Nation
340 Constitution, Article III Section 2, to vote in the Nation's elections.

341 2.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be
342 placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of
343 the voter shall be written next to a numbered list which corresponds to the numbered and sealed
344 envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box
345 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they
346 desire to challenge the decision made by the Election Officials. The Election Board shall make a
347 final decision, within five (5) business days of receiving the appeal and shall report this decision
348 in the final report sent to the Oneida Business Committee.

349

350 **2.9. Election Process**

351 *Section A. Polling Places and Times*

352 2.9-1. In accordance with Article III, Section 5 of the Oneida Nation Constitution, elections
353 shall be held in the month of July on a date set by the General Tribal Council. The General

354 Tribal Council shall set the election date at the January annual meeting, or at the first GTC
355 meeting held during a given year. Special Elections shall be set in accordance with 2.12-6.

356 2.9-2. Elections shall be held in an Oneida Nation facility(s) as determined by the Election
357 Board.

358 2.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line
359 to vote at 7:00 p.m. shall be allowed to vote.

360 (a) If a ballot counting machine is used, the ballot counting machine shall be prepared
361 prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after
362 four (4) members of the Nation verify, through signature on the tape, the ballot box is
363 empty and the ballot counting machine printer tape has a zero (0) total count.

364 2.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open,
365 and until the counting of ballots is completed, and tentative results posted.

366 2.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such
367 that there is an area with at least two sides and a back enclosure.

368 2.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of
369 the voting area, excluding private property.

370 2.9-7. No one causing a disturbance shall be allowed in the voting area.

371 2.9-8. Election Board members may restrict the voting area to qualified voters only. This
372 restriction is in the interest of maintaining security of the ballots and voting process.

373

374 *Section B. Ballot Box*

375 2.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and
376 shall be locked until counting at the close of polls. Provided that, with electronic ballot counting,
377 the ballots may be placed within the ballot counting machine as they are received.

378

379 *Section C. Spoiled Ballots*

380 2.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

381 2.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials
382 and placed in an envelope marked as "Spoiled Ballots."

383 2.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15)
384 calendar days following finalization of any challenge of the election, at the Records Management
385 Department.

386

387 *Section D. Rejected Ballots*

388 2.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

389 (a) Computer rejected ballots shall be reviewed by the Election Officials to verify the
390 authenticity of the ballot. Ballots rejected because of mutilation shall be added to the
391 final computer total, provided that, a new ballot was not received as set out in sections
392 2.9-10 through 2.9-12.

393 (b) Ballots rejected, either during the computer process or during a manual counting,
394 shall be reviewed by the Election Officials to verify that they are authentic. If the
395 Election Officials determine that the ballot is not an official ballot, or that it is an illegal
396 ballot, the ballot shall be designated 'void,' and placed in a sealed container marked
397 "Void Ballots."

398

399 **2.10. Tabulating and Securing Ballots**

400 *Section A. Machine Counted Ballots*

401 2.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate
402 from the ballot counting machine copies of the election totals from the votes cast.

403 2.10-2. At least six (6) Election Board members shall sign the election totals, which shall
404 include the tape signed by the members of the Nation before the polls were opened per section
405 2.9-3(a).

406

407 *Section B. Manually Counted Ballots*

408 2.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the
409 ballot box and remove the ballots.

410 2.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall
411 be secured in a sealed container for transportation to the ballot counting location. The sealed
412 ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election
413 Officials for counting/tallying of ballots.

414 2.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and
415 witnessed/monitored by an Oneida Police Officer.

416 2.10-6. Ballots must be counted by two different Election Officials until two final tallies are
417 equal in back to back counting. Final tallies shall be verified by the Election Judges.

418

419 *Section C. Securing Ballots*

420 2.10-7. The Judges shall place together all ballots counted and secure them together so that they
421 cannot be untied or tampered with without breaking the seal. The secured ballots, and the
422 election totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed
423 container in such a manner that the container cannot be opened without breaking the seals or
424 locks, or destroying the container. The Oneida Police Officer shall then deliver, on the day of
425 the election, the sealed container to the Records Management Department for retaining.

426

427 **2.11. Election Outcome and Ties**

428 *Section A. Election Results Announcement*

429 2.11-1. The tentative results of an election shall be announced and posted by the Election Board
430 within twenty-four (24) hours after the closing of the polls. Notices of election results shall
431 contain the following statement:

432 *"The election results posted here are tentative results. Final election results are*
433 *forwarded by the Oneida Election Board to the Oneida Business Committee via a Final*
434 *Report after time has lapsed for recount requests, or challenges or after all recounts or*
435 *challenges have been completed, whichever is longer"*

436 2.11-2. The Election Board shall post, in the prominent locations, and publish in the Nation's
437 newspaper, the tentative results of an election.

438

439 *Section B. Tie*

440 2.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to
441 determine the outcome of an election, the Election Board shall conduct an automatic recount of
442 the votes for each candidate receiving the same number of votes. Any recount conducted shall
443 be the only recount allowed for the tied candidates.

444 2.11-4. For Business Committee positions, a run-off election between the candidates with the
445 same number of votes shall be held if there remains a tie after the recount. Said run-off election
446 shall be held within twenty one (21) calendar days after the recount. For all other positions, if
447 there remains a tie after the recount, the Election Board shall decide the winner of the tied
448 positions at least two (2) business days after, but no more than five (5) business days after the
449 recount through a lot drawing, which shall be open to the public.

450 (a) The Election Board shall notify each of the tied candidates and the public of the date,
451 time, and place of the drawing at least one (1) business day before the drawing. Notice to
452 the tied candidates shall be in writing. Notice to the public shall be posted by the
453 Election Board in the prominent locations.

454 (b) On the date and at the time and place the drawing was noticed, the Election Board
455 Chairperson shall clearly write the name of each tied candidate on separate pieces of
456 paper in front of any witnesses present. The pieces of paper shall be the same, or
457 approximately the same, color, size, and type. The papers shall be folded in half and
458 placed in a container selected by the Election Board Chairperson.

459 (c) The Election Board Chairperson shall designate an uninterested party to draw a name
460 from the container. The candidate whose name is drawn from the container first shall be
461 declared the winner. An Election Board member other than the Chairperson shall remove
462 the remaining pieces of paper from the container and show them to the witnesses present.
463

464 *Section C. Recount Procedures*

465 2.11-5. A candidate may request the Election Board to complete a recount, provided the margin
466 between the requesting candidate's vote total and vote total for the unofficial winner was within
467 two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is
468 greater. A candidate requests a recount by hand delivering a written request to the office of the
469 Nation's Secretary, or noticed designated agent, within five (5) business days after the election.
470 Requests shall be limited to one (1) request per candidate. The Nation's Secretary shall contact
471 the Election Board Chairperson by the next business day after the request for recounts.

472 2.11-6. The Election Board shall respond by the close of business on the fifth (5th) day after the
473 request regarding the results of the recount. Provided that, no recount request need be honored
474 where there have been two (2) recounts completed as a result of a request either as a recount of
475 the whole election results, or of that sub-section.

476 2.11-7. All recounts shall be conducted manually with, if possible, the original Election Officials
477 and Oneida Police Officer present, regardless of the original type of counting process. Manual
478 recounts may, at the discretion of the Election Officials, be of the total election results, or of the
479 challenged sub-section of the election results.

480 2.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed
481 container with the ballots from the Records Management Department and transporting it to the
482 ballot recounting location.

483 2.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three
484 (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election
485 Board Chairperson and an Oneida Police Officer shall witness the recount.

486 2.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be
487 counted until two (2) final tallies are equal in back to back counting and the total count of ballots
488 reconciles with the total count from the ballot counting machine. Sub-sections of candidates

489 may be recounted in lieu of a full recount.

490 (a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be
491 counted twice by different persons and certified by the Judges.

492 (b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior
493 to using an electronic ballot counting device, it shall be certified as correct either by the
494 maker, lessor of the machine, or Election Board.

495

496 *Section D. Challenges and Declaration of Results*

497 2.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a
498 complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall
499 hear and decide a challenge to any election within two (2) business days after the challenge is
500 filed. Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day
501 after the issuance of the lower body's decision and decided within two (2) business days after the
502 appeal is filed.

503 (a) The person challenging the election results shall prove by clear and convincing
504 evidence that the Election Law was violated or an unfair election was conducted, and that
505 the outcome of the election would have been different but for the violation.

506 (b) If the Judiciary invalidates the election results, a Special Election shall be ordered by
507 the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon
508 as the Election Law allows for a Special Election.

509 2.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Nation's
510 Secretary after time has lapsed for recount requests, or challenges or after all recounts or
511 challenges have been completed, whichever is longer. The Final Report shall consist of the
512 following information:

513 (a) Total number of persons voting.

514 (b) Total votes cast for each candidate by subsection of the ballot.

515 (c) List of any ties and final results of those ties, including the method of resolution.

516 (d) List of candidates elected and position elected to.

517 (e) Number of spoiled ballots.

518 (f) Cost of the election, including the compensation paid to each Election Board member.

519 2.11-13. *Declaration of Results.* The Business Committee shall declare the official results of the
520 election and send notices regarding when the swearing in of newly elected officials shall take
521 place within ten (10) business days after receipt of the Final Report.

522 2.11-14. Candidates elected to the Business Committee shall resign from any salaried position
523 effective prior to taking a Business Committee oath of office

524 2.11-15. Except in the event of an emergency, as determined by the Business Committee, newly
525 elected officials shall be sworn into office no later than thirty (30) calendar days after the official
526 results of an election are declared by the Business Committee.

527 (a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat
528 shall be considered vacant and the Election Board shall declare the next highest vote
529 recipient the winner. This procedure shall be repeated as necessary until a winner is
530 declared.

531 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a
532 Special Election shall be held.

533 2.11-16. The Election Board shall send notice to the Records Management Department to

534 destroy the ballots thirty (30) calendar days after the election or after the final declaration of
535 official election results occurs, whichever is longer.

536

537 **2.12. Elections**

538 *Section A. Primary Elections; Business Committee*

539 2.12-1. When a primary is required under 2.12-2, it shall be held on a Saturday at least sixty (60)
540 calendar days prior to the election.

541 2.12-2. There shall be a primary election for Business Committee positions whenever there are
542 three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the
543 at-large council member positions.

544 (a) The two (2) candidates receiving the highest number of votes cast for each officer
545 position shall be placed on the ballot.

546 (b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large
547 council member positions shall be placed on the ballot.

548 (c) Any position where a tie exists to determine the candidates to be placed on the ballot
549 shall include all candidates where the tie exists.

550 2.12-3. The Election Board shall cancel the primary election if the Business Committee
551 positions did not draw the requisite number of candidates for a primary by the petitioning
552 deadline set for the primary.

553 2.12-4. In the event a candidate withdraws or is unable to run for office after being declared a
554 winner in the primary, the Election Board shall declare the next highest primary vote recipient
555 the primary winner. This procedure shall be repeated as necessary until the ballot is full or until
556 there are no available candidates. If the ballot has already been printed, the procedures for
557 notifying the Oneida public in section 2.5-11 and 2.5-12 shall be followed, including the
558 requirement to print a notice in the Nation's newspaper if time lines allow.

559

560 *Section B. Special Elections*

561 2.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as
562 defined in this law, may be placed on the same ballot as the subject matter of an election.

563 2.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business
564 Committee as recommended by the Election Board or as ordered by the Judiciary in connection
565 with an election challenge.

566 2.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent
567 locations, and placed in the Nation's newspaper not less than ten (10) calendar days prior to the
568 Special Election.

569 2.12-8. In the event of an emergency, the Election Board may reschedule the election, provided
570 that no less than twenty-four (24) hours notice of the rescheduled election date is given to the
571 voters, by posting notices in the prominent locations.

572

573 *Section C. Referendums*

574 2.12-9. Registered voters may indicate opinions on any development, law or resolution,
575 proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a
576 special referendum election.

577 (a) Referendum elections in which a majority of the qualified voters who cast votes shall
578 be binding on the Business Committee to present the issue for action/decision at General

579 Tribal Council.
580 (b) Referendum requests may appear on the next called for election.
581 (c) Referendum questions are to be presented to the Nation’s Secretary, in writing, at the
582 caucus prior to election, regarding issues directly affecting the Nation or general
583 membership.
584

585 *Section D. Initiation of Special Elections*

586 2.12-10. Special Elections may be initiated by a request or directive of the General Tribal
587 Council or the Oneida Business Committee.

588 2.12-11. Special Election may be requested by a member of the Nation to the Business
589 Committee or General Tribal Council.

590 2.12-12. All Special Elections shall follow rules established for all other elections. This
591 includes positions for all Boards, Committees and Commissions.
592

593 **2.13. Oneida Nation Constitution and By-law Amendments**

594 2.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida
595 Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a
596 petition of qualified voters. The requirements for the Oneida Business Committee’s initiation of
597 Constitutional amendments are as provided in the Constitution and as further detailed in the
598 supporting standard operating procedures which the Oneida Business Committee shall adopt.
599 Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by
600 submitting a petition to the Office of the Nation’s Secretary which includes the full text of the
601 proposed amendments and signatures that are equal in number to at least ten percent (10%) of all
602 members qualified to vote.

603 (a) Qualified voters may request a petition form from the Office of the Nation’s
604 Secretary.

605 (b) When a petition form is requested, the Nation’s Secretary, or his or her designee,
606 shall direct the Trust Enrollment Department to calculate the number of signatures
607 currently required for a petition submittal, which shall be ten percent (10%) of all
608 members qualified to vote on the date the petition form is requested from the Office of
609 the Nation’s Secretary. When the Nation’s Secretary receives the calculation from the
610 Trust Enrollment Department, the Nation’s Secretary shall provide the requester with the
611 petition form and the number of signatures that are currently required.

612 (c) Such petitions shall be circulated with all supporting materials and submitted a
613 minimum of ninety (90) days prior to the election at which the proposed amendment is to
614 be voted upon. If a petition includes supporting materials in addition to the petition form,
615 each qualified voter signing the petition shall also acknowledge that the supporting
616 materials were available for review at the time he or she signed the petition by initialing
617 where required on the petition form.

618 (d) The Nation’s Secretary shall forward submitted petitions to the Trust Enrollment
619 Department for verification of signatures and to the Election Board to provide notice that
620 the petition may need to be placed on an upcoming ballot.

621 (e) If the petition is verified by the Trust Enrollment Department to contain a sufficient
622 number of signatures, the Election Board shall make an official announcement of the
623 proposed amendments to the Oneida Nation Constitution at least sixty (60) days prior to

- 624 the election at which the proposed amendments are to be voted on.
- 625 2.13-2. The Election Board shall place any proposed amendments to the Oneida Nation
626 Constitution that meet the requirements contained in 2.13-1 on the ballot at the next general
627 election. Provided that, the Oneida Business Committee or General Tribal Council may order a
628 special election be held to consider the proposed amendments. In such circumstances, the
629 Election Board shall place any proposed amendments to the Oneida Nation Constitution on the
630 ballot for that special election.
- 631 2.13-3. The Election Board shall publish any proposed amendments by publishing a sample
632 ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust
633 Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty
634 (20) calendar days prior to the requested mailing. Copies of such publications shall be
635 prominently posted in each polling place and at administrative offices of the Nation and shall
636 also be published in official Oneida media outlets, which shall be identified by Oneida Business
637 Committee resolution. For the purposes of this section, Oneida administrative offices means the
638 location where the Oneida Business Committee conducts business.
- 639
- 640 2.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of the
641 proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall ensure
642 that the statement of purpose is one hundred (100) words or less exclusive of caption, is a true
643 and impartial statement and is written in such a manner that does not create prejudice for or
644 against the proposed amendment.
- 645 2.13-5. Pursuant to Article VI of the Oneida Nation Constitution, proposed amendments that are
646 approved by sixty-five percent (65%) of the qualified voters that vote on that amendment shall
647 become part of the Constitution and By-laws, and shall abrogate or amend existing provisions of
648 the Constitution and By-laws at the end of thirty (30) days after submission of the final election
649 report.
- 650 2.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the
651 amendment receiving the highest affirmation vote prevails.

652
653
654 *End.*

~~655~~
657 _____
658 Adopted - June 19, 1993
659 Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)
660 Presented for Adoption of 1997 Revisions - GTC-7-6-98-A
661 Amended- October 11, 2008 (General Tribal Council Meeting)
662 Amended-GTC-01-04-10-A
663 Amended – BC-02-25-15-C