



# Oneida Business Committee

Emergency Meeting  
 9:00 AM Tuesday, March 17, 2020  
 BC Conference Room, 2nd floor, Norbert Hill Center

## Agenda

Meeting agenda is available here: [oneida-nsn.gov/government/business-committee/agendas-packets/](https://oneida-nsn.gov/government/business-committee/agendas-packets/). Materials for the "General Tribal Council" section of the agenda, if any, are available to enrolled members of the Oneida Nation; to obtain a copy, visit the BC Support Office, 2nd floor, Norbert Hill Center and present a valid Tribal I.D. or go to <https://goo.gl/uLp2jE>. Scheduled times are subject to change.

### NOTICE

All regular, special, and emergency Business Committee meetings in the months of March, April and May will be closed to the public. This is preventative measure as a result of the COVID-19 pandemic. Audio recordings are made of all meetings of the Business Committee. Video recordings are made of regular meetings of the Business Committee. All recordings are available on the Nation's website at: <https://oneida-nsn.gov/government/business-committee/recordings/>. If you have comments regarding open session items, please submit them to [TribalSecretary@oneidanation.org](mailto:TribalSecretary@oneidanation.org) no later than close of business the day prior to a Business Committee meeting. Comments will be noticed to the Business Committee.

#### I. CALL TO ORDER

#### II. OPENING

#### III. ADOPT THE AGENDA

#### IV. NEW BUSINESS

##### A. Actions related to the Nation's COVID-19 outbreak response

Sponsor: Tehassi Hill, Chairman

##### 1. Adopt resolution in accordance with the Budget Contingency Plan

Sponsor: Trish King, Treasurer

##### 2. Adopt resolution entitled Adoption of Emergency Amendments to the Election Law to Implement Alternative Processes to Address COVID-19 Pandemic Impacts on the Oneida Nation 2020 General Election

Sponsor: David P. Jordan, Councilman

3. **Adopt resolution entitled Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic Impacts on Boards, Committees, and Commissions of the Nation**  
Sponsor: David P. Jordan, Councilman
  
4. **Amending Resolution BC-05-08-19-B Boards, Committees, and Commissions Law Stipends**  
Sponsor: David P. Jordan, Councilman

**V. ADJOURN**

Posted on the Oneida Nation's official website, [www.oneida-nsn.gov](http://www.oneida-nsn.gov) pursuant to the Open Records and Open Meetings law (§ 107.14.)

The meeting packet of the open session materials for this meeting is available by going to the Oneida Nation's official website at: [oneida-nsn.gov/government/business-committee/agendas-packets/](http://oneida-nsn.gov/government/business-committee/agendas-packets/)

For information about this meeting, please call the Business Committee Support Office at (920) 869-4364 or (800) 236-2214

Actions related to the Nation's COVID-19 outbreak response

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**Business Committee Agenda Request****1. Meeting Date Requested:** 03/16/20**2. General Information:**Session:  Open  Executive – must qualify under §107.4-1.  
Justification: *Choose reason for Executive.***3. Supporting Documents:** Contract Document(s)  Legal Review  Resolution  
 Correspondence  Minutes  Statement of Effect  
 Fiscal Impact Statement  Report  Travel Documents  
 Other: stipend and law amendments**4. Budget Information:** Budgeted  Budgeted – Grant Funded  Unbudgeted  
 Not Applicable  Other: *Describe***5. Submission:**Authorized Sponsor: Tehassi Hill, Chairman

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)Additional Requestor: (Name, Title/Entity)Submitted By: LLIGGINS

A good mind. A good heart. A strong fire.



## Business Committee Agenda Request – Cover Memo

**From:** Tehassi Hill, Chairman  
**Date:** 3/16/2020  
**RE:** Actions related to the Nation’s COVID-19 outbreak response

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### **PURPOSE**

The Business Committee needs to take action on a variety of item related to the Nation’s response to the COVID-19 outbreak

### **BACKGROUND**

Needed actions have been identified for the following: Budget Contingency Plan, Election Law amendments, Boards Committees and Commissions law amendments, and Stipend resolution amendments. Please note - additional items may be identified as this is a quickly evolving situation.

### **REQUESTED ACTION**

Review the materials provided and take action on a variety of item related to the Nation’s response to the COVID-19 outbreak

Adopt resolution in accordance with the Budget Contingency Plan

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## Business Committee Agenda Request

**1. Meeting Date Requested:** 03/17/20

**2. General Information:**

Session:  Open  Executive – must qualify under §107.4-1.  
 Justification: *Choose reason for Executive.*

**3. Supporting Documents:**

Contract Document(s)  Legal Review  Resolution  
 Correspondence  Minutes  Statement of Effect  
 Fiscal Impact Statement  Report  Travel Documents  
 Other: Reference Documents

**4. Budget Information:**

Budgeted  Budgeted – Grant Funded  Unbudgeted  
 Not Applicable  Other: *Describe*

**5. Submission:**

Authorized Sponsor: Trish King, Treasurer

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

### BC Resolution #

### Adoption of Tier   Budget Contingency Plan for the Remainder of Fiscal Year 2020 As A Result of Potential COVID-19 Pandemic Financial Impacts

- 1   **WHEREAS,**   the Oneida Nation is a federally recognized Indian government and a treaty tribe
- 2                    recognized by the laws of the United States of America; and
- 3
- 4   **WHEREAS,**   the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- 5
- 6   **WHEREAS,**   the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
- 7                    of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- 8
- 9   **WHEREAS,**   the United States has identified multiple cases of COVID-19 after learning of the
- 10                  epidemic outbreak in Wuhan, China; and
- 11
- 12   **WHEREAS,**   the President has created the White House Coronavirus Task Force to track the spread
- 13                  of the virus, identify solutions for reducing the spread of the virus, managing scarce
- 14                  resources, and identifying opportunities to improve testing, develop treatment and
- 15                  immunizations, and identify how to inform about and contain epidemics in the future; and
- 16
- 17   **WHEREAS,**   the U.S. Congress has adopted legislation which devotes \$8.3 billion to fund the fight
- 18                  regarding COVID-19; and
- 19
- 20   **WHEREAS,**   the World Health Organization has identified that the spread of COVID-19 is now a
- 21                  pandemic with many countries experience the effects of illness and health issues related
- 22                  to the virus and economic impacts; and
- 23
- 24   **WHEREAS,**   the N.Y. Stock Exchange has experienced such turbulence in the markets that on March
- 25                  9<sup>th</sup> and March 12<sup>th</sup> a ‘circuit breaker’ halt on trading was implemented closing trading for
- 26                  a 15-minute period; and
- 27
- 28   **WHEREAS,**   Governor Evers has announced that he has signed Executive Order # 72 which declares
- 29                  a “Public Health Emergency in Response to the COVID-19 Coronavirus”; and
- 30
- 31   **WHEREAS,**   on March 12, 2020, Chairman Tehassi Hill signed a “Declaration of Public Health State of
- 32                  Emergency” which sets into place the necessary authority should action need to be taken
- 33                  and allowing the Oneida Nation to seek reimbursement of emergency management
- 34                  actions that may result in unexpected expenses; and
- 35
- 36   **WHEREAS,**   on March 13, 2020, there were 1,629 cases reported through the United States, and 18
- 37                  cases of positive tests in Wisconsin; and
- 38
- 39   **WHEREAS,**   the Treasurer, requested the Chief Financial Officer to review the current financial state
- 40                  of the Oneida Nation, within the State of Wisconsin and the United States, to determine if
- 41                  there were, or there was a potential of, negative financial impacts to the Oneida Nation
- 42                  that would require action under the Budget Contingency Plan adopted by resolution #
- 43                  BC-09-27-17-A; and

44  
45 **WHEREAS,** the Chief Financial Officer has provided the initial recommendation, and the Treasurer  
46 has supported, adoption of a Tier II budget reduction of 2% cost containments identified  
47 as “immediate hiring freeze apart from health, regulatory, safety and essential revenue  
48 generating positions, and non-essential travel that has not already been prior booked” to  
49 “preserve resources for need-based service delivery programs and services to our elderly  
50 and disabled populations”; and

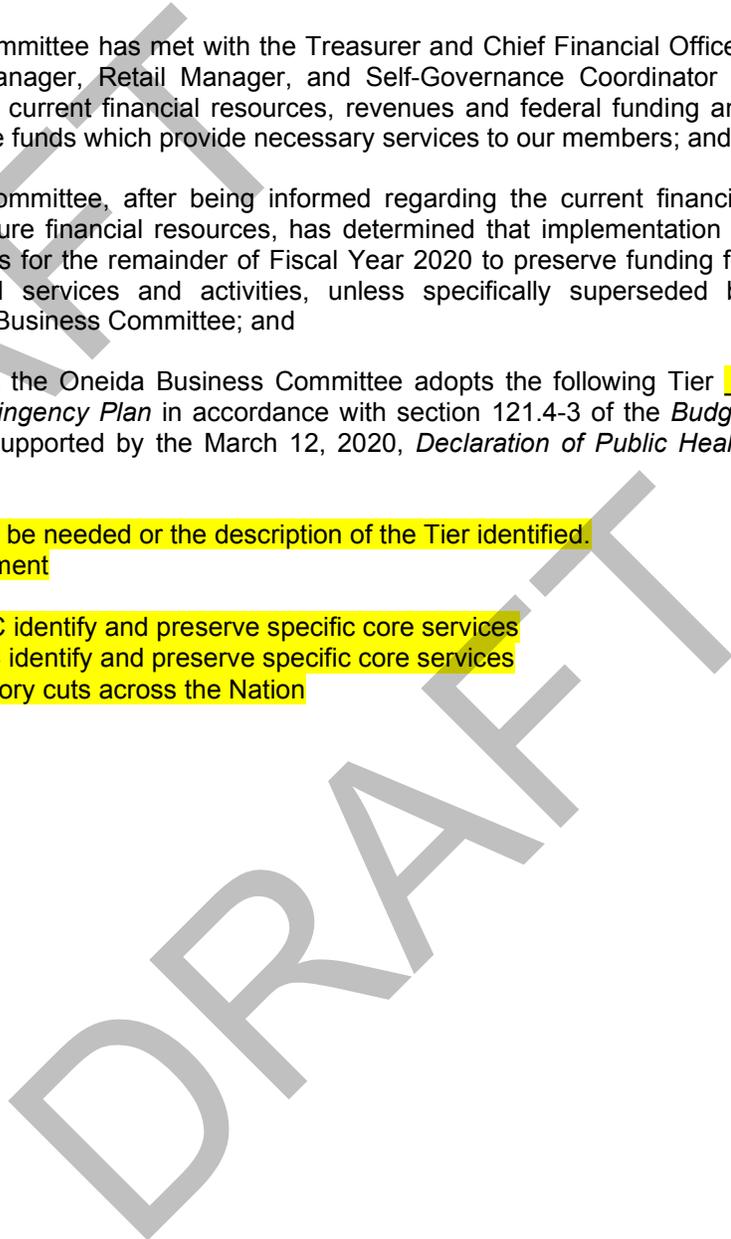
51  
52 **WHEREAS,** the Oneida Business Committee has met with the Treasurer and Chief Financial Officer,  
53 the Gaming General Manager, Retail Manager, and Self-Governance Coordinator to  
54 identify the status of the current financial resources, revenues and federal funding and  
55 potential impacts to these funds which provide necessary services to our members; and

56  
57 **WHEREAS,** the Oneida Business Committee, after being informed regarding the current financial  
58 status and near-term future financial resources, has determined that implementation of  
59 Tier [ ] budget reductions for the remainder of Fiscal Year 2020 to preserve funding for  
60 necessary governmental services and activities, unless specifically superseded by  
61 resolution of the Oneida Business Committee; and

62  
63 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee adopts the following Tier [ ]  
64 budget reductions from the *Budget Contingency Plan* in accordance with section 121.4-3 of the *Budget*  
65 *Management and Control Law* and as supported by the March 12, 2020, *Declaration of Public Health*  
66 *State of Emergency*.

67  
68 Insert cost containment directives as may be needed or the description of the Tier identified.

- 69 Tier I 1% - Delaying expenses, deferment
- 70 Tier II 2% - Cost containments
- 71 Tier III 3 % - Tribal Operations & OBC identify and preserve specific core services
- 72 Tier IV 4% - Tribal Operations & OBC identify and preserve specific core services
- 73 Tier V 5% - The OBC identify mandatory cuts across the Nation





Oneida Nation  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



### Statement of Effect

*Adoption of Tier    Budget Contingency Plan for the Remainder of Fiscal Year 2020 As A Result of Potential COVID-19 Pandemic Financial Impacts*

### Summary

This resolution adopts Tier    budget reductions from the *Budget Contingency Plan* in accordance with section 12104-3 of the Budget Management and Control law as supported by the March 12, 2020, *Declaration of Public Health State of Emergency*.

*Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office*  
*Date: March 16, 2020*

### Analysis by the Legislative Reference Office

The Budget Management and Control law (“the Law”) was adopted by the Oneida Business Committee to set forth the requirements to be followed by the Oneida Business Committee and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval and to establish a triennial strategy planning process for the Nation’s budget. [1 O.C. 121.1-1].

The Law requires the Oneida Business Committee to work with the Chief Financial Officer, executive managers, and managers to create a budget contingency plan which provides a strategy for the Nation to respond to extreme financial distress that could negatively impact the Nation. [1 O.C. 121.4-3]. The Oneida Business Committee is then required to approve the budget contingency plan by resolution. [1 O.C. 1214-3]. The Oneida Business Committee adopted the Nation’s Budget Contingency Plan through resolution BC-09-13-17-A.

The Oneida Business Committee then is responsible for the implementation of the budget contingency plan, provided that the Oneida Business Committee first makes a determination that the Nation is under extreme financial distress. [1 O.C. 1214-3]. Extreme financial distress includes, but is not limited to, natural or human made disasters, United States Government shutdown, Tribal shutdown, and economic downturns. [1 O.C. 1214-3].

The World Health Organization has identified that the spread of COVID-19 is now a pandemic with many countries experiencing the effects of illness and health issues related to COVID-19, as well as economic impacts. The N.Y. Stock Exchange has experienced such turbulence in the markets that on March 9, 2020, and March 12, 2020, a “circuit breaker” halt on trading was implemented closing trading for a fifteen (15) minute period.

In accordance with the authority granted to the Oneida Business Committee through the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” which sets into place the necessary authority should action need to be taken, and allows the Oneida Nation to seek reimbursement of

emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. Wisconsin Governor Evers also declared a public health emergency for the State.

A public health emergency means that the occurrence or imminent threat of an illness or health condition which is a quarantinable disease; and poses a high probability of a large number of deaths or serious or long-term disability among humans. [3 O.C. 302.3-1(o)].

The declaration of a public health emergency by the Nation and the potential financial impacts of the COVID-19 pandemic meet the Law's requirement that the Nation be under extreme financial distress for the budget contingency plan to be implemented.

This resolution then adopts the following Tier   budget reductions from the Budget Contingency Plan resolution BC-09-13-17-A in accordance with section 121.4-3 of the Budget Management and Control law and as supported by the March 12, 2020, Declaration of Public Health State of Emergency.

#### ***Conclusion***

Adoption of this Resolution would not conflict with any of the Nation's laws.



The purpose of the Budget Contingency Plan is to establish a guideline and general approach to respond to financial distress and conditions that could negatively impact the Oneida Nation's fiscal health. The primary goals established in this plan will be the foundation and basis for budgetary decision-making. This plan includes a systematic response to financial distress, as opposed to reactionary decision-making that could have a long-term negative impact to the Nation.

### PRIMARY GOALS

The primary goals of the Nation's Budget Contingency Plan are as follows:

- To protect the integrity and sovereignty of the Nation
- Preserve the Nation's solvency
- Maintain a balanced budget
- Preserve the Nation's core services, according to the Budget Management Control Act 121.5-3 (a)
- To ensure there is reliable communication

The Nation will strive to continue providing a balance of services within its financial ability. The plan will include the continued ability to achieve the Nation's mission to strengthen and protect our people, reclaim our land and enhance the environment by exercising our sovereignty. This will be achieved through fiscal responsibility, attentive planning, and continuous improvement.

### IDENTIFIED TRIGGERS

The execution of the plan will be anticipated by the identified triggers that influence financial distress circumstances. These circumstances are defined in the Budget Management and Control Act 121.4-3 (c): Natural disasters, human-made disasters, United States government shutdown, Tribal shut down, and economic downturns.

- Natural Disasters
  - Tornadoes
  - Blizzards
  - Extreme weather conditions
  - Ice
  - Any environmental event having an impact on revenue generators
- Human-made Disasters
  - Computers
  - Software breaches
  - Hostage
  - Electricity

- Pandemic
- Water supply becomes contaminated through man made or the land fill fails
- External government influences or changes in policy shift, for example taxation of Gaming
  - United States Government Shutdown
  - Grants – Tribal contribution is impacted
  - Discretionary spending
  - Repeal of Affordable Care Act, change in federal policy
- Tribal Shutdown
  - BC/GTC mandates
- Economic Downturns
  - Gross domestic product declines 3 consecutive quarters
  - Regional downturn
  - Sectors impacting gross domestic product

### KEY FUNDAMENTALS

1. Utilize Permanent Executive Contingency Fund  
Objective: To assess the type of fiscal challenge. The type of challenge (temporary or permanent) will determine the strategy used based on the CFO's professional assessment
  - a. The type of financial distress will determine the level of utilization of the Permanent Executive Contingency Fund. The following purposes, and only to the extent that alternative funding sources are unavailable are:
    - i. Payments to notes payable to debt service, both principal and interest, and applicable service fees;
    - ii. (2) Employee payroll, including all applicable taxes;
    - iii. (3) Payments to vendors for gaming and retail;
    - iv. (4) Payments to vendors for governmental operations;
    - v. (5) Payments to any other debt; and
    - vi. (6) To sustain any of the Nation's other operations during implementation of the budget contingency plan.
2. Identify Budget Balancing Options
  - a. In the long-term, there are typically two basic budget balancing options:
    - i. Identify alternative funding resources
    - ii. Reduce expenditures
  - b. In the short-term, use of the Executive Permanent Contingency Fund is an option, but is not a long-term solution

3. Strategy – An agreement of the reviewed processes will be established between the Tribal Operations and the CFO’s office. Tribal Operations are responsible for identifying expenditure reduction options that are:
  - i. Realistic and ongoing
  - ii. Reflect the least service impacts
  - iii. Maintain essential needs
4. Preparing Operating Expenditure Reduction Measures
  - a. Reduction measures will be based on priorities. The priorities have been identified as:
    - i. Safety
    - ii. Health
    - iii. Regulatory
5. Capital Improvement (CI) Plan Projects & Capital Expenditures (Cap Ex)
  - a. CI projects needed to maintain existing infrastructure will have a higher priority
  - b. Cap Ex identified as priority
  - c. IT & Technology projects identified as priority
6. Provide Ongoing Monitoring of the Nation’s Fiscal Health
  - a. In effort to keep the lines of communication open for the employees and community, the Finance Office will provide ongoing reporting and monitoring on a quarterly basis or more frequently if the need arises
7. Employee Connection
  - a. Communication efforts shall be made with the employees and community
  - b. This approach is being used as Oneida Nation believes in treating employees with respect which means keeping the employees abreast about the Nation’s plans that could potentially affect them

#### **APPROVAL AND IMPLEMENTATION**

The Oneida Business Committee approved this plan for implementation on September 13, 2017. The CFO’s office will closely monitor this plan to ensure the Nation is achieving its goals. The Oneida Business Committee, with the advice from the CFO’s office is responsible for preparing the recommended action plan whereas the O.B.C. shall create necessary action by formal resolution and each separate level of decline shall require a new resolution.

**BUDGET REDUCTIONS COMMUNICATION PROCESS**



<u>Level of Decline</u>	<u>Definition of Reductions</u> (all actions are with the advisement of the CFO's office)
Tier I	1% - Delaying expenses, deferment
Tier II	2% - Cost containments
Tier III	3 % - Tribal Operations & OBC identify and preserve specific core services
Tier IV	4% - Tribal Operations & OBC identify and preserve specific core services
Tier V	5% - The OBC identify mandatory cuts across the Nation

**FINANCE ADMINISTRATION OFFICE  
(920) 869-4325**

**TO:** Patricia King, Treasurer  
**CC:** Oneida Business Committee  
**FR:** Larry Barton, Chief Financial Officer  
**DT:** March 12, 2020  
**RE:** COVID-19 Financial Response

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In accordance with the Budget Management Control Act (BMCA) and the Budget Contingency Plan the purpose of this communication is to invoke the Nation's Budget Contingency Plan. It is Finance's recommendation that the Nation invoke Tiers 1 and 2 of the Budget Contingency Plan to be proactive to the identified triggers of a pandemic.

Tier 2 is an implementation of a 2% cost containment threshold. Tier 1 is delaying expenses and deferment of expenses. Tier 2 shall include: an immediate hiring freeze apart from health, regulatory, safety and essential revenue generating positions; and non-essential travel that has not already been prior booked. These actions are necessary to preserve resources for need-based service delivery programs and services to our elderly and disabled populations.

The purpose of these recommendations is to protect the liquidity which includes payroll and to plan for contingent liability for the Nation's corporations; and or potential impacts to our Gaming operations. The scope of coverage for business interruption insurance does not provide coverage to pandemics and related claims.

Finance recommends that Tiers 3 and or 4 may be implemented dependent upon Gaming revenue flows. Tier 5 would be implemented should Gaming have to suspend operations. Thank you for your consideration in response to this critically important matter as it is now been deemed a State Emergency by Governor Evers.



A good mind. A good heart. A strong fire.

## ***MEMORANDUM***

**TO:** ONEIDA BUSINESS COMMITTEE

**FR:** LARRY BARTON, CFO

**DT:** March 16, 2020

**RE:** Financial Planning and Analysis RE: COVID-19 Response

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Situation:

The current Pandemic has been defined and declared by multiple institutions including the World Health Organization (WHO) and the U.S. based Centers for Disease Control (CDC). A state of Emergency has further been declared by the State of Wisconsin and The U.S. Federal Government. The Covid-19 Pandemic has yet to peak and subside and the growth of diagnosed cases is indeterminant due to a lack of access to expedient testing.

Risk Identification:

1. The most pronounced financial risk faced by the community is the continuance of Gaming operations. Financial Risk combined with the nature of Health Risk especially to the at-risk population has created a profound social instability and circumstance.
2. Gaming clientele is at its' core, the at-risk population for detrimental effects for Corvid-19 as declared by the CDC. Continuation of Gaming operations is not certain, currently necessitating action to preserve liquidity.
3. Through Financial Planning and Analysis, should Gaming cease operations, liquidity levels including the Permanent Executive Contingency provides 4 to 5 weeks operational reserve liquidity. Upon depletion of identifiable reserves, Tier IV of the Budget Contingency Plan will be required for consideration if necessary.

4. Peak/testing: The occurrence of diagnosis has yet to peak according to the Medical Community Experts. Furthermore, widespread testing is now being accelerated.
5. Economic evidence indicates migration out of the Pandemic beyond Travel/Hospitality/Leisure industries to a wider impact. Consumer spending velocity abrupt decline. Small Businesses and front-line employees in the labor force are experiencing reduced income and heightened Lay-Offs. Recession probability has spiked to 40-50 percent probability. Q1 earnings forecasts are under revision in a wide array of industry sectors which will directly affect securities markets. Reported contraction of GDP for Q1 downward is anticipated.
6. Contingent liability to financially assist Tribal Corporations in the event of extended disruption to operations can compound existing financial distress.
7. Limited liquidity has been cited by Finance for many years as a real and identifiable dimension of risk that can result in few options after cash depletion.

Action:

1. Adopt the Budget Contingency Plan Tier III measures as outline in the 3-12-2020 Memo from the CFO responding to the Covid-19 Pandemic.

Swift decisive action in the time of crisis is recommended to preserve:

1. Core service delivery to the Community;
2. Act in a responsible transparent manner reflecting the protection of the Members, Employees, Customers and Stakeholders interest.

This Budget Contingency Plan was developed explicitly to serve as the process to address risk associated with circumstances such as a Pandemic. The active control of non-essential spending is fiscally responsible and warranted. GFOA and GASB cite responsible financial decision making at its core and taking action to control non-essential spending in time of crisis is the necessary and responsible action.

### Oneida Business Committee Agenda Request

Adopt resolution entitled Adoption of Emergency Amendments to the Election Law to Implement...

1. Meeting Date Requested: 03 / 17 / 20

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header: Resolutions

Accept as Information only

Action - please describe:

Adopt the resolution titled, "Adoption of Emergency Amendments to the Election Law to Implement Alternative Processes to Address COVID-19 Pandemic Impacts on the Oneida Nation 2020 General Election"

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1. Emergency Adoption Packet 3.   
 2. 4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison: David P. Jordan, Councilmember

Primary Requestor/Submitter: Jennifer Falck, LRO Director  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Clorissa N. Santiago  
Name, Title / Dept.

Additional Requestor:  
Name, Title / Dept.



Oneida Nation  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
 Oneida-nsn.gov



TO: Oneida Business Committee  
 FROM: David P. Jordan, LOC Chairperson *DP*  
 DATE: March 17, 2020  
 RE: Election Law Emergency Amendments

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Please find the following attached backup documentation for your consideration of the Election Law Emergency Amendments:

1. Resolution: Adoption of Emergency Amendments to the Election Law to Implement Alternative Processes to Address COVID-19 Pandemic Impacts on the Oneida Nation 2020 General Election
2. Statement of Effect: Adoption of Emergency Amendments to the Election Law to Implement Alternative Processes to Address COVID-19 Pandemic Impacts on the Oneida Nation 2020 General Election
3. Election Law Emergency Amendments Legislative Analysis
4. Election Law (Redline)
5. Election Law (Clean)

### *Overview*

Emergency amendments to the Election law (the “Law”) are being sought to address the impact of the coronavirus disease (COVID-19) pandemic on the Nation’s 2020 General Election. The emergency amendments to the Law will:

- Eliminate the caucus from the election process [*1 O.C. 102.6-1*];
- Require an individual to submit an application in order to have his or her name placed on a ballot for an election [*1 O.C. 102.6-1*];
- Eliminate the requirement for an individual to obtain at least ten (10) signatures of qualified voters when submitting an application to be placed on the ballot [*1 O.C. 102.6-1*];
- Require that all applications be submitted to the Business Committee Support Office by the close of business on April 3, 2020 [*1 O.C. 102.6-1(c)*]; and
- Reduce the number of Oneida Election Board members who are required to sign the election totals on machine counted ballots from six (6) to three (3) [*1 O.C. 102.10-2*].

The world is currently facing a pandemic of COVID-19 after an outbreak began in Wuhan, China and quickly spread to many other countries throughout the world, including the United States. This pandemic has resulted in many countries experiencing the effects of illness and health issues related to COVID-19, as well as vast economic impacts. As of March 13, 2020, there were one thousand and six hundred and twenty-nine (1,629) cases reported through the United States, and eighteen (18) cases of positive tests in Wisconsin. The number of positive tests in Wisconsin, as well as across the country, continue to increase. On March 12, 2020, in accordance with

Emergency Management and Homeland Security law, Chairman Tehassi Hill signed a “Declaration of Public Health State of Emergency” regarding COVID-19. [3 O.C. 302.8-1]. This declaration of a public health state of emergency set into place the necessary authority should action need to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses.

The Oneida Business Committee can temporarily enact legislation when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act. [1 O.C. 109.9-5]. A fiscal impact statement and public meeting are not required for emergency legislation. [1 O.C. 109.9-5(a)].

The emergency amendments to this Law are necessary for the preservation of the public health, safety, and general welfare of the Reservation population. The emergency amendments are needed to protect the Reservation population against the public health crisis that is the COVID-19 pandemic. The elimination of the requirement to hold the caucus while allowing individuals to be placed on the ballot through the submission of an application, in conjunction with the elimination to obtain at least ten (10) signatures from qualified voters, will eliminate any unnecessary contact between individuals which could spread the COVID-19, while also ensuring that the July 2020 General Election can occur without interruption.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of these amendments would be contrary to public interest. The caucus was scheduled to be held on March 14, 2020. The Law currently requires that the caucus occur at least ninety (90) days before a general election. The 2020 General Election is scheduled to be held on July 4, 2020. Therefore, the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the 2020 General Election could occur uninterrupted without violating the caucus procedures currently contained in the Law.

The emergency amendments to the Law will become effective immediately upon adoption by the Oneida Business Committee and will remain effective for six (6) months, or until the 2020 General Election has concluded, whichever is sooner. There will be one (1) opportunity to extend the emergency amendments for an additional six (6) months. [1 O.C. 109.9-5(b)].

### **Requested Action**

Approve the Resolution: Adoption of Emergency Amendments to the Election Law to Implement Alternative Processes to Address COVID-19 Pandemic Impacts on the Oneida Nation 2020 General Election

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution #

### Adoption of Emergency Amendments to the Election Law to Implement Alternative Processes to Address COVID-19 Pandemic Impacts on the Oneida Nation 2020 General Election

- 1   **WHEREAS,**    the Oneida Nation is a federally recognized Indian government and a treaty tribe
- 2                    recognized by the laws of the United States of America; and
- 3
- 4   **WHEREAS,**    the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- 5
- 6   **WHEREAS,**    the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
- 7                    of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
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- 9   **WHEREAS,**    the United States has identified multiple cases of COVID-19 after learning of the epidemic
- 10                    outbreak in Wuhan, China; and
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- 12   **WHEREAS,**    the President has created the White House Coronavirus Task Force to track the spread of
- 13                    the virus, identify solutions for reducing the spread of the virus, managing scarce
- 14                    resources, and identifying opportunities to improve testing, develop treatment and
- 15                    immunizations, and identify how to inform about and contain epidemics in the future; and
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- 17   **WHEREAS,**    the U.S. Congress has adopted legislation which devotes \$8.3 billion to fund the fight
- 18                    regarding COVID-19; and
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- 20   **WHEREAS,**    the World Health Organization has identified that the spread of COVID-19 is now a
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- 22                    to the virus and economic impacts; and
- 23
- 24   **WHEREAS,**    Governor Evers has announced that he has signed Executive Order # 72 which declares
- 25                    a “Public Health Emergency in Response to the COVID-19 Coronavirus”; and
- 26
- 27   **WHEREAS,**    on March 12, 2020, Chairman Tehassi Hill signed a “Declaration of Public Health State of
- 28                    Emergency” which sets into place the necessary authority should action need to be taken
- 29                    and allowing the Oneida Nation to seek reimbursement of emergency management actions
- 30                    that may result in unexpected expenses; and
- 31
- 32   **WHEREAS,**    on March 13, 2020, there were 1,629 cases reported through the United States, and 18
- 33                    cases of positive tests in Wisconsin; and
- 34
- 35   **WHEREAS,**    the CDC has issued the following precautions to avoid further spread of the virus:
- 36                    **Clean your hands often**
- 37                    • Wash your hands often with soap and water for at least 20 seconds especially after you have been
- 38                    in a public place, or after blowing your nose, coughing, or sneezing.
- 39                    • If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol.
- 40                    Cover all surfaces of your hands and rub them together until they feel dry.
- 41                    • Avoid touching your eyes, nose, and mouth with unwashed hands.
- 42
- 43                    **Avoid close contact**

44                                   • Avoid close contact with people who are sick  
45                                   • Put distance between yourself and other people if COVID-19 is spreading in your community. This  
46                                   is especially important for people who are at higher risk of getting very sick; and  
47  
48   **WHEREAS,**           the Oneida Election Board, on March 13, 2020, after meeting with the Public Health Officer  
49                                   and acted to postpone the Caucus scheduled for the 2020 General Elections in order to  
50                                   avoid large gatherings of members where the virus could be easily spread; and  
51  
52   **WHEREAS,**           the CDC has identified that the months of March, April and May should be the time when  
53                                   the potential for the highest increases in the number of confirmed cases would occur; and  
54  
55   **WHEREAS,**           the Oneida Election Board has identified that conducting a caucus or requiring applicants  
56                                   to obtain 10 signatures through the petition process would unnecessarily spread the virus  
57                                   by encouraging contact between individuals, but has expressed a strong desire to avoid  
58                                   moving the actual election dates; and  
59  
60   **WHEREAS,**           the Oneida Election Board is actively monitoring the public health crises and will notify  
61                                   membership as soon as possible should the election days be canceled, postponed or  
62                                   polling processes be amended to reduce the spread of the virus; and  
63  
64   **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee adopts the emergency  
65                                   amendments outlined in the Election Law for six months from the date of adoption of this resolution, or until  
66                                   the 2020 General Election is concluded, which ever is sooner.



## Statement of Effect

*Adoption of Emergency Amendments to the Election Law to Implement Alternative Processes to Address COVID-19 Pandemic Impacts on the Oneida Nation 2020 General Election*

### Summary

This resolution adopts emergency amendments to the Election law which eliminate the caucus from the election process, instead requiring all individuals to apply to be placed on the ballot, while also eliminating the requirement of those who apply to obtain ten (10) signatures of qualified voters.

*Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office*

*Date: March 15, 2020*

### Analysis by the Legislative Reference Office

This resolution adopts emergency amendments to the Election law (“the Law”). The purpose of the Law is to govern the procedures for the conduct of orderly elections of the Nation. [1 O.C. 102.1-1]. The emergency amendments to the Law will:

- Eliminate the caucus from the election process [1 O.C. 102.6-1];
- Require an individual to submit an application in order to have his or her name placed on a ballot for an election [1 O.C. 102.6-1];
- Eliminate the requirement for an individual to obtain at least ten (10) signatures of qualified voters when submitting an application to be placed on the ballot [1 O.C. 102.6-1];
- Require that all applications be submitted to the Business Committee Support Office by the close of business on April 3, 2020 [1 O.C. 102.6-1(c)]; and
- Reduce the number of Oneida Election Board members who are required to sign the election totals on machine counted ballots from six (6) to three (3) [1 O.C. 102.10-2].

The Legislative Procedures Act (LPA) allows the Oneida Business Committee to take emergency action where it is necessary for the immediate preservation of the public health, safety or general welfare of the reservation population and when enactment or amendment of legislation is required sooner than would be possible under the LPA. [1 O.C. 109.9-5].

The resolution provides various information on the COVID-19 pandemic that the world is now facing. This pandemic has resulted in many countries experiencing the effects of illness and health issues related to COVID-19, as well as vast economic impacts. As of March 13, 2020, there were one thousand and six hundred and twenty-nine (1,629) cases reported through the United States, and eighteen (18) cases of positive tests in Wisconsin. The number of positive tests in Wisconsin, as well as across the country, continue to increase.

On March 12, 2020, in accordance with Emergency Management and Homeland Security law, Chairman Tehassi Hill signed a “Declaration of Public Health State of Emergency” regarding

COVID-19. [3 O.C. 302.8-1]. This declaration of a public health state of emergency set into place the necessary authority should action need to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses.

The resolution provides that the emergency amendments to this Law are necessary for the preservation of the public health, safety, and general welfare of the Reservation population. The emergency amendments are needed to protect the Reservation population against the public health crisis that is the COVID-19 pandemic. The elimination of the requirement to hold the caucus while allowing individuals to be placed on the ballot through the submission of an application, in conjunction with the elimination to obtain at least ten (10) signatures from qualified voters, will eliminate any unnecessary contact between individuals which could spread the COVID-19, while also ensuring that the July 2020 General Election can occur without interruption.

Additionally, the resolution provides that observance of the requirements under the LPA for adoption of this amendment would be contrary to public interest. The caucus was scheduled to be held on March 14, 2020. The Law currently requires that the caucus occur at least ninety (90) days before a general election. The 2020 General Election is scheduled to be held on July 4, 2020. Therefore, the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the 2020 General Election could occur uninterrupted without violating the caucus procedures currently contained in the Law.

The emergency amendments to the Law will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendments will remain effective for six (6) months, or until the 2020 General Election concludes, whichever is sooner. The LPA provides the possibility to extend the emergency amendments for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

### ***Conclusion***

adoption of this resolution would not conflict with any of the Nation's laws.



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

## EMERGENCY AMENDMENTS TO ELECTION LAW LEGISLATIVE ANALYSIS

### SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
<b>Intent of the Proposed Amendments</b>	<ul style="list-style-type: none"> <li>▪ Eliminate the caucus from the election process;</li> <li>▪ Require an individual to submit an application in order to have his or her name placed on a ballot for an election;</li> <li>▪ Eliminate the requirement for an individual to obtain at least ten (10) signatures of qualified voters when submitting an application to be placed on the ballot;</li> <li>▪ Require that all applications be submitted to the Business Committee Support Office by the close of business on April 3, 2020;</li> <li>▪ Reduces the number of Oneida Election Board members who are required to sign the election totals on machine counted ballots.</li> </ul>
<b>Purpose</b>	To govern the procedures for the conduct of orderly elections of the Nation [1 O.C. 102.1-1]
<b>Affected Entities</b>	Oneida Election Board, Business Committee Support Office, Oneida Business Committee, Oneida Nation Judiciary, Oneida Gaming Commission, Legal Resource Center, Oneida Land Claims Commission, Oneida Land Commission, Oneida Nation Commission on Aging, Oneida Nation School Board, Oneida Trust Enrollment Committee.
<b>Related Legislation</b>	Boards, Committees, and Commissions law, Emergency Management and Homeland Security law.
<b>Public Meeting</b>	A public meeting is not required for emergency legislation [1 O.C. 109.8-1(b) and 109.9-5(a)].
<b>Fiscal Impact</b>	A fiscal impact statement is not required for emergency legislation [1 O.C. 109.9-5(a)].
<b>Expiration of Emergency Amendments</b>	Emergency amendments expire six (6) months after adoption and may be renewed for one additional six (6) month period.

### SECTION 2. LEGISLATIVE DEVELOPMENT

**A. Background.** The Election law was first adopted on June 19, 1993, and most recently amended by the General Tribal Council on April 23, 2017. The Law governs the procedures for the conduct of orderly elections of the Nation. [1 O.C. 102.1-1].

**B. 2020 General Election.** The Nation is required to hold a general election every three (3) years in the month of July. [Constitution and Bylaws of the Oneida Nation Article III, Section 5; 1 O.C. 102.9-1]. The caucus for the 2020 General Election was scheduled to be held on March 14, 2020, with the Primary Election to be held on May 16, 2020, and the General Election occurring on July 4, 2020. The 2020 General Election ballot would include the following positions:

- Oneida Business Committee;
  - One (1) vacancy – Chairperson, three (3) year term.
  - One (1) vacancy – Vice Chairperson, three (3) year term.

- 13           ▪ One (1) vacancy – Treasurer, three (3) year term.
- 14           ▪ One (1) vacancy – Secretary, three (3) year term.
- 15           ▪ Five (5) vacancies – Council Member, three (3) year term.
- 16        ▪ Oneida Election Board;
- 17           ▪ Three (3) vacancies – three (3) year term.
- 18        ▪ Oneida Gaming Commission;
- 19           ▪ One (1) vacancy – five (5) year term.
- 20        ▪ Legal Resource Center;
- 21           ▪ One (1) vacancy – Attorney, four (4) year term.
- 22           ▪ One (1) vacancy – Advocate, four (4) year term.
- 23        ▪ Oneida Land Claims Commission;
- 24           ▪ Two (2) vacancies – three (3) year term.
- 25        ▪ Oneida Land Commission;
- 26           ▪ Two (2) vacancies – three (3) year term.
- 27        ▪ Oneida Nation Commission on Aging;
- 28           ▪ Three (3) vacancies – three (3) year term.
- 29        ▪ Oneida Nation School Board;
- 30           ▪ Three (3) vacancies – Parent, three (3) year term.
- 31        ▪ Oneida Trust Enrollment Committee; and
- 32           ▪ Two (2) vacancies – three (3) year term.
- 33        ▪ Oneida Judiciary.
- 34           ▪ Court of Appeals:
- 35            ▪ One (1) vacancy – Appellate Court Chief Judge, six (6) year term.
- 36            ▪ One (1) vacancy – Appellate Court Judge, six (6) year term.
- 37           ▪ Trial Court:
- 38            ▪ One (1) vacancy – Trial Court Chief Judge, six (6) year term.
- 39            ▪ One (1) vacancy – Trial Court Judge, six (6) year term.
- 40    C. **COVID-19 Pandemic.** The world is currently facing a pandemic of the coronavirus disease 2019  
41 (COVID-19). The COVID-19 outbreak originated in Wuhan, China and has spread to many other  
42 countries throughout the world, including the United States. The World Health Organization has  
43 identified that the spread of COVID-19 is now a pandemic resulting in many countries experiencing  
44 the effects of illness and health issues related to COVID-19 and economic impacts. As of March 13,  
45 2020, there were one thousand and six hundred and twenty-nine (1,629) cases reported through the  
46 United States, and eighteen (18) cases of positive tests in Wisconsin.
- 47        ▪ *Declarations of Emergency.*
- 48           ▪ Chairman Tehassi Hill signed a “Declaration of Public Health State of Emergency” on  
49 March 12, 2020, regarding COVID-19 which sets into place the necessary authority should  
50 action need to be taken and allowing the Nation to seek reimbursement of emergency  
51 management actions that may result in unexpected expenses.
- 52           ▪ Governor Evers declared a public health emergency for the State of Wisconsin on March  
53 12, 2020, based on COVID-19 cases in Wisconsin.
- 54           ▪ President Trump declared a national emergency for the United States over the COVID-19  
55 outbreak on March 13, 2020.

- 56       ▪ *Center of Disease Control Precautions.* The Center of Disease Control has identified that March,  
57       April, and May should be the time when the potential for the highest increases in the number of  
58       confirmed cases would occur, and issued the following precautions to avoid further spread of  
59       COVID-19:
- 60           ▪ Clean your hand often.
    - 61               ▪ Wash your hands often with soap and water for at least twenty (20) seconds
    - 62               especially after you have been in a public place, or after blowing your nose,
    - 63               coughing, or sneezing.
    - 64               ▪ If soap and water are not readily available, use a hand sanitizer that contains at
    - 65               least sixty percent (60%) alcohol. Cover all surfaces of your hands and rub them
    - 66               together until they feel dry.
    - 67               ▪ Avoid touching your eyes, nose, and mouth with unwashed hands.
  - 68           ▪ Avoid close contact.
    - 69               ▪ Avoid close contact with people who are sick
    - 70               ▪ Put distance between yourself and other people if COVID-19 is spreading in your
    - 71               community. This is especially important for people who are at higher risk of
    - 72               getting very sick.
- 73   D. On March 13, 2020, after meeting with the Public Health Officer, the Oneida Election Board acted to  
74   postpone the Caucus scheduled for the 2020 General Elections in order to avoid large gatherings of  
75   members where the COVID-19 could be easily spread. The Oneida Election Board has identified that  
76   conducting a caucus or requiring applicants to obtain ten (10) signatures through the petition process  
77   would unnecessarily spread COVID-19 by encouraging contact between individuals, but has expressed  
78   a strong desire to avoid moving the actual election dates. In an effort to maintain the July 2020 General  
79   Election date, emergency amendments to the Law are being sought to eliminate the caucus from the  
80   election process, instead requiring all individuals to apply to be placed on the ballot, while also  
81   eliminating the requirement of those who apply to obtain ten (10) signatures of qualified voters.

### 82   83   **SECTION 3. CONSULTATION AND OUTREACH**

- 84   A. Representatives from the following departments or entities participated in the development of this Law  
85   and legislative analysis:
- 86           ▪ Oneida Law Office; and
  - 87           ▪ Oneida Election Board.
- 88   B. The following laws were reviewed in the drafting of this analysis:
- 89           ▪ Oneida Nation Constitution and Bylaws.

### 90   91   **SECTION 4. PROCESS**

- 92   A. These amendments are being considered on an emergency basis. The Oneida Business Committee may  
93   temporarily enact an emergency law “where legislation is necessary for the immediate preservation of  
94   public health, safety, or general welfare of the Reservation population and enactment or amendment of  
95   legislation is required sooner than would be possible under this law” [1 O.C. 109.9-5].
- 96           ▪ Emergency amendments are being pursued for the immediate preservation of the public health,  
97           safety, and general welfare of the Reservation population against the public health crisis that is the  
98           COVID-19 pandemic. Chairman Tehassi Hill declared a public health state of emergency for the  
99           Nation on March 12, 2020.

- 100       ▪ Observance of the requirements under the Legislative Procedures Act for the adoption of these  
101 amendments would be contrary to public interest. The caucus was scheduled to be held on March  
102 14, 2020, and must occur at least ninety (90) days before the General Election, which is scheduled  
103 to be held on July 4, 2020. Therefore, the process and requirements of the Legislative Procedures  
104 Act cannot be completed in time to ensure that the General Election could still occur on July 4,  
105 2020, without violating the caucus procedures contained in the Law.
- 106 **B.** Emergency amendments typically expire six (6) months after adoption, with one (1) opportunity for a  
107 six (6) month extension of the emergency amendments. [1 O.C. 109.9-5(b)]. The resolution for these  
108 emergency amendments provides that the amendment will expire in six (6) months or until the 2020  
109 General Election is concluded, whichever is sooner.
- 110 **C.** The Legislative Procedures Act does not require a public meeting or fiscal impact statement when  
111 considering emergency legislation. [1 O.C. 109.9-5(a)]. However, a public meeting and fiscal impact  
112 statement will eventually be required when considering permanent adoption of these amendments.
- 113 **C.** The Legislative Operating Committee added these emergency amendments to the Active Files List on  
114 March 16, 2020.

## 115 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 116 **A. *Elimination of the Caucus.*** The proposed amendments eliminate the caucus from the election process.  
117 Previously, the Law required that the Election Board call a caucus at least ninety (90) days before a  
118 general election was held, or forty-five (45) days before any other election. [GTC-04-23-17-A - 1 O.C.  
119 102.6-1]. At the caucus individuals could nominate potential candidates on the floor, and those potential  
120 candidates that were present during the caucus would then accept or decline the nomination. [GTC-04-  
121 23-17-A - 1 O.C. 102.6-2]. If an individual was nominated during the caucus but not present to accept  
122 the nomination, that individual could follow the petition process to get his or her name on the ballot.  
123 Now, with the elimination of the caucus from the election process, an individual who is interested in  
124 having his or her name on the ballot has to apply to be on the ballot by submitting the designated  
125 application form to the Business Committee Support Office. [1 O.C. 102.6-1].
- 126       ▪ *Effect.* The proposed emergency amendment would allow for the 2020 General Election to occur  
127 as scheduled. The elimination of the requirement to hold the caucus while allowing individuals to  
128 be placed on the ballot through the submission of an application will eliminate any unnecessary  
129 contact between individuals which could spread the COVID-19, while also ensuring that the July  
130 2020 General Election can occur without interruption.
- 131 **B. *Application to be Placed on the Ballot.*** The proposed amendments require that an individual submit  
132 an application in order to be placed on the ballot. [1 O.C. 102.6-1]. The application form consists of  
133 information that satisfies the minimum requirements for eligible candidates as described in section  
134 102.5-2 of the Law and is required to be submitted to the Business Committee Support Office by April  
135 3, 2020. [1 O.C. 102.6-1(b)-(c)]. Previously, if an individual was not present at the caucus to accept a  
136 nomination, or was not nominated at the caucus, the individual could file a petition to have his or her  
137 name placed on the ballot. [GTC-04-23-17-A - 1 O.C. 102.6-3]. The petitioner was required to submit  
138 the petition form along with no less than ten (10) signatures of qualified voters, which would be verified  
139 by the Oneida Trust Enrollment Department, prior to the close of business at least five (5) business  
140 days after the caucus. [GTC-04-23-17-A - 1 O.C. 102.6-3].
- 141       ▪ *Effect.* The proposed amendment makes the application process the sole way for an individual to  
142 have his or her name placed on the ballot for an election. The requirement to obtain at least ten (10)  
143

144 signatures of qualified voters was eliminated in an effort to eliminate any unnecessary contact  
145 between individuals which could spread COVID-19. Because the requirement to obtain signatures  
146 was eliminated from the Law, so was the requirement that the Oneida Trust Enrollment Department  
147 verify the signatures. Since there is no caucus, the deadline to submit an application to be placed  
148 on the ballot was revised from five (5) days after the caucus to April 3, 2020. The combinations of  
149 these changes along with the elimination of the caucus should ensure that the 2020 General Election  
150 can occur in July as scheduled while still protecting the health and safety of the people of the  
151 Nation.

152 **C. *Election Board Members Signature on Machine Counted Ballots.*** The proposed amendments lower  
153 the number of Oneida Election Board members that are required sign the election totals, which includes  
154 the tape signed by the members of the Nation before the polls were opened, from six (6) to three (3).  
155 

- 156 **▪ *Effect.*** Requiring less Oneida Election Board members to be present at the polling place to sign  
157 the election totals help reduce unnecessary contact between individuals which could spread  
158 COVID-19.

## 159 **SECTION 6. EXISTING LEGISLATION**

160 **A. *Related Legislation.*** The following laws of the Nation are related to the emergency amendments to this  
161 Law:

- 162 **▪ *Boards, Committees, and Commissions law.*** The Boards, Committees, and Commission law  
163 governs boards, committees, and commissions of the Nation, including the procedures regarding  
164 the appointment and election of persons to boards, committees and commissions, creation of  
165 bylaws, maintenance of official records, compensation, and other items related to boards,  
166 committees and commissions. [1 O.C. 105.1-1].
  - 167 **▪** The Boards, Committees, and Commissions law provides that all elected positions shall be  
168 nominated at a caucus called by the Oneida Election Board, or petition for ballot placement,  
169 in accordance with the Nation's laws and/or policies governing elections, except where an  
170 entity's bylaws allow for a vacancy to be filled by appointment. [1 O.C. 105.8-1].
  - 171 **▪** The emergency amendments will eliminate the caucus from the election process, leaving  
172 application for ballot placement as the only method to be elected to an entity, except where  
173 an entity's bylaws allow for a vacancy to be filled by appointment.
- 174 **▪ *Emergency Management and Homeland Security law.*** The Emergency Management and  
175 Homeland Security law provides for the development and execution of plans for the protection of  
176 residents, property, and the environment in an emergency or disaster; and provides for the direction  
177 of emergency management, response, and recovery on the Reservation; as well as coordination  
178 with other agencies, victims, businesses, and organizations; and establishes the use of the National  
179 Incident Management System; and designates authority and responsibilities for public health  
180 preparedness. [3 O.C. 302.1-1].
  - 181 **▪** The Emergency Management and Homeland Security law provides that the Oneida Business  
182 Committee shall be responsible for proclaiming or ratifying the existence of an emergency.  
183 [3 O.C. 302.8-1]. A public health emergency is defined as the occurrence or imminent threat  
184 of an illness or health condition which:
    - 185 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a biological  
186 agent; and
    - 187 (2) poses a high probability of any of the following:

188 (A) a large number of deaths or serious or long-term disability among humans; or  
189 (B) widespread exposure to a biological, chemical, or radiological agent that  
190 creates a significant risk of substantial future harm to a large number of people.  
191 [3 O.C. 302.3-1(o)].

192 ■ Chairman Tehassi Hill’s March 12, 2020, “Declaration of Public Health State of  
193 Emergency” conform with the requirements of the Emergency Management and Homeland  
194 Security law.  
195

## 196 SECTION 7. OTHER CONSIDERATIONS

197 A. **Deadline for Permanent Adoption of Amendments.** The emergency amendments will expire six (6)  
198 months after adoption or until the 2020 General Election is concluded, whichever is sooner. The  
199 emergency amendments may be renewed for an additional six (6) month period.

200 ■ *Conclusion:* The Legislative Operating Committee will need to consider the development and  
201 adoption of permanent amendments to this Law within the next six (6) to twelve (12) months.

202 B. **Consideration of Additional Amendments.** The Oneida Election Board will be actively monitoring the  
203 public health crises and will notify the membership of the Nation as soon as possible should the 2020  
204 General Election day be canceled or postponed, or if the polling processes need to be amended to reduce  
205 the spread of COVID-19.

206 ■ *Conclusion:* The Legislative Operating Committee may have to consider additional amendments  
207 to this Law if the 2020 General Election timeframe or procedure will be further impacted by the  
208 COVID-19 health crisis.

209 C. **Fiscal Impact.** A fiscal impact statement is not required for emergency legislation.

210 ■ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except  
211 emergency legislation [1 O.C. 109.6-1].

212

**Title 1. Government and Finances - Chapter 102**

**ELECTION**

**Onayote'a'ká· Tho Ni· Yót Tsi? ayethiyataláko Tsi? Kayanl'hsla**

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

**ELECTION**

- |                                    |  |
|------------------------------------|--|
| 102.1. Purpose and Policy          | 102.8. Registration of Voters                            |
| 102.2. Adoption, Amendment, Repeal | 102.9. Election Process                                  |
| 102.3. Definitions                 | 102.10. Tabulating and Securing Ballots                  |
| 102.4. Election Board              | 102.11. Election Outcome and Ties                        |
| 102.5. Candidate Eligibility       | 102.12. Elections  |
| 102.6. Selection of Candidates     | 102.13. Oneida Nation Constitution and By-law Amendments |
| 102.7. Notice of Polling Places    |  |
- 

**102.1. Purpose and Policy**

102.1-1. It is the policy of the Nation that this law shall govern the procedures for the conduct of orderly 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.

102.1-2. This law defines the duties and responsibilities of the Election Board members and other persons employed by the Oneida Nation in the conduct of elections. It is intended to govern all procedures used in the election process.

**102.2. Adoption, Amendment, Repeal**

102.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-98-A and amended by resolutions GTC-01-04-10-A, BC-02-25-15-C ~~and~~ GTC-04-23-17-A ~~, and emergency amended by BC- - - -~~.

102.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act. 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.

102.2-3. 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.

102.2-4. 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.

102.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**102.3. Definitions**

102.3-1. 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.

102.3-2. "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.

102.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

102.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding holidays of the Nation.

102.3-5. "Campaigning" shall mean all efforts designed to influence members of the Nation to support or reject a particular candidate of the Nation including, without limitation, advertising,

## Draft 1 for OBC Emergency Consideration

2020 03 17

- 37 rallying, public speaking, or other communications with members of the Nation.
- 38 102.3-6. “Candidate” shall mean ~~a petitioner or nominee~~ an applicant for an elected position whose  
39 name is placed on the ballot by the Election Board after successful application.
- 40 102.3-7. “Clerk” shall mean the election official who identifies proper registration for the purpose  
41 of determining voter eligibility.
- 42 102.3-8. “Close of business” shall mean 4:30 p.m. Monday through Friday.
- 43 102.3-9. “Conflict of Interest” shall mean any interest, whether it be personal, financial, political  
44 or otherwise, in which a Nation elected official, employee, consultant, appointed or elected,  
45 member of any board, committee or commission, or their immediate relatives, friends or  
46 associates, or any other person with whom they have contact, that conflicts with any right of the  
47 Nation to property, information, or any other right to own and operate its enterprises, free from  
48 undisclosed competition or other violation of such rights of the Oneida Nation, or as defined in  
49 any law or policy of the Nation.
- 50 102.3-10. “Election” shall mean every primary and election.
- 51 102.3-11. “General election” shall mean the election held every three (3) years in July to elect the  
52 Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the  
53 Business Committee and may include contests for elected boards, committees and commissions  
54 positions.
- 55 102.3-12. “Judge” shall mean the election official who informs and advises the Chairperson of  
56 discrepancies, complaints and controversy regarding voter eligibility.
- 57 102.3-13. “Judiciary” means the judicial system that was established by Oneida General Tribal  
58 Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of  
59 the Nation.
- 60 102.3-14. “Lot drawing” shall mean the equal chance method used to select a candidate as the  
61 winner of an elected position, in the case of a tie between two (2) or more candidates.
- 62 102.3-15. “Nation” means the Oneida Nation.
- 63 102.3-16. “Nation’s newspaper” shall mean the Kalihwisaks, or any other newspaper operated by  
64 the Nation for the benefit of transmitting news to members of the Nation, which is designated by  
65 the Election Board as a source for election related news.
- 66 102.3-17. “Oneida Police Officer” shall mean an enrolled member of the Oneida Nation who is a  
67 police officer on any police force.
- 68 102.3-18. “Private property” shall mean any lot of land not owned by the Nation, a residential  
69 dwelling or a privately owned business within the boundaries of the Reservation.
- 70 102.3-19. “Prominent locations” shall mean the polling places, main doors of the Norbert Hill  
71 Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida  
72 Community Health Center, the SEOTS building and all One-Stop locations.
- 73 102.3-20. “Qualified voter” shall mean an enrolled member of the Nation who is eighteen (18)  
74 years of age or older.
- 75 102.3-21. “Rejected Ballots” shall mean those ballots which are rejected by the vote tabulating  
76 machine.
- 77 102.3-22. “Spoiled Ballot” shall mean a ballot which contains a voter error or is otherwise marred  
78 and is not tabulated.
- 79 102.3-23. “Teller” shall mean the election official in charge of collecting and storing of all ballots.

80  
81

82 **102.4. Election Board**

83 *Section A. Establishment, Composition and Election*

84 102.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this  
85 law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.

86 102.4-2. The Election Board shall consist of nine (9) elected members. All members shall be  
87 elected to terms of three (3) years, not to exceed two (2) consecutive terms.

88 102.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an  
89 Election Board member in any pre-election, election day, or post-election activities while he or  
90 she is a ~~petitioner~~,an applicant or candidate in any election or there is otherwise a conflict of  
91 interest.

92 102.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member  
93 who is removed from the Election Board shall be ineligible to serve on the Board for three (3)  
94 years from the time he or she is removed from the Election Board.

95 102.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the  
96 Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed  
97 to correspond with the pre-election activities and the needs of the Election Board.

98 102.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

99 102.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to  
100 the Election Board, as recommended by the Election Board, to assist with election day and pre-  
101 election activities.

102 102.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in  
103 the By-laws of the Election Board, to preside over the meetings. This selection shall be carried  
104 out at the first meeting of the Election Board following an election. The Chairperson shall then  
105 ask the Election Board to select a Vice-Chairperson and Secretary.

106

107 *Section B. Duties of the Election Board*

108 102.4-9. The Election Board shall have the following duties, along with other responsibilities listed  
109 throughout this law.

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

113

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

115 102.4-10. Specific duties of the Chairperson and other Election Board members, in addition to  
116 being present at all Election Board meetings and assisting the handicapped through the voting  
117 process, are as set out herein:

118 (a) Chairperson: Shall preside over meetings of the Election Board; shall select the hearing  
119 body for applicants found to be ineligible in accordance with 102.5-6 in the event of an  
120 appeal; shall oversee the conduct of the election; shall dismiss the alternates and Trust  
121 Enrollment Department personnel when their election day duties are complete; and shall  
122 post and report election results.

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

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

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127 (d) Clerks: Shall implement the requirements of identifying and registering all voters and  
 128 determining voter eligibility. Clerks shall work in conjunction with the Trust Enrollment  
 129 Department personnel in the registration process, and assist the Chairperson as directed in  
 130 conducting the election. Clerks cannot be currently employed by the Trust Enrollment  
 131 Department.

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

134 (f) Judges: Shall inform and advise the Chairperson of all aspects of the election conducted  
 135 under this law. In case of disputes among Election Board members, or between members  
 136 of the Nation and Election Board members, or any controversy regarding voter eligibility,  
 137 the Judge(s) shall assist the Chairperson in making a determination. The Judge(s) shall  
 138 also ensure that all ballots of voters whose eligibility may be in question, remain  
 139 confidential.  
 140

#### 141 *Section D. Compensation Rates*

142 102.4-11. Election Board members are to be compensated at an hourly rate when conducting  
 143 elections as provided for in the Election Board's bylaws as approved by the Business Committee.  
 144 The Election Board shall have a budget, approved through the Nation's budgeting process.

145 102.4-12. The Trust Enrollment Department personnel and Oneida Police Officer(s) shall be  
 146 compensated at their regular rate of pay out of their respective budgets.  
 147

### 148 **102.5. Candidate Eligibility**

#### 149 *Section A. Requirements*

150 102.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-  
 151 laws or other documents, all applicants shall meet the minimum requirements set out in this section  
 152 in order to become a candidate.

153 102.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

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

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

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

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

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

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

165 102.5-3. No applicant may have a conflict of interest with the position for which they are being  
 166 considered, provided that any conflict of interest which may be eliminated within thirty (30)  
 167 calendar days of being elected shall not be considered as a bar to ~~nomination or~~ election.

168 102.5-4. Applications ~~and petitions where the applicant was not nominated during caucus~~ shall be  
 169 filed by presenting the information to the Nation's Secretary, or designated agent, during normal  
 170 business hours, 8:00 to 4:30 Monday through Friday, ~~within five (5) business days after the~~  
 171 ~~caucus~~by April 3, 2020. No mailed, internal Nation mail delivery, faxed or other delivery method

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172 shall be accepted.

173 102.5-5. The names of the candidates and the positions sought shall be a public record and made  
174 available to the public upon the determination of eligibility by the Election Board or the Board's  
175 designated agent.

176

177 *Section B. Eligibility Review*

178 102.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal.  
179 At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall  
180 select the hearing body. The hearing shall be held within two (2) business days of receipt of the  
181 appeal. The applicant shall be notified by phone of time and place of the hearing. The decision  
182 of the hearing body shall be sent via certified mail or hand delivery within two (2) business days  
183 of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the  
184 Judiciary on an accelerated schedule.

185 102.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to  
186 verify eligibility. Any applicant found to be ineligible for a ~~nominated or petitioned for~~ position  
187 shall be notified by certified mail return receipt requested. The notice shall provide the following  
188 information:

189 (a) Position for which they were considered

190 (b) Qualification of the position and citation of the source. (Copies of source may be  
191 attached.)

192 (c) A brief summary explaining why the applicant was found to be ineligible.

193 (d) That the applicant has two (2) business days from notification to make an appeal.  
194 Appeals must be filed at the location designated on the notice by hand delivery. The  
195 location designated shall be on the Reservation. No mailed, internal Nation mail, faxed or  
196 other delivery method will be accepted.

197

198 *Section C. Campaign Financing*

199 102.5-8. Contributions:

200 (a) Solicitation of Contributions by Candidates.

201 (1) Candidates shall only accept contributions from individuals who are members  
202 of the Nation or individuals related by blood or marriage to the candidate.  
203 Candidates may not accept contributions from any business, whether sole  
204 proprietorship, partnership, corporation, or other business entity.

205 (2) Candidates shall not solicit or accept contributions in any office or  
206 business/facility of the Nation.

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

209 102.5-9. 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.

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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 Shoreland  
224 Protection Law.

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

228 *Section D. Candidate Withdrawal*

229 102.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by  
230 the candidate prior to submission of the ballot for printing to any Election Board member,  
231 excluding alternates.

232 102.5-11 After printing of the ballot, any candidate may withdraw his or her name from the  
233 election by submitting in writing a statement indicating they are withdrawing from the election  
234 prior to the opening of the polls to any Election Board member, excluding alternates. This  
235 statement shall be posted alongside any sample ballot printed prior to the election in the newspaper  
236 or any posting at the polling places.

237 102.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the  
238 Election Board members in charge of the polling place, to be removed from the ballot. The written  
239 statement shall be posted next to any posted sample ballot.

240 102.5-13. Candidates withdrawing by any method listed herein shall be denied any position from  
241 which they have withdrawn regardless of the number of votes cast for that candidate. A written  
242 statement shall be considered the only necessary evidence of withdrawal and acceptance of denial  
243 of any position withdrawn from.

244 102.5-14. *Candidate Withdrawal After Winning an Election.*

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

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

251 **2.6. Selection of Candidates**

252 *Section A. Setting of Caucus*

253 ~~102.6-1. The Election Board shall be responsible for calling a caucus before any election is held.~~  
254 ~~The caucus for the general election shall be held at least ninety (90) calendar days prior to the~~  
255 ~~election date. Caucuses for other elections shall be held at least forty five (45) calendar days prior~~  
256 ~~to the election date. In a general election year, caucuses shall be combined so that candidates for~~  
257 ~~the Business Committee and elected boards, committees and commissions are nominated at the~~  
258 ~~same caucus.~~

259 ~~102.6-2. The procedures for the caucus shall be as follows:~~

260 ~~(a) Candidates shall be nominated from the floor.~~

261 ~~(b) Candidates present at the caucus will accept/decline their nomination at the caucus.~~

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~~Candidates nominated at the caucus, but not present to accept the nomination, shall be required to follow the petition process.~~

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

*Section B. Petition*

~~102.6-3.~~ Any eligible member of the Nation may petitionapply to be placed on a ballot according to the following procedures:

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

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

~~(e)~~ The petition form shall consist of each endorsee's:

~~(1) printed name and address;~~

~~(2) date of birth;~~

~~(3) Oneida Nation Enrollment Number; and~~

~~(4) signature.~~

~~(d) Petitioners shall obtain not less than ten (10) signatures of qualified voters as defined under information that satisfies the minimum requirements for eligible candidates, as described in section 102.5-2 of this law.~~

~~(e) Petitions~~(c) Applications shall be presented to the Nation's Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to close of business ~~five (5) business days after the caucus on April 3, 2020.~~ The location to drop-off petitionsapplications shall be identified in the mailing identifying the caucus datethe Business Committee Support Office.

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

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

~~102.6-4.~~ A person who runs for a position on the Oneida Business Committee, or a position on a judicial court or commission, shall not run for more than one (1) elective office or seat per election.

**102.7. Notice of Polling Places**

102.7-1. The Election Board shall post a notice in the prominent locations, stating the location of the polling places and the time the polls will be open. This notice shall also be posted in an easily visible position, close to the entrance of the Nation's businesses/facilities.

102.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the election, and shall remain posted until the poll closes on the day of the election.

102.7-3. Except for a Special Election, notice for the election shall be mailed to all Nation members, stating the time and place of the election and a sample of the ballot, no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior

307 to the requested mailing.

308 102.7-4. Notice of the election shall be placed in the Nation's newspaper.

309

### 310 **102.8. Registration of Voters**

#### 311 *Section A. Requirements*

312 102.8-1. *Registration of Voters.* All enrolled members of the Nation, who are eighteen (18) years  
313 of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the  
314 Oneida Nation Constitution.

315

#### 316 *Section B. Identification of Voters*

317 102.8-2. All voters must present one of the following picture identifications in order to be able to  
318 vote:

319 (a) Oneida Nation I.D.

320 (b) Drivers License.

321 (c) Other I.D. with name and photo.

322

#### 323 *Section C. Registration Procedures*

324 102.8-3. Voters shall physically register, on the day of the election, at the polls.

325 102.8-4. Trust Enrollment Department personnel shall be responsible for verifying enrollment  
326 with the Nation. Conduct of Trust Enrollment Department personnel is governed by the Election  
327 Officials during the voting period.

328 102.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration  
329 Form containing the voter's following information:

330 (a) name and maiden name (if any);

331 (b) current address;

332 (c) date of birth; and

333 (d) enrollment number.

334

#### 335 *Section D. Qualification/Verification of Voter Eligibility*

336 102.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote,  
337 the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with  
338 the Trust Enrollment Department personnel who are registering voters, to decide the voting  
339 member's eligibility currently being questioned and shall make such decisions from the facts  
340 available, whether the applicant is, in fact, qualified/verifiable under the Oneida Nation  
341 Constitution, Article III Section 2, to vote in the Nation's elections.

342 102.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be  
343 placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of  
344 the voter shall be written next to a numbered list which corresponds to the numbered and sealed  
345 envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box  
346 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they  
347 desire to challenge the decision made by the Election Officials. The Election Board shall make a  
348 final decision, within five (5) business days of receiving the appeal and shall report this decision  
349 in the final report sent to the Oneida Business Committee.

350

### 351 **102.9. Election Process**

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352 *Section A. Polling Places and Times*

353 102.9-1. In accordance with Article III, Section 5 of the Oneida Nation Constitution, elections  
354 shall be held in the month of July on a date set by the General Tribal Council. The General Tribal  
355 Council shall set the election date at the January annual meeting, or at the first GTC meeting held  
356 during a given year. Special Elections shall be set in accordance with 102.12-6.

357 102.9-2. Elections shall be held in an Oneida Nation facility(s) as determined by the Election  
358 Board.

359 102.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line  
360 to vote at 7:00 p.m. shall be allowed to vote.

361 (a) If a ballot counting machine is used, the ballot counting machine shall be prepared  
362 prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after four

363 (4) members of the Nation verify, through signature on the tape, the ballot box is empty  
364 and the ballot counting machine printer tape has a zero (0) total count.

365 102.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open,  
366 and until the counting of ballots is completed, and tentative results posted.

367 102.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such  
368 that there is an area with at least two sides and a back enclosure.

369 102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of  
370 the voting area, excluding private property.

371 102.9-7. No one causing a disturbance shall be allowed in the voting area.

372 102.9-8. Election Board members may restrict the voting area to qualified voters only. This  
373 restriction is in the interest of maintaining security of the ballots and voting process.

374  
375 *Section B. Ballot Box*

376 102.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and  
377 shall be locked until counting at the close of polls. Provided that, with electronic ballot counting,  
378 the ballots may be placed within the ballot counting machine as they are received.

379  
380 *Section C. Spoiled Ballots*

381 102.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

382 102.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials  
383 and placed in an envelope marked as "Spoiled Ballots."

384 102.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15)  
385 calendar days following finalization of any challenge of the election, at the Records Management  
386 Department.

387  
388 *Section D. Rejected Ballots*

389 102.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

390 (a) Computer rejected ballots shall be reviewed by the Election Officials to verify the  
391 authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final  
392 computer total, provided that, a new ballot was not received as set out in sections 102.9-10  
393 through 102.9-12.

394 (b) Ballots rejected, either during the computer process or during a manual counting, shall  
395 be reviewed by the Election Officials to verify that they are authentic. ~~If the Election~~  
396 Officials determine that the ballot is not an official ballot, or that it is an illegal ballot, the

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397 ballot shall be designated ‘void,’ and placed in a sealed container marked “Void Ballots.”

398

### 399 **102.10. Tabulating and Securing Ballots**

#### 400 *Section A. Machine Counted Ballots*

401 102.10-1. 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.

403 102.10-2. At least ~~six (6)~~<sup>three (3)</sup> Election Board members shall sign the election totals, which  
404 shall include the tape signed by the members of the Nation before the polls were opened per section  
405 102.9-3(a).

406

#### 407 *Section B. Manually Counted Ballots*

408 102.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the  
409 ballot box and remove the ballots.

410 102.10-4. 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.

414 102.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and  
415 witnessed/monitored by an Oneida Police Officer.

416 102.10-6. 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*

420 102.10-7. 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 election  
422 totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed container  
423 in such a manner that the container cannot be opened without breaking the seals or locks, or  
424 destroying the container. The Oneida Police Officer shall then deliver, on the day of the election,  
425 the sealed container to the Records Management Department for retaining.

426

### 427 **102.11. Election Outcome and Ties**

#### 428 *Section A. Election Results Announcement*

429 102.11-1. 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 contain  
431 the following statement:

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

436 102.11-2. 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*

440 102.11-3. 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

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442 the votes for each candidate receiving the same number of votes. Any recount conducted shall be  
443 the only recount allowed for the tied candidates.

444 102.11-4. 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 positions  
448 at least two (2) business days after, but no more than five (5) business days after the recount  
449 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 Election  
453 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 paper  
456 in front of any witnesses present. The pieces of paper shall be the same, or approximately  
457 the same, color, size, and type. The papers shall be folded in half and placed in a container  
458 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*

465 102.11-5. 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.

472 102.11-6. The Election Board shall respond by the close of business on the fifth (5<sup>th</sup>) 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 the  
475 whole election results, or of that sub-section.

476 102.11-7. All recounts shall be conducted manually with, if possible, the original Election  
477 Officials and Oneida Police Officer present, regardless of the original type of counting process.  
478 Manual recounts may, at the discretion of the Election Officials, be of the total election results, or  
479 of the challenged sub-section of the election results.

480 102.11-8. 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.

483 102.11-9. 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.

486 102.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be

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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 may  
489 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*

497 102.11-11. *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 filed.  
500 Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after  
501 the issuance of the lower body's decision and decided within two (2) business days after the appeal  
502 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.

509 102.11-12. *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 challenges  
511 have been completed, whichever is longer. The Final Report shall consist of the following  
512 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.

519 102.11-13. *Declaration of Results.* The Business Committee shall declare the official results of  
520 the 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.

522 102.11-14. Candidates elected to the Business Committee shall resign from any salaried position  
523 effective prior to taking a Business Committee oath of office

524 102.11-15. Except in the event of an emergency, as determined by the Business Committee,  
525 newly elected officials shall be sworn into office no later than thirty (30) calendar days after the  
526 official 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 shall  
528 be considered vacant and the Election Board shall declare the next highest vote recipient  
529 the winner. This procedure shall be repeated as necessary until a winner is declared.

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

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532 102.11-16. The Election Board shall send notice to the Records Management Department to  
533 destroy the ballots thirty (30) calendar days after the election or after the final declaration of official  
534 election results occurs, whichever is longer.  
535

**102.12. Elections***Section A. Primary Elections; Business Committee*

537 102.12-1. When a primary is required under 102.12-2, it shall be held on a Saturday at least sixty  
538 (60) calendar days prior to the election.  
539

540 102.12-2. There shall be a primary election for Business Committee positions whenever there are  
541 three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-  
542 large council member positions.

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

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

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

549 102.12-3. The Election Board shall cancel the primary election if the Business Committee  
550 positions did not draw the requisite number of candidates for a primary ~~by the petitioning deadline~~  
551 ~~set for the primary.~~

552 102.12-4. In the event a candidate withdraws or is unable to run for office after being declared a  
553 winner in the primary, the Election Board shall declare the next highest primary vote recipient the  
554 primary winner. This procedure shall be repeated as necessary until the ballot is full or until there  
555 are no available candidates. If the ballot has already been printed, the procedures for notifying the  
556 Oneida public in section 102.5-11 and 102.5-12 shall be followed, including the requirement to  
557 print a notice in the Nation's newspaper if time lines allow.  
558

*Section B. Special Elections*

559 102.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as  
560 defined in this law, may be placed on the same ballot as the subject matter of an election.  
561

562 102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business  
563 Committee as recommended by the Election Board or as ordered by the Judiciary in connection  
564 with an election challenge.

565 102.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent  
566 locations, and placed in the Nation's newspaper not less than ten (10) calendar days prior to the  
567 Special Election.

568 102.12-8. In the event of an emergency, the Election Board may reschedule the election, provided  
569 that no less than twenty-four (24) hours notice of the rescheduled election date is given to the  
570 voters, by posting notices in the prominent locations.  
571

*Section C. Referendums*

572 102.12-9. Registered voters may indicate opinions on any development, law or resolution,  
573 proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a special  
574 referendum election.  
575

576 (a) Referendum elections in which a majority of the qualified voters who cast votes shall

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577 be binding on the Business Committee to present the issue for action/decision at General  
578 Tribal Council.

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

580 (c) Referendum questions are to be presented to the Nation's Secretary, in writing, at the  
581 caucus prior to election, regarding issues directly affecting the Nation or general  
582 membership.

583

584 *Section D. Initiation of Special Elections*

585 102.12-10. Special Elections may be initiated by a request or directive of the General Tribal  
586 Council or the Oneida Business Committee.

587 102.12-11. Special Election may be requested by a member of the Nation to the Business  
588 Committee or General Tribal Council.

589 102.12-12. All Special Elections shall follow rules established for all other elections. This includes  
590 positions for all Boards, Committees and Commissions.

591

592 **102.13. Oneida Nation Constitution and By-law Amendments**

593 102.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida  
594 Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a petition  
595 of qualified voters. The requirements for the Oneida Business Committee's initiation of  
596 Constitutional amendments are as provided in the Constitution and as further detailed in the  
597 supporting standard operating procedures which the Oneida Business Committee shall adopt.  
598 Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by submitting  
599 a petition to the Office of the Nation's Secretary which includes the full text of the proposed  
600 amendments and signatures that are equal in number to at least ten percent (10%) of all members  
601 qualified to vote.

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

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

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

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

619 (e) If the petition is verified by the Trust Enrollment Department to contain signatures from  
620 at least ten percent (10%) of all qualified voters, the Election Board shall make an official  
621 announcement of the proposed amendments to the Oneida Nation Constitution at least sixty

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622 (60) days prior to the election at which the proposed amendments are to be voted on.

623 102.13-2. The Election Board shall place any proposed amendments to the Oneida Nation  
624 Constitution that meet the requirements contained in 102.13-1 on the ballot at the next general  
625 election. Provided that, the Oneida Business Committee or General Tribal Council may order a  
626 special election be held to consider the proposed amendments. In such circumstances, the Election  
627 Board shall place any proposed amendments to the Oneida Nation Constitution on the ballot at the  
628 next special election.

629 102.13-3. The Election Board shall publish any proposed amendments by publishing a sample  
630 ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust  
631 Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty  
632 (20) calendar days prior to the requested mailing. Copies of such publications shall be prominently  
633 posted in each polling place and at administrative offices of the Nation and shall also be published  
634 in official Oneida media outlets, which the Oneida Business Committee shall identify by  
635 resolution. For the purposes of this section, Oneida administrative offices means the location  
636 where the Oneida Business Committee conducts business.

637 102.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of  
638 the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall  
639 ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a  
640 true and impartial statement and is written in such a manner that does not create prejudice for or  
641 against the proposed amendment.

642 102.13-5. Pursuant to Article VI, Section 3 of the Oneida Nation Constitution, proposed  
643 amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that  
644 amendment shall become part of the Constitution and By-laws, and shall abrogate or amend  
645 existing provisions of the Constitution and By-laws at the end of thirty (30) days after submission  
646 of the final election report.

647 102.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the  
648 amendment receiving the highest affirmation vote prevails.

649  
650  
651 *End.*

- 
- 652
  - 653
  - 654 Adopted - June 19, 1993
  - 655 Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)
  - 656 Presented for Adoption of 1997 Revisions - GTC-7-6-98-A
  - 657 Amended- October 11, 2008 (General Tribal Council Meeting)
  - 658 Amended-GTC-01-04-10-A
  - 659 Amended – BC-02-25-15-C
  - 660 Amended – GTC-04-23-17-A
  - 661 Emergency Amended – BC- - - -

**Title 1. Government and Finances - Chapter 102****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***ELECTION**

102.1. Purpose and Policy	102.8. Registration of Voters
102.2. Adoption, Amendment, Repeal	102.9. Election Process
102.3. Definitions	102.10. Tabulating and Securing Ballots
102.4. Election Board	102.11. Election Outcome and Ties
102.5. Candidate Eligibility	102.12. Elections
102.6. Selection of Candidates	102.13. Oneida Nation Constitution and By-law Amendments
102.7. Notice of Polling Places	

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**1 102.1. Purpose and Policy**

2 102.1-1. 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. Because of the desire for orderly  
4 and easily understood elections, there has not been an allowance made for write-in candidates on  
5 ballots.

6 102.1-2. 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

**10 102.2. Adoption, Amendment, Repeal**

11 102.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-  
12 98-A and amended by resolutions GTC-01-04-10-A, BC-02-25-15-C, GTC-04-23-17-A, and  
13 emergency amended by BC-\_\_-\_\_-\_\_-\_\_.

14 102.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to  
15 the procedures set out in the Legislative Procedures Act. Actions of the Election Board regarding  
16 amendments to this law and policies adopted regarding implementation of this law are to be  
17 presented to the Business Committee who shall then adopt or forward action(s) to the General  
18 Tribal Council for adoption.

19 102.2-3. Should a provision of this law or the application thereof to any person or circumstances  
20 be held as invalid, such invalidity shall not affect other provisions of this law which are considered  
21 to have legal force without the invalid portions.

22 102.2-4. In the event of a conflict between a provision of this law and a provision of another law,  
23 the provisions of this law shall control.

24 102.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

25

**26 102.3. Definitions**

27 102.3-1. This section shall govern the definitions of words and phrases used within this law. All  
28 words not defined herein shall be used in their ordinary and everyday sense.

29 102.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on  
30 the Election Board during an election and until election results have been certified.

31 102.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for  
32 acceptance on a ballot.

33 102.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding  
34 holidays of the Nation.

35 102.3-5. "Campaigning" shall mean all efforts designed to influence members of the Nation to  
36 support or reject a particular candidate of the Nation including, without limitation, advertising,  
37 rallying, public speaking, or other communications with members of the Nation.

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38 102.3-6. "Candidate" shall mean an applicant for an elected position whose name is placed on the  
39 ballot by the Election Board after successful application.

40 102.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose  
41 of determining voter eligibility.

42 102.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.

43 102.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political  
44 or otherwise, in which a Nation elected official, employee, consultant, appointed or elected,  
45 member of any board, committee or commission, or their immediate relatives, friends or  
46 associates, or any other person with whom they have contact, that conflicts with any right of the  
47 Nation to property, information, or any other right to own and operate its enterprises, free from  
48 undisclosed competition or other violation of such rights of the Oneida Nation, or as defined in  
49 any law or policy of the Nation.

50 102.3-10. "Election" shall mean every primary and election.

51 102.3-11. "General election" shall mean the election held every three (3) years in July to elect the  
52 Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the  
53 Business Committee and may include contests for elected boards, committees and commissions  
54 positions.

55 102.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of  
56 discrepancies, complaints and controversy regarding voter eligibility.

57 102.3-13. "Judiciary" means the judicial system that was established by Oneida General Tribal  
58 Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of  
59 the Nation.

60 102.3-14. "Lot drawing" shall mean the equal chance method used to select a candidate as the  
61 winner of an elected position, in the case of a tie between two (2) or more candidates.

62 102.3-15. "Nation" means the Oneida Nation.

63 102.3-16. "Nation's newspaper" shall mean the Kalihwisaks, or any other newspaper operated by  
64 the Nation for the benefit of transmitting news to members of the Nation, which is designated by  
65 the Election Board as a source for election related news.

66 102.3-17. "Oneida Police Officer" shall mean an enrolled member of the Oneida Nation who is a  
67 police officer on any police force.

68 102.3-18. "Private property" shall mean any lot of land not owned by the Nation, a residential  
69 dwelling or a privately owned business within the boundaries of the Reservation.

70 102.3-19. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill  
71 Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida  
72 Community Health Center, the SEOTS building and all One-Stop locations.

73 102.3-20. "Qualified voter" shall mean an enrolled member of the Nation who is eighteen (18)  
74 years of age or older.

75 102.3-21. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating  
76 machine.

77 102.3-22. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred  
78 and is not tabulated.

79 102.3-23. "Teller" shall mean the election official in charge of collecting and storing of all ballots.

80

81

82 **102.4. Election Board**

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83 *Section A. Establishment, Composition and Election*

84 102.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this  
85 law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.

86 102.4-2. The Election Board shall consist of nine (9) elected members. All members shall be  
87 elected to terms of three (3) years, not to exceed two (2) consecutive terms.

88 102.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an  
89 Election Board member in any pre-election, election day, or post-election activities while he or  
90 she is an applicant or candidate in any election or there is otherwise a conflict of interest.

91 102.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member  
92 who is removed from the Election Board shall be ineligible to serve on the Board for three (3)  
93 years from the time he or she is removed from the Election Board.

94 102.4-5. *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 timed  
96 to correspond with the pre-election activities and the needs of the Election Board.

97 102.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

98 102.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to  
99 the Election Board, as recommended by the Election Board, to assist with election day and pre-  
100 election activities.

101 102.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in  
102 the By-laws of the Election Board, to preside over the meetings. This selection shall be carried  
103 out at the first meeting of the Election Board following an election. The Chairperson shall then  
104 ask the Election Board to select a Vice-Chairperson and Secretary.

105  
106 *Section B. Duties of the Election Board*

107 102.4-9. 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*

114 102.4-10. 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 hearing  
118 body for applicants found to be ineligible in accordance with 102.5-6 in the event of an  
119 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 Nation's  
124 Secretary, other Election Board members and the public as required in the Open Records  
125 and Open Meetings Law.

126 (d) Clerks: Shall implement the requirements of identifying and registering all voters and  
127 determining voter eligibility. Clerks shall work in conjunction with the Trust Enrollment

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128 Department personnel in the registration process, and assist the Chairperson as directed in  
129 conducting the election. Clerks cannot be currently employed by the Trust Enrollment  
130 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 conducted  
134 under this law. In case of disputes among Election Board members, or between members  
135 of the Nation and Election Board members, or any controversy regarding voter eligibility,  
136 the Judge(s) shall assist the Chairperson in making a determination. The Judge(s) shall  
137 also ensure that all ballots of voters whose eligibility may be in question, remain  
138 confidential.

139

140 *Section D. Compensation Rates*

141 102.4-11. 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.

144 102.4-12. 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 **102.5. Candidate Eligibility**

148 *Section A. Requirements*

149 102.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-  
150 laws or other documents, all applicants shall meet the minimum requirements set out in this section  
151 in order to become a candidate.

152 102.5-2. 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 applied. Proof of residency may be through one (1) or more of the following:

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

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

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

163 102.5-3. No applicant may have a conflict of interest with the position for which they are being  
164 considered, provided that any conflict of interest which may be eliminated within thirty (30)  
165 calendar days of being elected shall not be considered as a bar to election.

166 102.5-4. Applications shall be filed by presenting the information to the Nation's Secretary, or  
167 designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, by April 3,  
168 2020. No mailed, internal Nation mail delivery, faxed or other delivery method shall be accepted.

169 102.5-5. The names of the candidates and the positions sought shall be a public record and made  
170 available to the public upon the determination of eligibility by the Election Board or the Board's  
171 designated agent.

172

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173 *Section B. Eligibility Review*

174 102.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal.  
175 At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall  
176 select the hearing body. The hearing shall be held within two (2) business days of receipt of the  
177 appeal. The applicant shall be notified by phone of time and place of the hearing. The decision  
178 of the hearing body shall be sent via certified mail or hand delivery within two (2) business days  
179 of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the  
180 Judiciary on an accelerated schedule.

181 102.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to  
182 verify eligibility. Any applicant found to be ineligible for a position shall be notified by certified  
183 mail return receipt requested. The notice shall provide the following information:

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

192

193 *Section C. Campaign Financing*

194 102.5-8. Contributions:

- 195 (a) Solicitation of Contributions by Candidates.  
196 (1) Candidates shall only accept contributions from individuals who are members  
197 of the Nation or individuals related by blood or marriage to the candidate.  
198 Candidates may not accept contributions from any business, whether sole  
199 proprietorship, partnership, corporation, or other business entity.  
200 (2) Candidates shall not solicit or accept contributions in any office or  
201 business/facility of the Nation.

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

204 102.5-9. Campaign Signs and Campaigning:

- 205 (a) Placement of campaign signs:  
206 (1) Campaign signs shall not be posted or erected on any property of the Nation  
207 except for private property with the owner/tenant's permission.  
208 (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum  
209 of seven (7) such signs may be placed on a building or on a lot.  
210 (3) No campaign sign shall project beyond the property line into the public right  
211 of way.  
212 (b) Removal of campaign signs. All campaign signs shall be removed within five (5)  
213 business days after an election.  
214 (c) Employees of the Nation shall not engage in campaigning for offices of the Nation  
215 during work hours. The Nation's employees shall be subject to disciplinary action under  
216 the personnel policies and procedures for political campaigning during work hours.  
217 (d) Enforcement. The Zoning Administrator shall cause to be removed any campaign

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218 signs that are not in compliance with this law, in accordance with the Zoning and Shoreland  
219 Protection Law.

220 (e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by the  
221 Election Board in an amount specified in a resolution adopted by the Business Committee.  
222

223 *Section D. Candidate Withdrawal*

224 102.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by  
225 the candidate prior to submission of the ballot for printing to any Election Board member,  
226 excluding alternates.

227 102.5-11 After printing of the ballot, any candidate may withdraw his or her name from the  
228 election by submitting in writing a statement indicating they are withdrawing from the election  
229 prior to the opening of the polls to any Election Board member, excluding alternates. This  
230 statement shall be posted alongside any sample ballot printed prior to the election in the newspaper  
231 or any posting at the polling places.

232 102.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the  
233 Election Board members in charge of the polling place, to be removed from the ballot. The written  
234 statement shall be posted next to any posted sample ballot.

235 102.5-13. Candidates withdrawing by any method listed herein shall be denied any position from  
236 which they have withdrawn regardless of the number of votes cast for that candidate. A written  
237 statement shall be considered the only necessary evidence of withdrawal and acceptance of denial  
238 of any position withdrawn from.

239 102.5-14. *Candidate Withdrawal After Winning an Election.*

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

243 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a  
244 Special Election shall be held.  
245

246 **2.6. Selection of Candidates**

247 102.6-1. Any eligible member of the Nation may apply to be placed on a ballot according to the  
248 following procedures:

249 (a) Applicants shall use an official form as designated by this law which may be  
250 obtained in the Office of the Nation's Secretary.

251 (b) The form shall consist of information that satisfies the minimum requirements for  
252 eligible candidates, as described in section 102.5-2 of this law.

253 (c) Applications shall be presented to the Nation's Secretary, or designated agent,  
254 during normal business hours, 8:00 to 4:30 Monday through Friday, but no later than  
255 prior to close of business on April 3, 2020. The location to drop-off applications shall  
256 be the Business Committee Support Office.

257 (d) The Nation's Secretary shall forward all applications to the Election Board  
258 Chairperson the next business day following the close of submissions.

259 102.6-2. A person who runs for a position on the Oneida Business Committee, or a position on a  
260 judicial court or commission, shall not run for more than one (1) elective office or seat per election.  
261

262 **102.7. Notice of Polling Places**

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263 102.7-1. The Election Board shall post a notice in the prominent locations, stating the location of  
264 the polling places and the time the polls will be open. This notice shall also be posted in an easily  
265 visible position, close to the entrance of the Nation's businesses/facilities.

266 102.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the  
267 election, and shall remain posted until the poll closes on the day of the election.

268 102.7-3. Except for a Special Election, notice for the election shall be mailed to all Nation  
269 members, stating the time and place of the election and a sample of the ballot, no less than ten (10)  
270 calendar days prior to the election, through a mass mailing. The Trust Enrollment Department  
271 shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior  
272 to the requested mailing.

273 102.7-4. Notice of the election shall be placed in the Nation's newspaper.

274

**102.8. Registration of Voters***Section A. Requirements*

276 102.8-1. *Registration of Voters.* All enrolled members of the Nation, who are eighteen (18) years  
277 of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the  
278 Oneida Nation Constitution.

279

*Section B. Identification of Voters*

281 102.8-2. All voters must present one of the following picture identifications in order to be able to  
282 vote:

283

284 (a) Oneida Nation I.D.

285 (b) Drivers License.

286 (c) Other I.D. with name and photo.

287

*Section C. Registration Procedures*

288 102.8-3. Voters shall physically register, on the day of the election, at the polls.

289 102.8-4. Trust Enrollment Department personnel shall be responsible for verifying enrollment  
290 with the Nation. Conduct of Trust Enrollment Department personnel is governed by the Election  
291 Officials during the voting period.

292 102.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration  
293 Form containing the voter's following information:

294 (a) name and maiden name (if any);

295 (b) current address;

296 (c) date of birth; and

297 (d) enrollment number.

298

*Section D. Qualification/Verification of Voter Eligibility*

299 102.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote,  
300 the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with  
301 the Trust Enrollment Department personnel who are registering voters, to decide the voting  
302 member's eligibility currently being questioned and shall make such decisions from the facts  
303 available, whether the applicant is, in fact, qualified/verifiable under the Oneida Nation  
304 Constitution, Article III Section 2, to vote in the Nation's elections.

305 102.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be  
306

307

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308 placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of  
309 the voter shall be written next to a numbered list which corresponds to the numbered and sealed  
310 envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box  
311 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they  
312 desire to challenge the decision made by the Election Officials. The Election Board shall make a  
313 final decision, within five (5) business days of receiving the appeal and shall report this decision  
314 in the final report sent to the Oneida Business Committee.  
315

**102.9. Election Process***Section A. Polling Places and Times*

317 102.9-1. In accordance with Article III, Section 5 of the Oneida Nation Constitution, elections  
318 shall be held in the month of July on a date set by the General Tribal Council. The General Tribal  
319 Council shall set the election date at the January annual meeting, or at the first GTC meeting held  
320 during a given year. Special Elections shall be set in accordance with 102.12-6.  
321

322 102.9-2. Elections shall be held in an Oneida Nation facility(s) as determined by the Election  
323 Board.

324 102.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line  
325 to vote at 7:00 p.m. shall be allowed to vote.

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

330 102.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open,  
331 and until the counting of ballots is completed, and tentative results posted.

332 102.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such  
333 that there is an area with at least two sides and a back enclosure.

334 102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of  
335 the voting area, excluding private property.

336 102.9-7. No one causing a disturbance shall be allowed in the voting area.

337 102.9-8. Election Board members may restrict the voting area to qualified voters only. This  
338 restriction is in the interest of maintaining security of the ballots and voting process.  
339

*Section B. Ballot Box*

341 102.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and  
342 shall be locked until counting at the close of polls. Provided that, with electronic ballot counting,  
343 the ballots may be placed within the ballot counting machine as they are received.  
344

*Section C. Spoiled Ballots*

346 102.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

347 102.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials  
348 and placed in an envelope marked as "Spoiled Ballots."

349 102.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15)  
350 calendar days following finalization of any challenge of the election, at the Records Management  
351 Department.  
352

353 *Section D. Rejected Ballots*

354 102.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

355 (a) Computer rejected ballots shall be reviewed by the Election Officials to verify the  
356 authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final  
357 computer total, provided that, a new ballot was not received as set out in sections 102.9-10  
358 through 102.9-12.

359 (b) Ballots rejected, either during the computer process or during a manual counting, shall  
360 be reviewed by the Election Officials to verify that they are authentic. If the Election  
361 Officials determine that the ballot is not an official ballot, or that it is an illegal ballot, the  
362 ballot shall be designated 'void,' and placed in a sealed container marked "Void Ballots."  
363

364 **102.10. Tabulating and Securing Ballots**

365 *Section A. Machine Counted Ballots*

366 102.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate  
367 from the ballot counting machine copies of the election totals from the votes cast.

368 102.10-2. At least three (3) Election Board members shall sign the election totals, which shall  
369 include the tape signed by the members of the Nation before the polls were opened per section  
370 102.9-3(a).  
371

372 *Section B. Manually Counted Ballots*

373 102.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the  
374 ballot box and remove the ballots.

375 102.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall  
376 be secured in a sealed container for transportation to the ballot counting location. The sealed  
377 ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election  
378 Officials for counting/tallying of ballots.

379 102.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and  
380 witnessed/monitored by an Oneida Police Officer.

381 102.10-6. Ballots must be counted by two different Election Officials until two final tallies are  
382 equal in back to back counting. Final tallies shall be verified by the Election Judges.  
383

384 *Section C. Securing Ballots*

385 102.10-7. The Judges shall place together all ballots counted and secure them together so that they  
386 cannot be untied or tampered with without breaking the seal. The secured ballots, and the election  
387 totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed container  
388 in such a manner that the container cannot be opened without breaking the seals or locks, or  
389 destroying the container. The Oneida Police Officer shall then deliver, on the day of the election,  
390 the sealed container to the Records Management Department for retaining.  
391

392 **102.11. Election Outcome and Ties**

393 *Section A. Election Results Announcement*

394 102.11-1. The tentative results of an election shall be announced and posted by the Election Board  
395 within twenty-four (24) hours after the closing of the polls. Notices of election results shall contain  
396 the following statement:  
397

*"The election results posted here are tentative results. Final election results are forwarded*

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398 *by the Oneida Election Board to the Oneida Business Committee via a Final Report after*  
399 *time has lapsed for recount requests, or challenges or after all recounts or challenges*  
400 *have been completed, whichever is longer”*

401 102.11-2. The Election Board shall post, in the prominent locations, and publish in the Nation’s  
402 newspaper, the tentative results of an election.

403

404 *Section B. Tie*

405 102.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to  
406 determine the outcome of an election, the Election Board shall conduct an automatic recount of  
407 the votes for each candidate receiving the same number of votes. Any recount conducted shall be  
408 the only recount allowed for the tied candidates.

409 102.11-4. For Business Committee positions, a run-off election between the candidates with the  
410 same number of votes shall be held if there remains a tie after the recount. Said run-off election  
411 shall be held within twenty one (21) calendar days after the recount. For all other positions, if  
412 there remains a tie after the recount, the Election Board shall decide the winner of the tied positions  
413 at least two (2) business days after, but no more than five (5) business days after the recount  
414 through a lot drawing, which shall be open to the public.

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

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

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

428

429 *Section C. Recount Procedures*

430 102.11-5. A candidate may request the Election Board to complete a recount, provided the margin  
431 between the requesting candidate’s vote total and vote total for the unofficial winner was within  
432 two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is  
433 greater. A candidate requests a recount by hand delivering a written request to the office of the  
434 Nation’s Secretary, or noticed designated agent, within five (5) business days after the election.  
435 Requests shall be limited to one (1) request per candidate. The Nation’s Secretary shall contact  
436 the Election Board Chairperson by the next business day after the request for recounts.

437 102.11-6. The Election Board shall respond by the close of business on the fifth (5<sup>th</sup>) day after the  
438 request regarding the results of the recount. Provided that, no recount request need be honored  
439 where there have been two (2) recounts completed as a result of a request either as a recount of the  
440 whole election results, or of that sub-section.

441 102.11-7. All recounts shall be conducted manually with, if possible, the original Election  
442 Officials and Oneida Police Officer present, regardless of the original type of counting process.

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443 Manual recounts may, at the discretion of the Election Officials, be of the total election results, or  
444 of the challenged sub-section of the election results.

445 102.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed  
446 container with the ballots from the Records Management Department and transporting it to the  
447 ballot recounting location.

448 102.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three  
449 (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election  
450 Board Chairperson and an Oneida Police Officer shall witness the recount.

451 102.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be  
452 counted until two (2) final tallies are equal in back to back counting and the total count of ballots  
453 reconciles with the total count from the ballot counting machine. Sub-sections of candidates may  
454 be recounted in lieu of a full recount.

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

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

460

461 *Section D. Challenges and Declaration of Results*

462 102.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a  
463 complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall  
464 hear and decide a challenge to any election within two (2) business days after the challenge is filed.  
465 Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after  
466 the issuance of the lower body's decision and decided within two (2) business days after the appeal  
467 is filed.

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

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

474 102.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Nation's  
475 Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges  
476 have been completed, whichever is longer. The Final Report shall consist of the following  
477 information:

478 (a) Total number of persons voting.

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

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

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

482 (e) Number of spoiled ballots.

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

484 102.11-13. *Declaration of Results.* The Business Committee shall declare the official results of  
485 the election and send notices regarding when the swearing in of newly elected officials shall take  
486 place within ten (10) business days after receipt of the Final Report.

487 102.11-14. Candidates elected to the Business Committee shall resign from any salaried position

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488 effective prior to taking a Business Committee oath of office

489 102.11-15. Except in the event of an emergency, as determined by the Business Committee,  
490 newly elected officials shall be sworn into office no later than thirty (30) calendar days after the  
491 official results of an election are declared by the Business Committee.

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

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

497 102.11-16. The Election Board shall send notice to the Records Management Department to  
498 destroy the ballots thirty (30) calendar days after the election or after the final declaration of official  
499 election results occurs, whichever is longer.

500

501 **102.12. Elections**

502 *Section A. Primary Elections; Business Committee*

503 102.12-1. When a primary is required under 102.12-2, it shall be held on a Saturday at least sixty  
504 (60) calendar days prior to the election.

505 102.12-2. There shall be a primary election for Business Committee positions whenever there are  
506 three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-  
507 large council member positions.

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

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

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

514 102.12-3. The Election Board shall cancel the primary election if the Business Committee  
515 positions did not draw the requisite number of candidates for a primary.

516 102.12-4. In the event a candidate withdraws or is unable to run for office after being declared a  
517 winner in the primary, the Election Board shall declare the next highest primary vote recipient the  
518 primary winner. This procedure shall be repeated as necessary until the ballot is full or until there  
519 are no available candidates. If the ballot has already been printed, the procedures for notifying the  
520 Oneida public in section 102.5-11 and 102.5-12 shall be followed, including the requirement to  
521 print a notice in the Nation's newspaper if time lines allow.

522

523 *Section B. Special Elections*

524 102.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as  
525 defined in this law, may be placed on the same ballot as the subject matter of an election.

526 102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business  
527 Committee as recommended by the Election Board or as ordered by the Judiciary in connection  
528 with an election challenge.

529 102.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent  
530 locations, and placed in the Nation's newspaper not less than ten (10) calendar days prior to the  
531 Special Election.

532 102.12-8. In the event of an emergency, the Election Board may reschedule the election, provided

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533 that no less than twenty-four (24) hours notice of the rescheduled election date is given to the  
534 voters, by posting notices in the prominent locations.

535

536 *Section C. Referendums*

537 102.12-9. Registered voters may indicate opinions on any development, law or resolution,  
538 proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a special  
539 referendum election.

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

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

544 (c) Referendum questions are to be presented to the Nation's Secretary, in writing, at the  
545 caucus prior to election, regarding issues directly affecting the Nation or general  
546 membership.

547

548 *Section D. Initiation of Special Elections*

549 102.12-10. Special Elections may be initiated by a request or directive of the General Tribal  
550 Council or the Oneida Business Committee.

551 102.12-11. Special Election may be requested by a member of the Nation to the Business  
552 Committee or General Tribal Council.

553 102.12-12. All Special Elections shall follow rules established for all other elections. This includes  
554 positions for all Boards, Committees and Commissions.

555

556 **102.13. Oneida Nation Constitution and By-law Amendments**

557 102.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida  
558 Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a petition  
559 of qualified voters. The requirements for the Oneida Business Committee's initiation of  
560 Constitutional amendments are as provided in the Constitution and as further detailed in the  
561 supporting standard operating procedures which the Oneida Business Committee shall adopt.  
562 Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by submitting  
563 a petition to the Office of the Nation's Secretary which includes the full text of the proposed  
564 amendments and signatures that are equal in number to at least ten percent (10%) of all members  
565 qualified to vote.

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

567 (b) When a petition form is requested, the Nation's Secretary, or his or her designee, shall  
568 direct the Trust Enrollment Department to calculate the number of signatures currently  
569 required for a petition submittal, which shall be ten percent (10%) of all members qualified  
570 to vote on the date the petition form is requested from the Office of the Nation's Secretary.  
571 When the Nation's Secretary receives the calculation from the Trust Enrollment  
572 Department, the Nation's Secretary shall provide the requester with the petition form and  
573 the number of signatures that are currently required.

574 (c) Such petitions shall be circulated with all supporting materials and submitted a  
575 minimum of ninety (90) days prior to the election at which the proposed amendment is to  
576 be voted upon. If a petition includes supporting materials in addition to the petition form,  
577 each qualified voter signing the petition shall also acknowledge that the supporting

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578 materials were available for review at the time he or she signed the petition by initialing  
579 where required on the petition form.

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

583 (e) If the petition is verified by the Trust Enrollment Department to contain signatures from  
584 at least ten percent (10%) of all qualified voters, the Election Board shall make an official  
585 announcement of the proposed amendments to the Oneida Nation Constitution at least sixty  
586 (60) days prior to the election at which the proposed amendments are to be voted on.

587 102.13-2. The Election Board shall place any proposed amendments to the Oneida Nation  
588 Constitution that meet the requirements contained in 102.13-1 on the ballot at the next general  
589 election. Provided that, the Oneida Business Committee or General Tribal Council may order a  
590 special election be held to consider the proposed amendments. In such circumstances, the Election  
591 Board shall place any proposed amendments to the Oneida Nation Constitution on the ballot at the  
592 next special election.

593 102.13-3. The Election Board shall publish any proposed amendments by publishing a sample  
594 ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust  
595 Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty  
596 (20) calendar days prior to the requested mailing. Copies of such publications shall be prominently  
597 posted in each polling place and at administrative offices of the Nation and shall also be published  
598 in official Oneida media outlets, which the Oneida Business Committee shall identify by  
599 resolution. For the purposes of this section, Oneida administrative offices means the location  
600 where the Oneida Business Committee conducts business.

601 102.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of  
602 the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall  
603 ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a  
604 true and impartial statement and is written in such a manner that does not create prejudice for or  
605 against the proposed amendment.

606 102.13-5. Pursuant to Article VI, Section 3 of the Oneida Nation Constitution, proposed  
607 amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that  
608 amendment shall become part of the Constitution and By-laws, and shall abrogate or amend  
609 existing provisions of the Constitution and By-laws at the end of thirty (30) days after submission  
610 of the final election report.

611 102.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the  
612 amendment receiving the highest affirmation vote prevails.

613  
614  
615 *End.*

---

616  
617  
618 Adopted - June 19, 1993  
619 Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)  
620 Presented for Adoption of 1997 Revisions - GTC-7-6-98-A  
621 Amended- October 11, 2008 (General Tribal Council Meeting)  
622 Amended-GTC-01-04-10-A  
623 Amended – BC-02-25-15-C  
624 Amended – GTC-04-23-17-A  
625 Emergency Amended – BC-\_\_-\_\_-\_\_-\_\_

### Oneida Business Committee Agenda Request

Adopt resolution entitled Adoption of Emergency Amendments to the Boards, Committees, and...

1. Meeting Date Requested: 03 / 17 / 20

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Adopt the resolution titled, "Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic Impacts on Boards, Committees, and Commissions of the Nation"

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Clorissa N. Santiago, LRO Senior Staff Attorney  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.



Oneida Nation  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
 Oneida-nsn.gov



TO: Oneida Business Committee  
 FROM: David P. Jordan, LOC Chairperson   
 DATE: March 17, 2020  
 RE: Boards, Committees, and Commissions Law Emergency Amendments

---

Please find the following attached backup documentation for your consideration of the Boards, Committees, and Commissions Law Emergency Amendments:

1. Resolution: Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic Impacts Boards, Committees, and Commissions of the Nation
2. Statement of Effect: Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic Impacts Boards, Committees, and Commissions of the Nation
3. Boards, Committees, and Commissions Law Emergency Amendments Legislative Analysis
4. Boards, Committees, and Commissions Law (Redline)
5. Boards, Committees, and Commissions Law (Clean)

#### Overview

Emergency amendments to the Boards, Committees, and Commission law (the “Law”) are being sought to address the impact of the coronavirus disease (COVID-19) pandemic on the Nation’s boards, committees, and commissions. The emergency amendments to the Law will:

- Eliminate the requirement that a member of a board, committee, or commission be physically present during the entirety of a meeting or joint meeting in order to be eligible to receive a meeting stipend [1 O.C. 105.13-3, 105.13-4];
- Provide that meetings and joint meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications [1 O.C. 105.13-3, 105.13-4];
- Revise how the limitation of stipend eligible meetings is calculated [1 O.C. 105.13-3(a)-(b)]; and
- Eliminate the requirement for boards, committees, and commissions to audio record meetings [1 O.C. 105.10-3(f)].

The world is currently facing a pandemic of COVID-19 after an outbreak began in Wuhan, China and quickly spread to many other countries throughout the world, including the United States. This pandemic has resulted in many countries experiencing the effects of illness and health issues related to COVID-19, as well as vast economic impacts. As of March 13, 2020, there were one thousand and six hundred and twenty-nine (1,629) cases reported throughout the United States, and eighteen (18) cases of positive tests in Wisconsin. The number of positive tests in Wisconsin,

as well as across the country, continue to increase. On March 12, 2020, in accordance with the Emergency Management and Homeland Security law, Chairman Tehassi Hill signed a “Declaration of Public Health State of Emergency” regarding COVID-19. [3 O.C. 302.8-1]. This declaration of a public health state of emergency set into place the necessary authority should action need to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses.

The Oneida Business Committee can temporarily enact legislation when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act. [1 O.C. 109.9-5]. A fiscal impact statement and public meeting are not required for emergency legislation. [1 O.C. 109.9-5(a)].

The emergency amendments to this Law are necessary for the preservation of the public health, safety, and general welfare of the Reservation population. The emergency amendments are needed to protect the Reservation population against the public health crisis that is the COVID-19 pandemic. Eliminating the requirement that a member of a board, committee, or commission of the Nation be physically present for the entirety of a meeting in order to be eligible for a stipend will eliminate any unnecessary contact between individuals which could spread the COVID-19, while ensuring that the boards, committees, and commissions could conduct business uninterrupted without losing the opportunity to collect a stipend. Adjusting how the limitation of stipend eligible meetings is calculated provides boards, committees, and commissions more flexibility in determining how to hold meetings during the pandemic and the elimination of the audio recording requirements eliminates any unnecessary burdens.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of this amendment would be contrary to public interest. The process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that boards, committees and commissions can safely practice social distancing and eliminate any unnecessary contact with other individuals which may spread COVID-19 without having interruptions to the ability to hold a meeting and receive a stipend for that meeting.

The emergency amendments to the Law will become effective immediately upon adoption by the Oneida Business Committee and will remain effective for six (6) months, with the possibility to extend for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

### **Requested Action**

Approve the Resolution: Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic Impacts Boards, Committees, and Commissions of the Nation

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution #

### Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic Impacts on Boards, Committees, and Commissions of the Nation

- 1   **WHEREAS,**    the Oneida Nation is a federally recognized Indian government and a treaty tribe
- 2                    recognized by the laws of the United States of America; and
- 3
- 4   **WHEREAS,**    the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- 5
- 6   **WHEREAS,**    the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
- 7                    of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- 8
- 9   **WHEREAS,**    the United States has identified multiple cases of COVID-19 after learning of the epidemic
- 10                    outbreak in Wuhan, China; and
- 11
- 12   **WHEREAS,**    the President has created the White House Coronavirus Task Force to track the spread of
- 13                    the virus, identify solutions for reducing the spread of the virus, managing scarce
- 14                    resources, and identifying opportunities to improve testing, develop treatment and
- 15                    immunizations, and identify how to inform about and contain epidemics in the future; and
- 16
- 17   **WHEREAS,**    the U.S. Congress has adopted legislation which devotes \$8.3 billion to fund the fight
- 18                    regarding COVID-19; and
- 19
- 20   **WHEREAS,**    the World Health Organization has identified that the spread of COVID-19 is now a
- 21                    pandemic with many countries experience the effects of illness and health issues related
- 22                    to the virus and economic impacts; and
- 23
- 24   **WHEREAS,**    Governor Evers has announced that he has signed Executive Order # 72 which declares
- 25                    a “Public Health Emergency in Response to the COVID-19 Coronavirus”; and
- 26
- 27   **WHEREAS,**    on March 12, 2020, Chairman Tehassi Hill signed a “Declaration of Public Health State of
- 28                    Emergency” which sets into place the necessary authority should action need to be taken
- 29                    and allowing the Oneida Nation to seek reimbursement of emergency management actions
- 30                    that may result in unexpected expenses; and
- 31
- 32   **WHEREAS,**    on March 13, 2020, there were 1,629 cases reported through the United States, and 18
- 33                    cases of positive tests in Wisconsin; and
- 34
- 35   **WHEREAS,**    the CDC has issued the following precautions to avoid further spread of the virus:
- 36                    **Clean your hands often**
- 37                    • Wash your hands often with soap and water for at least 20 seconds especially after you have been
- 38                    in a public place, or after blowing your nose, coughing, or sneezing.
- 39                    • If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol.
- 40                    Cover all surfaces of your hands and rub them together until they feel dry.
- 41                    • Avoid touching your eyes, nose, and mouth with unwashed hands.
- 42
- 43                    **Avoid close contact**

BC Resolution \_\_\_\_\_

Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic  
Impacts on Boards, Committees, and Commissions of the Nation  
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- Avoid close contact with people who are sick
  - Put distance between yourself and other people if COVID-19 is spreading in your community. This is especially important for people who are at higher risk of getting very sick; and
- WHEREAS,** the CDC has identified that the months of March, April and May should be the time when the potential for the highest increases in the number of confirmed cases would occur; and
- WHEREAS,** the emergency amendments to the Law is being sought to address the impact of COVID-19 on the Nation's boards, committees, and commissions; and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and
- WHEREAS,** emergency adoption of legislation is allowed when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act; and
- WHEREAS,** the emergency adoption of these amendments to the Law are necessary for the preservation of the public health, safety, and general welfare of the Reservation population to protect the Reservation population against the public health crisis that is the COVID-19 pandemic; and
- WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest since the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that boards, committees and commissions can safely practice social distancing and eliminate any unnecessary contact with other individuals which may spread COVID-19 without having interruptions to the ability to hold a meeting and receive a stipend for that meeting; and
- WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation; and
- NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee adopts the emergency amendments outlined in the Boards, Committees, and Commissions law effective immediately.
- BE IT FINALLY RESOLVED,** that the amended Boards, Committees, and Commissions law hereby supersedes any conflicting language that may be found in the bylaws of boards, committees, or commissions of the Nation.



Oneida Nation  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



## Statement of Effect

*Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic Impacts on Boards, Committees, and Commissions of the Nation*

### Summary

This resolution adopts emergency amendments to the Boards, Committees, and Commissions law which address the COVID-19 pandemic's impact on the boards, committees, and commissions of the Nation.

*Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office*

*Date: March 15, 2020*

### Analysis by the Legislative Reference Office

This resolution adopts emergency amendments to the Boards, Committees, and Commissions law ("the Law"). The purpose of the Law is to govern boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. [1 O.C. 105.1-1]. The emergency amendments to the Law will:

- Eliminate the requirement that a member of a board, committee, or commission be physically present during the entirety of a meeting or joint meeting in order to be eligible to receive a meeting stipend [1 O.C. 105.13-3, 105.13-4];
- Provide that meetings and joint meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications [1 O.C. 105.13-3, 105.13-4];
- Revise how the limitation of stipend eligible meetings is calculated [1 O.C. 105.13-3(a)-(b)]; and
- Eliminate the requirement for boards, committees, and commissions to audio record meetings [1 O.C. 105.10-3(f)].

The Legislative Procedures Act (LPA) allows the Oneida Business Committee to take emergency action where it is necessary for the immediate preservation of the public health, safety or general welfare of the Reservation population and when enactment or amendment of legislation is required sooner than would be possible under the LPA. [1 O.C. 109.9-5].

The resolution provides various information on the COVID-19 pandemic that the world is now facing. This pandemic has resulted in many countries experiencing the effects of illness and health issues related to COVID-19, as well as vast economic impacts. As of March 13, 2020, there were one thousand and six hundred and twenty-nine (1,629) cases reported throughout the United States, and eighteen (18) cases of positive tests in Wisconsin. The number of positive tests in Wisconsin, as well as across the country, continue to increase.

On March 12, 2020, in accordance with the Emergency Management and Homeland Security law, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19. [3 O.C. 302.8-1]. This declaration of a public health state of emergency set into place the necessary authority should action need to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses.

The resolution provides that the emergency amendments to this Law are necessary for the preservation of the public health, safety, and general welfare of the Reservation population. The emergency amendments are needed to protect the Reservation population against the public health crisis that is the COVID-19 pandemic. Eliminating the requirement that a member of a board, committee, or commission of the Nation be physically present for the entirety of a meeting in order to be eligible for a stipend will eliminate any unnecessary contact between individuals which could spread the COVID-19, while ensuring that the boards, committees, and commissions could conduct business uninterrupted without losing the opportunity to collect a stipend. Adjusting how the limitation of stipend eligible meetings is calculated provides boards, committees, and commissions more flexibility in determining how to hold meetings during the pandemic and the elimination of the audio recording requirements eliminates any unnecessary burdens.

Additionally, the resolution provides that observance of the requirements under the LPA for adoption of this amendment would be contrary to public interest. The process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that boards, committees and commissions can safely practice social distancing and eliminate any unnecessary contact with other individuals which may spread COVID-19 without having interruptions to the ability to hold a meeting and receive a stipend for that meeting.

The resolution also provides clarification to the boards, committees, and commissions of the Nation through the statement that the amended Law supersedes any conflicting language that may be found in the bylaws of boards, committees, or commissions of the Nation.

The emergency amendments to the Law will become effective immediately upon adoption by the Oneida Business Committee and will remain effective for six (6) months, with the possibility to extend for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

### ***Conclusion***

Adoption of this resolution would not conflict with any of the Nation’s laws.



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**EMERGENCY AMENDMENTS TO  
BOARDS, COMMITTEES, and COMMISSIONS LAW  
LEGISLATIVE ANALYSIS**

**SECTION 1. EXECUTIVE SUMMARY**

<i>Analysis by the Legislative Reference Office</i>	
<b>Intent of the Proposed Amendments</b>	<ul style="list-style-type: none"> <li>▪ Eliminate the requirement that a member of a board, committee, or commission be physically present during the entirety of a meeting or joint meeting in order to be eligible to receive a meeting stipend;</li> <li>▪ Provide that meetings and joint meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications;</li> <li>▪ Revise how the limitation of stipend eligible meetings is calculated; and</li> <li>▪ Eliminate the requirement for boards, committees, and commissions to audio record meetings.</li> </ul>
<b>Purpose</b>	To govern boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. <i>[1 O.C. 105.1-1]</i>
<b>Affected Entities</b>	Oneida Election Board, Oneida Gaming Commission, Oneida Land Claims Commission, Oneida Land Commission, Oneida Nation Commission on Aging (ONCOA), Oneida Nation School Board, Oneida Trust Enrollment Committee, Anna John Resident Centered Care Community Board, Oneida Community Library Board, Oneida Environmental Resource Board, Oneida Nation Arts Board, Oneida Personnel Commission, Oneida Police Commission, Oneida Pow Wow Committee, Oneida Nation Veterans Affairs Committee, Pardon and Forgiveness Screening Committee, Southeastern WI Oneida Tribal Services Advisory Board
<b>Public Meeting</b>	A public meeting is not required for emergency legislation <i>[1 O.C. 109.8-1(b) and 109.9-5(a)].</i>
<b>Fiscal Impact</b>	A fiscal impact statement is not required for emergency legislation <i>[1 O.C. 109.9-5(a)].</i>
<b>Expiration of Emergency Amendments</b>	Emergency amendments expire six (6) months after adoption and may be renewed for one additional six (6) month period.

**SECTION 2. LEGISLATIVE DEVELOPMENT**

- 1
- 2 **A. Background.** The Boards, Committees, and Commissions law (“the Law”) was first adopted by the
- 3 Oneida Business Committee on August 2, 1995, and most recently amended on an emergency basis on
- 4 March 11, 2020. The Law governs boards, committees, and commissions of the Nation, including the
- 5 procedures regarding the appointment and election of persons to boards, committees and commissions,
- 6 creation of bylaws, maintenance of official records, compensation, and other items related to boards,
- 7 committees and commissions. *[1 O.C. 105.1-1]*
- 8 **B. COVID-19 Pandemic.** The world is currently facing a pandemic of the coronavirus disease 2019
- 9 (COVID-19). The COVID-19 outbreak originated in Wuhan, China and has spread to many other

10 countries throughout the world, including the United States. The World Health Organization has  
 11 identified that the spread of COVID-19 is now a pandemic resulting in many countries experiencing  
 12 the effects of illness and health issues related to COVID-19 and economic impacts. As of March 13,  
 13 2020, there were one thousand and six hundred and twenty-nine (1,629) cases reported throughout the  
 14 United States, and eighteen (18) cases of positive tests in Wisconsin.

15 **▪ *Declarations of Emergency.***

- 16 **▪** Chairman Tehassi Hill signed a “Declaration of Public Health State of Emergency” on  
 17 March 12, 2020, regarding COVID-19 which sets into place the necessary authority should  
 18 action need to be taken and allowing the Nation to seek reimbursement of emergency  
 19 management actions that may result in unexpected expenses.
- 20 **▪** Governor Evers declared a public health emergency for the State of Wisconsin on March  
 21 12, 2020, based on COVID-19 cases in Wisconsin.
- 22 **▪** President Trump declared a national emergency for the United States over the COVID-19  
 23 outbreak on March 13, 2020.

24 **▪ *Center of Disease Control Precautions.*** The Center of Disease Control has identified that March,  
 25 April, and May should be the time when the potential for the highest increases in the number of  
 26 confirmed cases would occur, and issued the following precautions to avoid further spread of  
 27 COVID-19:

- 28 **▪** Clean your hands often.
  - 29 **▪** Wash your hands often with soap and water for at least twenty (20) seconds  
 30 especially after you have been in a public place, or after blowing your nose,  
 31 coughing, or sneezing.
  - 32 **▪** If soap and water are not readily available, use a hand sanitizer that contains at  
 33 least sixty percent (60%) alcohol. Cover all surfaces of your hands and rub them  
 34 together until they feel dry.
  - 35 **▪** Avoid touching your eyes, nose, and mouth with unwashed hands.
- 36 **▪** Avoid close contact.
  - 37 **▪** Avoid close contact with people who are sick
  - 38 **▪** Put distance between yourself and other people if COVID-19 is spreading in your  
 39 community. This is especially important for people who are at higher risk of  
 40 getting very sick.

41 **C.** In response to the COVID-19 pandemic, emergency amendments to the Law are being sought to address  
 42 meeting and stipend requirements.

43 **D.** Table 1 illustrates the various boards, committees, and commissions of the Nation this Law applies to.  
 44 This Law does not apply to the Oneida Business Committee, standing committees of the Oneida  
 45 Business Committee, corporate entities, or members of the Judiciary.

46 **Table 1. Boards, Committees and Commissions of the Nation**

ELECTED	APPOINTED
<ul style="list-style-type: none"> <li>▪ Oneida Election Board</li> <li>▪ Oneida Gaming Commission</li> <li>▪ Oneida Land Claims Commission</li> <li>▪ Oneida Land Commission</li> <li>▪ Oneida Nation Commission on Aging (ONCOA)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Anna John Resident Centered Care Community Board (AJRCC)</li> <li>▪ Oneida Community Library Board</li> <li>▪ Oneida Environmental Resource Board (ERB)</li> <li>▪ Oneida Nation Arts Board</li> <li>▪ Oneida Personnel Commission</li> </ul>

<ul style="list-style-type: none"> <li>▪ Oneida Nation School Board</li> <li>▪ Oneida Trust Enrollment Committee</li> </ul>	<ul style="list-style-type: none"> <li>▪ Oneida Police Commission</li> <li>▪ Oneida Pow Wow Committee</li> <li>▪ Oneida Nation Veterans Affairs Committee (ONVAC)</li> <li>▪ Pardon and Forgiveness Screening Committee</li> <li>▪ Southeastern WI Oneida Tribal Services Advisory Board (SEOTS)</li> </ul>
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## 50 SECTION 3. CONSULTATION AND OUTREACH

51 A. Representatives from the following departments or entities participated in the development of this Law  
52 and legislative analysis:

- 53     ▪ Oneida Law Office.

54

## 55 SECTION 4. PROCESS

56 A. These amendments are being considered on an emergency basis. The Oneida Business Committee may  
57 temporarily enact an emergency law “where legislation is necessary for the immediate preservation of  
58 public health, safety, or general welfare of the Reservation population and enactment or amendment of  
59 legislation is required sooner than would be possible under this law” [1 O.C. 109.9-5].

- 60     ▪ Emergency amendments are being pursued for the immediate preservation of the public health,
- 
- 61 safety, and general welfare of the Reservation population against the public health crisis that is the
- 
- 62 COVID-19 pandemic. Chairman Tehassi Hill declared a public health state of emergency for the
- 
- 63 Nation on March 12, 2020. It is in the best interest of all members of boards, committees, and
- 
- 64 commissions of the Nation, as well as the general public, that social distancing is practiced and any
- 
- 65 unnecessary contact between individuals which could spread COVID-19 be eliminated.
- 
- 66     ▪ Observance of the requirements under the Legislative Procedures Act for the adoption of these
- 
- 67 amendments would be contrary to public interest. The process and requirements of the Legislative
- 
- 68 Procedures Act cannot be completed in time to ensure that boards, committees and commissions
- 
- 69 can safely practice social distancing without having interruptions to the ability to hold a meeting
- 
- 70 and receive a stipend for that meeting.

71 B. The emergency amendments will expire six (6) months after adoption, with one (1) opportunity for a  
72 six (6) month extension of the emergency amendments. [1 O.C. 109.9-5(b)].73 C. The Legislative Procedures Act does not require a public meeting or fiscal impact statement when  
74 considering emergency legislation. [1 O.C. 109.9-5(a)]. However, a public meeting and fiscal impact  
75 statement will eventually be required when considering permanent adoption of these amendments.76 C. The Legislative Operating Committee added these emergency amendments to the Active Files List on  
77 March 16, 2020.

78

## 79 SECTION 5. CONTENTS OF THE LEGISLATION

80 A. **Meetings Eligible for Stipends.** The proposed amendments eliminate the requirement that a member  
81 of a board, committee, or commission be physically present during the entirety of a meeting in order to  
82 be eligible to receive a meeting stipend. [1 O.C. 105.13-3]. The amendments also provide that meetings  
83 can occur in person, by telephone, through videoconferencing, or through other telecommunications.  
84 [1 O.C. 105.13-3].

85       ▪ *Effect.* The proposed emergency amendments provide more flexibility to boards, committees, and  
86       commissions of the Nation in how they can hold meetings that are eligible for a stipend. Holding  
87       meetings by telephone, video conferencing, or other telecommunications will help eliminate any  
88       unnecessary contact between individuals which could spread the COVID-19, without disrupting  
89       the ability of a board, committee, and commission to conduct business and receive a stipend for the  
90       business they are conducting.

91 **B. *Frequency of Meeting Stipends.*** The proposed amendments revise how many meetings a board,  
92       committee, or commission is eligible to receive a stipend for. The proposed amendments provide that  
93       a member of an appointed entity may be eligible for up to twelve (12) meeting stipends a year, while a  
94       member of an elected entity may be eligible for up to twenty-four (24) meeting stipends a year. [1 O.C.  
95       105.13-3(a)-(b)]. Previously, the Law provided that an individual serving on an appointed entity shall  
96       be paid no more than one (1) meeting stipend per month, while an individual serving on an elected  
97       entity shall be paid no more than two (2) meeting stipends per month.

98       ▪ *Effect.* The proposed emergency amendments do not change the overall number of meetings a  
99       member of a board, committee, or commission may be eligible to receive per year. Providing the  
100       limitation on number of meetings that are eligible for a stipend per year instead of per month  
101       provides boards, committee, and commissions with more flexibility in determining when stipend  
102       eligible meetings should be held. The Legislative Operating Committee understands that the current  
103       COVID-19 pandemic might cause some boards, committees, and commissions to have to meet  
104       more frequently while other boards, committees, and commissions of the Nation might cease to  
105       meet until the COVID-19 pandemic is more under control.

106 **C. *Joint Meetings Eligible for Stipends.*** The proposed amendments eliminate the requirement that a  
107       member of a board, committee, or commission be physically present during the entirety of a joint  
108       meeting with the Oneida Business Committee in order to be eligible to receive a joint meeting stipend.  
109       [1 O.C. 105.13-4]. The amendments also provide that joint meetings can occur in person, by telephone,  
110       through videoconferencing, or through other telecommunications. [1 O.C. 105.13-4].

111       ▪ *Effect.* The proposed emergency amendments provide more flexibility to boards, committees, and  
112       commissions of the Nation in how they can hold joint meetings with the Oneida Business  
113       Committee that are eligible for a stipend. Holding joint meetings by telephone, video conferencing,  
114       or other telecommunications will help eliminate any unnecessary contact between individuals  
115       which could spread the COVID-19, without disrupting the ability of a board, committee, and  
116       commission to conduct a joint meeting with the Oneida Business Committee and receive a stipend  
117       for conducting that joint meeting.

118       ▪ The Oneida Business Committee adopted resolution BC-03-27-19-D titled, “*Oneida Business  
119       Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and  
120       Impact*” to set standard rules and understandings for joint meetings. Adoption of the proposed  
121       emergency amendments result in no conflict or impact on this resolution.

122 **D. *Requirement to Audio Record Meetings.*** The proposed amendments eliminate the requirement that a  
123       board, committee, or commission of the Nation audio record all meetings. Previously, the Law required  
124       that all bylaws of a board, committee, or commission audio record all meetings and provide in their  
125       bylaws how the entity will accomplish the audio recording and how the entity shall maintain the audio  
126       records. [BC-03-11-20-B – 1 O.C.105.10-3(f)(5)].

127       ▪ *Effect.* The requirement to audio record meetings was eliminated due to the fact that if in an effort  
128       to eliminate any unnecessary contact between individuals which could spread the COVID-19, the

boards, committees, or commissions hold their meetings over the phone, through a video conference, or through another source of telecommunications then audio recording the meeting may become difficult and burdensome. Boards, Committees, and Commissions of the Nation are still required to submit minutes to the Business Committee Support Office within a reasonable time after approval by an entity. [1 O.C. 102.12-1].

134

## 135 SECTION 6. EXISTING LEGISLATION

136 A. **Related Legislation.** The following laws of the Nation are related to the emergency amendments to this  
137 Law:

138 ■ *Emergency Management and Homeland Security law.* The Emergency Management and  
139 Homeland Security law provides for the development and execution of plans for the protection of  
140 residents, property, and the environment in an emergency or disaster; and provides for the direction  
141 of emergency management, response, and recovery on the Reservation; as well as coordination  
142 with other agencies, victims, businesses, and organizations; and establishes the use of the National  
143 Incident Management System; and designates authority and responsibilities for public health  
144 preparedness. [3 O.C. 302.1-1].

145 ■ The Emergency Management and Homeland Security law provides that the Oneida Business  
146 Committee shall be responsible for proclaiming or ratifying the existence of an emergency.  
147 [3 O.C. 302.8-1]. A public health emergency is defined as the occurrence or imminent threat  
148 of an illness or health condition which:

149 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a biological  
150 agent; and

151 (2) poses a high probability of any of the following:

152 (A) a large number of deaths or serious or long-term disability among humans; or

153 (B) widespread exposure to a biological, chemical, or radiological agent that  
154 creates a significant risk of substantial future harm to a large number of people.

155 [3 O.C. 302.3-1(o)].

156 ■ Chairman Tehassi Hill’s March 12, 2020, “Declaration of Public Health State of  
157 Emergency” conform with the requirements of the Emergency Management and Homeland  
158 Security law.

159

## 160 SECTION 7. OTHER CONSIDERATIONS

161 A. **Deadline for Permanent Adoption of Amendments.** The emergency amendments will expire six (6)  
162 months after adoption, with one (1) opportunity for an extension of an additional six (6) month period.

163 ■ *Conclusion:* The Legislative Operating Committee will need to consider the development and  
164 adoption of permanent amendments to this Law within the next six (6) to twelve (12) months.

165 B. **Consideration of Additional Amendments.** The emergency amendments are limited solely to  
166 addressing requirements of holding a meeting that is eligible for a stipend and the frequency of meeting  
167 stipends. However, there may be other areas of the Law that could benefit from further amendments.  
168 In 2019, the Legislative Reference Office completed a one (1) year review of the Boards, Committees  
169 and Commissions law. During this review, the Legislative Reference Office collected feedback from  
170 boards, committees and commissions for suggested amendments.

171 ■ *Conclusion:* During development of permanent amendments to this law, the Legislative Operating  
172 Committee should review feedback received during the one (1) year review and consult with

173 relevant boards, committees, commissions and the Business Committee Support Office to identify  
174 any additional amendments.

175 **C. *Updates to the Stipend Resolution.*** The Law requires that the Oneida Business Committee set stipend  
176 amounts by resolution. [1 O.C. 105.13-2]. On September 26, 2018, the Oneida Business Committee  
177 adopted resolution BC-09-26-18-D titled, “*Boards, Committees, and Commissions Law Stipends*”  
178 which set forth the specific stipend amounts allowed to be paid to a member of a board, committee, or  
179 commission. On May 8, 2019, the Oneida Business Committee adopted resolution BC-05-08-19-B  
180 titled, “*Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends*” to  
181 allow the Oneida Nation School Board to be eligible to receive a stipend for participating in interviews  
182 and/or job description prescreens. Based on the proposed emergency amendments, revisions to  
183 resolution BC-05-08-19-B will have to be made to reflect the new proposal how addressing the  
184 limitation of meeting stipends.

185     ▪ *Conclusion.* The Legislative Operating Committee should consider bringing an amended stipend  
186 resolution for consideration when the Legislative Operating Committee presents the emergency  
187 amendments to the Oneida Business Committee for consideration.

188 **D. *Fiscal Impact.*** A fiscal impact statement is not required for emergency legislation.

189     ▪ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except  
190 emergency legislation [1 O.C. 109.6-1].

191

**Title 1. Government and Finances – Chapter 105**  
**Laotiyani sh&ha k tyohkway**  
*Their laws of the groups we have*  
**BOARDS, COMMITTEES, AND COMMISSIONS**

- 105.1. Purpose and Policy
- 105.2. Adoption, Amendment, Repeal
- 105.3. Definitions
- 105.4. Creation of an Entity
- 105.5. Applications
- 105.6. Vacancies
- 105.7. Appointment to an Entity
- 105.8. Election to an Entity
- 105.9. Oath of Office
- 105.10. Bylaws
- 105.11. Electronic Polling
- 105.12. Reporting Requirements
- 105.13. Stipends, Reimbursement and Compensation
- 105.14. Confidential Information
- 105.15. Conflicts of Interest
- 105.16. Use of the Nation’s Assets
- 105.17. Dissolution of an Entity
- 105.18. Enforcement

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**105.1. Purpose and Policy**

105.1-1. It is the purpose of this law to govern boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions.

(a) This law shall not apply to the Oneida Business Committee, or Standing Committees of the Oneida Business Committee.

(b) This law does not apply to Tribal corporations due to the corporate structure and autonomy of those entities.

105.1-2. It is the policy of the Nation to have consistent and standard procedures for choosing and appointing or electing the most qualified persons to boards, committees and commissions, for creation of bylaws governing boards committees and commissions, and for the maintenance of information created by and for boards, committees and commissions.

**105.2. Adoption, Amendment, Repeal**

105.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, BC-09-26-18-C, ~~and BC-03-11-20-B,~~ **and emergency amended by BC- - - - -.**

105.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

105.2-3. 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.

105.2-4. 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.

105.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**105.3. Definitions**

105.3-1. 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.

(a) "Application" means the form by which a person seeks to be appointed to fill a vacancy

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- 33 on an entity.
- 34 (b) "Appointment" means the process by which a person is chosen to fill a vacancy on an  
35 entity by the Oneida Business Committee.
- 36 (c) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding  
37 holidays recognized by the Nation.
- 38 (d) "Bylaws" means a document which provides a framework for the operation and  
39 management of a board, committee, or commission of the Nation chiefly for the  
40 government of its members and the regulation of its affairs.
- 41 (e) "Conference" means any training, seminar, meeting, or other assembly of persons  
42 which is not an assembly of the entity.
- 43 (f) "Confidential information" means all information or data, whether printed, written, or  
44 oral, concerning business or customers of the Nation, disclosed to, acquired by, or  
45 generated by a member of an entity in confidence at any time during their elected or  
46 appointed term or during their employment.
- 47 (g) "Conflict of interest" means any interest, real or apparent, whether it be personal,  
48 financial, political, or otherwise, in which an elected official, officer, political appointee,  
49 employee, contractor, or appointed or elected member, or their immediate family members,  
50 friends or associates, or any other person with whom they have contact, have that conflicts  
51 with any right of the Nation to property, information, or any other right to own and operate  
52 activities free from undisclosed competition or other violation of such rights of the Nation.  
53 In addition, conflict of interest also means any financial or familial interest an elected  
54 official, officer, political appointee, employee, contractor, or appointed or elected member  
55 or their immediate family members may have in any transaction between the Nation and  
56 an outside party.
- 57 (h) "Entity" means a board, committee or commission created by the General Tribal  
58 Council or the Oneida Business Committee whose members are appointed by the Oneida  
59 Business Committee or elected by the Nation's membership.
- 60 (i) "E-poll" means an electronic poll, which is the act of delivering an e-mail to all  
61 members of an entity, in order to seek a response which identifies a vote in favor of,  
62 opposing, or abstaining to an issue requiring approval by the entity.
- 63 (j) "Joint meeting" means a meeting with the Oneida Business Committee.
- 64 (k) "Nation" means the Oneida Nation.
- 65 (l) "Per Diem" means the payment made by the Nation to offset the costs of being on travel  
66 on behalf of the Oneida Nation.
- 67 (m) "Political appointee" means a person appointed by a member of the Oneida Business  
68 Committee to provide assistance with the Oneida Business Committee member's daily  
69 activities and operations.
- 70 (n) "Prohibited drugs" means marijuana, cocaine, opiates, amphetamines, phencyclidine  
71 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance  
72 included in Schedules I through V, as defined by Section 812 of Title 21 of the United  
73 States Code. This also includes prescription medication or over-the-counter medicine used  
74 in an unauthorized or unlawful manner.
- 75 (o) "Stipend" means the amount paid by the Oneida Nation to a person serving on a board,  
76 committee, or commission of the Nation in order to compensate the individual for his or

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77 her contribution of time, effort, and work for his or her board, committee, or commission  
78 for the betterment of the Nation.

79 (p) "Subcommittee" means a subgroup of an entity; which is comprised of fewer than all  
80 members of the entity; which is designated one (1) or more specific responsibilities on  
81 behalf of the entity.

82 (q) "Substantiated complaint" means a complaint or allegation in a complaint that was  
83 found to be valid by clear and convincing evidence.

84 (r) "Task Force or Ad Hoc" means a group of persons gathered to pursue a single goal, the  
85 accomplishment of which means the disbanding of the group. The goal is generally  
86 accomplished in a short time period, i.e. less than one year, but the goal itself may be long-  
87 term.

88 (s) "Vacancy" means any position on any board, committee or commission caused by  
89 resignation, end of term, removal, termination, or creation of a new position.

90

91 **105.4. Creation of an Entity**

92 105.4-1. An entity of the Nation shall be created by a resolution or law adopted by the Oneida  
93 Business Committee or General Tribal Council.

94 105.4-2. The law or resolution establishing the entity shall state the purpose of the entity and all  
95 powers and responsibilities delegated to the entity.

96 105.4-3. The Oneida Business Committee shall be responsible for drafting the initial bylaws of  
97 the entity.

98

99 **105.5. Applications**

100 105.5-1. The Oneida Business Committee shall approve all applications to serve on an entity of  
101 the Nation. All application materials shall be available in the Business Committee Support Office  
102 and any other location specified by the Business Committee Support Office.

103 (a) All applications shall include:

104 (1) a statement explaining the attendance requirements of section 105.12-3; and

105 (2) a section regarding disclosures of conflicts of interest.

106 (b) An additional application form shall be required for those entities that require a  
107 background investigation. This background investigation application shall include the  
108 applicant's social security number and any other information required for a background  
109 investigation. The background investigation application shall be solely used for the  
110 background investigation and not included in the application materials that are then shared  
111 with the Oneida Business Committee, entity, and/or the Election Board.

112 105.5-2. Applications shall be filed with the Business Committee Support Office by 4:30 p.m. of  
113 the deadline date.

114 105.5-3. Within eight (8) days after the posted deadline for filing applications the Business  
115 Committee Support Office shall notify all persons who have filed an application of the date his or  
116 her application was received and if his or her application met the deadline to be considered for the  
117 election or appointment.

118 105.5-4. Applications for elected positions shall be verified according to the Nation's laws and/or  
119 policies governing elections. Applications for appointed positions shall be verified by the Business  
120 Committee Support Office as needed or as required in the bylaws of the entity.

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121 105.5-5. *Insufficient Applicants*. In the event that there are an insufficient number of applicants  
122 after the deadline date has passed for appointed positions, the Oneida Business Committee may  
123 elect to:

- 124 (a) include within the pool of appointed persons late applications, or  
125 (b) repost for an additional time period. In the event of reposting, prior applicants will be  
126 considered to have filed applications within the deadline period.

127

**105.6. Vacancies**

129 105.6-1. The manner by which an individual fills a vacancy, either through election or  
130 appointment, shall determine that member's status as an appointed or elected official, despite the  
131 entity's classification as an appointed or elected entity pursuant to the entity's bylaws.

132 105.6-2. A position on an entity shall be considered vacant in the following situations:

133 (a) *End of Term*. A vacancy is effective as of 4:30 p.m. of the last day of the month in  
134 which the term ends.

135 (1) Although a position is considered vacant once the term ends, the member of the  
136 entity may remain in office until the member's successor has been sworn in by the  
137 Oneida Business Committee in an effort to prevent a discontinuation of business or  
138 a loss of quorum for the entity.

139 (b) *Removal*. Removal is effective, pursuant to any law and/or policy of the Nation  
140 regarding removal.

141 (c) *Termination of Appointment*. A termination is effective upon a two-thirds (2/3)  
142 majority vote of the Oneida Business Committee in favor of a member's termination of  
143 appointment.

144 (d) *Resignation*. A resignation is effective upon:

145 (1) Deliverance of a letter to the Business Committee Support Office and to the  
146 Chairperson of the entity, or designee; or

147 (2) Acceptance by motion of the entity of a verbal resignation.

148 (e) *New Positions*. Vacancies on new entities are effective upon adoption of bylaws.

149 105.6-3. An entity shall notify the Business Committee Support Office as soon as the entity learns  
150 that a position has or will become vacant. All notices of vacancy shall be sent to the entities for  
151 clarification or confirmation prior to notification to the Oneida Business Committee.

152 105.6-4. The Business Committee Support Office shall forward the notice of vacancy to the  
153 Secretary. The Secretary shall request and receive approval from the Oneida Business Committee  
154 to post the notice of vacancy. The Business Committee Support Office shall post notice of  
155 vacancies at the following times:

156 (a) *End of Term*. Automatically sixty (60) days prior to completion of the term.

157 (b) *Removal*. No later than the next Oneida Business Committee meeting following the  
158 effective date of the removal.

159 (c) *Resignation*. No later than the next Oneida Business Committee meeting following  
160 the Business Committee Support Office's receipt of notice of an effective resignation from  
161 the entity.

162 (d) *New Positions*. Upon one of the following conditions:

163 (1) if not specified, immediately upon creation of entity or adoption of bylaws,  
164 whichever is later, or

165 (2) upon date specified when creating the entity.  
166 (e) *Termination of appointment.* No later than the next Oneida Business Committee  
167 meeting following the effective date of the termination.

168 105.6-5. Notice of vacancies shall be posted by the Business Committee Support Office in all  
169 official media outlets of the Nation, as determined by the Oneida Business Committee, as well as  
170 any other location deemed appropriate by the Secretary.

171  
172

### 173 **105.7. Appointment to an Entity**

174 105.7-1. *Appointment Selection.* The following procedures shall be used to determine how the  
175 applicant for an appointed position is selected:

176 (a) Within eight (8) business days after the posted deadline for submitting an application,  
177 or within twenty-one (21) days of the posted deadline if the entity requires a background  
178 investigation to be completed as part of the application process, the Business Committee  
179 Support Office shall:

180 (1) deliver all applications, along with a summary of qualifications to hold office,  
181 and the results of the background investigation if required, to each member of the  
182 Oneida Business Committee as well as the entity's Chairperson; and

183 (2) place the appointment for the entity on the next executive session portion of  
184 the agenda of a regular or special Oneida Business Committee meeting in which  
185 the appointment is intended to be made.

186 (b) Each member of the Oneida Business Committee shall review the application  
187 materials prior to executive session and be prepared to discuss and select an applicant for  
188 appointment.

189 (1) The entity's Chairperson may have until the executive session to review the  
190 application materials and provide the Oneida Business Committee a  
191 recommendation of an applicant for appointment.

192 (c) The Oneida Business Committee shall have a full and complete discussion of the merits  
193 and qualifications of the potential applicants, and any recommendation made by the  
194 Chairperson of the entity, during executive session. After completing a thorough  
195 discussion, the Oneida Business Committee shall:

196 (1) choose an applicant for appointment, or

197 (2) ask the Oneida Nation's Secretary to re-notice the vacancy because of  
198 ineligible, unqualified, or under qualified applicants.

199 (d) All appointments shall be made by the Oneida Business Committee during the open  
200 session of a regular or special Oneida Business Committee meeting. The Oneida Business  
201 Committee shall not appoint an applicant who fails to meet the requirements set out in the  
202 entity's bylaws.

203 (e) During the open session of the regular or special Oneida Business Committee meeting,  
204 a member of the Oneida Business Committee may make a motion to appoint an individual.  
205 Oneida Business Committee members may:

206 (1) accept the selected applicant and vote to appoint the individual to the vacant  
207 position, or

208 (2) reject the selected applicant and vote to oppose the appointment of the

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209 individual.

210 (f) If the Oneida Business Committee rejects the selected applicant, the matter will be  
211 deferred to the next Oneida Business Committee meeting where another applicant may be  
212 recommended by the Oneida Business Committee, or the Oneida Business Committee may  
213 direct the vacancy to be re-posted. When a vacancy is re-posted under this section, all  
214 applications from the first posting shall be considered to have been filed within the deadline  
215 period.

216 105.7-2. *Notification of Appointment.* Once an individual is selected for appointment at an Oneida  
217 Business Committee meeting, the Nation's Secretary shall notify all applicants of the final status  
218 of their application.

219 (a) The Nation's Chairperson shall forward a list of all applicants to the Nation's Secretary  
220 and the final decision regarding the selection after the procedures for selection of an  
221 applicant described in section 105.7-1 are completed.

222 (b) The Nation's Secretary shall include on the notice to the applicant selected for  
223 appointment the following paragraph: "The Oneida Nation reports all income paid by the  
224 Oneida Nation in whatever form. The Internal Revenue Service of the United States  
225 considers stipends paid to members of boards, committees, and commissions to be income  
226 which may be offset by expenses related to that income. You will receive an income report  
227 which is also forwarded to the Internal Revenue Service, it is also your responsibility to  
228 keep documentation of expenses related to this income."

229 105.7-3. *Declination of Appointment.* An individual who has been selected for appointment to an  
230 entity by the Oneida Business Committee may decline the appointment.

231 (a) An individual may decline an appointment to an entity in the following ways:

232 (1) Delivery of an letter stating that the individual wishes to decline the  
233 appointment to the Business Committee Support Office; or

234 (2) The failure to take the oath of office within thirty (30) days of being selected  
235 for appointment by the Oneida Business Committee.

236 (b) The Business Committee Support Office shall notify the Oneida Business Committee  
237 if an individual declines an appointment to an entity. The Oneida Business Committee shall  
238 then use the original pool of applications for the vacancy posting and the process outlined  
239 in section 105.7-1 to select another applicant for appointment.

240 105.7-4. *Termination of Appointment.* An appointed member of an entity serves at the discretion  
241 of the Oneida Business Committee. Upon the recommendation of a member of the Oneida  
242 Business Committee or the entity, a member of an appointed entity may have his or her  
243 appointment terminated by the Oneida Business Committee.

244 (a) A two-thirds majority vote of the Oneida Business Committee shall be required in order  
245 to terminate the appointment of an individual.

246 (b) The Oneida Business Committee's decision to terminate an appointment is final and  
247 not subject to appeal.

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**249 105.8. Election to an Entity**

250 105.8-1. All elected positions shall be nominated at a caucus called by the Oneida Election Board,  
251 or ~~petition~~apply for ballot placement, in accordance with the Nation's laws and/or policies  
252 governing elections, except where an entity's bylaws allow for a vacancy to be filled by  
253 appointment.

254 (a) When the Election Board notifies ~~a petitioner~~an applicant or nominee that he or she is  
255 eligible to be placed on the ballot, the following paragraph shall be included: "The Oneida  
256 Nation reports all income paid by the Nation in whatever form. The Internal Revenue  
257 Service of the United States considers stipends paid to members of boards, committees,  
258 and commissions to be income which may be offset by expenses related to that income.  
259 You will receive an income report which is also forwarded to the Internal Revenue Service,  
260 it is also your responsibility to keep documentation of expenses related to this income."

261 105.8-2. All other processes for the election of a member of an entity shall be as directed by the  
262 Nation's laws and/or policies governing elections.

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264

**265 105.9. Oath of Office**

266 105.9-1. All appointed and elected positions are official upon taking an oath during a regular or  
267 special Oneida Business Committee meeting. All rights and delegated authorities of membership  
268 in the entity shall vest upon taking the oath. The Nation's Secretary shall notify the chosen persons  
269 when they shall appear for taking the oath.

270 (a) The appointed or elected member shall appear in person at the Oneida Business  
271 Committee meeting to take his or her oath, except if granted permission by the Secretary  
272 to appear by video conferencing equipment.

273 105.9-2. The Oneida Business Committee shall approve wording of oaths. Any revisions of oaths  
274 shall be approved by the Oneida Business Committee prior to usage. Oaths shall be kept on file by  
275 the Business Committee Support Office.

276 105.9-3. Originals of the signed oath, or electronic copies of the originals of the signed oath, shall  
277 be maintained by the Business Committee Support Office. Copies of the oath shall be forwarded  
278 to the new member of the entity and the entity.

279 105.9-4. The following oath is the standard oath to be used unless a specific oath for the entity is  
280 pre-approved by the Oneida Business Committee: I, [name], hereby promise to uphold the laws  
281 and regulations of the Oneida Nation, the General Tribal Council, and the Oneida Nation  
282 Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people  
283 with honor, respect, dignity, and sincerity and will strictly maintain confidential information. I will  
284 carry out the duties and responsibilities as a member of the [entity name], and all recommendations  
285 shall be made in the best interest of the Oneida Nation as a whole.

286 105.9-5. All oaths shall be sufficient to make the appointed or elected member of an entity aware  
287 of their duty to the Nation and as members of the entity.

288

**289 105.10. Bylaws**

290 105.10-1. All entities of the Nation shall have bylaws that conform to the requirements of this  
291 law. Bylaws shall become effective upon approval of the Oneida Business Committee, unless  
292 where General Tribal Council approval is additionally required.

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293 (a) All existing entities must comply with this format and present bylaws for adoption  
294 within a reasonable time after creation of the entity, or within a reasonable time after  
295 adoption of this law.

296 (b) Bylaws must contain at least the minimum information required by law, although more  
297 information is not prohibited.

298 (c) *Exception.* Task Forces and Ad Hoc Committees are excepted from the requirement  
299 to have bylaws. However, these entities must have, at minimum, mission or goal  
300 statements for completion of the task.

301 105.10-2. *Articles.* Bylaws shall contain, at a minimum, the following Articles:

302 (a) Article I. Authority.

303 (b) Article II. Officers.

304 (c) Article III. Meetings.

305 (d) Article IV. Expectations.

306 (e) Article V. Stipends and Compensation.

307 (f) Article VI. Records and Reporting.

308 (g) Article VII. Amendments.

309 105.10-3. *Sections.* Articles shall be divided into "sections" as set out.

310 (a) "Article I. Authority" shall consist of the following:

311 (1) *Name.* The full name of the entity shall be stated, along with any short name  
312 that will be officially used.

313 (2) *Establishment.* This section shall state the citation and name, if any, of the  
314 creation document.

315 (3) *Authority.* This section shall state the purpose for which the entity was created  
316 and what, if any, authority the entity is delegated.

317 (4) *Office.* There shall be listed the official office or post box of the entity.

318 (5) *Membership.* The following information shall be in this section:

319 (A) Number of members on the entity;

320 (B) If members on the entity are elected or appointed, and how a member  
321 is elected or appointed;

322 (C) How vacancies are filled; and

323 (D) Qualifications for membership on the entity.

324 (i) In order to qualify for membership on an entity, a person shall  
325 meet the minimum age requirements set forth for status as a  
326 qualified voter of the Nation, unless a law, policy, or directive sets  
327 forth a minimum age requirement.

328 (6) *Termination or Removal.* This section shall identify causes for termination or  
329 removal, if any, in addition to those already identified in laws and/or policies of the  
330 Nation.

331 (7) *Trainings and Conferences.* This section shall describe any trainings and/or  
332 conferences that the entity deems necessary for members to responsibly serve the  
333 entity, if any.

334 (b) "Article II. Officers" shall consist of the following:

335 (1) *Chairperson and Vice-Chairperson.* This section creates the chairperson and  
336 vice-chairperson positions of the entity. Other officer positions may also be created

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- 337 here.
- 338 (2) *Responsibilities of the Chairperson.* Because of the importance of this position,
- 339 all duties and responsibilities of the chairperson, as well as limitations of the
- 340 chairperson shall be specifically listed here.
- 341 (3) *Responsibilities of the Vice-Chairperson.* Because of the importance of this
- 342 position, all duties and responsibilities of the vice-chairperson, as well as
- 343 limitations of the vice-chairperson shall be specifically listed here.
- 344 (4) *Responsibilities of Additional Officers.* There may be additional sections as
- 345 needed for every officer position created in subsection one (1) above. These
- 346 sections shall state all duties and responsibilities of the officer, as well as any
- 347 limitations of the officer.
- 348 (5) *Selection of Officers.* This section shall identify how a member of the entity
- 349 shall be selected for an official officer position in the entity.
- 350 (6) *Budgetary Sign-Off Authority and Travel.* This section shall identify the
- 351 entity's varying levels of budgetary sign-off authority, the members that are
- 352 authorized to sign-off at each level, and how the entity shall handle approving travel
- 353 on behalf of the entity.
- 354 (A) An entity shall follow the Nation's policies and procedures regarding
- 355 purchasing and sign-off authority.
- 356 (B) An entity shall approve a member's request to travel on behalf of the
- 357 entity by majority vote at a regular or emergency meeting of the entity.
- 358 (7) *Personnel.* This section shall state the entity's authority for hiring personnel,
- 359 if any, and the duties of such personnel.
- 360 (c) "Article III. Meetings" shall consist of the following:
- 361 (1) *Regular meetings.* This section shall identify when and where regular meetings
- 362 shall be held, and how the entity shall provide notice of the meeting agenda,
- 363 documents, and minutes.
- 364 (2) *Emergency meetings.* This section shall identify what constitutes an emergency
- 365 meeting, how emergency meetings shall be called, and how the entity shall provide
- 366 notice of the emergency meeting.
- 367 (A) All bylaws shall include a provision requiring that within seventy-two
- 368 (72) hours after an emergency meeting, the entity shall provide the Nation's
- 369 Secretary with notice of the meeting, the reason for the emergency meeting,
- 370 and an explanation of why the matter could not wait for a regular meeting.
- 371 (3) *Joint Meetings.* This section shall identify if joint meetings shall be held, the
- 372 frequency and location of joint meetings, and how the entity shall provide notice of
- 373 the meeting agenda, documents, and minutes.
- 374 (4) *Quorum.* This section shall identify how many members of an entity create a
- 375 quorum.
- 376 (5) *Order of Business.* This section sets out how the agenda will be set up.
- 377 (6) *Voting.* This section shall identify voting requirements, such as, but not limited
- 378 to:
- 379 (A) the percentages that shall be needed to pass different items;
- 380 (B) if, and when, the chairperson is allowed to vote;

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- 381 (C) if the use of an e-poll is permissible; and  
382 (D) if the use of and e-poll is permissible, who will serve as the  
383 Chairperson's designee for the responsibility of conducting an e-poll, if a  
384 designee is utilized.
- 385 (d) "Article IV. Expectations" shall consist of the following information:  
386 (1) *Behavior of Members*. This section shall identify the behavioral expectations  
387 and requirements of a member of the entity, and identify how the entity shall  
388 enforce these behavioral expectations.  
389 (2) *Prohibition of Violence*. This section shall prohibit any violent intentional act  
390 committed by a member of the entity that inflicts, attempts to inflict, or threatens  
391 to inflict emotional or bodily harm on another person, or damage to property, and  
392 set forth any further expectations regarding the prohibition of violence.  
393 (3) *Drug and Alcohol Use*. This section shall prohibit the use of alcohol and  
394 prohibited drugs for a member of an entity when acting in their official capacity,  
395 and set forth any further expectations regarding the use of prohibited drugs and  
396 alcohol.  
397 (4) *Social Media*. This section shall identify expectations for the use of social  
398 media in regards to official business of the entity.  
399 (5) *Conflict of Interest*. This section shall state any standards and expectations  
400 additional to those required by law of the Nation in regards to conflicts of interest  
401 and how they are handled, as well as requirements related to prohibited activities  
402 resulting from disclosed conflicts of interest, and means by which a party can  
403 alleviate or mitigate the conflict of interest.
- 404 (e) "Article V. Stipends and Compensation" shall consist of the following information:  
405 (1) *Stipends*. This section shall include a comprehensive list of all stipends  
406 members are eligible to receive and the requirements for collecting each stipend, if  
407 any in addition to those contained in this law.  
408 (2) *Compensation*. This section shall include details regarding all other forms of  
409 compensation members are eligible to receive and the requirements for collecting  
410 such compensation, if any in addition to those contained in this law.
- 411 (f) "Article VI. Records and Reporting" shall consist of the following information:  
412 (1) *Agenda Items*. Agenda items shall be maintained in a consistent format as  
413 identified by this section.  
414 (2) *Minutes*. Minutes shall be typed and in a consistent format designed to generate  
415 the most informative record of the meetings of the entity. This may include a  
416 summary of action taken by the entity. This section shall identify the format for  
417 minutes, and a reasonable timeframe by which minutes shall be submitted to the  
418 Business Committee Support Office.  
419 (3) *Attachments*. Handouts, reports, memoranda, and the like may be attached to  
420 the minutes and agenda, or may be kept separately, provided that all materials can  
421 be identified to the meeting in which they were presented. This section shall  
422 identify how records of attachments shall be kept.  
423 (4) *Oneida Business Committee Liaison*. Entities shall regularly communicate with  
424 the Oneida Business Committee member who is their designated liaison. This

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425 section shall identify a format and frequency for communication which may be as  
 426 the liaison and entity agree to, but not less than that required in any law or policy  
 427 on reporting developed by the Oneida Business Committee or Oneida General  
 428 Tribal Council. The purpose of the liaison relationship is to uphold the ability of  
 429 the liaison to act as a support to that entity.

430 ~~(5) Audio Recordings. An entity shall audio record all meetings. This section shall~~  
 431 ~~state how the entity shall audio record meetings, and how the entity shall maintain~~  
 432 ~~the audio records.~~

433 ~~(A) Exception. Audio recordings of executive session portions of a meeting~~  
 434 ~~shall not be required.~~

435 (g) "Article VII. Amendments" consists of:

436 (1) *Amendments to Bylaws.* This section shall describe how amendments to the  
 437 bylaws are made. Any amendments to bylaws shall conform to the requirements  
 438 of this and any other policy of the Nation. Amendments to bylaws shall be  
 439 approved by the Oneida Business Committee, in addition to the General Tribal  
 440 Council when applicable, prior to implementation.

441

442 **105.11. Electronic Polling**

443 105.11-1. An entity may utilize an e-poll when approval of an action may be required before the  
 444 next available meeting agenda of the entity.

445 105.11-2. *Conducting an E-Poll.* The Chairperson of the entity, or designee, shall e-mail the e-  
 446 poll to all members of the entity. Requests for an e-poll shall be sent only from an official e-mail  
 447 address of the entity. The e-poll's message shall include the following information:

448 (a) The e-mail subject line shall begin with "E-poll Request:" and include a short title  
 449 describing the purpose of the request.

450 (b) The body of the e-poll shall contain the following elements:

451 (1) An executive summary of the reason for the request and why the request cannot  
 452 be presented at the next available meeting of the entity;

453 (2) A proposed motion which shall be in bold and identified in a separate paragraph  
 454 by the words "Requested Action;"

455 (3) All attachments in \*.pdf format, which are necessary to understand the request  
 456 being made; and

457 (4) A deadline date for a response to be returned regarding the results of the  
 458 electronic poll which shall be in bold and identified in a separate paragraph by the  
 459 words "Deadline for Response."

460 (A) E-poll requests shall be open for response not less than one (1) hour  
 461 and no more than twenty-four (24) hours.

462 (B) The time frame for responses shall be determined by the Secretary of  
 463 the entity, or designee, based on urgency, scheduling, and any other  
 464 pertinent factors.

465 105.11-3. *Response to an E-Poll.* A response from a member of an entity shall be valid if received  
 466 from an official e-mail address of the entity. No responses from unknown e-mails or personal e-  
 467 mails shall be accepted. An e-poll request shall receive responses from a majority of members of  
 468 the entity in order to be an official vote.

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469 (a) E-polls that receive at least a majority of supporting votes by the deadline are  
470 considered to be approved.

471 (b) E-polls for which insufficient responses were received by the deadline are considered  
472 to have failed to receive support, and result in a denied request.

473 (c) E-polls that result in a denied request may be reconsidered by the entity at the next  
474 available meeting.

475 (d) The Chairperson, or designee, shall monitor all responses and deadline dates for  
476 responses.

477 105.11-4. *Entering an E-Poll in the Record.* Both approved and denied e-poll requests shall be  
478 placed on the next meeting agenda of the entity to be entered into the record. The agenda item shall  
479 contain the following information:

480 (a) Original e-poll request and all supporting documentation;

481 (b) A summary of the e-poll results identifying each member of the entity and his or her  
482 response; and

483 (c) A copy of any comment by a member of the entity if comments are made beyond a  
484 vote.

485

#### 486 **105.12. Reporting Requirements**

487 105.12-1. *Minutes.* All minutes shall be submitted to the Business Committee Support Office  
488 within a reasonable time after approval by the entity, as identified in the entity's bylaws.

489 (a) Actions taken by an entity are valid upon approval of the action by vote, unless the  
490 bylaws of the entity otherwise require minutes to be approved by the entity before the  
491 actions are valid.

492 (b) Minutes shall be filed according to this section, and any specific directions within  
493 approved bylaws.

494 (c) No action or approval of minutes is required by the Oneida Business Committee on  
495 minutes submitted by an entity unless specifically required by the bylaws of that entity.

496 105.12-2. *Standard Operating Procedures.* All standard operating procedures established by an  
497 entity shall be submitted to the Business Committee Support Office, where they shall be kept on  
498 file.

499 105.12-3. *Quarterly Reports to the Oneida Business Committee.* Entities shall provide quarterly  
500 reports to the Oneida Business Committee in accordance with the quarterly reporting schedule  
501 approved by the Oneida Business Committee. All quarterly reports shall be approved by official  
502 entity action before they are submitted. The quarterly reports shall not contain any information  
503 that conflicts with any law, resolution, or policy of the Nation. At least one (1) member of the  
504 entity shall attend the Oneida Business Committee meeting where the quarterly report is an agenda  
505 item. Quarterly reports shall follow a format prescribed by the Oneida Business Committee and  
506 contain the following information:

507 (a) *Contact Information.* The name of the entity, the member submitting the report, the  
508 Oneida Business Committee liaison; and a list of the members and their titles, term  
509 expiration dates and contact information.

510 (b) *Meetings.* When and how often the entity is holding meetings and whether any  
511 emergency meetings have been held.

512 (1) If emergency meetings were held, the report shall indicate the basis of the

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513 emergency for each meeting.

514 (c) *Accomplishments*. Details of what the entity has accomplished that quarter, including  
515 any special events held during the reporting period and any travel by the members and/or  
516 staff.

517 (d) *Goals*. Details of both the entity's long term goals, the entity's goals for the next  
518 quarter, and projected quarterly activities.

519 (e) *Budget*. The amount of the entity's budget, the status of the budget at that quarter, the  
520 amount of each stipend a member may be eligible to receive, how the budget is being  
521 utilized by the entity, and projected budgetary uses for the next quarter.

522 (f) *Requests*. Details of any requests to the Oneida Business Committee.

523 (g) *Other*. And any other information deemed appropriate by the entity, as well as any  
524 other information required by a law or policy of the Nation.

525 105.12-4. *Annual and Semi-Annual Reports to the General Tribal Council*. Entities shall provide  
526 annual reports to the Oneida General Tribal Council based on their activities during the previous  
527 fiscal year, and semi-annual reports based on their activities during the current fiscal year. All  
528 annual and semi-annual reports shall follow a format prescribed by the Oneida Business  
529 Committee.

530 (a) Annual and semi-annual reports shall contain information on the number of  
531 substantiated complaints against all members of the entity.

532 (b) Each entity with oversight of a department shall also submit annual and semi-annual  
533 reports for each department the entity oversees.

534 105.12-5. Any failure to comply with the reporting requirements may result in the Oneida  
535 Business Committee placing a hold on the release of a stipend payment.

536

### 537 **105.13. Stipends, Reimbursement and Compensation**

538 105.13-1. Stipends and reimbursement for expenses shall follow the procedures as set out in this  
539 section and according to procedures for payment as set out by the Nation, unless otherwise declined  
540 by the entity through its bylaws, or declined by a member.

541 105.13-2. The Oneida Business Committee shall set stipend amounts by resolution. The Oneida  
542 Business Committee shall periodically review the amounts provided for stipends and, based on the  
543 availability of funds, shall adjust those amounts accordingly by amending the resolution. Stipends  
544 are paid in the form of cash or cash equivalent, which may include, but is not limited to, gift cards.

545 105.13-3. *Meeting Stipends*. A member of an entity shall only receive a meeting stipend for a  
546 regular or emergency meeting where a quorum has been established in accordance with the duly  
547 adopted bylaws of that entity, that lasts for at least one (1) hour, ~~and the member collecting the~~  
548 ~~stipend is physically present for the entire meeting.~~ Meetings can occur in person, by telephone,  
549 through videoconferencing, or through other telecommunications.

550 (a) *Meeting Stipends for an Appointed Entity*. An individual serving on an appointed entity  
551 shall be paid no more than ~~one (1)~~ twelve (12) meeting ~~stipend~~ stipends per ~~month~~ year.

552 (b) *Meeting Stipends for an Elected Entity*. An individual serving on an elected entity  
553 shall be paid no more than ~~two (2)~~ twenty-four (24) meeting stipends per ~~month~~ year.

554 105.13-4. *Joint Meeting Stipends*. A member of an entity shall only receive a stipend for a joint  
555 meeting where a quorum has been established in accordance with the duly adopted bylaws of that  
556 entity, that lasts for at least one (1) hour, ~~and the member collecting the stipend is physically~~

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557 ~~present for the entire meeting.~~ Joint meetings can occur in person, by telephone, through  
 558 videoconferencing, or through other telecommunications.

559 (a) An individual shall receive a stipend for his or her attendance at a duly called joint  
 560 meeting.

561 (1) A joint meeting stipend does not count towards the limitation on meeting  
 562 stipends as provided for in section 105.13-3(a)-(b).

563 105.13-5. *Oneida Judiciary Hearings.* A member of an entity shall receive a Judiciary hearing  
 564 stipend if the member's attendance at the Judiciary hearing is required by official subpoena.

565 105.13-6. *Hearings of an Entity.* A member of an entity that maintains hearing authority may  
 566 obtain a hearing stipend for conducting hearings administered by the entity. A hearing consists of  
 567 all functions related to the resolution of the matter notwithstanding the amount of time it takes to  
 568 resolve the matter, including, but not limited to, any continuations of the hearing and decision  
 569 drafting.

570 105.13-7. *Other Stipends.* The Oneida Business Committee shall determine if, and when, any  
 571 other stipends are appropriate to compensate members of entities for their official actions. All  
 572 possible stipends shall be included in the Oneida Business Committee resolution which sets stipend  
 573 amounts.

574 105.13-8. *Conferences and Training.* A member of any entity, elected or appointed, shall be  
 575 reimbursed in accordance with the Nation's policy for travel and per diem, for attending a  
 576 conference or training. Provided that:

577 (a) A member shall be eligible for a stipend for each full day the member is present at the  
 578 conference or training, when attendance at the conference or training is required by law,  
 579 bylaw or resolution.

580 (b) A member shall not be eligible for a conference and training stipend if that training is  
 581 not required by law, bylaw or resolution.

582 (c) No stipend payments shall be made for those days spent traveling to and from the  
 583 conference or training.

584 105.13-9. *Business Expenses.* All members of entities shall be eligible for reimbursement for  
 585 normal business expenses naturally related to membership in the entity.

586 105.13-10. *Task Force and Ad Hoc Subcommittees.* Members of task force, ad hoc committees  
 587 and subcommittees shall not be eligible for stipends unless specific exception is made by the  
 588 Oneida Business Committee or the Oneida General Tribal Council.

589

#### 590 **105.14. Confidential Information**

591 105.14-1. All members of an entity shall maintain in a confidential manner all information  
 592 obtained through their position on the entity. The Nation requires that all members of an entity  
 593 who have access to the Nation's confidential information be subject to specific limitations in order  
 594 to protect the interest of the Nation and ensure that no persons engaged in by the Nation, nor their  
 595 relatives or associates, benefit from the use of confidential information.

596 (a) Confidential information shall be considered and kept as the private and privileged  
 597 records of the Nation and will not be divulged to any person, firm, corporation, or other  
 598 entity except by direct written authorization of the Oneida Business Committee.

599 (b) A member of an entity will continue to treat as private and privileged any confidential  
 600 information, and will not release any such information to any person, firm, corporation, or

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601 other entity, either by statement, deposition, or as a witness, except upon direct written  
602 authority of Oneida Business Committee, and the Nation shall be entitled to an injunction  
603 by any competent court to enjoin and restrain the unauthorized disclosure of such  
604 information. Such restriction continues after termination of the relationship with the  
605 Nation and the entity.

606 (c) Upon completion or termination of his or her elected or appointed term of membership  
607 in an entity, for any cause whatsoever, the member of the entity will surrender to the  
608 Nation, in good condition, all records kept by the member of the entity.

609 (d) No member of an entity shall disclose confidential information acquired by reason of  
610 his other relationship or status with the Nation for his or her personal advantage, gain, or  
611 profit, or for the advantage, gain, or profit of a relative or associate.

612 105.14-2. Any records created or obtained while as an official of an entity are the property of the  
613 Nation and can only be removed or destroyed by approval from a majority vote of the entity at a  
614 duly called meeting. All removal or destruction of documents must be made in accordance with  
615 the Nation's laws and policies regarding open records and open meetings.

616 105.14-3. *Official Oneida Nation E-mail Address.* Each member of an entity shall be provided an  
617 official Oneida e-mail address upon election or appointment for the purpose of conducting business  
618 of the entity electronically.

619 (a) If a member is also an employee of the Nation, he or she shall receive a separate e-  
620 mail address from his or her regular work e-mail address.

621 (b) A member of an entity shall sign an acknowledgment form provided by the Nation's  
622 Secretary indicating notice of the Nation's applicable computer and media related laws,  
623 policies and rules. The Nation's Secretary shall maintain a record of all such  
624 acknowledgment forms.

625 (c) A member of an entity shall not use any personal or work e-mail address to  
626 electronically conduct any business of the entity.

627 (d) Immediately upon receipt of notice of an entity vacancy, the Nation's Secretary shall  
628 instruct the Management Information Systems department to disable the e-mail address for  
629 the member having vacated the position.

630

**631 105.15. Conflicts of Interest**

632 105.15-1. All members of an entity are required to adhere to the Nation's laws and policies  
633 governing conflicts of interest.

634 105.15-2. A member of an entity shall disclose a conflict of interest to the Nation's Secretary as  
635 soon as the conflict arises, and update a conflict of interest disclosure form with the Nation's  
636 Secretary on an annual basis.

637 (a) Upon receiving information of a potential conflict of interest, the Nation's Secretary  
638 shall request a determination from the Oneida Law Office whether further action must be  
639 taken by the Nation regarding the status of the official.

640 105.15-3. *Ineligibility Due to Conflicts of Interest.* Due to the potential for a real or perceived  
641 conflict of interest to exist, the following individuals shall not be eligible to serve on an appointed  
642 or elected entity:

643 (a) political appointees; and

644 (b) an employee of the Nation's Internal Audit Department, Finance Administration, or

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645 Law Office.

646

647 **105.16. Use of the Nation's Assets**

648 105.16-1. Entities shall maintain all bank accounts for the Nation's funds in the name of the  
649 Oneida Nation. Bank accounts will be reflected on the Oneida Nation's books in accordance with  
650 Generally Accepted Accounting Principles.

651 105.16-2. Each member of an entity shall comply with the system of internal accounting controls  
652 sufficient to provide assurances that:

653 (a) all transactions are executed in accordance with management's authorization; and

654 (b) access to assets is permitted only in accordance with management's authorization; and

655 (c) all transactions are recorded to permit preparation of financial statements in conformity  
656 with Generally Accepted Accounting Principles or other applicable criteria.

657 105.16-3. Any evidence of noncompliance with any policy regarding the use of tribal assets shall  
658 be immediately reported to the Internal Audit department. If the Internal Audit department finds  
659 evidence of noncompliance they shall notify the Oneida Law Office, who will then make a  
660 determination of further action to be taken, if any.

661

662 **105.17. Dissolution of an Entity**

663 105.17-1. *Dissolution of a Task Force or Ad Hoc Committee.* A task force or ad hoc committee  
664 dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials  
665 generated by a task force or ad hoc committee shall be forwarded to the Business Committee  
666 Support Office for proper disposal within two (2) weeks of the dissolution.

667 105.17-2. *Dissolution of an Entity.* All other entities of the Nation shall be dissolved only by  
668 motion of the Oneida General Tribal Council or the Oneida Business Committee.

669 105.17-3. *Notice of Dissolution.* Within five (5) business days of the Oneida General Tribal  
670 Council or the Oneida Business Committee taking official action to dissolve an entity, the Oneida  
671 Business Committee shall provide the entity written notice of the dissolution.

672 105.17-4. *Management of Records and Materials.* All chairpersons and secretaries of dissolved  
673 entities shall be responsible for closing out open business of the entity and forwarding all materials  
674 and records to the Business Committee Support Office for proper storage and disposal within two  
675 (2) weeks of dissolution. The entity shall not alter or destroy any records. The Business Committee  
676 Support Office may utilize the assistance of the Records Management Department and/or any other  
677 appropriate department for the storage and disposal of the records and materials.

678 (a) The entity may request the Oneida Business Committee to grant a one (1) week  
679 extension of the time allowed to close out open business of the entity and forward all  
680 materials and records to the Business Committee Support Office.

681

682 **105.18. Enforcement**

683 105.18-1. Any member of an entity found to be in violation of this law may be subject to:

684 (a) sanctions and penalties in accordance with any laws or policies of the Nation governing  
685 sanctions and/or penalties;

686 (b) removal pursuant to any laws or policies of the Nation's governing removal, if the  
687 individual is a member of an elected entity; or

688 (c) termination of appointment by the Oneida Business Committee, if the individual is a

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689 member of an appointed entity.

690 *End.*

~~691~~

693

694 Adopted - BC-08-02-95-A

695 Amended - BC-05-14-97-F

696 Emergency Amended - BC-04-12-06-JJ

697 Amended - BC-09-27-06-E (permanent adoption of emergency amendments)

698 Amended – BC-09-22-10-C

699 Amended – BC-09-26-18-C

700 Emergency Amended – BC-03-11-20-B

701 Emergency Amended – BC- - - -

702

703

**Title 1. Government and Finances – Chapter 105**  
**Laotiyani sh&ha k<tyohkway<=se>**  
*Their laws of the groups we have*  
**BOARDS, COMMITTEES, AND COMMISSIONS**

- 105.1. Purpose and Policy
- 105.2. Adoption, Amendment, Repeal
- 105.3. Definitions
- 105.4. Creation of an Entity
- 105.5. Applications
- 105.6. Vacancies
- 105.7. Appointment to an Entity
- 105.8. Election to an Entity
- 105.9. Oath of Office
- 105.10. Bylaws
- 105.11. Electronic Polling
- 105.12. Reporting Requirements
- 105.13. Stipends, Reimbursement and Compensation
- 105.14. Confidential Information
- 105.15. Conflicts of Interest
- 105.16. Use of the Nation’s Assets
- 105.17. Dissolution of an Entity
- 105.18. Enforcement

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**105.1. Purpose and Policy**

105.1-1. It is the purpose of this law to govern boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions.

(a) This law shall not apply to the Oneida Business Committee, or Standing Committees of the Oneida Business Committee.

(b) This law does not apply to Tribal corporations due to the corporate structure and autonomy of those entities.

105.1-2. It is the policy of the Nation to have consistent and standard procedures for choosing and appointing or electing the most qualified persons to boards, committees and commissions, for creation of bylaws governing boards committees and commissions, and for the maintenance of information created by and for boards, committees and commissions.

**105.2. Adoption, Amendment, Repeal**

105.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, BC-09-26-18-C, BC-03-11-20-B, and emergency amended by BC-\_\_-\_\_-\_\_-\_\_.

105.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

105.2-3. 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.

105.2-4. 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.

105.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**105.3. Definitions**

105.3-1. 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.

(a) "Application" means the form by which a person seeks to be appointed to fill a vacancy

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- 33 on an entity.
- 34 (b) "Appointment" means the process by which a person is chosen to fill a vacancy on an  
35 entity by the Oneida Business Committee.
- 36 (c) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding  
37 holidays recognized by the Nation.
- 38 (d) "Bylaws" means a document which provides a framework for the operation and  
39 management of a board, committee, or commission of the Nation chiefly for the  
40 government of its members and the regulation of its affairs.
- 41 (e) "Conference" means any training, seminar, meeting, or other assembly of persons  
42 which is not an assembly of the entity.
- 43 (f) "Confidential information" means all information or data, whether printed, written, or  
44 oral, concerning business or customers of the Nation, disclosed to, acquired by, or  
45 generated by a member of an entity in confidence at any time during their elected or  
46 appointed term or during their employment.
- 47 (g) "Conflict of interest" means any interest, real or apparent, whether it be personal,  
48 financial, political, or otherwise, in which an elected official, officer, political appointee,  
49 employee, contractor, or appointed or elected member, or their immediate family members,  
50 friends or associates, or any other person with whom they have contact, have that conflicts  
51 with any right of the Nation to property, information, or any other right to own and operate  
52 activities free from undisclosed competition or other violation of such rights of the Nation.  
53 In addition, conflict of interest also means any financial or familial interest an elected  
54 official, officer, political appointee, employee, contractor, or appointed or elected member  
55 or their immediate family members may have in any transaction between the Nation and  
56 an outside party.
- 57 (h) "Entity" means a board, committee or commission created by the General Tribal  
58 Council or the Oneida Business Committee whose members are appointed by the Oneida  
59 Business Committee or elected by the Nation's membership.
- 60 (i) "E-poll" means an electronic poll, which is the act of delivering an e-mail to all  
61 members of an entity, in order to seek a response which identifies a vote in favor of,  
62 opposing, or abstaining to an issue requiring approval by the entity.
- 63 (j) "Joint meeting" means a meeting with the Oneida Business Committee.
- 64 (k) "Nation" means the Oneida Nation.
- 65 (l) "Per Diem" means the payment made by the Nation to offset the costs of being on travel  
66 on behalf of the Oneida Nation.
- 67 (m) "Political appointee" means a person appointed by a member of the Oneida Business  
68 Committee to provide assistance with the Oneida Business Committee member's daily  
69 activities and operations.
- 70 (n) "Prohibited drugs" means marijuana, cocaine, opiates, amphetamines, phencyclidine  
71 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance  
72 included in Schedules I through V, as defined by Section 812 of Title 21 of the United  
73 States Code. This also includes prescription medication or over-the-counter medicine used  
74 in an unauthorized or unlawful manner.
- 75 (o) "Stipend" means the amount paid by the Oneida Nation to a person serving on a board,  
76 committee, or commission of the Nation in order to compensate the individual for his or

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77 her contribution of time, effort, and work for his or her board, committee, or commission  
78 for the betterment of the Nation.

79 (p) "Subcommittee" means a subgroup of an entity; which is comprised of fewer than all  
80 members of the entity; which is designated one (1) or more specific responsibilities on  
81 behalf of the entity.

82 (q) "Substantiated complaint" means a complaint or allegation in a complaint that was  
83 found to be valid by clear and convincing evidence.

84 (r) "Task Force or Ad Hoc" means a group of persons gathered to pursue a single goal, the  
85 accomplishment of which means the disbanding of the group. The goal is generally  
86 accomplished in a short time period, i.e. less than one year, but the goal itself may be long-  
87 term.

88 (s) "Vacancy" means any position on any board, committee or commission caused by  
89 resignation, end of term, removal, termination, or creation of a new position.

90

91 **105.4. Creation of an Entity**

92 105.4-1. An entity of the Nation shall be created by a resolution or law adopted by the Oneida  
93 Business Committee or General Tribal Council.

94 105.4-2. The law or resolution establishing the entity shall state the purpose of the entity and all  
95 powers and responsibilities delegated to the entity.

96 105.4-3. The Oneida Business Committee shall be responsible for drafting the initial bylaws of  
97 the entity.

98

99 **105.5. Applications**

100 105.5-1. The Oneida Business Committee shall approve all applications to serve on an entity of  
101 the Nation. All application materials shall be available in the Business Committee Support Office  
102 and any other location specified by the Business Committee Support Office.

103 (a) All applications shall include:

104 (1) a statement explaining the attendance requirements of section 105.12-3; and

105 (2) a section regarding disclosures of conflicts of interest.

106 (b) An additional application form shall be required for those entities that require a  
107 background investigation. This background investigation application shall include the  
108 applicant's social security number and any other information required for a background  
109 investigation. The background investigation application shall be solely used for the  
110 background investigation and not included in the application materials that are then shared  
111 with the Oneida Business Committee, entity, and/or the Election Board.

112 105.5-2. Applications shall be filed with the Business Committee Support Office by 4:30 p.m. of  
113 the deadline date.

114 105.5-3. Within eight (8) days after the posted deadline for filing applications the Business  
115 Committee Support Office shall notify all persons who have filed an application of the date his or  
116 her application was received and if his or her application met the deadline to be considered for the  
117 election or appointment.

118 105.5-4. Applications for elected positions shall be verified according to the Nation's laws and/or  
119 policies governing elections. Applications for appointed positions shall be verified by the Business  
120 Committee Support Office as needed or as required in the bylaws of the entity.

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121 105.5-5. *Insufficient Applicants*. In the event that there are an insufficient number of applicants  
122 after the deadline date has passed for appointed positions, the Oneida Business Committee may  
123 elect to:

- 124 (a) include within the pool of appointed persons late applications, or  
125 (b) repost for an additional time period. In the event of reposting, prior applicants will be  
126 considered to have filed applications within the deadline period.

127

128 **105.6. Vacancies**

129 105.6-1. The manner by which an individual fills a vacancy, either through election or  
130 appointment, shall determine that member's status as an appointed or elected official, despite the  
131 entity's classification as an appointed or elected entity pursuant to the entity's bylaws.

132 105.6-2. A position on an entity shall be considered vacant in the following situations:

133 (a) *End of Term*. A vacancy is effective as of 4:30 p.m. of the last day of the month in  
134 which the term ends.

135 (1) Although a position is considered vacant once the term ends, the member of the  
136 entity may remain in office until the member's successor has been sworn in by the  
137 Oneida Business Committee in an effort to prevent a discontinuation of business or  
138 a loss of quorum for the entity.

139 (b) *Removal*. Removal is effective, pursuant to any law and/or policy of the Nation  
140 regarding removal.

141 (c) *Termination of Appointment*. A termination is effective upon a two-thirds (2/3)  
142 majority vote of the Oneida Business Committee in favor of a member's termination of  
143 appointment.

144 (d) *Resignation*. A resignation is effective upon:

145 (1) Deliverance of a letter to the Business Committee Support Office and to the  
146 Chairperson of the entity, or designee; or

147 (2) Acceptance by motion of the entity of a verbal resignation.

148 (e) *New Positions*. Vacancies on new entities are effective upon adoption of bylaws.

149 105.6-3. An entity shall notify the Business Committee Support Office as soon as the entity learns  
150 that a position has or will become vacant. All notices of vacancy shall be sent to the entities for  
151 clarification or confirmation prior to notification to the Oneida Business Committee.

152 105.6-4. The Business Committee Support Office shall forward the notice of vacancy to the  
153 Secretary. The Secretary shall request and receive approval from the Oneida Business Committee  
154 to post the notice of vacancy. The Business Committee Support Office shall post notice of  
155 vacancies at the following times:

156 (a) *End of Term*. Automatically sixty (60) days prior to completion of the term.

157 (b) *Removal*. No later than the next Oneida Business Committee meeting following the  
158 effective date of the removal.

159 (c) *Resignation*. No later than the next Oneida Business Committee meeting following  
160 the Business Committee Support Office's receipt of notice of an effective resignation from  
161 the entity.

162 (d) *New Positions*. Upon one of the following conditions:

163 (1) if not specified, immediately upon creation of entity or adoption of bylaws,  
164 whichever is later, or

165 (2) upon date specified when creating the entity.

166 (e) *Termination of appointment.* No later than the next Oneida Business Committee  
167 meeting following the effective date of the termination.

168 105.6-5. Notice of vacancies shall be posted by the Business Committee Support Office in all  
169 official media outlets of the Nation, as determined by the Oneida Business Committee, as well as  
170 any other location deemed appropriate by the Secretary.

171

### 172 **105.7. Appointment to an Entity**

173 105.7-1. *Appointment Selection.* The following procedures shall be used to determine how the  
174 applicant for an appointed position is selected:

175 (a) Within eight (8) business days after the posted deadline for submitting an application,  
176 or within twenty-one (21) days of the posted deadline if the entity requires a background  
177 investigation to be completed as part of the application process, the Business Committee  
178 Support Office shall:

179 (1) deliver all applications, along with a summary of qualifications to hold office,  
180 and the results of the background investigation if required, to each member of the  
181 Oneida Business Committee as well as the entity's Chairperson; and

182 (2) place the appointment for the entity on the next executive session portion of  
183 the agenda of a regular or special Oneida Business Committee meeting in which  
184 the appointment is intended to be made.

185 (b) Each member of the Oneida Business Committee shall review the application  
186 materials prior to executive session and be prepared to discuss and select an applicant for  
187 appointment.

188 (1) The entity's Chairperson may have until the executive session to review the  
189 application materials and provide the Oneida Business Committee a  
190 recommendation of an applicant for appointment.

191 (c) The Oneida Business Committee shall have a full and complete discussion of the merits  
192 and qualifications of the potential applicants, and any recommendation made by the  
193 Chairperson of the entity, during executive session. After completing a thorough  
194 discussion, the Oneida Business Committee shall:

195 (1) choose an applicant for appointment, or

196 (2) ask the Oneida Nation's Secretary to re-notice the vacancy because of  
197 ineligible, unqualified, or under qualified applicants.

198 (d) All appointments shall be made by the Oneida Business Committee during the open  
199 session of a regular or special Oneida Business Committee meeting. The Oneida Business  
200 Committee shall not appoint an applicant who fails to meet the requirements set out in the  
201 entity's bylaws.

202 (e) During the open session of the regular or special Oneida Business Committee meeting,  
203 a member of the Oneida Business Committee may make a motion to appoint an individual.  
204 Oneida Business Committee members may:

205 (1) accept the selected applicant and vote to appoint the individual to the vacant  
206 position, or

207 (2) reject the selected applicant and vote to oppose the appointment of the  
208 individual.

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209 (f) If the Oneida Business Committee rejects the selected applicant, the matter will be  
210 deferred to the next Oneida Business Committee meeting where another applicant may be  
211 recommended by the Oneida Business Committee, or the Oneida Business Committee may  
212 direct the vacancy to be re-posted. When a vacancy is re-posted under this section, all  
213 applications from the first posting shall be considered to have been filed within the deadline  
214 period.

215 105.7-2. *Notification of Appointment.* Once an individual is selected for appointment at an Oneida  
216 Business Committee meeting, the Nation's Secretary shall notify all applicants of the final status  
217 of their application.

218 (a) The Nation's Chairperson shall forward a list of all applicants to the Nation's Secretary  
219 and the final decision regarding the selection after the procedures for selection of an  
220 applicant described in section 105.7-1 are completed.

221 (b) The Nation's Secretary shall include on the notice to the applicant selected for  
222 appointment the following paragraph: "The Oneida Nation reports all income paid by the  
223 Oneida Nation in whatever form. The Internal Revenue Service of the United States  
224 considers stipends paid to members of boards, committees, and commissions to be income  
225 which may be offset by expenses related to that income. You will receive an income report  
226 which is also forwarded to the Internal Revenue Service, it is also your responsibility to  
227 keep documentation of expenses related to this income."

228 105.7-3. *Declination of Appointment.* An individual who has been selected for appointment to an  
229 entity by the Oneida Business Committee may decline the appointment.

230 (a) An individual may decline an appointment to an entity in the following ways:

231 (1) Delivery of a letter stating that the individual wishes to decline the  
232 appointment to the Business Committee Support Office; or

233 (2) The failure to take the oath of office within thirty (30) days of being selected  
234 for appointment by the Oneida Business Committee.

235 (b) The Business Committee Support Office shall notify the Oneida Business Committee  
236 if an individual declines an appointment to an entity. The Oneida Business Committee shall  
237 then use the original pool of applications for the vacancy posting and the process outlined  
238 in section 105.7-1 to select another applicant for appointment.

239 105.7-4. *Termination of Appointment.* An appointed member of an entity serves at the discretion  
240 of the Oneida Business Committee. Upon the recommendation of a member of the Oneida  
241 Business Committee or the entity, a member of an appointed entity may have his or her  
242 appointment terminated by the Oneida Business Committee.

243 (a) A two-thirds majority vote of the Oneida Business Committee shall be required in order  
244 to terminate the appointment of an individual.

245 (b) The Oneida Business Committee's decision to terminate an appointment is final and  
246 not subject to appeal.

247

**248 105.8. Election to an Entity**

249 105.8-1. All elected positions shall be nominated at a caucus called by the Oneida Election Board,  
250 or apply for ballot placement, in accordance with the Nation's laws and/or policies governing  
251 elections, except where an entity's bylaws allow for a vacancy to be filled by appointment.

252 (a) When the Election Board notifies an applicant or nominee that he or she is eligible to  
253 be placed on the ballot, the following paragraph shall be included: "The Oneida Nation  
254 reports all income paid by the Nation in whatever form. The Internal Revenue Service of  
255 the United States considers stipends paid to members of boards, committees, and  
256 commissions to be income which may be offset by expenses related to that income. You  
257 will receive an income report which is also forwarded to the Internal Revenue Service, it  
258 is also your responsibility to keep documentation of expenses related to this income."

259 105.8-2. All other processes for the election of a member of an entity shall be as directed by the  
260 Nation's laws and/or policies governing elections.

261

**262 105.9. Oath of Office**

263 105.9-1. All appointed and elected positions are official upon taking an oath during a regular or  
264 special Oneida Business Committee meeting. All rights and delegated authorities of membership  
265 in the entity shall vest upon taking the oath. The Nation's Secretary shall notify the chosen persons  
266 when they shall appear for taking the oath.

267 (a) The appointed or elected member shall appear in person at the Oneida Business  
268 Committee meeting to take his or her oath, except if granted permission by the Secretary  
269 to appear by video conferencing equipment.

270 105.9-2. The Oneida Business Committee shall approve wording of oaths. Any revisions of oaths  
271 shall be approved by the Oneida Business Committee prior to usage. Oaths shall be kept on file by  
272 the Business Committee Support Office.

273 105.9-3. Originals of the signed oath, or electronic copies of the originals of the signed oath, shall  
274 be maintained by the Business Committee Support Office. Copies of the oath shall be forwarded  
275 to the new member of the entity and the entity.

276 105.9-4. The following oath is the standard oath to be used unless a specific oath for the entity is  
277 pre-approved by the Oneida Business Committee: I, [name], hereby promise to uphold the laws  
278 and regulations of the Oneida Nation, the General Tribal Council, and the Oneida Nation  
279 Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people  
280 with honor, respect, dignity, and sincerity and will strictly maintain confidential information. I will  
281 carry out the duties and responsibilities as a member of the [entity name], and all recommendations  
282 shall be made in the best interest of the Oneida Nation as a whole.

283 105.9-5. All oaths shall be sufficient to make the appointed or elected member of an entity aware  
284 of their duty to the Nation and as members of the entity.

285

**286 105.10. Bylaws**

287 105.10-1. All entities of the Nation shall have bylaws that conform to the requirements of this  
288 law. Bylaws shall become effective upon approval of the Oneida Business Committee, unless  
289 where General Tribal Council approval is additionally required.

290 (a) All existing entities must comply with this format and present bylaws for adoption  
291 within a reasonable time after creation of the entity, or within a reasonable time after

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- 292 adoption of this law.
- 293 (b) Bylaws must contain at least the minimum information required by law, although more  
294 information is not prohibited.
- 295 (c) *Exception.* Task Forces and Ad Hoc Committees are excepted from the requirement  
296 to have bylaws. However, these entities must have, at minimum, mission or goal  
297 statements for completion of the task.
- 298 105.10-2. *Articles.* Bylaws shall contain, at a minimum, the following Articles:
- 299 (a) Article I. Authority.
- 300 (b) Article II. Officers.
- 301 (c) Article III. Meetings.
- 302 (d) Article IV. Expectations.
- 303 (e) Article V. Stipends and Compensation.
- 304 (f) Article VI. Records and Reporting.
- 305 (g) Article VII. Amendments.
- 306 105.10-3. *Sections.* Articles shall be divided into "sections" as set out.
- 307 (a) "Article I. Authority" shall consist of the following:
- 308 (1) *Name.* The full name of the entity shall be stated, along with any short name  
309 that will be officially used.
- 310 (2) *Establishment.* This section shall state the citation and name, if any, of the  
311 creation document.
- 312 (3) *Authority.* This section shall state the purpose for which the entity was created  
313 and what, if any, authority the entity is delegated.
- 314 (4) *Office.* There shall be listed the official office or post box of the entity.
- 315 (5) *Membership.* The following information shall be in this section:
- 316 (A) Number of members on the entity;
- 317 (B) If members on the entity are elected or appointed, and how a member  
318 is elected or appointed;
- 319 (C) How vacancies are filled; and
- 320 (D) Qualifications for membership on the entity.
- 321 (i) In order to qualify for membership on an entity, a person shall  
322 meet the minimum age requirements set forth for status as a  
323 qualified voter of the Nation, unless a law, policy, or directive sets  
324 forth a minimum age requirement.
- 325 (6) *Termination or Removal.* This section shall identify causes for termination or  
326 removal, if any, in addition to those already identified in laws and/or policies of the  
327 Nation.
- 328 (7) *Trainings and Conferences.* This section shall describe any trainings and/or  
329 conferences that the entity deems necessary for members to responsibly serve the  
330 entity, if any.
- 331 (b) "Article II. Officers" shall consist of the following:
- 332 (1) *Chairperson and Vice-Chairperson.* This section creates the chairperson and  
333 vice-chairperson positions of the entity. Other officer positions may also be created  
334 here.
- 335 (2) *Responsibilities of the Chairperson.* Because of the importance of this position,

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336 all duties and responsibilities of the chairperson, as well as limitations of the  
337 chairperson shall be specifically listed here.

338 (3) *Responsibilities of the Vice-Chairperson*. Because of the importance of this  
339 position, all duties and responsibilities of the vice-chairperson, as well as  
340 limitations of the vice-chairperson shall be specifically listed here.

341 (4) *Responsibilities of Additional Officers*. There may be additional sections as  
342 needed for every officer position created in subsection one (1) above. These  
343 sections shall state all duties and responsibilities of the officer, as well as any  
344 limitations of the officer.

345 (5) *Selection of Officers*. This section shall identify how a member of the entity  
346 shall be selected for an official officer position in the entity.

347 (6) *Budgetary Sign-Off Authority and Travel*. This section shall identify the  
348 entity's varying levels of budgetary sign-off authority, the members that are  
349 authorized to sign-off at each level, and how the entity shall handle approving travel  
350 on behalf of the entity.

351 (A) An entity shall follow the Nation's policies and procedures regarding  
352 purchasing and sign-off authority.

353 (B) An entity shall approve a member's request to travel on behalf of the  
354 entity by majority vote at a regular or emergency meeting of the entity.

355 (7) *Personnel*. This section shall state the entity's authority for hiring personnel,  
356 if any, and the duties of such personnel.

357 (c) "Article III. Meetings" shall consist of the following:

358 (1) *Regular meetings*. This section shall identify when and where regular meetings  
359 shall be held, and how the entity shall provide notice of the meeting agenda,  
360 documents, and minutes.

361 (2) *Emergency meetings*. This section shall identify what constitutes an emergency  
362 meeting, how emergency meetings shall be called, and how the entity shall provide  
363 notice of the emergency meeting.

364 (A) All bylaws shall include a provision requiring that within seventy-two  
365 (72) hours after an emergency meeting, the entity shall provide the Nation's  
366 Secretary with notice of the meeting, the reason for the emergency meeting,  
367 and an explanation of why the matter could not wait for a regular meeting.

368 (3) *Joint Meetings*. This section shall identify if joint meetings shall be held, the  
369 frequency and location of joint meetings, and how the entity shall provide notice of  
370 the meeting agenda, documents, and minutes.

371 (4) *Quorum*. This section shall identify how many members of an entity create a  
372 quorum.

373 (5) *Order of Business*. This section sets out how the agenda will be set up.

374 (6) *Voting*. This section shall identify voting requirements, such as, but not limited  
375 to:

376 (A) the percentages that shall be needed to pass different items;

377 (B) if, and when, the chairperson is allowed to vote;

378 (C) if the use of an e-poll is permissible; and

379 (D) if the use of and e-poll is permissible, who will serve as the

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380 Chairperson's designee for the responsibility of conducting an e-poll, if a  
381 designee is utilized.

382 (d) "Article IV. Expectations" shall consist of the following information:

383 (1) *Behavior of Members*. This section shall identify the behavioral expectations  
384 and requirements of a member of the entity, and identify how the entity shall  
385 enforce these behavioral expectations.

386 (2) *Prohibition of Violence*. This section shall prohibit any violent intentional act  
387 committed by a member of the entity that inflicts, attempts to inflict, or threatens  
388 to inflict emotional or bodily harm on another person, or damage to property, and  
389 set forth any further expectations regarding the prohibition of violence.

390 (3) *Drug and Alcohol Use*. This section shall prohibit the use of alcohol and  
391 prohibited drugs for a member of an entity when acting in their official capacity,  
392 and set forth any further expectations regarding the use of prohibited drugs and  
393 alcohol.

394 (4) *Social Media*. This section shall identify expectations for the use of social  
395 media in regards to official business of the entity.

396 (5) *Conflict of Interest*. This section shall state any standards and expectations  
397 additional to those required by law of the Nation in regards to conflicts of interest  
398 and how they are handled, as well as requirements related to prohibited activities  
399 resulting from disclosed conflicts of interest, and means by which a party can  
400 alleviate or mitigate the conflict of interest.

401 (e) "Article V. Stipends and Compensation" shall consist of the following information:

402 (1) *Stipends*. This section shall include a comprehensive list of all stipends  
403 members are eligible to receive and the requirements for collecting each stipend, if  
404 any in addition to those contained in this law.

405 (2) *Compensation*. This section shall include details regarding all other forms of  
406 compensation members are eligible to receive and the requirements for collecting  
407 such compensation, if any in addition to those contained in this law.

408 (f) "Article VI. Records and Reporting" shall consist of the following information:

409 (1) *Agenda Items*. Agenda items shall be maintained in a consistent format as  
410 identified by this section.

411 (2) *Minutes*. Minutes shall be typed and in a consistent format designed to generate  
412 the most informative record of the meetings of the entity. This may include a  
413 summary of action taken by the entity. This section shall identify the format for  
414 minutes, and a reasonable timeframe by which minutes shall be submitted to the  
415 Business Committee Support Office.

416 (3) *Attachments*. Handouts, reports, memoranda, and the like may be attached to  
417 the minutes and agenda, or may be kept separately, provided that all materials can  
418 be identified to the meeting in which they were presented. This section shall  
419 identify how records of attachments shall be kept.

420 (4) *Oneida Business Committee Liaison*. Entities shall regularly communicate with  
421 the Oneida Business Committee member who is their designated liaison. This  
422 section shall identify a format and frequency for communication which may be as  
423 the liaison and entity agree to, but not less than that required in any law or policy

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424 on reporting developed by the Oneida Business Committee or Oneida General  
425 Tribal Council. The purpose of the liaison relationship is to uphold the ability of  
426 the liaison to act as a support to that entity.

427 (g) "Article VII. Amendments" consists of:

428 (1) *Amendments to Bylaws*. This section shall describe how amendments to the  
429 bylaws are made. Any amendments to bylaws shall conform to the requirements  
430 of this and any other policy of the Nation. Amendments to bylaws shall be  
431 approved by the Oneida Business Committee, in addition to the General Tribal  
432 Council when applicable, prior to implementation.

433

434 **105.11. Electronic Polling**

435 105.11-1. An entity may utilize an e-poll when approval of an action may be required before the  
436 next available meeting agenda of the entity.

437 105.11-2. *Conducting an E-Poll*. The Chairperson of the entity, or designee, shall e-mail the e-  
438 poll to all members of the entity. Requests for an e-poll shall be sent only from an official e-mail  
439 address of the entity. The e-poll's message shall include the following information:

440 (a) The e-mail subject line shall begin with "E-poll Request:" and include a short title  
441 describing the purpose of the request.

442 (b) The body of the e-poll shall contain the following elements:

443 (1) An executive summary of the reason for the request and why the request cannot  
444 be presented at the next available meeting of the entity;

445 (2) A proposed motion which shall be in bold and identified in a separate paragraph  
446 by the words "Requested Action;"

447 (3) All attachments in \*.pdf format, which are necessary to understand the request  
448 being made; and

449 (4) A deadline date for a response to be returned regarding the results of the  
450 electronic poll which shall be in bold and identified in a separate paragraph by the  
451 words "Deadline for Response."

452 (A) E-poll requests shall be open for response not less than one (1) hour  
453 and no more than twenty-four (24) hours.

454 (B) The time frame for responses shall be determined by the Secretary of  
455 the entity, or designee, based on urgency, scheduling, and any other  
456 pertinent factors.

457 105.11-3. *Response to an E-Poll*. A response from a member of an entity shall be valid if received  
458 from an official e-mail address of the entity. No responses from unknown e-mails or personal e-  
459 mails shall be accepted. An e-poll request shall receive responses from a majority of members of  
460 the entity in order to be an official vote.

461 (a) E-polls that receive at least a majority of supporting votes by the deadline are  
462 considered to be approved.

463 (b) E-polls for which insufficient responses were received by the deadline are considered  
464 to have failed to receive support, and result in a denied request.

465 (c) E-polls that result in a denied request may be reconsidered by the entity at the next  
466 available meeting.

467 (d) The Chairperson, or designee, shall monitor all responses and deadline dates for

468 responses.

469 105.11-4. *Entering an E-Poll in the Record.* Both approved and denied e-poll requests shall be  
470 placed on the next meeting agenda of the entity to be entered into the record. The agenda item shall  
471 contain the following information:

472 (a) Original e-poll request and all supporting documentation;

473 (b) A summary of the e-poll results identifying each member of the entity and his or her  
474 response; and

475 (c) A copy of any comment by a member of the entity if comments are made beyond a  
476 vote.

477

### 478 **105.12. Reporting Requirements**

479 105.12-1. *Minutes.* All minutes shall be submitted to the Business Committee Support Office  
480 within a reasonable time after approval by the entity, as identified in the entity's bylaws.

481 (a) Actions taken by an entity are valid upon approval of the action by vote, unless the  
482 bylaws of the entity otherwise require minutes to be approved by the entity before the  
483 actions are valid.

484 (b) Minutes shall be filed according to this section, and any specific directions within  
485 approved bylaws.

486 (c) No action or approval of minutes is required by the Oneida Business Committee on  
487 minutes submitted by an entity unless specifically required by the bylaws of that entity.

488 105.12-2. *Standard Operating Procedures.* All standard operating procedures established by an  
489 entity shall be submitted to the Business Committee Support Office, where they shall be kept on  
490 file.

491 105.12-3. *Quarterly Reports to the Oneida Business Committee.* Entities shall provide quarterly  
492 reports to the Oneida Business Committee in accordance with the quarterly reporting schedule  
493 approved by the Oneida Business Committee. All quarterly reports shall be approved by official  
494 entity action before they are submitted. The quarterly reports shall not contain any information  
495 that conflicts with any law, resolution, or policy of the Nation. At least one (1) member of the  
496 entity shall attend the Oneida Business Committee meeting where the quarterly report is an agenda  
497 item. Quarterly reports shall follow a format prescribed by the Oneida Business Committee and  
498 contain the following information:

499 (a) *Contact Information.* The name of the entity, the member submitting the report, the  
500 Oneida Business Committee liaison; and a list of the members and their titles, term  
501 expiration dates and contact information.

502 (b) *Meetings.* When and how often the entity is holding meetings and whether any  
503 emergency meetings have been held.

504 (1) If emergency meetings were held, the report shall indicate the basis of the  
505 emergency for each meeting.

506 (c) *Accomplishments.* Details of what the entity has accomplished that quarter, including  
507 any special events held during the reporting period and any travel by the members and/or  
508 staff.

509 (d) *Goals.* Details of both the entity's long term goals, the entity's goals for the next  
510 quarter, and projected quarterly activities.

511 (e) *Budget.* The amount of the entity's budget, the status of the budget at that quarter, the

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512 amount of each stipend a member may be eligible to receive, how the budget is being  
513 utilized by the entity, and projected budgetary uses for the next quarter.

514 (f) *Requests*. Details of any requests to the Oneida Business Committee.

515 (g) *Other*. And any other information deemed appropriate by the entity, as well as any  
516 other information required by a law or policy of the Nation.

517 105.12-4. *Annual and Semi-Annual Reports to the General Tribal Council*. Entities shall provide  
518 annual reports to the Oneida General Tribal Council based on their activities during the previous  
519 fiscal year, and semi-annual reports based on their activities during the current fiscal year. All  
520 annual and semi-annual reports shall follow a format prescribed by the Oneida Business  
521 Committee.

522 (a) Annual and semi-annual reports shall contain information on the number of  
523 substantiated complaints against all members of the entity.

524 (b) Each entity with oversight of a department shall also submit annual and semi-annual  
525 reports for each department the entity oversees.

526 105.12-5. Any failure to comply with the reporting requirements may result in the Oneida  
527 Business Committee placing a hold on the release of a stipend payment.

528

529 **105.13. Stipends, Reimbursement and Compensation**

530 105.13-1. Stipends and reimbursement for expenses shall follow the procedures as set out in this  
531 section and according to procedures for payment as set out by the Nation, unless otherwise declined  
532 by the entity through its bylaws, or declined by a member.

533 105.13-2. The Oneida Business Committee shall set stipend amounts by resolution. The Oneida  
534 Business Committee shall periodically review the amounts provided for stipends and, based on the  
535 availability of funds, shall adjust those amounts accordingly by amending the resolution. Stipends  
536 are paid in the form of cash or cash equivalent, which may include, but is not limited to, gift cards.

537 105.13-3. *Meeting Stipends*. A member of an entity shall only receive a meeting stipend for a  
538 regular or emergency meeting where a quorum has been established in accordance with the duly  
539 adopted bylaws of that entity, that lasts for at least one (1) hour. Meetings can occur in person, by  
540 telephone, through videoconferencing, or through other telecommunications.

541 (a) *Meeting Stipends for an Appointed Entity*. An individual serving on an appointed entity  
542 shall be paid no more than twelve (12) meeting stipends per year.

543 (b) *Meeting Stipends for an Elected Entity*. An individual serving on an elected entity  
544 shall be paid no more than twenty-four (24) meeting stipends per year.

545 105.13-4. *Joint Meeting Stipends*. A member of an entity shall only receive a stipend for a joint  
546 meeting where a quorum has been established in accordance with the duly adopted bylaws of that  
547 entity, that lasts for at least one (1) hour. Joint meetings can occur in person, by telephone, through  
548 videoconferencing, or through other telecommunications.

549 (a) An individual shall receive a stipend for his or her attendance at a duly called joint  
550 meeting.

551 (1) A joint meeting stipend does not count towards the limitation on meeting  
552 stipends as provided for in section 105.13-3(a)-(b).

553 105.13-5. *Oneida Judiciary Hearings*. A member of an entity shall receive a Judiciary hearing  
554 stipend if the member's attendance at the Judiciary hearing is required by official subpoena.

555 105.13-6. *Hearings of an Entity*. A member of an entity that maintains hearing authority may

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556 obtain a hearing stipend for conducting hearings administered by the entity. A hearing consists of  
557 all functions related to the resolution of the matter notwithstanding the amount of time it takes to  
558 resolve the matter, including, but not limited to, any continuations of the hearing and decision  
559 drafting.

560 105.13-7. *Other Stipends*. The Oneida Business Committee shall determine if, and when, any  
561 other stipends are appropriate to compensate members of entities for their official actions. All  
562 possible stipends shall be included in the Oneida Business Committee resolution which sets stipend  
563 amounts.

564 105.13-8. *Conferences and Training*. A member of any entity, elected or appointed, shall be  
565 reimbursed in accordance with the Nation's policy for travel and per diem, for attending a  
566 conference or training. Provided that:

567 (a) A member shall be eligible for a stipend for each full day the member is present at the  
568 conference or training, when attendance at the conference or training is required by law,  
569 bylaw or resolution.

570 (b) A member shall not be eligible for a conference and training stipend if that training is  
571 not required by law, bylaw or resolution.

572 (c) No stipend payments shall be made for those days spent traveling to and from the  
573 conference or training.

574 105.13-9. *Business Expenses*. All members of entities shall be eligible for reimbursement for  
575 normal business expenses naturally related to membership in the entity.

576 105.13-10. *Task Force and Ad Hoc Subcommittees*. Members of task force, ad hoc committees  
577 and subcommittees shall not be eligible for stipends unless specific exception is made by the  
578 Oneida Business Committee or the Oneida General Tribal Council.

579

#### 580 **105.14. Confidential Information**

581 105.14-1. All members of an entity shall maintain in a confidential manner all information  
582 obtained through their position on the entity. The Nation requires that all members of an entity  
583 who have access to the Nation's confidential information be subject to specific limitations in order  
584 to protect the interest of the Nation and ensure that no persons engaged in by the Nation, nor their  
585 relatives or associates, benefit from the use of confidential information.

586 (a) Confidential information shall be considered and kept as the private and privileged  
587 records of the Nation and will not be divulged to any person, firm, corporation, or other  
588 entity except by direct written authorization of the Oneida Business Committee.

589 (b) A member of an entity will continue to treat as private and privileged any confidential  
590 information, and will not release any such information to any person, firm, corporation, or  
591 other entity, either by statement, deposition, or as a witness, except upon direct written  
592 authority of Oneida Business Committee, and the Nation shall be entitled to an injunction  
593 by any competent court to enjoin and restrain the unauthorized disclosure of such  
594 information. Such restriction continues after termination of the relationship with the  
595 Nation and the entity.

596 (c) Upon completion or termination of his or her elected or appointed term of membership  
597 in an entity, for any cause whatsoever, the member of the entity will surrender to the  
598 Nation, in good condition, all records kept by the member of the entity.

599 (d) No member of an entity shall disclose confidential information acquired by reason of

600 his other relationship or status with the Nation for his or her personal advantage, gain, or  
601 profit, or for the advantage, gain, or profit of a relative or associate.

602 105.14-2. Any records created or obtained while as an official of an entity are the property of the  
603 Nation and can only be removed or destroyed by approval from a majority vote of the entity at a  
604 duly called meeting. All removal or destruction of documents must be made in accordance with  
605 the Nation's laws and policies regarding open records and open meetings.

606 105.14-3. *Official Oneida Nation E-mail Address.* Each member of an entity shall be provided an  
607 official Oneida e-mail address upon election or appointment for the purpose of conducting business  
608 of the entity electronically.

609 (a) If a member is also an employee of the Nation, he or she shall receive a separate e-  
610 mail address from his or her regular work e-mail address.

611 (b) A member of an entity shall sign an acknowledgment form provided by the Nation's  
612 Secretary indicating notice of the Nation's applicable computer and media related laws,  
613 policies and rules. The Nation's Secretary shall maintain a record of all such  
614 acknowledgment forms.

615 (c) A member of an entity shall not use any personal or work e-mail address to  
616 electronically conduct any business of the entity.

617 (d) Immediately upon receipt of notice of an entity vacancy, the Nation's Secretary shall  
618 instruct the Management Information Systems department to disable the e-mail address for  
619 the member having vacated the position.

620

### 621 **105.15. Conflicts of Interest**

622 105.15-1. All members of an entity are required to adhere to the Nation's laws and policies  
623 governing conflicts of interest.

624 105.15-2. A member of an entity shall disclose a conflict of interest to the Nation's Secretary as  
625 soon as the conflict arises, and update a conflict of interest disclosure form with the Nation's  
626 Secretary on an annual basis.

627 (a) Upon receiving information of a potential conflict of interest, the Nation's Secretary  
628 shall request a determination from the Oneida Law Office whether further action must be  
629 taken by the Nation regarding the status of the official.

630 105.15-3. *Ineligibility Due to Conflicts of Interest.* Due to the potential for a real or perceived  
631 conflict of interest to exist, the following individuals shall not be eligible to serve on an appointed  
632 or elected entity:

633 (a) political appointees; and

634 (b) an employee of the Nation's Internal Audit Department, Finance Administration, or  
635 Law Office.

636

### 637 **105.16. Use of the Nation's Assets**

638 105.16-1. Entities shall maintain all bank accounts for the Nation's funds in the name of the  
639 Oneida Nation. Bank accounts will be reflected on the Oneida Nation's books in accordance with  
640 Generally Accepted Accounting Principles.

641 105.16-2. Each member of an entity shall comply with the system of internal accounting controls  
642 sufficient to provide assurances that:

643 (a) all transactions are executed in accordance with management's authorization; and

Draft 1 for OBC Emergency Consideration  
2020 03 17

644 (b) access to assets is permitted only in accordance with management's authorization; and  
645 (c) all transactions are recorded to permit preparation of financial statements in conformity  
646 with Generally Accepted Accounting Principles or other applicable criteria.

647 105.16-3. Any evidence of noncompliance with any policy regarding the use of tribal assets shall  
648 be immediately reported to the Internal Audit department. If the Internal Audit department finds  
649 evidence of noncompliance they shall notify the Oneida Law Office, who will then make a  
650 determination of further action to be taken, if any.

651

652 **105.17. Dissolution of an Entity**

653 105.17-1. *Dissolution of a Task Force or Ad Hoc Committee.* A task force or ad hoc committee  
654 dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials  
655 generated by a task force or ad hoc committee shall be forwarded to the Business Committee  
656 Support Office for proper disposal within two (2) weeks of the dissolution.

657 105.17-2. *Dissolution of an Entity.* All other entities of the Nation shall be dissolved only by  
658 motion of the Oneida General Tribal Council or the Oneida Business Committee.

659 105.17-3. *Notice of Dissolution.* Within five (5) business days of the Oneida General Tribal  
660 Council or the Oneida Business Committee taking official action to dissolve an entity, the Oneida  
661 Business Committee shall provide the entity written notice of the dissolution.

662 105.17-4. *Management of Records and Materials.* All chairpersons and secretaries of dissolved  
663 entities shall be responsible for closing out open business of the entity and forwarding all materials  
664 and records to the Business Committee Support Office for proper storage and disposal within two  
665 (2) weeks of dissolution. The entity shall not alter or destroy any records. The Business Committee  
666 Support Office may utilize the assistance of the Records Management Department and/or any other  
667 appropriate department for the storage and disposal of the records and materials.

668 (a) The entity may request the Oneida Business Committee to grant a one (1) week  
669 extension of the time allowed to close out open business of the entity and forward all  
670 materials and records to the Business Committee Support Office.

671

672 **105.18. Enforcement**

673 105.18-1. Any member of an entity found to be in violation of this law may be subject to:

674 (a) sanctions and penalties in accordance with any laws or policies of the Nation governing  
675 sanctions and/or penalties;

676 (b) removal pursuant to any laws or policies of the Nation's governing removal, if the  
677 individual is a member of an elected entity; or

678 (c) termination of appointment by the Oneida Business Committee, if the individual is a  
679 member of an appointed entity.

680 *End.*

~~681~~

682

684 Adopted - BC-08-02-95-A

685 Amended - BC-05-14-97-F

686 Emergency Amended - BC-04-12-06-JJ

687 Amended - BC-09-27-06-E (permanent adoption of emergency amendments)

688 Amended - BC-09-22-10-C

689 Amended - BC-09-26-18-C

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690 Emergency Amended – BC-03-11-20-B  
691 Emergency Amended – BC-\_\_-\_\_-\_\_-\_\_  
692  
693

### Oneida Business Committee Agenda Request

Amending Resolution BC-05-08-19-B Boards, Committees, and Commissions Law Stipends

1. Meeting Date Requested: 03 / 17 / 20

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Adopt the resolution titled, "Amending Resolution BC-05-08-19-B Boards, Committees, and Commissions Law Stipends"

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1.  3.

2.  4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Clorissa N. Santiago, LRO Senior Staff Attorney  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



## BC Resolution # \_\_\_\_\_

### Amending Resolution BC-05-08-19-B Boards, Committees, and Commissions Law Stipends

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**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Boards, Committees, and Commissions law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-05-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, BC-09-26-18-C, BC-03-11-20-B, and most recently emergency amended by resolution BC-\_\_-\_\_-\_\_-\_\_-\_\_; and

**WHEREAS,** the Law provides stipends paid by the Oneida Nation to a person serving on a board, committee, and commission of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for the boards, committee, or commission for the betterment of the Nation; and

**WHEREAS,** the Law requires the Oneida Business Committee to set stipend amounts by resolution; and

**WHEREAS,** the Oneida Business Committee is required to periodically review the amounts provided for stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending this resolution; and

**WHEREAS,** on September 26, 2018, the Oneida Business Committee adopted resolution BC-09-26-18-D titled, “*Boards, Committees, and Commissions Law Stipends*” which set forth the specific stipend amounts allowed to be paid to a member of a board, committee, or commission; and

**WHEREAS,** on May 8, 2019, the Oneida Business Committee adopted resolution BC-05-08-19-B titled, “*Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends*” to allow the Oneida Nation School Board to be eligible to receive a stipend for participating in interviews and/or job description prescreens; and

**WHEREAS,** on March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Law to address the requirements of holding stipend eligible meetings during the COVID-19 pandemic; and

43 **WHEREAS,** the emergency amendments to the Law revised the meeting stipend limitation for appointed  
 44 entities from up to “one (1) stipend per month” to up to “twelve (12) stipends per year,” and  
 45 for elected entities from up to “two (2) stipends per month” to up to “twenty-four (24)  
 46 stipends per year”; and  
 47

48 **WHEREAS,** the Legislative Operating Committee has reviewed this resolution and provided revisions  
 49 to be consistent with the emergency amendments adopted through resolution BC-\_\_-\_\_-  
 50 \_\_-\_\_; and  
 51

52 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee sets forth the following  
 53 stipend amounts allowed to be paid to a member of a board, committee, or commission of the Nation:  
 54

- 55 1. *Meetings of a Board, Committee, or Commission of the Nation.* A member of a board, committee,  
 56 or commission of the Nation shall receive a stipend for attending a duly called meeting of the board,  
 57 committee, or commission in accordance with the Law.  
 58 a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board,  
 59 committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75)  
 60 for a duly called meeting of the board, committee, or commission for up to twelve (12)  
 61 meetings per year.  
 62 i. Appointed boards, committees, and commissions of the Nation include the  
 63 following:  
 64 1. Anna John Resident Centered Care Community Board;  
 65 2. Oneida Community Library Board;  
 66 3. Environmental Resource Board;  
 67 4. Oneida Nation Arts Board;  
 68 5. Oneida Nation Veterans Affairs Committee;  
 69 6. Oneida Personnel Commission;  
 70 7. Oneida Police Commission;  
 71 8. Oneida Pow-wow Committee;  
 72 9. Pardon and Forgiveness Screening Committee; and  
 73 10. Southeastern Oneida Tribal Services Advisory Board.  
 74 b. *Elected Boards, Committees, and Commissions.* A member of an elected board,  
 75 committee, or commission of the Nation shall receive a stipend of one hundred dollars  
 76 (\$100) for a duly called meeting of the boards, committee, or commission for up to twenty-  
 77 four (24) meetings per year.  
 78 i. Elected boards, committees, and commissions of the Nation include the following:  
 79 1. Oneida Nation Commission on Aging;  
 80 2. Oneida Election Board;  
 81 3. Oneida Land Claims Commission;  
 82 4. Oneida Land Commission;  
 83 5. Oneida Nation School Board;  
 84 6. Oneida Trust Enrollment Committee; and  
 85 7. Oneida Gaming Commission;  
 86 a. Although the Oneida Gaming Commission is an elected  
 87 commission of the Nation, the Oneida Nation Gaming Ordinance  
 88 provides that the compensation of Oneida Nation Gaming  
 89 Commissioners is not subject to the Nation’s Boards, Committees,  
 90 and Commissions law.  
 91 2. *Joint Meetings with the Oneida Business Committee.* A member of a board, committee, or  
 92 commission of the Nation shall receive a stipend for attending a duly called joint meeting between  
 93 the board, committee, or commission and the Oneida Business Committee in accordance with the  
 94 Law.

BC Resolution # \_\_\_\_\_  
Amending Resolution BC-05-08-19-B Boards, Committees, and Commissions Law Stipends  
Page 3 of 3

- 95 a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board,  
96 committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75)  
97 for a duly called joint meeting.  
98 b. *Elected Boards, Committees, and Commissions.* A member of an elected board,  
99 committee, or commission of the Nation shall receive a stipend of one hundred dollars  
100 (\$100) for a duly called joint meeting.
- 101 3. *Oneida Judiciary Hearings.* A member of a board, committee, or commission of the Nation shall  
102 receive a stipend of fifty dollars (\$50) for attending a hearing of the Oneida Judiciary if the member's  
103 attendance at the hearing is required by official subpoena.
- 104 4. *Hearings of a Board, Committee, or Commission of the Nation.* A member of a board, committee,  
105 or commission of the Nation shall receive a stipend of fifty dollars (\$50) for conducting an official  
106 hearing of the board, committee, or commission.
- 107 5. *Miscellaneous Stipends.* The Oneida Business Committee shall have the discretion to determine  
108 any other stipends deemed appropriate.
- 109 a. *Pow-wow Activities.* A member of the Oneida Pow-wow Committee shall receive a stipend  
110 of twenty-five dollars (\$25) per hour for services he or she provides during each Pow-wow,  
111 not to exceed two hundred dollars (\$200) per day, contingent upon available budgeted  
112 funds.
- 113 b. *Election Activities.* A member of the Oneida Election Board shall receive a stipend of  
114 twenty-five dollars (\$25) per hour, not to exceed two hundred dollars (\$200) per day,  
115 contingent upon available budgeted funds, for services he or she provides during an  
116 election including, but not limited to, managing the polling site, recounts, and lot drawings.
- 117 c. *General Tribal Council Meetings.* A member of the Oneida Election Board shall receive a  
118 stipend of one hundred dollars (\$100) for attendance and service provided at a General  
119 Tribal Council meeting of the Nation.
- 120 d. *Interviews and Job Selection Pre-Screening.* A member of the Oneida Personnel  
121 Commission and/or the Oneida Nation School Board shall receive a stipend of twenty-five  
122 dollars (\$25) for up to four (4) hours of participating in interviews and/or job description pre-  
123 screens, and a stipend of fifty dollars (\$50) for more than four (4) hours of participating in  
124 interviews and/or job description pre-screens.
- 125 6. *Conferences and Training.* A member of a board, committee, or commission of the Nation shall  
126 receive a stipend of one hundred dollars (\$100) per day for attendance at a conference or training  
127 that is required by law, bylaw, or resolution.  
128

129 **BE IT FINALLY RESOLVED**, that this resolution hereby adopted and shall be effective immediately.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # \_\_\_\_\_

### Amending Resolution BC-~~09-26-18-D~~05-08-19-B Boards, Committees, and Commissions Law Stipends

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Boards, Committees, and Commissions law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-~~505~~-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, ~~BC-09-26-18-C, BC-03-11-20-B,~~ and most recently ~~BC-09-26-18-C;~~emergency amended by resolution BC- - - -; and
- WHEREAS,** the Law provides stipends paid by the Oneida Nation to a person serving on a board, committee, and commission of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for the boards, committee, or commission for the betterment of the Nation; and
- WHEREAS,** the Law requires the Oneida Business Committee to set stipend amounts by resolution; and
- WHEREAS,** the Oneida Business Committee is required to periodically review the amounts provided for stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending this resolution; and
- WHEREAS,** on September 26, 2018, the Oneida Business Committee adopted resolution BC-09-26-18-D titled, “*Boards, Committees, and Commissions Law Stipends*” which set forth the specific stipend amounts allowed to be paid to a member of a board, committee, or commission; and
- WHEREAS,** on ~~April 10~~May 8, 2019, the Oneida Business Committee ~~received a request from the Oneida Nation School Board to amend adopted~~ resolution BC-~~05-08-19-B~~ titled, “*Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends*” to allow the Oneida Nation School Board to be eligible to receive a stipend for participating in ~~the hiring process for Oneida Nation School System Personnel; and interviews and/or job description prescreens; and~~
- WHEREAS,** ~~the Oneida Nation School Board is required by the on~~ March 21, 1988, memorandum of agreement between the Oneida Nation School Board and ~~17, 2020~~, the Oneida Business Committee adopted emergency amendments to ~~perform all hiring, evaluations,~~

BC Resolution # \_\_\_\_\_

Amending Resolution BC-~~09-26-18-D~~05-08-19-B Boards, Committees, and Commissions Law Stipends  
Page 2 of 3

~~promotions, suspensions and/or dismissals of all personnel employed in the operation of the Oneida Tribal School;~~ the Law to address the requirements of holding stipend eligible meetings during the COVID-19 pandemic; and

~~WHEREAS, the Oneida Business Committee adopted a motion on April 10, 2019, to accept the request from the Oneida Nation School Board to amend resolution BC-09-26-18-D and to defer the request the Legislative Operating Committee and the Legislative Reference Office to bring back a recommendation which would support the request to include a stipend for HR functions; and~~

WHEREAS, the emergency amendments to the Law revised the meeting stipend limitation for appointed entities from up to "one (1) stipend per month" to up to "twelve (12) stipends per year," and for elected entities from up to "two (2) stipends per month" to up to "twenty-four (24) stipends per year"; and

~~WHEREAS, the Legislative Operating Committee and the Legislative Reference Office have~~ has reviewed ~~the matter and provided this resolution to amend~~ and provided revisions to be consistent with the emergency amendments adopted through resolution BC-~~09-26-18-D~~ - - -; and

**NOW THEREFORE BE IT RESOLVED**, that the Oneida Business Committee sets forth the following stipend amounts allowed to be paid to a member of a board, committee, or commission of the Nation:

1. *Meetings of a Board, Committee, or Commission of the Nation.* A member of a board, committee, or commission of the Nation shall receive a stipend for attending a duly called meeting of the board, committee, or commission in accordance with the Law.
  - a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board, committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75) for a duly called meeting of the board, committee, or commission for up to ~~one (1) meeting~~ twelve (12) meetings per ~~month~~ year.
    - i. Appointed boards, committees, and commissions of the Nation include the following:
      1. Anna John Resident Centered Care Community Board;
      2. Oneida Community Library Board;
      3. Environmental Resource Board;
      4. Oneida Nation Arts Board;
      5. Oneida Nation Veterans Affairs Committee;
      6. Oneida Personnel Commission;
      7. Oneida Police Commission;
      8. Oneida Pow-wow Committee;
      9. Pardon and Forgiveness Screening Committee; and
      10. Southeastern Oneida Tribal Services Advisory Board.
  - b. *Elected Boards, Committees, and Commissions.* A member of an elected board, committee, or commission of the Nation shall receive a stipend of one hundred dollars (\$100) for a duly called meeting of the boards, committee, or commission for up to ~~two (2)~~ twenty-four (24) meetings per ~~month~~ year.
    - i. Elected boards, committees, and commissions of the Nation include the following:
      1. Oneida Nation Commission on Aging;
      2. Oneida Election Board;
      3. Oneida Land Claims Commission;
      4. Oneida Land Commission;

5. Oneida Nation School Board;
6. Oneida Trust Enrollment Committee; and
7. Oneida Gaming Commission;
  - a. Although the Oneida Gaming Commission is an elected commission of the Nation, the Oneida Nation Gaming Ordinance provides that the compensation of Oneida Nation Gaming Commissioners is not subject to the Nation's Boards, Committees, and Commissions law.
2. *Joint Meetings with the Oneida Business Committee.* A member of a board, committee, or commission of the Nation shall receive a stipend for attending a duly called joint meeting between the board, committee, or commission and the Oneida Business Committee in accordance with the Law.
  - a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board, committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75) for a duly called joint meeting.
  - b. *Elected Boards, Committees, and Commissions.* A member of an elected board, committee, or commission of the Nation shall receive a stipend of one hundred dollars (\$100) for a duly called joint meeting.
3. *Oneida Judiciary Hearings.* A member of a board, committee, or commission of the Nation shall receive a stipend of fifty dollars (\$50) for attending a hearing of the Oneida Judiciary if the member's attendance at the hearing is required by official subpoena.
4. *Hearings of a Board, Committee, or Commission of the Nation.* A member of a board, committee, or commission of the Nation shall receive a stipend of fifty dollars (\$50) for conducting an official hearing of the board, committee, or commission.
5. *Miscellaneous Stipends.* The Oneida Business Committee shall have the discretion to determine any other stipends deemed appropriate.
  - a. *Pow-wow Activities.* A member of the Oneida Pow-wow Committee shall receive a stipend of twenty-five dollars (\$25) per hour for services he or she provides during each Pow-wow, not to exceed two hundred dollars (\$200) per day, contingent upon available budgeted funds.
  - b. *Election Activities.* A member of the Oneida Election Board shall receive a stipend of ~~ten~~ twenty-five dollars (~~\$10~~\$25) per hour, not to exceed two hundred dollars (\$200) per day, contingent upon available budgeted funds, for services he or she provides during an election including, but not limited to, managing the polling site, recounts, and lot drawings.
  - c. *General Tribal Council Meetings.* A member of the Oneida Election Board shall receive a stipend of one hundred dollars (\$100) for attendance and service provided at a General Tribal Council meeting of the Nation.
  - d. *Interviews and Job Selection Pre-Screening.* A member of the Oneida Personnel Commission and/or the Oneida Nation School Board shall receive a stipend of twenty-five dollars (\$25) for up to four (4) hours of participating in interviews and/or job description pre-screens, and a stipend of fifty dollars (\$50) for more than four (4) hours of participating in interviews and/or job description pre-screens.
6. *Conferences and Training.* A member of a board, committee, or commission of the Nation shall receive a stipend of one hundred dollars (\$100) per day for attendance at a conference or training that is required by law, bylaw, or resolution.

**BE IT FINALLY RESOLVED,** that this resolution hereby adopted and shall be effective immediately.



## Statement of Effect

*Amending Resolution BC-05-08-19-B Boards, Committees, and Commissions Law Stipends*

### Summary

This resolution amends resolution BC-05-08-19-B titled, “*Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends*” which sets forth specific stipend amounts allowed to be paid to a member of a board, committee, or commission of the Nation.

*Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office*

*Date: March 16, 2020*

### Analysis by the Legislative Reference Office

The Boards, Committees, and Commissions law (“the Law”) was adopted by the Oneida Business Committee for the purpose of governing boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. [1 O.C. 105.1-1].

Stipends are paid by the Oneida Nation to a person serving on a board, committee, or commission of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for his or her board, committee, or commission for the betterment of the Nation. [1 O.C. 105.3-1(n)].

The Law requires that the Oneida Business Committee set stipend amounts by resolution. [1 O.C. 105.13-2]. On September 26, 2018, the Oneida Business Committee adopted resolution BC-09-26-18-D titled, “*Boards, Committees, and Commissions Law Stipends*” which set forth the specific amounts for the various stipends a member of a board, committee, or commission may be eligible to receive.

The Oneida Business Committee is delegated the responsibility to periodically review the amounts provided for stipends, and based on the availability of funds, adjust those amounts accordingly by amending the stipend resolution. [1 O.C. 105.13-2].

On May 8, 2019, the Oneida Business Committee adopted resolution BC-05-08-19-B titled, “*Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends*” to allow the Oneida Nation School Board to be eligible to receive a stipend for participating in interviews and/or job description prescreens.

On March 17, 2020, the Oneida Business Committee made emergency amendments to the Law to address the impact of the COVID-19 pandemic on the Nation’s boards, committees, and commissions – specifically, the requirements of holding stipend eligible meetings during the COVID-19 pandemic.

This resolution amends resolution BC-05-08-19-B to adjust the meeting stipend limitation for appointed entities from up to “one (1) stipend per month” to up to “twelve (12) stipends per year,” and for elected entities from up to “two (2) stipends per month” to up to “twenty-four (24) stipends per year”

***Conclusion***

Adoption of this resolution would not conflict with any of the Nation’s laws.