



# Oneida Business Committee

Emergency Meeting  
9:00 a.m. Sunday, June 28, 2015  
BC Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center

## Agenda

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To get a copy of the agenda, go to: <http://oneida-nsn.gov/>

- I. Call to Order and Roll Call**
- II. Opening**
- III. Adopt the agenda**
- IV. Oaths of Office**
  - A. Oneida Election Board**
- V. Resolution**
  - A. Adopt resolution titled Emergency Amendment to the Election Law**  
Sponsor: Brandon Stevens, Councilman
- VI. Appointments**
  - A. Accept the Oneida Election Board recommendation and appoint alternates to the Oneida Election Board**  
Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman
- XVI. Adjourn**

Posted on the Tribe's official website, [www.oneida-nsn.gov](http://www.oneida-nsn.gov), at 4:30 p.m., Friday, June 26, 2015, pursuant to the Open Records and Open Meetings Law, section 7.17-1. For additional information, please call the Business Committee Support Office at (920) 869-4364.

The meeting packet of the open session materials for this meeting is available to Tribal members by going to the Members-Only section of the Tribe's official website at: [www.oneida-nsn.gov/MembersOnly](http://www.oneida-nsn.gov/MembersOnly). For information about this meeting, please call the Business Committee Support Office at (920) 869-4364 or (800) 236-2214.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 28 / 15

## 2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to alternates for the Oneida Election Board pending the appointments of the alternates

## 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: Kathleen M. Metoxen, Executive Tribal Clerk  
Your Name, Title / Dept. or Tribal Member

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

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

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

The posting for the Oneida Election Board Alternates was in the May 21, 2015 issue of the Kalihwisaks for open pool with the deadline of June 19, 2015. There were twelve (12) applicants for the open pool vacancy on the Oneida Election Board. The appointment will be made at the June 28th, 2015 BC Agenda.

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 6 / 28 / 15

## 2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Approve the attached resolution-Election Law Emergency Amendments

## 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: \_\_\_\_\_  
Your Name, Title / Dept. or Tribal Member

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

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

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

See attached.

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# Oneida Tribe of Indians of Wisconsin

**Legislative Reference Office**  
 P.O. Box 365  
 Oneida, WI 54155  
 (920) 869-4376  
 (800) 236-2214  
<http://oneida-nsn.gov/LOC>



**Committee Members**  
 Brandon Stevens, Chairperson  
 Tehassi Hill, Vice Chairperson  
 Fawn Billie, Councilmember  
 David P. Jordan, Councilmember  
 Jennifer Webster, Councilmember

## Memorandum

**To:** Oneida Business Committee  
**From:** Brandon Stevens, LOC Chairperson   
**Date:** June 26, 2015  
**Re:** Election Law Emergency Amendments

Please find attached the following for your consideration:

1. Resolution: Emergency Amendments to the Election Law
2. Statement of Effect: Emergency Amendments to the Election Law
3. Election Law Emergency Amendments (redline)
4. Election Law Emergency Amendments (clean)

### *Overview*

The attached Resolution will adopt emergency amendments to the Election Law. A Secretarial Election was held on May 2, 2015 which, among other things, asked the Tribal membership to consider 1) changing the qualified voting age from 21 to 18 and 2) requiring Oneida Business Committee members be 21 years old or older. The Tribal membership approved this amendment and on June 16, 2015, the Interior Secretary certified the election results. This means the current voting age is 18; however, the Election Law states that a Tribal member must be 21 to vote. It is being proposed that the Election Law be amended on an emergency basis to allow Tribal members that are at least 18 years old to vote in the July 11, 2015 special elections.

The Oneida Business Committee can temporarily enact legislation when necessary for the immediate preservation of the public health, safety or general welfare of the Reservation population and the amendment of legislation is required sooner than would be possible under the Legislative Procedures Act. These emergency amendments will become effective immediately and will remain effective for six months, with the possibility to extend for an additional six months, or until the emergency amendments expire or are permanently adopted [See Legislative Procedures Act 16.9-5]. A public meeting and fiscal impact statement are not required for emergency amendments.

### **Requested Action**

Approve the Resolution: Emergency Amendments to the Election Law

# Oneida Tribe of Indians of Wisconsin



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE  
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

## BC Resolution \_\_\_\_\_ Emergency Amendments to the Election Law

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** on May 2, 2015, the Oneida Tribal membership voted at the Secretarial Election to amend Section 2 of Article III of the Oneida Tribal Constitution to change the age of a qualified voter from twenty-one (21) and over to eighteen (18) and over; and
- WHEREAS,** on May 2, 2015, the Tribal membership voted at the Secretarial Election to change the name from the "Oneida Tribe of Indians of Wisconsin" to the "Oneida Nation" throughout the Constitution; and
- WHEREAS,** on June 16, 2015 the United States Department of Interior, Bureau of Indian Affairs approved by certification the amendment to Section 2 of Article III of the Oneida Tribal Constitution to change the age of a qualified voter from twenty-one (21) and over to eighteen (18) and over; and
- WHEREAS,** on June 16, 2015, the United States Department of Interior, Bureau of Indian Affairs approved by certification to amend the name of the "Oneida Tribe of Indians of Wisconsin" to the "Oneida Nation" throughout the Constitution; and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis; and
- WHEREAS,** emergency adoption of these amendments to the Election Law are necessary for the preservation of the public health, safety, or general welfare of the reservation population to ensure compliance with recent actions taken by the Tribal membership; and observance of the adoption requirements under the Legislative Procedures Act for passage of laws and policies would be contrary to public interest.
- NOW THEREFORE BE IT RESOLVED,** that the attached emergency amendments to the Election Law shall take effect immediately.

## Legislative Reference Office

P.O. Box 365  
Oneida, WI 54155  
(920) 869-4376  
(800) 236-2214



## Committee Members

Brandon Stevens, Chairperson  
Tehassi Hill, Vice Chairperson  
Fawn Billie, Councilmember  
David P. Jordan, Councilmember  
Jennifer Webster, Councilmember

### *Statement of Effect*

#### *Emergency Amendments to the Election Law*

### *Summary*

This Resolution amends the current Election Law on an emergency basis to change the age of a qualified voter from twenty-one (21) and over to eighteen (18) and over.

Submitted by: Douglass A. McIntyre, Staff Attorney, Legislative Reference Office

### *Analysis by the Legislative Reference Office*

Adoption of the Resolution would result in a temporary change in the Election Law to take effect immediately. Section 16.9-5 of the Legislative Procedures Act allows the Oneida Business Committee to “temporarily enact an emergency law where legislation is necessary for the preservation of the public health, safety, or general welfare of the reservation population and the enactment or amendment of legislation is required sooner than would be possible under the law.” Additionally, Subsection (b) provides that an emergency law “shall be in effect for a period of up to six (6) months, with an opportunity for a one-time emergency law extension of up to six (6) months.”

These requested amendments are in response to the May 2, 2015 vote of the Oneida Tribal membership to amend Section 2 of Article III of the Oneida Tribal Constitution to change the age of a qualified voter from twenty-one (21) and over to eighteen (18) and over. In addition, on June 16, 2015 the United States Department of Interior, Bureau of Indian Affairs approved by certification the amendment to Section 2 of Article III of the Oneida Tribal Constitution.

The adoption of these emergency amendments will change the Election Law, lowering the age of a qualified voter from twenty-one (21) years and older to eighteen (18) years and older. This change will remain in effect for six (6) months with the potential to be extended through an emergency extension for up to an additional six (6) months.

### *Conclusion*

There are no legal bars to adopting the Resolution.



OBC Consideration Emergency Amendments (redline)  
06/26/2015

**Chapter 2**

**ONEIDA ELECTION LAW**

**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

- |                                  |  |
|----------------------------------|--|
| 2.1. Purpose and Policy          | 2.7. Notice of Polling Places            |
| 2.2. Adoption, Amendment, Repeal | 2.8. Registration of Voters              |
| 2.3. Definitions                 | 2.9. Election Process                    |
| 2.4. Election Board              | 2.10. Closing Polls and Securing Ballots |
| 2.5. Candidate Eligibility       | 2.11. Election Outcome and Ties          |
| 2.6. Selection of Candidates     | 2.12. Elections                          |

<i>Analysis by the Legislative Reference Office</i>					
<b>Title</b>	Oneida Election Law (Law)				
<b>Requester</b>	n/a	<b>Drafter</b>	Michelle Mays	<b>Analyst</b>	Candice E. Skenandore
<b>Reason for Request</b>	To comply with the results of the Secretarial Election which lowered the voting age to 18.				
<b>Purpose</b>	The purpose of the Law is to govern the procedures for the conduct of orderly Tribal elections, including pre-election activities such as caucuses and nominations <i>[See 2.1-1]</i> .				

**Overview**

A Secretarial Election was held on May 2, 2015, which among other things, asked the Tribal membership to consider 1) changing the qualified voting age from 21 to 18 and 2) that Oneida Business Committee members be 21 years old or over *[See The Proposed Amendments to the Oneida Tribe of Indians of Wisconsin Constitution and Bylaws, Proposed Amendment A]*. The official results of proposed Amendment A included 506 for, 361 against and one cast ballot found spoiled or mutilated *[See Official Results of the Oneida Tribe of Indians of Wisconsin Secretarial Election]*. These results were officially certified by the Interior Secretary on June 16, 2015. The Law is being amended on an emergency basis because 1) the Tribe is holding a special election on July 11, 2015, and 2) as of June 16, 2015, the qualified voting age is 18.

**Proposed Emergency Amendments**

This Law has been amended to allow an enrolled Tribal member who is at least 18 years old to vote in the July 11, 2015 special election *[See Oneida Election Law 2.3-18 and 2.8-1]*.

**Miscellaneous**

The Oneida Business Committee can temporarily enact legislation when necessary for the immediate preservation of the public health, safety or general welfare of the Reservation population and the amendment of legislation is required sooner than would be possible under the Legislative Procedures Act. These emergency amendments will become effective immediately and will remain effective for six months, with the possibility to extend for an additional six months, or until the emergency amendments expire or are permanently adopted *[See Legislative Procedures Act 16.9-5]*. A public meeting and fiscal impact statement are not required for emergency amendments.

**2.1. Purpose and Policy**

2.1-1. It is the policy of the Tribe that this law shall govern the procedures for the conduct of orderly Tribal elections, 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.

## OBC Consideration Emergency Amendments (redline)

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31 2.1-2. This law defines the duties and responsibilities of the Election Board members and other  
32 persons employed by the Oneida Tribe in the conduct of elections. It is intended to govern all  
33 procedures used in the election process.  
34

**2.2. Adoption, Amendment, Repeal**

35  
36 2.2-1. This law was adopted by the Oneida General Tribal Council by resolution # GTC 7-06-  
37 98-A and amended by resolutions #GTC-01-04-10- A and BC-02-25-15-C. The amendments  
38 adopted by resolution #GTC-01-04-10-A shall be effective January 4, 2010.

39 2.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative  
40 Procedures Act by the Business Committee or the Oneida General Tribal Council. Actions of the  
41 Election Board regarding amendments to this law and policies adopted regarding implementation  
42 of this law are to be presented to the Business Committee who shall then adopt or forward  
43 action(s) to the General Tribal Council for adoption.

44 2.2-3. Should a provision of this law or the application thereof to any person or circumstances  
45 be held as invalid, such invalidity shall not affect other provisions of this law which are  
46 considered to have legal force without the invalid portions.

47 2.2-4. Any law, policy, regulation, rule, resolution or motion, or portion thereof, which directly  
48 conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent  
49 with or is contrary to this law.

50 2.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of  
51 Wisconsin.  
52

**2.3. Definitions**

53  
54 2.3-1. This section shall govern the definitions of words and phrases used within this law. All  
55 words not defined herein shall be used in their ordinary and everyday sense.

56 2.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on  
57 the Election Board during an election and until election results have been certified.

58 2.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for  
59 acceptance on a ballot.

60 2.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding  
61 Tribal holidays.

62 2.3-5. "Campaigning" shall mean all efforts designed to influence Tribal members to support or  
63 reject a particular Tribal candidate including, without limitation, advertising, rallying, public  
64 speaking, or other communications with Tribal members.

65 2.3-6. "Candidate" shall mean a petitioner or nominee for an elected position whose name is  
66 placed on the ballot by the Election Board after successful application.

67 2.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose  
68 of determining voter eligibility.

69 2.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.

70 2.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political or  
71 otherwise, in which a Tribal elected official, employee, consultant, appointed or elected, member  
72 of any board, committee or commission, or their immediate relatives, friends or associates, or  
73 any other person with whom they have contact, that conflicts with any right of the Tribe to  
74 property, information, or any other right to own and operate its enterprises, free from undisclosed  
75 competition or other violation of such rights of the Oneida Tribe, or as defined in any law or

## OBC Consideration Emergency Amendments (redline)

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76 policy of the Tribe.

77 2.3-10. "Election" shall mean every primary and election.

78 2.3-11. "General election" shall mean the election held every three (3) years in July to elect the  
79 Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the  
80 Business Committee and may include contests for elected boards, committees and commissions  
81 positions.

82 2.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of  
83 discrepancies, complaints and controversy regarding voter eligibility.

84 2.3-13. "Judiciary" means the judicial system that was established by Oneida General Tribal  
85 Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of  
86 the Tribe.

87 2.3-14. "Lot drawing" shall mean the equal chance method used to select a candidate as the  
88 winner of an elected position, in the case of a tie between two (2) or more candidates.

89 2.3-15. "Oneida Police Officer" shall mean an enrolled member of the Oneida Tribe of Indians  
90 who is a police officer on any police force.

91 2.3-16. "Private property" shall mean any lot of land not owned by the Tribe, a residential  
92 dwelling or a privately owned business within the boundaries of the Reservation.

93 2.3-17. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill  
94 Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida  
95 Community Health Center, the SEOTS building and all One-Stop locations.

96 2.3-18. "Qualified voter" shall mean an enrolled Tribal member who is ~~21~~eighteen (18) years of  
97 age or older.

98 2.3-19. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating  
99 machine.

100 2.3-20. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred  
101 and is not tabulated.

102 2.3-21. "Teller" shall mean the election official in charge of collecting and storing of all ballots.

103 2.3-22. "Tribal newspaper" shall mean the Kalihwisaks, or any other newspaper operated by the  
104 Tribe for the benefit of transmitting news to Tribal members which is designated by the Election  
105 Board as a source for election related news.

106 2.3-23. "Tribe" means the Oneida Tribe of Indians of Wisconsin.

107

## 108 **2.4. Election Board**

### 109 *Section A. Establishment, Composition and Election*

110 2.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this  
111 law and Article III, Sections 2 and 3 of the Oneida Constitution.

112 2.4-2. The Election Board shall consist of nine (9) elected members. All members shall be  
113 elected to terms of three (3) years, not to exceed two (2) consecutive terms.

114 2.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an  
115 Election Board member in any pre-election, election day, or post-election activities while he or  
116 she is a petitioner, applicant or candidate in any election or there is otherwise a conflict of  
117 interest.

118 2.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A  
119 member who is removed from the Election Board shall be ineligible to serve on the Board for  
120 three (3) years from the time he or she is removed from the Election Board.

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121 2.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the  
 122 Business Committee for the balance of the unexpired term. The filling of a vacancy may be  
 123 timed to correspond with the pre-election activities and the needs of the Election Board.

124 2.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

125 2.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to the  
 126 Election Board, as recommended by the Election Board, to assist with election day and pre-  
 127 election activities.

128 2.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in the  
 129 By-laws of the Election Board, to preside over the meetings. This selection shall be carried out  
 130 at the first meeting of the Election Board following an election. The Chairperson shall then ask  
 131 the Election Board to select a Vice-Chairperson and Secretary.

132  
 133 *Section B. Duties of the Election Board*

134 2.4-9. The Election Board shall have the following duties, along with other responsibilities listed  
 135 throughout this law.

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

139  
 140 *Section C. Specific Duties of Officers and Election Board Members*

141 2.4-10. Specific duties of the Chairperson and other Election Board members, in addition to  
 142 being present at all Election Board meetings and assisting the handicapped through the voting  
 143 process, are as set out herein:

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

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

150 (c) Secretary: Shall keep a record of the meetings and make them available to the Tribal  
 151 Secretary, other Election Board members and the public as required in the Open Records  
 152 and Open Meetings Law.

153 (d) Clerks: Shall implement the requirements of identifying and registering all voters  
 154 and determining voter eligibility. Clerks shall work in conjunction with the Oneida  
 155 Enrollment Department personnel in the registration process, and assist the Chairperson  
 156 as directed in conducting the election. Clerks cannot be currently employed by the  
 157 Oneida Enrollment Department.

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

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

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166

167 *Section D. Compensation Rates*

168 2.4-11. Election Board members are to be compensated at an hourly rate when conducting  
169 elections as provided for in the Election Board's bylaws as approved by the Business Committee.  
170 The Election Board shall have a budget, approved through the budgeting process of the Tribe.

171 2.4-12. The Oneida Enrollment Department personnel and Oneida Police Officer(s) shall be  
172 compensated at their regular rate of pay out of their respective budgets.

173

174 **2.5. Candidate Eligibility**175 *Section A. Requirements*

176 2.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-laws  
177 or other documents, all applicants shall meet the minimum requirements set out in this section in  
178 order to become a candidate.

179 2.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

180 (a) be an enrolled Tribal member, as verified by membership rolls of the Tribe.

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

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

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

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

188 (3) another form of proof that identifies the candidate and that the candidate has  
189 physically resided at the address and identifies that address as the primary  
190 residence.

191 2.5-3. No applicant may have a conflict of interest with the position for which they are being  
192 considered, provided that any conflict of interest which may be eliminated within thirty (30)  
193 calendar days of being elected shall not be considered as a bar to nomination or election.

194 2.5-4. Applications and petitions where the applicant was not nominated during caucus shall be  
195 filed by presenting the information to the Tribal Secretary, or designated agent, during normal  
196 business hours, 8:00 to 4:30 Monday through Friday, within five (5) business days after the  
197 caucus. No mailed, internal Tribal mail delivery, faxed or other delivery method shall be  
198 accepted.

199 2.5-5. The names of the candidates and the positions sought shall be a public record and made  
200 available to the public upon the determination of eligibility by the Election Board or the Board's  
201 designated agent.

202

203 *Section B. Eligibility Review*

204 2.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal.  
205 At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall  
206 select the hearing body. The hearing shall be held within two (2) business days of receipt of the  
207 appeal. The applicant shall be notified by phone of time and place of the hearing. The decision  
208 of the hearing body shall be sent via certified mail or hand delivery within two (2) business days  
209 of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the  
210 Judiciary on an accelerated schedule.

## OBC Consideration Emergency Amendments (redline)

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211 2.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to  
 212 verify eligibility. Any applicant found to be ineligible for a nominated or petitioned for position  
 213 shall be notified by certified mail return receipt requested. The notice shall provide the  
 214 following information:

- 215 (a) Position for which they were considered
- 216 (b) Qualification of the position and citation of the source. (Copies of source may be  
 217 attached.)
- 218 (c) A brief summary explaining why the applicant was found to be ineligible.
- 219 (d) That the applicant has two (2) business days from notification to make an appeal.  
 220 Appeals must be filed at the location designated on the notice by hand delivery. The  
 221 location designated shall be on the Reservation. No mailed, internal Tribal mail, faxed or  
 222 other delivery method will be accepted.

223

224 *Section C. Campaign Financing*

225 2.5-8. Contributions:

- 226 (a) Solicitation of Contributions by Candidates.  
 227 (1) Candidates shall only accept contributions from individuals who are members  
 228 of the Tribe or individuals related by blood or marriage to the candidate.  
 229 Candidates may not accept contributions from any business, whether sole  
 230 proprietorship, partnership, corporation, or other business entity.  
 231 (2) Candidates shall not solicit or accept contributions in any Tribal office or  
 232 business/facility.
- 233 (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the  
 234 Election Board in an amount specified in a resolution adopted by the Business  
 235 Committee.

236 2.5-9. Campaign Signs and Campaigning:

- 237 (a) Placement of campaign signs:  
 238 (1) Campaign signs shall not be posted or erected on any Tribal property except  
 239 for private property with the owner/tenant's permission.  
 240 (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum  
 241 of seven (7) such signs may be placed on a building or on a lot.  
 242 (3) No campaign sign shall project beyond the property line into the public right  
 243 of way.
- 244 (b) Removal of campaign signs. All campaign signs shall be removed within five (5)  
 245 business days after an election.
- 246 (c) Employees of the Tribe shall not engage in campaigning for Tribal offices during  
 247 work hours. Tribal employees shall be subject to disciplinary action under the personnel  
 248 policies and procedures for political campaigning during work hours.
- 249 (d) Enforcement. The Zoning Administrator shall cause to be removed any campaign  
 250 signs that are not in compliance with this law, in accordance with the Zoning and  
 251 Shoreland Protection Law.
- 252 (e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by  
 253 the Election Board in an amount specified in a resolution adopted by the Business  
 254 Committee.

255

## OBC Consideration Emergency Amendments (redline)

06/26/2015

256 *Section D. Candidate Withdrawal*

257 2.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by the  
 258 candidate prior to submission of the ballot for printing to any Election Board member, excluding  
 259 alternates.

260 2.5-11 After printing of the ballot, any candidate may withdraw his or her name from the  
 261 election by submitting in writing a statement indicating they are withdrawing from the election  
 262 prior to the opening of the polls to any Election Board member, excluding alternates. This  
 263 statement shall be posted alongside any sample ballot printed prior to the election in the  
 264 newspaper or any posting at the polling places.

265 2.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the  
 266 Election Board members in charge of the polling place, to be removed from the ballot. The  
 267 written statement shall be posted next to any posted sample ballot.

268 2.5-13. Candidates withdrawing by any method listed herein shall be denied any position from  
 269 which they have withdrawn regardless of the number of votes cast for that candidate. A written  
 270 statement shall be considered the only necessary evidence of withdrawal and acceptance of  
 271 denial of any position withdrawn from.

272 *2.5-14. Candidate Withdrawal After Winning an Election.*

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

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

278

279 **2.6. Selection of Candidates**280 *Section A. Setting of Caucus*

281 2.6-1. The Election Board shall be responsible for calling a caucus before any election is held.  
 282 The caucus for the general election shall be held at least ninety (90) calendar days prior to the  
 283 election date. Caucuses for other elections shall be held at least forty-five (45) calendar days  
 284 prior to the election date. In a general election year, caucuses shall be combined so that  
 285 candidates for the Business Committee and elected boards, committees and commissions are  
 286 nominated at the same caucus.

287 2.6-2. The procedures for the caucus shall be as follows:

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

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

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

295

296 *Section B. Petition*

297 2.6-3. Any eligible Tribal member may petition to be placed on a ballot according to the  
 298 following procedures:

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

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- 301 (b) Petitioners shall use an official petition form as designated by this law which may  
 302 be obtained in the Tribal Secretary's Office or from the mailing for that caucus.  
 303 (c) The petition form shall consist of each endorsee's:  
 304 (1) printed name and address;  
 305 (2) date of birth;  
 306 (3) Oneida Tribal Enrollment Number; and  
 307 (4) signature.  
 308 (d) Petitioners shall obtain not less than ten (10) signatures of qualified voters as  
 309 defined under this law.  
 310 (e) Petitions shall be presented to the Tribal Secretary, or designated agent, during  
 311 normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to  
 312 close of business five (5) business days after the caucus. The location to drop-off  
 313 petitions shall be identified in the mailing identifying the caucus date.  
 314 (f) The Tribal Secretary shall forward all petitions to the Election Board Chairperson  
 315 the next business day following the close of petition submissions.  
 316 (g) The Election Board shall have the Oneida Enrollment Department verify all  
 317 signatures contained on the petition.

318 2.6-4. A person who runs for a position on the Oneida Business Committee, or a position on a  
 319 judicial court or commission, shall not run for more than one (1) elective office or seat per  
 320 election.  
 321

### 322 2.7. Notice of Polling Places

323 2.7-1. The Election Board shall post a notice in the prominent locations, stating the location of  
 324 the polling places and the time the polls will be open. This notice shall also be posted in an  
 325 easily visible position, close to the entrance of Tribal businesses/facilities.

326 2.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the  
 327 election, and shall remain posted until the poll closes on the day of the election.

328 2.7-3. Except for a Special Election, notice for the election shall be mailed to all Tribal  
 329 members, stating the time and place of the election and a sample of the ballot, no less than ten  
 330 (10) calendar days prior to the election, through a mass mailing. The Oneida Enrollment  
 331 Department shall be notified, by the Election Board Chairperson, no less than twenty (20)  
 332 calendar days prior to the requested mailing.

333 2.7-4. Notice of the election shall be placed in the Tribal newspaper.  
 334

### 335 2.8. Registration of Voters

#### 336 *Section A. Requirements*

337 2.8-1. *Registration of Voters.* All enrolled members of the Tribe, who are ~~twenty-one~~  
 338 ~~(21)~~eighteen (18) years of age or over, are qualified voters of such election(s) as defined in  
 339 Article III, Section 2 of the Oneida Tribal Constitution.  
 340

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

342 2.8-2. All voters must present one of the following picture identifications in order to be able to  
 343 vote:

- 344 (a) Tribal I.D.  
 345 (b) Drivers License.



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

347

348 *Section C. Registration Procedures*

349 2.8-3. Voters shall physically register, on the day of the election, at the polls.

350 2.8-4. Oneida Enrollment Department personnel shall be responsible for verifying Tribal  
351 enrollment. Conduct of Oneida Enrollment Department personnel is governed by the Election  
352 Officials during the voting period.

353 2.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration  
354 Form containing the voter's following information:

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

356 (b) current address;

357 (c) date of birth; and

358 (d) enrollment number.

359

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

361 2.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote,  
362 the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with  
363 the Enrollment Department personnel who are registering voters, to decide the voting member's  
364 eligibility currently being questioned and shall make such decisions from the facts available,  
365 whether the applicant is, in fact, qualified/verifiable under the Oneida Tribal Constitution,  
366 Article III Section 2, to vote in tribal elections.

367 2.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be  
368 placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of  
369 the voter shall be written next to a numbered list which corresponds to the numbered and sealed  
370 envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box  
371 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they  
372 desire to challenge the decision made by the Election Officials. The Election Board shall make a  
373 final decision, within five (5) business days of receiving the appeal and shall report this decision  
374 in the final report sent to the Oneida Business Committee.

375

376 **2.9. Election Process**

377 *Section A. Polling Places and Times*

378 2.9-1. In accordance with Article III, Section 4 of the Tribal Constitution, elections shall be held  
379 in the month of July on a date set by the General Tribal Council. The General Tribal Council  
380 shall set the election date at the January annual meeting, or at the first GTC meeting held during  
381 a given year. Special Elections shall be set in accordance with 2.12-6.

382 2.9-2. Elections shall be held in an Oneida Tribal facility(s) as determined by the Election  
383 Board.

384 2.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line  
385 to vote at 7:00 p.m. shall be allowed to vote.

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

390 2.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open,

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391 and until the counting of ballots is completed, and tentative results posted.

392 2.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such  
393 that there is an area with at least two sides and a back enclosure.

394 2.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of  
395 the voting area, excluding private property.

396 2.9-7. No one causing a disturbance shall be allowed in the voting area.

397 2.9-8. Election Board members may restrict the voting area to qualified voters only. This  
398 restriction is in the interest of maintaining security of the ballots and voting process.

399

400 *Section B. Ballot Box*

401 2.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and  
402 shall be locked until counting at the close of polls. Provided that, with electronic ballot counting,  
403 the ballots may be placed within the ballot counting machine as they are received.

404

405 *Section C. Spoiled Ballots*

406 2.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

407 2.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials  
408 and placed in an envelope marked as "Spoiled Ballots."

409 2.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15)  
410 calendar days following finalization of any challenge of the election, at the Records Management  
411 Department.

412

413 *Section D. Rejected Ballots*

414 2.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

415 (a) Computer rejected ballots shall be reviewed by the Election Officials to verify the  
416 authenticity of the ballot. Ballots rejected because of mutilation shall be added to the  
417 final computer total, provided that, a new ballot was not received as set out in sections  
418 2.9-10 through 2.9-12.

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

424

425 **2.10. Tabulating and Securing Ballots**

426 *Section A. Machine Counted Ballots*

427 2.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate  
428 from the ballot counting machine copies of the election totals from the votes cast.

429 2.10-2. At least six (6) Election Board members shall sign the election totals, which shall  
430 include the tape signed by the Tribal members before the polls were opened per section 2.9-3(a).

431

432 *Section B. Manually Counted Ballots*

433 2.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the  
434 ballot box and remove the ballots.

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435 2.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall  
 436 be secured in a sealed container for transportation to the ballot counting location. The sealed  
 437 ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election  
 438 Officials for counting/tallying of ballots.

439 2.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and  
 440 witnessed/monitored by an Oneida Police Officer.

441 2.10-6. Ballots must be counted by two different Election Officials until two final tallies are  
 442 equal in back to back counting. Final tallies shall be verified by the Election Judges.

443

444 *Section C. Securing Ballots*

445 2.10-7. The Judges shall place together all ballots counted and secure them together so that they  
 446 cannot be untied or tampered with without breaking the seal. The secured ballots, and the  
 447 election totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed  
 448 container in such a manner that the container cannot be opened without breaking the seals or  
 449 locks, or destroying the container. The Oneida Police Officer shall then deliver, on the day of  
 450 the election, the sealed container to the Records Management Department for retaining.

451

452 **2.11. Election Outcome and Ties**

453 *Section A. Election Results Announcement*

454 2.11-1. The tentative results of an election shall be announced and posted by the Election Board  
 455 within twenty-four (24) hours after the closing of the polls. Notices of election results shall  
 456 contain the following statement:

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

461 2.11-2. The Election Board shall post, in the prominent locations, and publish in the Tribal  
 462 newspaper, the tentative results of an election.

463

464 *Section B. Tie*

465 2.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to  
 466 determine the outcome of an election, the Election Board shall conduct an automatic recount of  
 467 the votes for each candidate receiving the same number of votes. Any recount conducted shall  
 468 be the only recount allowed for the tied candidates.

469 2.11-4. For Business Committee positions, a run-off election between the candidates with the  
 470 same number of votes shall be held if there remains a tie after the recount. Said run-off election  
 471 shall be held within twenty one (21) calendar days after the recount. For all other positions, if  
 472 there remains a tie after the recount, the Election Board shall decide the winner of the tied  
 473 positions at least two (2) business days after, but no more than five (5) business days after the  
 474 recount through a lot drawing, which shall be open to the public.

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

479 (b) On the date and at the time and place the drawing was noticed, the Election Board

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480 Chairperson shall clearly write the name of each tied candidate on separate pieces of  
481 paper in front of any witnesses present. The pieces of paper shall be the same, or  
482 approximately the same, color, size, and type. The papers shall be folded in half and  
483 placed in a container selected by the Election Board Chairperson.

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

488

489 *Section C. Recount Procedures*

490 2.11-5. A candidate may request the Election Board to complete a recount, provided the margin  
491 between the requesting candidate's vote total and vote total for the unofficial winner was within  
492 two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is  
493 greater. A candidate requests a recount by hand delivering a written request to the Tribal  
494 Secretary's Office, or noticed designated agent, within five (5) business days after the election.  
495 Requests shall be limited to one (1) request per candidate. The Tribal Secretary shall contact the  
496 Election Board Chairperson by the next business day after the request for recounts.

497 2.11-6. The Election Board shall respond by the close of business on the fifth (5<sup>th</sup>) day after the  
498 request regarding the results of the recount. Provided that, no recount request need be honored  
499 where there have been two (2) recounts completed as a result of a request either as a recount of  
500 the whole election results, or of that sub-section.

501 2.11-7. All recounts shall be conducted manually with, if possible, the original Election Officials  
502 and Oneida Police Officer present, regardless of the original type of counting process. Manual  
503 recounts may, at the discretion of the Election Officials, be of the total election results, or of the  
504 challenged sub-section of the election results.

505 2.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed  
506 container with the ballots from the Records Management Department and transporting it to the  
507 ballot recounting location.

508 2.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three  
509 (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election  
510 Board Chairperson and an Oneida Police Officer shall witness the recount.

511 2.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be  
512 counted until two (2) final tallies are equal in back to back counting and the total count of ballots  
513 reconciles with the total count from the ballot counting machine. Sub-sections of candidates  
514 may be recounted in lieu of a full recount.

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

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

520

521 *Section D. Challenges and Declaration of Results*

522 2.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a  
523 complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall  
524 hear and decide a challenge to any election within two (2) business days after the challenge is

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525 filed. Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day  
 526 after the issuance of the lower body's decision and decided within two (2) business days after the  
 527 appeal is filed.

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

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

534 2.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Tribal  
 535 Secretary after time has lapsed for recount requests, or challenges or after all recounts or  
 536 challenges have been completed, whichever is longer. The Final Report shall consist of the  
 537 following information:

538 (a) Total number of persons voting.

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

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

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

542 (e) Number of spoiled ballots.

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

544 2.11-13. *Declaration of Results.* The Business Committee shall declare the official results of the  
 545 election and send notices regarding when the swearing in of newly elected officials shall take  
 546 place within ten (10) business days after receipt of the Final Report.

547 2.11-14. Candidates elected to the Business Committee shall resign from any salaried position  
 548 effective prior to taking a Business Committee oath of office.

549 2.11-15. Except in the event of an emergency, as determined by the Business Committee, newly  
 550 elected officials shall be sworn into office no later than thirty (30) calendar days after the official  
 551 results of an election are declared by the Business Committee.

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

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

558 2.11-16. The Election Board shall send notice to the Records Management Department to  
 559 destroy the ballots thirty (30) calendar days after the election or after the final declaration of  
 560 official election results occurs, whichever is longer.

561

562 **2.12. Elections**563 *Section A. Primary Elections; Business Committee*

564 2.12-1. When a primary is required under 2.12-2, it shall be held on a Saturday at least sixty (60)  
 565 calendar days prior to the election.

566 2.12-2. There shall be a primary election for Business Committee positions whenever there are  
 567 three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the  
 568 at-large council member positions.

569 (a) The two (2) candidates receiving the highest number of votes cast for each officer

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570 position shall be placed on the ballot.

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

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

575 2.12-3. The Election Board shall cancel the primary election if the Business Committee  
576 positions did not draw the requisite number of candidates for a primary by the petitioning  
577 deadline set for the primary.

578 2.12-4. In the event a candidate withdraws or is unable to run for office after being declared a  
579 winner in the primary, the Election Board shall declare the next highest primary vote recipient  
580 the primary winner. This procedure shall be repeated as necessary until the ballot is full or until  
581 there are no available candidates. If the ballot has already been printed, the procedures for  
582 notifying the Oneida public in section 2.5-11 and 2.5-12 shall be followed, including the  
583 requirement to print a notice in the Tribal newspaper if time lines allow.

584

585 *Section B. Special Elections*

586 2.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as  
587 defined in this law, may be placed on the same ballot as the subject matter of an election.

588 2.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business  
589 Committee as recommended by the Election Board or as ordered by the Judiciary in connection  
590 with an election challenge.

591 2.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent  
592 locations, and placed in the Tribal newspaper not less than ten (10) calendar days prior to the  
593 Special Election.

594 2.12-8. In the event of an emergency, the Election Board may reschedule the election, provided  
595 that no less than twenty-four (24) hours notice of the rescheduled election date is given to the  
596 voters, by posting notices in the prominent locations.

597

598 *Section C. Referendums*

599 2.12-9. Registered voters may indicate opinions on any development, law or resolution,  
600 proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a  
601 special referendum election.

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

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

606 (c) Referendum questions are to be presented to the Tribal Secretary, in writing, at the  
607 caucus prior to election, regarding issues directly affecting the Tribe or general  
608 membership.

609

610 *Section D. Initiation of Special Elections*

611 2.12-10. Special Elections may be initiated by a request or directive of the General Tribal  
612 Council or the Oneida Business Committee.

613 2.12-11. Special Election may be requested by a Tribal member to the Business Committee or  
614 General Tribal Council.

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615 2.12-12. All Special Elections shall follow rules established for all other elections. This  
616 includes positions for all Boards, Committees and Commissions.

617  
618 *End.*

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

**Chapter 2**  
**ONEIDA ELECTION LAW**

**OnΛyote?a·ká· Tho Ni· Yót Tsi? Λyethiyataláko Tsi? KayanlΛhsla**

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

2.1. Purpose and Policy	2.7. Notice of Polling Places
2.2. Adoption, Amendment, Repeal	2.8. Registration of Voters
2.3. Definitions	2.9. Election Process
2.4. Election Board	2.10. Closing Polls and Securing Ballots
2.5. Candidate Eligibility	2.11. Election Outcome and Ties
2.6. Selection of Candidates	2.12. Elections

---

**2.1. Purpose and Policy**

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

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

**2.2. Adoption, Amendment, Repeal**

2.2-1. This law was adopted by the Oneida General Tribal Council by resolution # GTC 7-06-98-A and amended by resolutions #GTC-01-04-10- A and BC-02-25-15-C. The amendments adopted by resolution #GTC-01-04-10-A shall be effective January 4, 2010.

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

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

2.2-4. Any law, policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent with or is contrary to this law.

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

**2.3. Definitions**

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

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

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

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

2.3-5. "Campaigning" shall mean all efforts designed to influence Tribal members to support or reject a particular Tribal candidate including, without limitation, advertising, rallying, public



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- 39 speaking, or other communications with Tribal members.
- 40 2.3-6. "Candidate" shall mean a petitioner or nominee for an elected position whose name is  
41 placed on the ballot by the Election Board after successful application.
- 42 2.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose  
43 of determining voter eligibility.
- 44 2.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.
- 45 2.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political or  
46 otherwise, in which a Tribal elected official, employee, consultant, appointed or elected, member  
47 of any board, committee or commission, or their immediate relatives, friends or associates, or  
48 any other person with whom they have contact, that conflicts with any right of the Tribe to  
49 property, information, or any other right to own and operate its enterprises, free from undisclosed  
50 competition or other violation of such rights of the Oneida Tribe, or as defined in any law or  
51 policy of the Tribe.
- 52 2.3-10. "Election" shall mean every primary and election.
- 53 2.3-11. "General election" shall mean the election held every three (3) years in July to elect the  
54 Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the  
55 Business Committee and may include contests for elected boards, committees and commissions  
56 positions.
- 57 2.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of  
58 discrepancies, complaints and controversy regarding voter eligibility.
- 59 2.3-13. "Judiciary" means the judicial system that was established by Oneida General Tribal  
60 Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of  
61 the Tribe.
- 62 2.3-14. "Lot drawing" shall mean the equal chance method used to select a candidate as the  
63 winner of an elected position, in the case of a tie between two (2) or more candidates.
- 64 2.3-15. "Oneida Police Officer" shall mean an enrolled member of the Oneida Tribe of Indians  
65 who is a police officer on any police force.
- 66 2.3-16. "Private property" shall mean any lot of land not owned by the Tribe, a residential  
67 dwelling or a privately owned business within the boundaries of the Reservation.
- 68 2.3-17. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill  
69 Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida  
70 Community Health Center, the SEOTS building and all One-Stop locations.
- 71 2.3-18. "Qualified voter" shall mean an enrolled Tribal member who is eighteen (18) years of  
72 age or older.
- 73 2.3-19. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating  
74 machine.
- 75 2.3-20. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred  
76 and is not tabulated.
- 77 2.3-21. "Teller" shall mean the election official in charge of collecting and storing of all ballots.
- 78 2.3-22. "Tribal newspaper" shall mean the Kalihwisaks, or any other newspaper operated by the  
79 Tribe for the benefit of transmitting news to Tribal members which is designated by the Election  
80 Board as a source for election related news.
- 81 2.3-23. "Tribe" means the Oneida Tribe of Indians of Wisconsin.

82  
83 **2.4. Election Board**

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84 *Section A. Establishment, Composition and Election*85 2.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this  
86 law and Article III, Sections 2 and 3 of the Oneida Constitution.87 2.4-2. The Election Board shall consist of nine (9) elected members. All members shall be  
88 elected to terms of three (3) years, not to exceed two (2) consecutive terms.89 2.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an  
90 Election Board member in any pre-election, election day, or post-election activities while he or  
91 she is a petitioner, applicant or candidate in any election or there is otherwise a conflict of  
92 interest.93 2.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A  
94 member who is removed from the Election Board shall be ineligible to serve on the Board for  
95 three (3) years from the time he or she is removed from the Election Board.96 2.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the  
97 Business Committee for the balance of the unexpired term. The filling of a vacancy may be  
98 timed to correspond with the pre-election activities and the needs of the Election Board.

99 2.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

100 2.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to the  
101 Election Board, as recommended by the Election Board, to assist with election day and pre-  
102 election activities.103 2.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in the  
104 By-laws of the Election Board, to preside over the meetings. This selection shall be carried out  
105 at the first meeting of the Election Board following an election. The Chairperson shall then ask  
106 the Election Board to select a Vice-Chairperson and Secretary.

107

108 *Section B. Duties of the Election Board*109 2.4-9. The Election Board shall have the following duties, along with other responsibilities listed  
110 throughout this law.

111 (a) The Election Board shall be in charge of all registration and election procedures; and

112 (b) Upon completion of an election, the Election Board shall make a final report on the  
113 election results as set out in this law.

114

115 *Section C. Specific Duties of Officers and Election Board Members*116 2.4-10. Specific duties of the Chairperson and other Election Board members, in addition to  
117 being present at all Election Board meetings and assisting the handicapped through the voting  
118 process, are as set out herein:119 (a) Chairperson: Shall preside over meetings of the Election Board; shall select the  
120 hearing body for applicants found to be ineligible in accordance with 2.5-6 in the event of  
121 an appeal; shall oversee the conduct of the election; shall dismiss the alternates and  
122 Oneida Enrollment Department personnel when their election day duties are complete;  
123 and shall post and report election results.

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

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

128 (d) Clerks: Shall implement the requirements of identifying and registering all voters

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129 and determining voter eligibility. Clerks shall work in conjunction with the Oneida  
 130 Enrollment Department personnel in the registration process, and assist the Chairperson  
 131 as directed in conducting the election. Clerks cannot be currently employed by the  
 132 Oneida Enrollment Department.

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

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

141

#### 142 *Section D. Compensation Rates*

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

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

148

### 149 **2.5. Candidate Eligibility**

#### 150 *Section A. Requirements*

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

154 2.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

155 (a) be an enrolled Tribal member, as verified by membership rolls of the Tribe.

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

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

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

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

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

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

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

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174 2.5-5. The names of the candidates and the positions sought shall be a public record and made  
175 available to the public upon the determination of eligibility by the Election Board or the Board's  
176 designated agent.  
177

178 *Section B. Eligibility Review*

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

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

- 190 (a) Position for which they were considered  
191 (b) Qualification of the position and citation of the source. (Copies of source may be  
192 attached.)  
193 (c) A brief summary explaining why the applicant was found to be ineligible.  
194 (d) That the applicant has two (2) business days from notification to make an appeal.  
195 Appeals must be filed at the location designated on the notice by hand delivery. The  
196 location designated shall be on the Reservation. No mailed, internal Tribal mail, faxed or  
197 other delivery method will be accepted.  
198

199 *Section C. Campaign Financing*

200 2.5-8. Contributions:

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

211 2.5-9. Campaign Signs and Campaigning:

- 212 (a) Placement of campaign signs:  
213 (1) Campaign signs shall not be posted or erected on any Tribal property except  
214 for private property with the owner/tenant's permission.  
215 (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum  
216 of seven (7) such signs may be placed on a building or on a lot.  
217 (3) No campaign sign shall project beyond the property line into the public right  
218 of way.

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

221 (c) Employees of the Tribe shall not engage in campaigning for Tribal offices during  
222 work hours. Tribal employees shall be subject to disciplinary action under the personnel  
223 policies and procedures for political campaigning during work hours.

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

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

230

### 231 *Section D. Candidate Withdrawal*

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

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

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

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

### 247 2.5-14. *Candidate Withdrawal After Winning an Election.*

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

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

253

## 254 **2.6. Selection of Candidates**

### 255 *Section A. Setting of Caucus*

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

262 2.6-2. The procedures for the caucus shall be as follows:

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

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

267 (c) Nominations shall consist of the following positions: Chairperson, Vice-  
 268 Chairperson, Treasurer, Secretary, Council Member and other elected positions as  
 269 required by by-laws or creating documents of a board, committee, or commission.  
 270

### 271 *Section B. Petition*

272 2.6-3. Any eligible Tribal member may petition to be placed on a ballot according to the  
 273 following procedures:

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

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

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

279 (1) printed name and address;

280 (2) date of birth;

281 (3) Oneida Tribal Enrollment Number; and

282 (4) signature.

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

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

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

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

293 2.6-4. A person who runs for a position on the Oneida Business Committee, or a position on a  
 294 judicial court or commission, shall not run for more than one (1) elective office or seat per  
 295 election.  
 296

### 297 **2.7. Notice of Polling Places**

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

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

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

308 2.7-4. Notice of the election shall be placed in the Tribal newspaper.

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309

**310 2.8. Registration of Voters***311 Section A. Requirements*

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

315

*316 Section B. Identification of Voters*

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

319

(a) Tribal I.D.

320

(b) Drivers License.

321

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

322

*323 Section C. Registration Procedures*

324 2.8-3. Voters shall physically register, on the day of the election, at the polls.

325 2.8-4. Oneida Enrollment Department personnel shall be responsible for verifying Tribal  
326 enrollment. Conduct of Oneida Enrollment Department personnel is governed by the Election  
327 Officials during the voting period.

328 2.8-5. 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 2.8-6. 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 Enrollment Department personnel who are registering voters, to decide the voting member's  
339 eligibility currently being questioned and shall make such decisions from the facts available,  
340 whether the applicant is, in fact, qualified/verifiable under the Oneida Tribal Constitution,  
341 Article III Section 2, to vote in tribal elections.

342 2.8-7. 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 2.9. Election Process***352 Section A. Polling Places and Times*

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353 2.9-1. In accordance with Article III, Section 4 of the Tribal Constitution, elections shall be held  
354 in the month of July on a date set by the General Tribal Council. The General Tribal Council  
355 shall set the election date at the January annual meeting, or at the first GTC meeting held during  
356 a given year. Special Elections shall be set in accordance with 2.12-6.

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

359 2.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line  
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  
363 four (4) Tribal members verify, through signature on the tape, the ballot box is empty and  
364 the ballot counting machine printer tape has a zero (0) total count.

365 2.9-4. 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 2.9-5. 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 2.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of  
370 the voting area, excluding private property.

371 2.9-7. No one causing a disturbance shall be allowed in the voting area.

372 2.9-8. 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 2.9-9. 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 2.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

382 2.9-11. 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 2.9-12. 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 2.9-13. 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  
392 final computer total, provided that, a new ballot was not received as set out in sections  
393 2.9-10 through 2.9-12.

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



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398 "Void Ballots."

399

400 **2.10. Tabulating and Securing Ballots**401 *Section A. Machine Counted Ballots*402 2.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate  
403 from the ballot counting machine copies of the election totals from the votes cast.404 2.10-2. At least six (6) Election Board members shall sign the election totals, which shall  
405 include the tape signed by the Tribal members before the polls were opened per section 2.9-3(a).

406

407 *Section B. Manually Counted Ballots*408 2.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the  
409 ballot box and remove the ballots.410 2.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall  
411 be secured in a sealed container for transportation to the ballot counting location. The sealed  
412 ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election  
413 Officials for counting/tallying of ballots.414 2.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and  
415 witnessed/monitored by an Oneida Police Officer.416 2.10-6. Ballots must be counted by two different Election Officials until two final tallies are  
417 equal in back to back counting. Final tallies shall be verified by the Election Judges.

418

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

426

427 **2.11. Election Outcome and Ties**428 *Section A. Election Results Announcement*429 2.11-1. The tentative results of an election shall be announced and posted by the Election Board  
430 within twenty-four (24) hours after the closing of the polls. Notices of election results shall  
431 contain the following statement:432 *"The election results posted here are tentative results. Final election results are*  
433 *forwarded by the Oneida Election Board to the Oneida Business Committee via a Final*  
434 *Report after time has lapsed for recount requests, or challenges or after all recounts or*  
435 *challenges have been completed, whichever is longer"*436 2.11-2. The Election Board shall post, in the prominent locations, and publish in the Tribal  
437 newspaper, the tentative results of an election.

438

439 *Section B. Tie*440 2.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to  
441 determine the outcome of an election, the Election Board shall conduct an automatic recount of

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4 4 2 the votes for each candidate receiving the same number of votes. Any recount conducted shall  
4 4 3 be the only recount allowed for the tied candidates.

4 4 4 2.11-4. For Business Committee positions, a run-off election between the candidates with the  
4 4 5 same number of votes shall be held if there remains a tie after the recount. Said run-off election  
4 4 6 shall be held within twenty one (21) calendar days after the recount. For all other positions, if  
4 4 7 there remains a tie after the recount, the Election Board shall decide the winner of the tied  
4 4 8 positions at least two (2) business days after, but no more than five (5) business days after the  
4 4 9 recount through a lot drawing, which shall be open to the public.

4 5 0 (a) The Election Board shall notify each of the tied candidates and the public of the date,  
4 5 1 time, and place of the drawing at least one (1) business day before the drawing. Notice to  
4 5 2 the tied candidates shall be in writing. Notice to the public shall be posted by the  
4 5 3 Election Board in the prominent locations.

4 5 4 (b) On the date and at the time and place the drawing was noticed, the Election Board  
4 5 5 Chairperson shall clearly write the name of each tied candidate on separate pieces of  
4 5 6 paper in front of any witnesses present. The pieces of paper shall be the same, or  
4 5 7 approximately the same, color, size, and type. The papers shall be folded in half and  
4 5 8 placed in a container selected by the Election Board Chairperson.

4 5 9 (c) The Election Board Chairperson shall designate an uninterested party to draw a name  
4 6 0 from the container. The candidate whose name is drawn from the container first shall be  
4 6 1 declared the winner. An Election Board member other than the Chairperson shall remove  
4 6 2 the remaining pieces of paper from the container and show them to the witnesses present.

4 6 3

#### 4 6 4 *Section C. Recount Procedures*

4 6 5 2.11-5. A candidate may request the Election Board to complete a recount, provided the margin  
4 6 6 between the requesting candidate's vote total and vote total for the unofficial winner was within  
4 6 7 two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is  
4 6 8 greater. A candidate requests a recount by hand delivering a written request to the Tribal  
4 6 9 Secretary's Office, or noticed designated agent, within five (5) business days after the election.  
4 7 0 Requests shall be limited to one (1) request per candidate. The Tribal Secretary shall contact the  
4 7 1 Election Board Chairperson by the next business day after the request for recounts.

4 7 2 2.11-6. The Election Board shall respond by the close of business on the fifth (5<sup>th</sup>) day after the  
4 7 3 request regarding the results of the recount. Provided that, no recount request need be honored  
4 7 4 where there have been two (2) recounts completed as a result of a request either as a recount of  
4 7 5 the whole election results, or of that sub-section.

4 7 6 2.11-7. All recounts shall be conducted manually with, if possible, the original Election Officials  
4 7 7 and Oneida Police Officer present, regardless of the original type of counting process. Manual  
4 7 8 recounts may, at the discretion of the Election Officials, be of the total election results, or of the  
4 7 9 challenged sub-section of the election results.

4 8 0 2.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed  
4 8 1 container with the ballots from the Records Management Department and transporting it to the  
4 8 2 ballot recounting location.

4 8 3 2.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three  
4 8 4 (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election  
4 8 5 Board Chairperson and an Oneida Police Officer shall witness the recount.

4 8 6 2.11-10. 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  
 489 may be recounted in lieu of a full recount.

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

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

495

496 *Section D. Challenges and Declaration of Results*

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

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

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

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

513 (a) Total number of persons voting.

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

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

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

517 (e) Number of spoiled ballots.

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

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

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

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

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

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

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532 Special Election shall be held.

533 2.11-16. The Election Board shall send notice to the Records Management Department to  
534 destroy the ballots thirty (30) calendar days after the election or after the final declaration of  
535 official election results occurs, whichever is longer.

536

## 537 **2.12. Elections**

### 538 *Section A. Primary Elections; Business Committee*

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

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

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

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

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

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

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

559

### 560 *Section B. Special Elections*

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

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

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

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

572

### 573 *Section C. Referendums*

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

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06/29/15

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

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

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

584

585 *Section D. Initiation of Special Elections*

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

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

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

592

593 *End.*

594

---

596 Adopted - June 19, 1993

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

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

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

600 Amended-GTC-01-04-10-A

601 Amended - BC-02-25-15-C

**Lynn A. Franzmeier**

---

**From:** Jennifer A. Webster  
**Sent:** Friday, June 26, 2015 3:45 PM  
**To:** Candice E. Skenandore; Brandon L. Yellowbird-Stevens; David P. Jordan; Fawn J. Billie; Ronald W. Hill  
**Cc:** Danelle A. Wilson; Fawn L. Cottrell; Leyne C. Orosco; Rhiannon R. Metoxen; Douglass A. McIntyre; Krystal John; Lynn A. Franzmeier; Taniquelle J. Thurner  
**Subject:** RE: E-Poll Election Law Emergency Amendments

Approve E-Poll,  
Jenny

---

**From:** Candice E. Skenandore  
**Sent:** Friday, June 26, 2015 3:41 PM  
**To:** Brandon L. Yellowbird-Stevens; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Ronald W. Hill  
**Cc:** Danelle A. Wilson; Fawn L. Cottrell; Leyne C. Orosco; Rhiannon R. Metoxen; Candice E. Skenandore; Douglass A. McIntyre; Krystal John; Lynn A. Franzmeier; Taniquelle J. Thurner  
**Subject:** E-Poll Election Law Emergency Amendments  
**Importance:** High

Good Afternoon-  
Attached is the Election Law Emergency Amendments packet that will be sent to the OBC for consideration on Sunday, June 28, 2015. The Legislative Procedures Act requires the LOC to review emergency legislation prior to forwarding to the OBC for consideration [See LPA 16.9-5 (a)]. I am asking that you approve this packet via e-poll as soon as possible. If you have any questions please let me know.

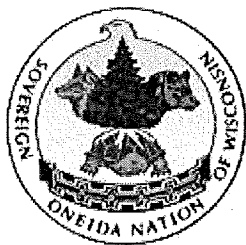
***Candice E. Skenandore***

**Legislative Reference Office**

*Legislative Analyst*

(920) 869-4312 office

(920) 869-4040 fax



**Lynn A. Franzmeier**

---

**From:** Brandon L. Yellowbird-Stevens  
**Sent:** Friday, June 26, 2015 3:46 PM  
**To:** Candice E. Skenandore; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Ronald W. Hill  
**Cc:** Danelle A. Wilson; Fawn L. Cottrell; Leyne C. Orosco; Rhiannon R. Metoxen; Douglass A. McIntyre; Krystal John; Lynn A. Franzmeier; Taniquelle J. Thurner  
**Subject:** RE: E-Poll Election Law Emergency Amendments

Support

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**From:** Candice E. Skenandore  
**Sent:** Friday, June 26, 2015 3:41 PM  
**To:** Brandon L. Yellowbird-Stevens; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Ronald W. Hill  
**Cc:** Danelle A. Wilson; Fawn L. Cottrell; Leyne C. Orosco; Rhiannon R. Metoxen; Candice E. Skenandore; Douglass A. McIntyre; Krystal John; Lynn A. Franzmeier; Taniquelle J. Thurner  
**Subject:** E-Poll Election Law Emergency Amendments  
**Importance:** High

Good Afternoon-  
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*Candice E. Skenandore*

Legislative Reference Office

Legislative Analyst

(920) 869-4312 office

(920) 869-4040 fax



**Lynn A. Franzmeier**

---

**From:** Ronald W. Hill  
**Sent:** Friday, June 26, 2015 3:47 PM  
**To:** Candice E. Skenandore; Brandon L. Yellowbird-Stevens; David P. Jordan; Fawn J. Billie; Jennifer A. Webster  
**Cc:** Danelle A. Wilson; Fawn L. Cottrell; Leyne C. Orosco; Rhiannon R. Metoxen; Douglass A. McIntyre; Krystal John; Lynn A. Franzmeier; Taniquelle J. Thurner  
**Subject:** RE: E-Poll Election Law Emergency Amendments

Support.

---

**From:** Candice E. Skenandore  
**Sent:** Friday, June 26, 2015 3:41 PM  
**To:** Brandon L. Yellowbird-Stevens; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Ronald W. Hill  
**Cc:** Danelle A. Wilson; Fawn L. Cottrell; Leyne C. Orosco; Rhiannon R. Metoxen; Candice E. Skenandore; Douglass A. McIntyre; Krystal John; Lynn A. Franzmeier; Taniquelle J. Thurner  
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*Candice E. Skenandore*

Legislative Reference Office

Legislative Analyst

(920) 869-4312 office

(920) 869-4040 fax





# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 28 / 15

## 2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

From this posting and the existing pool the Oneida Election Board is recommending the following appointments to work the Special Election of July 11, 2015 AND **Request procedural exception #1: AND Request procedural exception #2:**

## 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: LORI ELM, OEB CHAIR  
Your Name, Title / Dept. or Tribal Member

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

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

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

THE ELECTION BOARD NEEDS THE ALTERNATES TO CONDUCT BUSINESS AND SPECIAL ELECTION OF 2015:

Justification of alternates:

1. Due to the SEOTS building an official polling site more members are need for Election board at time of Election,
2. In case of emergency we need members; we need to have extra members available to work the Election. If we operate with minimum of OEB members and alternates, no one would be able to leave building.
3. Due to 18 year olds being able to vote, more members are needed to work GTC Meetings
4. With 3 recused members, the board is left with 5 members, it was recommended at the May 26, 2015 Election Board meeting to: Motion by Michele Doxtator to accept all 3 alternates for regular members until the Election is concluded. Second by Barb Erickson. Motion carried. Due to the volume of preparation that goes into the Election, a full board is recommended to fulfill duties, to prepare ballot, review applications and assist with duties as needed. I

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidanation.org

# Memo

To: BC AGENDA REQUEST  
From: Lori Elm, Chair - Oneida Election Board  
CC: Melinda J. Danforth, OBC Vice  
CC: Pat Garvey, Law Office  
Date: 6/26/2015  
Re: Oneida Election Board Alternates

From this posting and the existing pool the Oneida Election Board is recommending the following appointments to work the Special Election of July 11, 2015.

**Request procedural exception #1:**

To the Election Law alternates definition, to allow all 9 alternates of the Election Board (OEB) act as regular OEB members at General Tribal Council meetings, as need for one year from Oath of Office.

**Request procedural exception #2:**

To the Election law alternates definition to allow Gina Buenrostro, Tina Skenandore and Candice House act in the place of the 3 recused members until the Election results have been approved by the Oneida Business committee (Retro approved from June 9, 2015)

Jackie Zalim is a resident of Milwaukee and will be working the Milwaukee Polling Site.

Janet Lien is a resident of Milwaukee and will be working the Milwaukee Polling Site.

Kitty Melchert Milwaukee confirmed for July 11, 2015

Pat Moore will be working Oneida Polling Site

Kristen Cornelius will be working Oneida Polling Site

Catrina Bhatti will be working Milwaukee Polling Site

Gina Buenrosto acting OEB member for recused member and working Milwaukee Polling Site

Tina Skenandore acting OEB member for recused member and working Oneida Polling Site

Candice House acting OEB member for recused member and working Oneida Polling Site

**Justification of alternates:**

1. Due to the SEOTS building an official polling site more members are need for Election board at time of Election,
2. In case of emergency we need members; we need to have extra members available to work the Election. If we operate with minimum of OEB members and alternates, no one would be able to leave building.
3. Due to 18 year olds being able to vote, more members are needed to work GTC Meetings
4. With 3 recused members, the board is left with 5 members, it was recommended at the May 26, 2015 Election Board meeting to: *Motion by Michele Doxtator to accept all 3 alternates for regular members until the Election is concluded. Second by Barb Erickson. Motion carried.* Due to the volume of preparation that goes into the Election, a full board is recommended to fulfill duties, to prepare ballot, review applications and assist with duties as needed. I