

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / ²⁶~~25~~ / 17

2. General Information:

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

Agenda Header: Reports

☐ Accept as Information only

☒ Action - please describe:

Approve Election Board fourth quarter report.

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: Tehassi Hill, Chairman

Primary Requestor/Submitter: Racquel Hill, Election Board Chairperson

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

ONEIDA ELECTION BOARD QUARTERLY REPORT

July – September, 2017

Report Submitted By: Racquel Hill, Chairperson
Election_Board@oneidanation.org

Board Members: Teresa Schuman, Vice Chairperson
Sunshine Wheelock, Secretary
Gina Buenrostro
Vicki L. Cornelius
Constance Danforth (outgoing)
Lori Elm (outgoing)
Candace House (outgoing)
Tonya Webster
Patricia Lassila (elected)
Christina Liggins (elected)
Tina Skenandore (elected)

Alternates: Melinda K. Danforth
Peril Huff
Rosa Laster
Shannon Metoxen
Patricia Moore

BC Liaison: Melinda J. Danforth, Vice Chairwoman (outgoing)
Ronald W. Hill, Chairman (elected)
Alternate Lisa Summers, Tribal Secretary

Meetings:

	Regular	Special	GTC	Other
July	3	3-	1	2*^
August	1	0	1	0
September	2	0	0	0

*General Election -Recounts ^Lot drawing

Highlights for the quarter:

1. On May 18, 2017 Cathy Metoxen filed a perfected Notice of Appeal with the Court of Appeals regarding a decision made by the Election Board. The Election Law requires an accelerated schedule. However, an accelerated schedule does not mean not giving the opposing side an opportunity to respond. The Court of Appeals first decides whether or not to accept an appeal. Once it is accepted, the opposing party is granted notice and given the opportunity to respond to the appeal. In this particular case, those assigned to this case made a decision to accept the appeal and ruled on the Notice of Appeal all in the same decision. The Election Board was never given the opportunity to respond to the allegations in Ms. Metoxen's appeal. This, the Board argues, is unfair and not due process to both sides. While the Board chose not to request a reconsideration of the decision, they asked The Court to please look into the Court of Appeals process if this type of issue should come up in future elections.
2. 2017 General Election was held July 8, 2017
 - a. Prior to election being held, a concern was called in by an individual on Friday, July 7, 2017 at approximately 11:35 a.m. regarding ballots that were in boxes at

the polling location (OHC Main Conference Room). Chairperson Hill quickly called OHC staff and went to OHC to ascertain that the ballots remained secure. Security informed Chairperson Hill that the room had been locked and he did not have a key to open the door. At the regular meeting of July 7, 2017 at 5:00 p.m., four (4) of the Election Board recounted the ballots & double counted to ensure ballots were not tampered with and all 1,700 were at the polling location. This was confirmed with a double count of the Board members present.

3. There were three (3) challenges to the election results:

17-TC-044 (Debra Powless v. Oneida 2017 General Election, Oneida Election Board, and Oneida Nation-Oneida Business Committee). The Court entered the following order on July 20, 2017:

1. The Respondent's motion to dismiss the Oneida Tribal Secretary's Office from this case and correct the caption of this case to reflect that is granted. The Caption shall read "Debra L. Powless v. Oneida Election Board.
2. The Respondent's motion to dismiss this case on behalf of the Election Board is granted.

17-TC-045 (Petition/Complaint for Temporary Restraining Order and/or Preliminary Injunction - Bradley Graham v. Oneida Election Board). The Court entered the following order on July 20, 2017:

1. The respondent's motion to dismiss is denied
2. The Petitioner's request for a TRO and preliminary injunction is denied.
3. The Petitioner's request for a new election is denied.

17-AC-010 (Bradley W. Graham v. Oneida Election Board)

Decision issued by Court of Appeals on July 27, 2017:

Based upon the foregoing, the order of the Trial Court, 17-TC-045, dated July 20, 2017 is hereby *affirmed*.

4. There were five (5) recount requests received and recounts were conducted in accordance with § 2.11-7 of the Oneida Election Law.

a. 7/12/17 – Business Committee Secretary

	Debra L. Powless	Lisa M. Summers
Election Day	767	766
Recount	766	768

b. 7/12/17 – Judiciary (Appellate Court Judge)

	Patricia Garvey	Chad Hendricks	Lee Wigg-Ninham	Susan Daniels
Election Day	622	620	774	626
Recount	614	618	776	626

c. 7/19/17 – Gaming Commission

	Barb Erickson	Larry B. Smith	Michelle Braaten	Cristina Danforth	Melinda J. Danforth
Election Day	109	77	303	540	537
Recount	109	78	303	537	537

d. 7/20/17 – Business Committee Secretary Second Recount

	Debra L. Powless	Lisa M. Summers
Election Day	767	766
1 st Recount	766	768
2 nd Recount	766	768

e. Business Committee

	David P Jordan (Fleet)	Jennifer “Jenny” Webster	Michael T. Debraska	Kirby W. Metoxen	Dylan Benton
Election #s	701	737	333	950	521
Recount #s	698	733	330	946	508

	Joey E. Powless	Fawn J. Billie	Yvonne C. Metivier	Keith Danforth	Diane Danforth House
Election #s	217	515	272	518	309
Recount #s	210	507	267	509	308

	Ernest Stevens III	Shawn W. Skenandore	John J. Danforth	Daniel Guzman- King	Linda “Buffy” Dallas
Election #s	596	167	239	719	594
Recount #s	596	162	238	717	593

5. Lot drawing for tie within Gaming Commission which resulted from the recount was held at Noon on July 26, 2017 pursuant to Election Law 102.11-4. The winner of the drawing was Cristina “Tina” Danforth.
6. 2017 General Election Final Results Report was accepted by the Business Committee on August 9, 2017.
7. Orientation for newly elected Board members was provided at the meeting of September 5, 2017.
8. Election Board is planning and preparing for a special election of December 2, 2017 to fill a vacancy within the Judiciary and the GTC Legal Resources Office.

Goals and Objectives (Remain consistent):

- ❖ Conduct Tribal Elections in compliance with Tribal law.
- ❖ Develop, adopt, and review applicable standard operating procedures.
- ❖ Strive to serve the Oneida membership fairly while being fiscally responsible.

Meeting requirements: The Oneida Election Board is required to meet once per month with special meetings scheduled as needed. Three (3) special meetings were held for the 4th quarter to conduct recounts. FYI: Election Board has more regular meetings when in “election cycle mode” to prepare for and conduct elections.