



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Business Committee Conference Room-2nd Floor Norbert Hill Center
September 5, 2018 9:00 a.m.

I. Call to Order and Approval of the Agenda

II. Minutes to be approved

1. August 15, 2018 LOC Meeting Minutes (pg. 2)

III. Current Business

1. Petition: G. Dallas - \$5,000 Payment (pg. 4)
2. Petition: L. Dallas – Medicare Part B premium payment (pg. 11)
3. General Tribal Council Meetings Law (pg. 15)
4. Comprehensive Policy Governing Boards, Committees and Commissions Amendments (pg. 19)
5. Election Law Amendments (pg. 90)

IV. New Submissions

V. Additions

VI. Administrative Updates

1. LOC Memo regarding the August 27, 2018 GTC Action (pg. 145)

VII. Executive Session

VIII. Recess/Adjourn



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center

August 15, 2018

9:00 a.m.

Present: David P. Jordan, Kirby Metoxen, Jennifer Webster

Excused: Daniel Guzman King, Ernest Stevens III

Others Present: Kristen Hooker, Brandon Wisneski, Clorissa Santiago, Jennifer Falck, Lee Cornelius, Leyne Orosco, Ed Delgado, Brooke Doxtator, Michelle Hill, Krystal John, Lucinda Conway, Mary Graves, Racquel Hill

I. Call to Order and Approval of the Agenda

David P. Jordan called the August 15, 2018 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Kirby Metoxen to approve the agenda with the addition of Harvest Law; seconded by Jennifer Webster. Motion carried unanimously.

II. Minutes to be Approved (:45 - 1:04)

August 18, 2018 LOC Minutes

Motion by Jennifer Webster to approve the August 15, 2018 Legislative Operating Committee meeting minutes and forward to the Oneida Business Committee for consideration; seconded by Kirby Metoxen. Motion carried unanimously.

III. Current Business

1. Comprehensive Policy Governing Boards, Committees, and Commissions Amendments (1:07-10:40)

Motion by Kirby Metoxen to approve the public meeting memo for the amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions and defer the adoption packet until a fiscal impact statement is received from the Finance Office; seconded by Jennifer Webster. Motion carried unanimously.

2. Sanctions & Penalties Law (10:42-12:19)

Motion by Jennifer Webster to approve the public meeting packet and forward the Sanctions and Penalties Law to a public meeting to be held on September 20, 2018; seconded by Kirby Metoxen. Motion carried unanimously.

Subsequent Motion by Jennifer Webster to forward the Sanctions & Penalties Law to the Finance Office for a fiscal analysis to be completed; seconded by Kirby Metoxen. Motion carried unanimously.



3. Oneida Personnel Policies and Procedures Emergency Amendments (12:21-19:18)

Motion by Kirby Metoxen to approve the public meeting packet and forward the Oneida Personnel, Policies, and Procedures amendments to a public meeting to be held on September 20, 2018; seconded by Jennifer Webster. Motion carried unanimously.

Subsequent motion by Jennifer Webster to forward the Oneida Personnel, Policies, and Procedures Amendments to the Finance Office for a fiscal analysis to be completed; seconded by Kirby Metoxen. Motion carried unanimously.

IV. New Submissions

V. Additions

1. Harvest Law (19:20-20:31)

Motion by Jennifer Webster to approve the notice packet and direct that a community meeting potluck be held on September 27, 2018; Seconded by Kirby Metoxen. Motion carried unanimously.

VI. Administrative Items

1. Leasing Law Rule #1 – Residential Leasing (20:32–31:02)

Motion by Jennifer Webster to certify the Leasing Law Rule #1- Residential Leasing Certification Request and forward to the Oneida Business Committee for consideration; seconded by Kirby Metoxen. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Kirby Metoxen to adjourn the August 15, 2018 Legislative Operating Committee meeting at 9:31 a.m.; seconded by Jennifer Webster. Motion carried unanimously.



Legislative Operating Committee
September 5, 2018

Petition: G. Dallas – \$5,000 Payment

Submission Date: 8/1/18	Public Meeting: n/a
LOC Sponsor: David P. Jordan	Emergency Enacted: n/a Expires: n/a

Summary: *This petition asks the General Tribal Council to consider approving a \$5,000 payment to all enrolled Oneida Tribal Members within 90 days from the date of the action being approved by the GTC and within Fiscal Year 2019; for the Oneida Business Committee to present any obstacles to the distribution and a minimum of three ways to make the distribution possible; for GTC to take action to address any obstacles to the distribution, for the GTC to review and approve or deny any budgetary items impacted in lieu of the \$5,000 payment; for the GTC to address the individuals who are against the payment; and for the GTC to be the final decision makers regarding each and all of these matters.*

7/25/18 OBC: Motion by Lisa Summers to direct the Law, Finance, and Legislative Reference Office to complete and submit the legal review, fiscal impact statement, and statement of effect respectively, for the September 12, 2018 regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

8/1/18 LOC: Motion by Jennifer Webster to add the Petition: G. Dallas \$5000 Payment to the active files list as a high priority with David P. Jordan as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

Next Steps:

- Approve the Petition: G. Dallas – \$5,000 Payment within 90 Days statement of effect and forward to the Oneida Business Committee.



Statement of Effect

Petition: G. Dallas - \$5,000 Payment within 90 Days

Summary

This petition requests the General Tribal Council to consider approving a payment of five thousand dollars (\$5,000) to all enrolled members of the Nation payable within ninety (90) days of approval.

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

Date: September 5, 2018

Analysis by the Legislative Reference Office

On July 2, 2018, the Petition: G. Dallas - \$5,000 Payment within 90 Days (“the Petition”) was submitted to the Business Committee Support Office by Gladys Dallas and has since been verified by the Oneida Trust Enrollment Department. On July 25, 2018, the Oneida Business Committee accepted the verified Petition and requested that the Legislative Reference Office complete a statement of effect for the September 12, 2018 regular Oneida Business Committee meeting.

The purpose of this Petition is for the General Tribal Council to “*approve a \$5,000 payment to all enrolled Oneida Tribal Members within 90 days from the date of the action being approved by the Oneida General Tribal Council (hereafter OGTC) and within Fiscal Year 2019; for the Oneida Business Committee to present any obstacles to the distribution AND a minimum of 3 ways (i.e. sources, methods, etc.) to make the distribution possible; for the OGTC to take action to address any obstacles (i.e. people, laws, etc.) to the distribution, for the GTC to review and approve or deny any budgetary items impacted in lieu of the \$5,000 payment; for the GTC to address the individuals who are against the payment; and for the GTC to be the final decision makers regarding each and all of these matters.*”

All applicable laws and policies of the Nation were reviewed in developing this statement of effect, including the Per Capita law and the Budget Management and Control law.

Per Capita Law

The Per Capita law specifies the procedures to be followed in the event that per capita payments are distributed by the Nation. [1 O.C. 123.1-1]. Although the Petition does not specify that the five thousand dollar (\$5,000) payment is a per capita payment, the Per Capita law defines a per capita payment as the amount authorized by the General Tribal Council to be distributed to Tribal members. [1 O.C. 123.3-1(p)]. Since the Petition is requesting that the General Tribal Council consider the approval of the five thousand dollar (\$5,000) payment for all members of the Nation, this payment would be considered a per capita payment and therefore governed by the Per Capita law.

The Per Capita law delegates to the Oneida Business Committee the responsibility to identify and allocate funds available for per capita payments. [1 O.C. 123.4-4(a)]. The Oneida Business Committee is also responsible for any activities not specifically identified in the law, but reasonably related to the responsibility to identify and allocate per capita funds. [1 O.C. 123.4-4(d)]. Reviewing obstacles to the allocation of funds, or determining potential sources for funds may be considered activities related to the responsibility to identify and allocate per capita funds. In addition to the general responsibilities for the identification and allocation of funds delegated to the Oneida Business Committee, the Per Capita law specifically delegates authority to the Treasurer of the Nation for the identification of funds. [1 O.C. 123.4-8].

Per Capita payments may only be issued at the direction of the General Tribal Council through adoption of a resolution. [1 O.C. 123.4-3]. The materials included for the Petition consist solely of the petition form with signatures. No resolution addressing the adoption of a special per capita payment was attached for consideration by the General Tribal Council.

The Per Capita law contains various timelines for the distribution of per capita payments, but clarifies that the timelines contained in the law address annual per capita payments, and that for any additional per capita payments, the Trust Enrollment Committee may establish dates and deadlines associated with those payments as needed. [1 O.C. 123.5-2]. Deadlines included in the law for distributing per capita payments address filing for and determining eligibility, various distribution documents, distribution date, direct deposits of per capita payments, requests for a prior per capita payment, and refusal of distributions. [1 O.C. 123.5-2(a)-(f)].

On June 13, 2016, the General Tribal Council adopted a per capita payment plan by way of motion that “...\$1,300 instead of \$2,000...” is to be paid “...beginning Fiscal Year 2017 through 2021.” This General Tribal Council directive was implemented through the adoption of resolution BC-01-12-17-A by the Oneida Business Committee and directs that a per capita payment of one thousand and three hundred dollars (\$1,300) for every member be included in the budgets for Fiscal Years 2017, 2018, 2019, 2020, and 2021. Since the General Tribal Council has already determined a regular per capita payment for the Fiscal Year 2019, it can be determined that the five thousand dollar (\$5,000) payment is a special per capita payment.

The Trust Enrollment Committee will have to establish dates and deadlines associated with this request for a special per capita payment. The Petition directs that the special per capita payment be payable within ninety (90) days of the approval of a resolution. It is unknown whether the ninety (90) day deadline for payment would allow the Trust Enrollment Committee the opportunity to establish the necessary dates and deadlines associated with this request as afforded by the Per Capita law.

Additionally, all per capita payments, except distributions to or from a trust account for a beneficiary, may be subject to attachment prior to distribution for child support arrears, debt owed to an Oneida entity that is past due, and/or a federal tax levy. [1 O.C. 123.4-9(a)(1)-(3)]. An entity may seek to attach a per capita payment for child support arrears, past due debt owed to an Oneida entity, and/or a federal tax levy, as long as the timelines identified in the Per Capita law regarding the attachment process are followed. [1 O.C. 123.4-9].

In order to acquire an attachment to a per capita payment for child support arrears or a federal tax levy an order of determination from the Oneida Judiciary must be obtained and provided to the Trust Enrollment Department. [1 O.C. 123.4-9(c)(3) and 123.4-9(e)]. It is unknown whether an order of determination can be obtained from the Judiciary and processed within the ninety (90) day deadline.

In order to obtain an attachment for debt owed to an Oneida entity, an attachment order from the Judiciary is not required prior to initiating a per capita payment. [1 O.C. 123.4-9(d)]. Instead, there are notice requirements that must be met before an entity can initiate an attachment, such as a notice for each month a debt is owed with each notice being sent a minimum of thirty (30) calendar days apart, with at least two (2) consecutive monthly notices prior to the debt becoming eligible for attachment, and a final notice with intent to attach sent thirty (30) calendar days after the second consecutive notice, with a notice posted in the Nation's newspaper. [1 O.C. 123.4-9(d)(1)-(2)]. An individual is also able to request an attachment hearing with the Judiciary to contest the validity of the debt owed to an Oneida entity. [1 O.C. 123.4-9(d)(5)]. In order for the Trust Enrollment Department to process an attachment for a current per capita payment distribution, Oneida entities have to send the Trust Enrollment Department a one-time final accounting of all debts subject to attachment no later than July 31st of the year. [1 O.C. 123.4-9(d)(2)(B)(i)]. The ninety (90) day deadline would not provide an opportunity for the notice requirements or attachment hearing in the Judiciary for attachments to a per capita payment for debts owed to an Oneida entity.

Budget Management and Control Law

The Budget Management and Control law was adopted by the Oneida Business Committee through resolution BC-02-08-17-C for the purpose of setting forth the requirements to be followed by the Oneida Business Committee and Oneida fund units when preparing the Nation's budget for consideration by the General Tribal Council. [1 O.C. 121.1-1].

The Oneida Business Committee, executive managers and managers are required to follow the processes provided in the Budget Management and Control law when creating the budget to present to the General Tribal Council for consideration. [1 O.C. 121.5-1]. The Budget Management and Control law contains processes and timelines for triennial strategic planning [1 O.C. 121.4], community input meetings [1 O.C. 121.5-2], the establishment of a priority list by the Oneida Business Committee [1 O.C. 121.5-3], deadlines for the finalization of the final draft budget [1 O.C. 121.5-7], presentation of the final draft budget in community meetings [1 O.C. 121.5-8], and consideration of the final draft budget by the General Tribal Council [1 O.C. 121.5-9]. The Oneida Business Committee is required to present the budget to the General Tribal Council with a request for adoption by resolution no later than September 30th of each year. [1 O.C. 121.5-9].

In the event that the General Tribal Council does not adopt a budget by September 30th, the Budget Management and Control law allows for a continuing budget resolution to be adopted by the Oneida Business Committee until such time as a budget is adopted by the General Tribal Council. [1 O.C. 121.5-9].

The Fiscal Year 2019 budget will not be adopted by the General Tribal Council by September 30, 2018. The adoption of the budget by the General Tribal Council is delayed due to the fact that the Oneida Business Committee did not receive adequate input from the community budget meetings and recommendations from the Chief Financial Officer and fund unit managers, and therefore the Oneida Business Committee required more time to solicit input for the establishment of the priority list required by section 121.5-3 of the Budget Management and Control law.

The Oneida Business Committee found good cause to grant an extension of time for implementation of the Budget Management and Control law through the adoption of resolution BC-02-28-18-C. This resolution identified that due to the extension of the deadline for the establishment and approval of the priority list required by section 121.5-3, all further deadlines would be extended and the Oneida Business Committee would develop a continuing budget resolution to be effective until all requirements of the Budget Management and Control law have been met for fiscal year 2019.

The Oneida Business Committee adopted a continuing budget resolution through resolution BC-08-08-18-A. This continuing budget resolution directs that the Oneida Nation shall operate at the Fiscal Year 2018 levels, with a wage increase of eighty-five cents (\$0.85) per hour per eligible employee effective September 30, 2018. The General Tribal Council adopted the Fiscal Year 2018 budget through resolution GTC-10-08-17-A. This Fiscal Year 2018 budget will control until a Fiscal Year 2019 budget can be adopted by the General Tribal Council. The Fiscal Year 2018 budget did not include a designation of funds for a special per capita payment of five thousand dollars (\$5,000).

Once a budget is adopted by the General Tribal Council, the Budget Management and Control law prohibits amendments of the budget, as well as any transfer of funds within the budget, unless the adjustment for the transfer of funds is necessary to accurately reflect the amount of grant funding actually received. [1 O.C. 121.9-1 and 121.9-2].

Although the Budget Management and Control law states that once the annual budget is adopted by the General Tribal Council the Oneida Business Committee's authority is limited to budget oversight [1 O.C. 121.8-3(a)], the law recognizes that these limitations do not prevent the Oneida Business Committee, with input from the Chief Financial Officer, from taking necessary action, on an emergency basis and within the scope of its authority, to protect and safeguard the resources and general welfare of the Nation and ensure compliance with applicable laws, regulations and requirements. [1 O.C. 121.8-3(a)].

Conclusion

After a review of all applicable laws and policies of the Nation, it has been determined that the adoption of the Petition: G. Dallas - \$5,000 Payment within 90 Days would have a legislative impact.

1. The Per Capita law delegates the responsibility of identifying and allocating funds for per capita payments to the Oneida Business Committee and the Nation's Treasurer. [1 O.C.

123.4-4(a), 123.4-8]. The Petition’s request for the General Tribal Council to direct “the Oneida Business Committee to present any obstacles to the distribution AND a minimum of 3 ways (i.e. sources, methods, etc.) to make the distribution possible; for the OGTC to take action to address any obstacles (i.e. people, laws, etc.) to the distribution, for the GTC to review and approve or deny any budgetary items impacted in lieu of the \$5,000 payment; for the GTC to address the individuals who are against the payment; and for the GTC to be the final decision makers regarding each and all of these matters” may conflict with the requirements of the Per Capita law as it is re-delegating the responsibility to conduct activities that are reasonably related to the identification and allocation of per capita funds from the Oneida Business Committee to the General Tribal Council.

2. The Per Capita law only allows General Tribal Council to direct the issuance of per capita payments through the adoption of a resolution. *[1 O.C. 123.4-3]*. No resolution addressing the adoption of a five thousand dollar (\$5,000) payment was attached to the Petition materials for consideration by the General Tribal Council. Therefore, the Petition’s request for the General Tribal Council to “*approve a \$5,000 payment to all enrolled Oneida Tribal Members within 90 days from the date of the action being approved by the Oneida General Tribal Council (hereafter OGTC) and within Fiscal Year 2019*” without the attachment of an adopting resolution conflicts with the Per Capita law. In order to comply with the Per Capita law, approval of a motion supporting the Petition would not suffice, the adoption of a resolution would be necessary.
3. Additionally, the Petition’s request that the special per capita payment be made payable “*within 90 days from the date of the action being approved by the Oneida General Tribal Council and within Fiscal Year 2019*” may hinder or prohibit the opportunity provided by the Per Capita law to the Trust Enrollment Committee to establish dates and deadlines regarding the distribution of any special per capita payments as needed *[1 O.C. 123.5-2]*, and the opportunity to follow the process and timelines for attachments to per capita payments for child support arrears, past due debt owed to an Oneida entity, and/or a federal tax levy *[1 O.C. 123.4-9(a)(1)-(3)]*.
4. Due to the fact that the Fiscal Year 2019 will not be adopted by the General Tribal Council by September 30, 2018, the Oneida Business Committee adopted a continuing budget resolution as permitted by the Budget Management and Control law through BC-08-08-18-A. The continuing budget resolution directs that the Nation operate at the Fiscal Year 2018 levels, with a wage increase of eighty-five cents (\$0.85) per hour per eligible employee effective September 30, 2018. *[1 O.C. 121.5-9]*. The Fiscal Year 2018 budget, adopted by General Tribal Council through resolution GTC-10-08-17-A, did not include any designation of a special per capita payment of five thousand dollars (\$5,000). Any

amendment to the budget or transfer of funds within the budget for the purpose of this special per capita payment while operating under the Fiscal Year 2018 budget guidelines would be prohibited under the Budget Management and Control law. [1 O.C. 121.9-1 and 121.9-2]. The five thousand dollars (\$5,000) payment would have to be addressed through the budgeting process provided for in the Budget Management and Control law and included in the Fiscal Year 2019 budget, which would then have to be adopted by the General Tribal Council before the payment could be made to every member of the Nation.

5. Although the Petition directs that “*GTC to be the final decision makers regarding each and all of these matters*,” the Budget Management and Control law does delegate the authority to the Oneida Business Committee, with input from the Chief Financial Officer, to take necessary action, on an emergency basis and within the scope of its authority, to protect and safeguard the resources and general welfare of the Nation and ensure compliance with applicable laws, regulations and requirements. [1 O.C. 121.8-3(a)].

Requested Action

Accept the statement of effect for the Petition: G. Dallas - \$5,000 Payment within 90 Days.



Legislative Operating Committee
September 5, 2018

Petition: L. Dallas – Medicare Part B Premium Payment

Submission Date: 8/1/18	Public Meeting: n/a
LOC Sponsor: Jennifer Webster	Emergency Enacted: n/a Expires: n/a

Summary: *This Petition, received on July 2, 2018, requests a GTC meeting to decide whether the Oneida Nation shall pay the Medicare Part B monthly premium payments for all enrolled members of the Nation eligible to receive Medicare Part B as follows: (a) that enrolled members of the Nation eligible to have their Medicare Part B monthly premium payment paid by way of a Medicare Savings Program, per the Medicare Savings Program income limits, assets, etc. requirements, shall be required to apply for and maintain this benefit as a condition of the Oneida Nation reimbursing the Medicare Part B monthly premium payment for as long as they are income/asset eligible to receive the benefit from the state or federal government; (b) that the Oneida Nation shall reimburse the enrolled member of the Nation on a monthly basis the first week of each month following the Medicare Part B monthly premium being deducted from their monthly social security payment; and (c) that reimbursement shall begin to be budgeted for FY2018-19 and fully implemented over a one (1) year period, with very low income Medicare Part B recipients having top priority.*

7/25/18 OBC: Motion by Jennifer Webster to direct the Law, Finance, and Legislative Reference Office to complete and submit the legal review, fiscal impact statement, and statement of effect respectively, for the September 12, 2018 regular Business Committee meeting, seconded by David P. Jordan. Motion carried unanimously.

8/1/18 LOC: Motion by Jennifer Webster to add the Petition L. Dallas Medicare Part B Premium Payment to the active Files list as a high priority with Jennifer Webster as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

Next Steps:

- Approve the Petition: L. Dallas – Medicare Part B Premium Payment statement of effect and forward to the Oneida Business Committee for consideration.



Statement of Effect

Petition: L. Dallas – Medicare Part B Premium Payment

Summary

This Petition requests a General Tribal Council meeting to decide whether the Oneida Nation shall pay the Medicare Part B monthly premium payments for all enrolled members of the Nation eligible to receive Medicare Part B.

Submitted by: Kristen M. Hooker, Staff Attorney, Legislative Reference Office

Date: September 5, 2018

Analysis by the Legislative Reference Office

On July 2, 2018, the Petition: L. Dallas – Medicare Part B Premium Payment was submitted to the Business Committee Support Office by Linda S. Dallas and has since been verified by the Oneida Trust Enrollment Department. On July 25, 2018, the Oneida Business Committee (“OBC”) accepted the verified petition and requested that the Legislative Reference Office complete a statement of effect within sixty (60) days.

The purpose of this Petition is for the General Tribal Council (“GTC”) to decide whether the *“Oneida Nation of Wisconsin shall pay for the Medicare Part B monthly premium payments for all Oneida enrolled Tribal members eligible to receive Medicare Part B. Oneida enrolled members eligible to have their Medicare Part B monthly premium payment paid by way of a Medicare Savings Program, per the Medicare Savings Program income limits, assets, etc. requirements, shall be required to apply for and maintain this benefit as a condition of the Oneida Nation reimbursing the Medicare Part B monthly premium payment for as long as they are income/asset eligible to receive the benefit from the state or federal government. The Oneida Nation shall reimburse the Oneida enrolled member on a monthly basis the first week of each month following the Medicare Part B monthly premium being deducted from their monthly social security payment. This shall begin to be budgeted for FY2018-2019 and fully implemented over a one (1) year period, with very low income Medicare Part B recipients having top priority, then low income, etc.”*

All applicable laws and policies of the Nation were reviewed in developing this statement of effect, including the Oneida Nation Constitution (“Constitution”) and the Budget Management and Control law (“Law”).

Article IV, Section 1 of the Constitution grants the GTC power to “manage all economic affairs and enterprises of the Oneida Nation” and to “promulgate and enforce ordinances . . . providing for the . . . appropriation of available tribal funds for public purposes. . . .” [*Oneida Nation Constitution Article IV Section 1(e) and (f)*]. Subject to its review, the GTC has delegated the authority set forth in Article IV of the Constitution to the OBC.

The Law, adopted by the OBC through resolution BC-02-08-17-C, sets forth the processes that the OBC, Oneida fund units, executive managers and managers must follow when preparing the Nation's budget for consideration by the GTC. [1 O.C. 121.1-1]. This includes that community input budget meetings occur before a budget is developed so that community members are given an opportunity to provide input as to what should be included in the upcoming fiscal year budget; that the Chief Financial Officer ("CFO") and any other relevant managers provide responses and/or recommendations to all comments and considerations presented at the meetings; and that the Nation's Treasurer work with the CFO to place a community budget input meeting packet on the OBC agenda no later than the last OBC Meeting in January. [1 O.C. 121-5-2(c) and (d)].

The Law also requires that the Nation's Treasurer hold, at a minimum, two (2) community informational meetings to present the contents of the budget after the OBC has approved the final draft budget, but before the final draft budget has been presented to the GTC. [1 O.C. 121.5-8]. After the informational meetings, the OBC is then required to present the budget to the GTC with a request for adoption by resolution no later than September 30th of each year unless good cause exists to extend the deadline. [1 O.C. 121.5-9 and 121.5-1].

Although the Law provides opportunities for members of the community to provide input at various community budget meetings throughout the budgetary process, the Law does not address how GTC petitions, such as the Petition at issue, or directives regarding budgetary concerns affect the budgetary process provided for in the Law. Nor does the Petition identify where the funding for the Nation's proposed payment of an eligible enrolled member of the Nation's Medicare Part B monthly premium is to come from.

On February 28, 2018, the OBC determined that good cause existed under the Law to extend the budgetary deadlines. The OBC took action through resolution BC-02-28-18-C entitled, "*Extension of Time for Implementation of Budget Management and Control Act*", to extend the deadlines so that adequate input from community budget meetings and responses and/or recommendations from the Chief Financial Officer and fund unit managers could be obtained. [1 O.C. 121.5-1].

In accordance with resolution BC-02-28-18-C, the OBC has scheduled a Special General Tribal Council Meeting for September 24, 2018 to: (1) inform the GTC of Triennial Strategic Plans; (2) seek approval of the Transparent and Participatory Budget Strategy; and (3) garner input from Oneida membership to help set priorities for the Oneida Nation in accordance with Section 1231.5-3 of the Law. In accordance with resolution BC-02-28-18-C, the OBC also adopted resolution 08-08-18-A entitled, "*Continuing Budget Resolution – Fiscal Year 2019*", to remain in effect until all requirements of the Budget Management and Control law are met for fiscal year 2019. It is not anticipated that the fiscal year 2019 budget would be adopted by October 1, 2018.

Conclusion

Adoption of the Petition: L. Dallas – Medicare Part B Premium Payment would not result in a legislative impact on any current laws of the Nation so long as the procedures contained in the Budget Management and Control law are followed.

Requested Action

Accept the Petition: L. Dallas – Medicare Part B Premium Payment statement of effect.



Legislative Operating Committee September 5, 2018

General Tribal Council Meetings Law

Submission Date: 9/6/17	Public Meetings: n/a
LOC Sponsor: Daniel Guzman King	Emergency Enacted: n/a Expires: n/a

Summary: *This item was carried over into the current term by the LOC. This proposal is for a new law to govern the scheduling and conducting of GTC meetings, including: a standard agenda format and a code of conduct for those in attendance; outlining the duties of those preparing and assisting with GTC meetings, and establishing how petitions would be processed.*

9/6/17 LOC: Motion by Jennifer Webster to add GTC Meetings Law to the active files with Daniel Guzman King as the sponsor; seconded by Ernest Stevens III. Motion carried unanimously.

9/6/17: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa Santiago, Candice Skenandore, Maureen Perkins, Tani Thurner, Cathy Bachhuber. Drafting attorney provided an update on the status of the GTC meetings law. Next steps will be: 1) pull the current draft back, 2) conduct work meetings with the LOC for policy determinations, 3) collaborate with the Oneida Nation Secretary, and 4) conduct community outreach to garner input.

9/21/17: *Work Meeting.* Present: Daniel Guzman King, Clorissa Santiago, Jennifer Falck, Maureen Perkins, Chantre' Smith. The purpose of this work meeting was to develop a plan for outreach to the community regarding the GTC Meetings law.

9/22/17: *Work Meeting.* Present: Clorissa Santiago, Melissa Nuthals, Jennifer Falck. The purpose of this meeting was to discuss the development of survey questions for GTC Meetings law.

9/28/17: *Work Meeting.* Present: Clorissa Santiago, Jennifer Falck, Maureen Perkins, Jennifer Webster, David P. Jordan, Kirby Metoxen, Ernest Stevens, Daniel Guzman King, Lisa Liggins, Melinda Danforth. Discussed the survey, and made revisions. Discussed the upcoming community meeting and how the LOC envisioned it would be run. The survey and community meeting notice will be updated based on today's conversation.

10/16/17: *Work Meeting.* Present: Clorissa Santiago, Jennifer Falck, Maureen Perkins. The purpose of this work meeting was to review potential questions for discussion during the community meeting, and formulate a plan for how the community meeting will be run. A memorandum containing a schedule and discussion questions will be sent to the LOC for review.

10/23/17: *Work Meeting.* Present: Clorissa Santiago, Jennifer Falck, Candice Skenandore, Maureen Perkins, David P. Jordan, Kirby Metoxen, Ernest Stevens II, Daniel Guzman King, Jennifer Webster. The purpose of this meeting is to prep for the GTC Meetings law community meeting that will occur that evening from 5:00-7:00p.m. During this meeting we will review the topics of conversation for the community meeting.

Community Meeting. Present: Clorissa Santiago, Jennifer Falck, Candice Skenandore, Maureen Perkins, David P. Jordan, Kirby Metoxen, Ernest Stevens II, Daniel Guzman King,

Jennifer Webster and various members of the community. The purpose of the community meeting was to collect comments and ideas from the community regarding GTC Meetings and a potential law.

11/1/17 LOC: Motion by Kirby Metoxen approve the 60 day active files list update and continue development of all the items on the active files list; seconded by Ernie Stevens III. Motion carried unanimously.

11/15/17: *Work Meeting.* Present: Clorissa Santiago, Jennifer Falck, Maureen Perkins, David P. Jordan, Kirby Metoxen, Ernest Stevens II, Daniel Guzman King, Jennifer Webster. The LOC reviewed all comments collected from the survey and 10/23/17 community meeting and began making policy determinations regarding what issues should be addressed in a GTC Meetings law. The drafter will begin working on a draft that reflects decisions made during the meeting.

12/6/17LOC: Motion by Jennifer Webster to approve the GTC Meeting Law status update for the January 28, 2018 GTC Annual Meeting with one addition; add a web link to the update so that readers can access the full GTC Meetings Law Survey Report; including the Facebook, Oneida Nation Page, LOC Page, and Oneida Register and forward to the Secretary's Office to be included in the meeting packet; seconded by Ernest Stevens III. Motion carried unanimously.

12/28/17: *Work Meeting.* Present: Clorissa Santiago, Jennifer Falck, Owen Somers, Katsitsiyo Danforth, Dakota House, Brandon Wisneski, Maureen Perkins. The purpose of this meeting was to go over the portions of the draft of the law that involved Internal Security and discuss their impressions, concerns, and suggestions. Drafting attorney will review and incorporate suggestions into draft, and bring all concerns and suggestions to the LOC.

1/4/18: *Work Meeting.* Present: Clorissa Santiago, Jennifer Falck, Lisa Summers, Lisa Liggins, Brandon Wisneski, Maureen Perkins. The purpose of this meeting was to go the law with the Secretary and discuss her impressions, concerns, and suggestions. Drafting attorney will review and incorporate suggestions into draft, and bring all concerns and suggestions to the LOC.

1/26/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Maureen Perkins, Cathy Bachhuber. The LOC reviewed and discussed the first draft of the GTC Meetings law. The drafting attorney will make revisions to the law based on the LOC's decisions.

2/21/18LOC: Motion by Jennifer Webster to direct the LRO to complete a legislative analysis; seconded by Kirby Metoxen. Motion carried unanimously.

3/16/18: *Work Meeting:* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Ernest Stevens III, Clorissa Santiago, Brandon Wisneski, Cathy Bachhuber, Rosa Laster. LOC reviewed the GTC Meetings Law Update that is included in the March 19, 2018, GTC meeting agenda materials, and are prepared to discussed the matter at the GTC meeting.

3/26/17: *Work Meeting.* Present: David P. Jordan, Clorissa Santiago, Maureen Perkins. The purpose of this meeting was to review the draft analysis. Analyst will make revisions to analysis.

4/25/18: *Work Meeting.* Present: Clorissa Santiago, Maureen Perkins, Jennifer Falck. LRO staff met to review and discuss the legislative analysis.

5/2/18 LOC: Motion by Jennifer Webster to accept the legislative analysis and defer to a work meeting; seconded by Kirby Metoxen. Motion carried unanimously.

5/4/18: *Work Meeting:* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Jennifer Falck, Clorissa Santiago, Laura Laitinen-Warren, Cathy Bachhuber, Maureen Perkins, Brandon Wisneski, Ed Delgado. The LOC reviewed the legislative analysis and made policy considerations. Drafting attorney will schedule a work meeting to review policy.

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



- 5/11/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Maureen Perkins. The purpose of this work meeting was to review and prepare for the update on the GTC Meetings law that is included on the agenda for the May 12, 2018 GTC meeting.
- 7/11/18:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Falck, Clorissa Santiago, Maureen Perkins. The purpose of this work meeting was to review comments that were received from Chairman Tehassi Hill, and to discuss decisions that still need to be made, and potential areas in the law that need to be reviewed.
- 7/12/18:** *Work Meeting.* Present: David P. Jordan, Daniel Guzman, Ernie Stevens III, Jennifer Falck, Clorissa Santiago, Maureen Perkins. The purpose of this work meeting was to discuss potential next steps to moving the law forward.
- 8/6/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman, Ernie Stevens III, Jennifer Falck, Clorissa Santiago, Kristen Hooker, Maureen Perkins. The purpose of this work meeting was for the LOC to decide how to move this legislative forward.
- 8/15/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Jennifer Falck, Clorissa Santiago, Kristen Hooker. The purpose of this work meeting was to review decisions the Oneida Business Committee made regarding the GTC Meetings law in an August 14, 2018, work session, and determine next steps moving forward.

Next Steps:

- Remove the General Tribal Council Meetings law from the Active Files List.
- Forward the memorandum to the Oneida Business Committee.



TO: Oneida Business Committee Officers:
Tehassi Hill, Oneida Business Committee Chairman
Brandon Stevens, Oneida Business Committee Vice-Chairman
Lisa Summers, Oneida Business Committee Secretary
Patricia King, Oneida Business Committee Treasurer
FROM: David P. Jordan, Legislative Operating Committee Chairman *DJ*
DATE: September 5, 2018
RE: General Tribal Council Meetings Law

On September 6, 2017, the Legislative Operating Committee added a proposal for a General Tribal Council Meetings law to the Active Files List. This legislative item was carried over from the past two Legislative Operating Committee terms. The intent of this law was to govern the scheduling and conducting of General Tribal Council meetings, including a standard agenda format and a code of conduct for those in attendance, outlining the duties of those preparing and assisting with General Tribal Council meetings, and establishing how petitions would be processed.

After consideration, the Legislative Operating Committee decided to take action to remove the proposed General Tribal Council Meetings law from the Active Files List on September 5, 2018. The General Tribal Council Meetings law has been removed from the Active Files List in an effort to focus on other legislative priorities of the Nation. The Legislative Operating Committee has determined that solutions to issues and concerns regarding General Tribal Council meetings and procedures can be sought through non-legislative means.

Requested Action

Accept this memorandum as an update.



Legislative Operating Committee
September 5, 2018

Comprehensive Policy Governing Boards, Committees and Commissions Amendments

Submission Date: 9/6/17	Public Meetings: 6/21/18
LOC Sponsor: Jennifer Webster	Emergency Enacted: n/a Expires: n/a

Summary: *This item was carried over from the last two terms. Amendments were originally requested to: prohibit individuals from serving on multiple boards, committees and commissions at one time; set term limits; and prohibit Tribal employees from serving on tribal boards, committees and commissions.*

9/6/17 LOC: Motion by Jennifer Webster to add Comprehensive Policy Governing Boards, Committees, and Commissions Amendments to the active files list with Jennifer Webster as the sponsor; seconded by Ernest Stevens III. Motion carried unanimously.

9/6/17: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Candice Skenandore, Maureen Perkins, Tani Thurner, Cathy Bachhuber. Drafting attorney provided an update on the status of Comprehensive Policy Governing Boards, Committees and Commissions amendments. Next steps will be: 1) pull the current draft back, 2) have work meetings with LOC for policy determinations, 3) conduct work meetings with boards, committees and commissions for input.

9/21/17: *Work Meeting.* Present: Jennifer Webster, Clorissa Santiago, Candice Skenandore, Jennifer Falck, Daniel Guzman King, Chad Wilson, Carol Silva, Gene Danforth, Mary Ann Krueheleg, Dakota Webster, Bonnie Pigman, Louis Powless, Lois Strong, Patricia Lassila, Raquel Hill, Laura Manthe, Lee Cornelius, Chaz Wheelock, Carol Elm. The purpose of this meeting was to collect input from members of boards, committees, and commissions on how to improve the currently effective law. Written comments will be accepted until October 11, 2017, and then all information will be compiled and brought back to the LOC.

10/2/17: *Work Meeting.* Present: Jennifer Webster, Clorissa Santiago, Candice Skenandore, Lee Cornelius, Stephen Webster, Brooke Duxtator. The purpose of this meeting was to collect input from the Oneida Nation Secretary's Office, and the Business Committee Support Office on how to improve the currently effective law.

10/27/17: *Work Meeting.* Present: Kirby Metoxen, Jennifer Webster, Cathy Bachhuber, Jennifer Falck, Daniel Guzman King, Candice Skenandore, Clorissa Santiago, Rosa Laster, Rae Skenandore. The purpose of this meeting was to go through the comments/suggestions collected from the boards, committees and commissions; BC Support Office and previous drafts to make policy considerations for the new proposed draft.

11/1/17 LOC: Motion by Kirby Metoxen approve the 60 day active files list update and continue development of all the items on the active files list; seconded by Ernie Stevens III. Motion carried unanimously.

Work Meeting. Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Clorissa Santiago, Candice Skenandore, Jennifer Falck, Maureen Perkins, Rae Skenandore. The purpose of this meeting was to continue going through the comments/suggestions collected from the boards, committees and commissions; BC Support Office and previous drafts to make policy considerations for the new proposed draft.

2/2/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Kirby Metoxen, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Rosa Laster, Cathy Bachhuber. The LOC reviewed and discussed the first draft. Drafting attorney will update law to reflect revisions discussed. A LOC work meeting to discuss stipends will be scheduled, as well as a work meeting with all boards, committees, and commissions to review first draft.

2/15/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Rosa Laster, Cathy Bachhuber. The purpose of this meeting was to go over the current reality of stipends, and discuss how the LOC wants to proceed with stipends in the future, so that the resolution containing stipend information can be drafted. The conversation on stipends in regards to hearings will be continued at another work meeting, and the drafting attorney will begin drafting the resolution.

2/22/18: *Work Meeting.* Present: Jennifer Webster, Daniel Guzman King, Jennifer Falck, Clorissa Santiago, Dale Webster, Lois Strong, John Breuninger, Floyd Hill, Bonnie Pigman, Matt W. Denny, Vicki Cornelius, Raw Skenandore, Carol Silva, Brooke Doxtator, Carol L. Elm, Mark Powless, Dylan Benton, Maureen Perkins. The purpose of this meeting was to go over the members of the various boards, committees, and commissions opinion, comments, concerns, and suggestions on the proposed drafted amendments. The drafting attorney will take all comments and suggestions to the LOC for review and consideration.

3/2/18: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Clorissa Santiago, Brandon Wisneski, Laura Laitinen-Warren, Lisa Summers. The LOC reviewed and considered all comments received from the boards, committees, and commissions. The drafting attorney will make all revisions the LOC determined were necessary.

3/16/18: *Work Meeting:* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Ernest Stevens III, Clorissa Santiago, Brandon Wisneski, Cathy Bachhuber, Rosa Laster. LOC reviewed revisions made based on the last LOC work session and directed changes be made, and that the draft be e-pollled on March 21, 2018, so that the LOC may direct that the legislative analysis be completed.

3/21/18: *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Brooke Doxtator, Tony Doxtator, Victoria Krueger. The purpose of this work meeting was to discuss the requirement in the current draft that all BCC members have an official Oneida email, that is different than their employee email address, if applicable. The goal was to obtain an IT perspective on this issue from MIS, and to discuss the realities, challenges, and timelines this requirement will result in. The group will meet again to discuss this issue in a couple weeks, once the various MIS departments have an opportunity to meet further.


4/2/18 LOC: Motion by Daniel Guzman King to accept the draft of the Comprehensive Policy Governing Boards, Committees, and Commissions amendments and direct that a legislative analysis be completed; seconded by Jennifer Webster Motion Carried unanimously.

- 4/11/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Brooke Doxtator, Tony Doxtator, Stephen Webster, James Sommerfeldt, Jesse Kujawa, Chad Mrotek. The purpose of this work meeting was to discuss the questions and concerns regarding the provision of the law that says an email address must be provided to every BCC member, and discussion on how to implement this matter.
- 4/25/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Jennifer Falck. LRO staff met to review and discuss the legislative analysis.
- 5/2/18 LOC:** Motion by Ernest Stevens III to accept the legislative analysis and defer to a work meeting; seconded by Jennifer Webster. Motion carried.
- 5/2/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Jennifer Falck, David P. Jordan, Jennifer Webster, Ernest Stevens III. The LOC reviewed the legislative analysis and made policy considerations that the drafting attorney will now incorporate into the draft.
- 5/16/18 LOC:** Motion by Kirby Metoxen to approve the public meeting packet and forward the Comprehensive Policy Governing Boards, Committees, and Commissions amendments to a public meeting to be held on June 21, 2018; seconded by Daniel Guzman King. Motion carried unanimously.
- Subsequent motion by Kirby Metoxen to forward the Comprehensive Policy Governing Boards, Committees, and Commission amendments to the Finance Office for a fiscal analysis; seconded by Jennifer Webster. Motion carried unanimously.
- 6/6/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski. The purpose of this work meeting was to have the LOC review and discuss the drafted resolution determining stipend amounts for members of boards, committees, and commissions, and to determine a definition for stipends to be included in the law.
- 6/20/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Kirby Metoxen, Jennifer Falck, Clorissa Santiago, Brandon Wisneski. The purpose of this work meeting was to review and prepare for the upcoming public meeting.
- 6/21/18:** Public Meeting was held.
- 6/28/18:** Public Comment Period Closed.
- 7/18/18 LOC:** Motion by Kirby Metoxen to accept the public meeting comments and the public meeting comment review memorandum and defer the item to a work meeting; seconded by Ernest Stevens III. Motion carried unanimously.
- 7/18/18:** *Work Meeting.* Present: David P. Jordan, Ernest Stevens III, Kirby Metoxen, Daniel Guzman, Brandon Stevens, Jennifer Falck, Clorissa Santiago, Brandon Wisneski. The purpose of this work meeting was to review and consider all public meeting comments, and determine what revisions are necessary to the draft.
- 8/13/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Clorissa Santiago, Brandon Wisneski, Kristen Hooker, Laura Laitinen-Warren, Maureen Perkins. The purpose of this work meeting was to address a recent request for an amendment to the Law, and determine if this change should be made before adoption is considered.
- 8/15/18 LOC:** Motion by Kirby Metoxen to approve the public meeting memo for the amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions and defer the adoption packet until a fiscal impact statement is received from the Finance Office; seconded by Jennifer Webster. Motion carried unanimously.

Next Steps:

- Approve the adoption packet for the amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions and forward to the Oneida Business Committee for consideration.



TO: Oneida Business Committee
FROM: David P. Jordan, LOC Chairperson 
DATE: September 12, 2018
RE: Amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions

Please find the following attached backup documentation for your consideration of the amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions:

1. Resolution: Amendments to the Comprehensive Policy Governing, Boards, Committees, and Commission
2. Statement of Effect: Amendments to the Comprehensive Policy Governing, Boards, Committees, and Commission
3. Comprehensive Policy Governing Boards, Committees, and Commissions Amendments Legislative Analysis
4. Comprehensive Policy Governing Boards, Committees, and Commissions Amendments (Redline)
5. Comprehensive Policy Governing Boards, Committees, and Commissions Amendments (Clean)
6. Comprehensive Policy Governing Boards, Committees, and Commissions Amendments Fiscal Impact Statement

Overview

This resolution adopts proposed amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions. The amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions will:

- Amend the name of this law from “Comprehensive Policy Governing Boards, Committees, and Commissions” to “Boards, Committees, and Commissions law;”
- Provide guidelines for the creation of a board, committee, or commission [1 O.C. 105.4];
- Update the information required to be included on an application and the process for submitting an application [1 O.C. 105.5];
- Revise how vacancies on a board, committee, and commission are handled, and allow for an individual to remain in office until the member’s successor has been sworn in by the Oneida Business Committee in an effort to prevent a discontinuation of business or a loss of quorum for the entity [1 O.C. 105.6];
- Update the appointment selection process to provide for more efficient and effective selections [1 O.C. 105.7];

- Require that oaths of office be taken at Oneida Business Committee meeting and update the oath of office [1 O.C. 105.9];
- Expand the information that boards, committees, and commissions are required to include in their bylaws [1 O.C. 105.10];
- Provide a process for electronic polling, if a board, committee, or commission decides to use electronic polling [1 O.C. 105.11];
- Expand the reporting requirements of boards, committees, and commissions to include requirements regarding standard operating procedures, quarterly reports to the Oneida Business Committee, and annual and semi-annual reports to the General Tribal Council [1 O.C. 105.12];
- Provide detailed information on what stipends or compensation is available for members of boards, committees, and commissions, and state that Oneida Business Committee shall set specific stipend amounts by resolution [1 O.C. 105.13];
- Address how confidential information is handled by boards, committees, and commissions, including the addition of a requirement for board, committee, and commission members to be provided an official Oneida e-mail address to conduct business of the board, committee, and commission on [1 O.C. 105.14];
- Simplify the information provided in the law regarding conflicts of interest clarify that due to the potential for a real or perceived conflict of interest to exist, political appointees shall not serve on an appointed or elected board, committee, or commission [1 O.C. 105.15];
- Require that the dissolution of a board, committee, or commission be noticed to the board, committee, or commission [1 O.C. 105.17]; and
- Provide greater detail on how violations of this law may be enforced [1 O.C. 105.18].

Additional minor changes are made to the draft to update the language and ensure compliance with drafting style and formatting requirements.

Throughout the development of the amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions the Legislative Operating Committee has focused on improving collaboration and public outreach.

The Legislative Operating Committee held two (2) work meetings specifically for all boards, committees, and commissions of the Nation to attend for the purpose of sharing ideas and concerns regarding the law. Twelve (12) of the eighteen (18) boards, committees, and commissions of the Nation participated during the legislative process and provided valuable input that was used in the development of the amendments. The boards, committees, and commissions that participated in the legislative process included: Environmental Resource Board, Oneida Police Commission, Oneida Nation Commission on Aging, Oneida Nation School Board, Oneida Election Board, Oneida Land Claims Commission, Oneida Trust Enrollment Committee, Oneida Veterans Affairs Committee, Oneida Gaming Commission, Oneida Pow-wow Committee, Oneida Land Commission, Oneida Library Board.

The Legislative Operating Committee held additional work meetings with the Business Committee Support Office, Records Management Department, and the Management Information System Department.

In accordance with the Legislative Procedures Act, a public meeting on the proposed amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions was held on June 21, 2018. Thirteen (13) people attended the public meeting with eight (8) people providing oral comments. The public comment period closed on June 28, 2018. The Legislative Operating Committee received two (2) submissions of written comments during the public comment period. All comments public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on July 18, 2018. Any changes made based on those comments have been incorporated into this draft.

Overall, two hundred and eighty one (281) comments were collected from those individuals directly impacted by the amendments to the Comprehensive Policy Governing Boards, Committees, through various work meetings, the public meeting, and the public comment period.

Requested Action

Approve the Resolution: Amendments to the Comprehensive Policy Governing, Boards, Committees, and Commission.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

Amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions

- 1
- 2
- 3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
- 4 recognized by the laws of the United States of America; and
- 5
- 6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- 7
- 8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
- 9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- 10
- 11 **WHEREAS,** the Comprehensive Policy Governing Boards, Committees, and Commissions ("the Law")
- 12 was adopted by the Oneida Business Committee through resolution BC-05-14-97-F and
- 13 amended by resolutions BC-09-27-06-E, and BC-09-22-10-C; and
- 14
- 15 **WHEREAS,** the purpose of the Law is to govern boards, committees, and commissions of the Nation,
- 16 including the procedures regarding the appointment and election of persons to boards,
- 17 committees and commissions, creation of bylaws, maintenance of official records,
- 18 compensation, and other items related to boards, committees and commissions; and
- 19
- 20 **WHEREAS,** the amendments to this Law change the name from "Comprehensive Policy Governing
- 21 Boards, Committees, and Commissions" to "Boards, Committees, and Commissions law";
- 22 and
- 23
- 24 **WHEREAS,** the amendments to this Law provide guidelines for the creation of a board, committee, or
- 25 commission; and
- 26
- 27 **WHEREAS,** the amendments to this Law update the information required to be included on an
- 28 application and the process for submitting an application; and
- 29
- 30 **WHEREAS,** the amendments to this Law revise how vacancies on a board, committee, and
- 31 commission are handled, and allow for an individual to remain in office until the member's
- 32 successor has been sworn in by the Oneida Business Committee in an effort to prevent a
- 33 discontinuation of business or a loss of quorum for the entity; and
- 34
- 35 **WHEREAS,** the amendments to this Law update the appointment selection process to provide for
- 36 more efficient and effective selections; and
- 37
- 38 **WHEREAS,** the amendments to this Law require that oaths of office be taken at Oneida Business
- 39 Committee meeting, and provide for an updated oath of office; and
- 40
- 41 **WHEREAS,** the amendments to this Law expand the information that boards, committees, and
- 42 commissions are required to include in their bylaws; and
- 43

BC Resolution # _____

Amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions
Page 2 of 3

44 **WHEREAS,** the amendments to this Law provide a process for electronic polling, if a board,
45 committee, or commission decides to use electronic polling; and
46

47 **WHEREAS,** the amendments to this Law expand the reporting requirements of boards, committees,
48 and commissions to include requirements regarding standard operating procedures,
49 quarterly reports to the Oneida Business Committee, and annual and semi-annual reports
50 to the General Tribal Council; and
51

52 **WHEREAS,** the amendments to this Law provide detailed information on what stipends or
53 compensation is available for members of boards, committees, and commissions, and
54 state that Oneida Business Committee shall set specific stipend amounts by resolution;
55 and
56

57 **WHEREAS,** the amendments to this Law address how confidential information is handled by boards,
58 committees, and commissions, including the addition of a requirement for board,
59 committee, and commission members to be provided an official Oneida e-mail address to
60 conduct business of the board, committee, and commission on; and
61

62 **WHEREAS,** the amendments to this Law simplify the information provided in the law regarding
63 conflicts of interest and clarify that due to the potential for a real or perceived conflict of
64 interest to exist, political appointees shall not serve on an appointed or elected board,
65 committee, or commission; and
66

67 **WHEREAS,** the amendments to this Law provide additional notice requirements for the dissolution of
68 a board, committee, or commission; and
69

70 **WHEREAS,** the amendments to this Law provide greater detail on how violations of this Law may be
71 enforced; and
72

73 **WHEREAS,** the amendments to this Law make other minor drafting revisions and updates; and
74

75 **WHEREAS,** a public meeting on the proposed amendments to this Law was held on June 21, 2018, in
76 accordance with the Legislative Procedures Act, and the public comments were reviewed
77 and accepted by the Legislative Operating Committee on July 18, 2018 ; and
78

79 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee sets forth the following in
80 regards to the implementation of this resolution:
81

- 82 1. *Informational Bylaws Meetings.* Section 105.10-1(a) of the Law requires that all existing boards,
83 committees, and commissions of the Nation comply with the bylaw format prescribed in the Law
84 and present bylaws for adoption within a reasonable time after adoption of this Law. Within thirty
85 (30) days, the Legislative Reference Office shall provide at least two (2) informational bylaw
86 meetings with the various boards, committees, and commissions of the Nation. The purpose of
87 the informational bylaws meetings will be for the Legislative Reference Office to:
 - 88 a. provide an update on the revised bylaw requirements as a result of the amendments to
89 the Law;
 - 90 b. provide a template for the development of revised bylaws; and
 - 91 c. offer assistance to boards, committees, and commissions in the development and
92 drafting of updated bylaws.
- 93 2. *Official Oneida Nation E-Mail Addresses.* Section 105.14-3 of the Law requires that each
94 member of a board, committee, or commission be provided an official Oneida e-mail address
95 upon election or appointment for the purpose of conducting business of the entity electronically.

BC Resolution # _____

Amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions
Page 3 of 3

The Management Information System Department shall have six (6) months from the adoption of the Fiscal Year 2019 budget to provide an official email address to all members of a board, committee, or commission of the Nation.

3. *Oneida Business Committee's Political Appointees.* Due to the potential for a real or perceived conflict of interest to exist, section 105.15-3 of this Law requires that an individual who serves as a political appointee to an Oneida Business Committee member shall not simultaneously serve on an appointed or elected board, committee, or commission.

a. *Current Political Appointees on Elected Boards, Committees, and Commissions.* All political appointees of the Oneida Business Committee that are currently simultaneously serving on an elected board, committee, or commission of the Nation shall be allowed to complete his or her term.

b. *Political Appointee Job Descriptions.* The Nation's Human Resources Department shall update the job descriptions for Oneida Business Committee political appointee positions to include a reference to the requirement that a political appointee of an Oneida Business Committee member shall forgo serving on an elected or appointed board, committee, or commission of the Nation.

BE IT FINALLY RESOLVED, that the amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions are hereby adopted and shall be effective September 26, 2018.



Statement of Effect

Amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions

Summary

This resolution adopts amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions.

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

Date: September 5, 2018

Analysis by the Legislative Reference Office

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. This resolution adopts amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions, which comply with all processes and procedures required by the LPA, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

The Comprehensive Policy Governing Boards, Committees, and Commissions was adopted by the Oneida Business Committee for the purpose of governing boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. [1 O.C. 105.1-1].

The amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions will:

- Amend the name of this law from “Comprehensive Policy Governing Boards, Committees, and Commissions” to “Boards, Committees, and Commissions law;”
- Provide guidelines for the creation of a board, committee, or commission [1 O.C. 105.4];
- Update the information required to be included on an application and the process for submitting an application [1 O.C. 105.5];
- Revise how vacancies on a board, committee, and commission are handled, and allow for an individual to remain in office until the member’s successor has been sworn in by the Oneida Business Committee in an effort to prevent a discontinuation of business or a loss of quorum for the entity [1 O.C. 105.6];
- Update the appointment selection process to provide for more efficient and effective selections [1 O.C. 105.7];
- Require that oaths of office be taken at Oneida Business Committee meeting and update the oath of office [1 O.C. 105.9];

- Expand the information that boards, committees, and commissions are required to include in their bylaws [*1 O.C. 105.10*];
- Provide a process for electronic polling, if a board, committee, or commission decides to use electronic polling [*1 O.C. 105.11*];
- Expand the reporting requirements of boards, committees, and commissions to include requirements regarding standard operating procedures, quarterly reports to the Oneida Business Committee, and annual and semi-annual reports to the General Tribal Council [*1 O.C. 105.12*];
- Provide detailed information on what stipends or compensation is available for members of boards, committees, and commissions, and state that Oneida Business Committee shall set specific stipend amounts by resolution [*1 O.C. 105.13*];
- Address how confidential information is handled by boards, committees, and commissions, including the addition of a requirement for board, committee, and commission members to be provided an official Oneida e-mail address to conduct business of the board, committee, and commission on [*1 O.C. 105.14*];
- Simplify the information provided in the law regarding conflicts of interest clarify that due to the potential for a real or perceived conflict of interest to exist, political appointees shall not serve on an appointed or elected board, committee, or commission [*1 O.C. 105.15*];
- Require that the dissolution of a board, committee, or commission be noticed to the board, committee, or commission [*1 O.C. 105.17*]; and
- Provide greater detail on how violations of this law may be enforced [*1 O.C. 105.18*].

Additional minor changes are made to the draft to update the language and ensure compliance with drafting style and formatting requirements.

In accordance with the LPA, a public meeting on the proposed amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions was held on June 21, 2018. Thirteen (13) people attended the public meeting with eight (8) people providing oral comments. The public comment period closed on June 28, 2018. The Legislative Operating Committee received two (2) submissions of written comments during the public comment period. All comments public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on July 18, 2018. Any changes made based on those comments have been incorporated into this draft.

Conclusion

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



Amendments to Comprehensive Policy on Boards, Committees and Commissions Legislative Analysis

SECTION 1. EXECUTIVE SUMMARY

REQUESTER: LOC	SPONSOR: Jennifer Webster	DRAFTER: Clorissa Santiago	ANALYST: Brandon Wisneski
Intent of the Amendments	When added to the Active Files list in 2013, the original intent of the amendments was to prohibit individuals from serving on multiple boards, committees and commissions at one time; set term limits; and prohibit Tribal employees from serving on tribal boards, committees and commissions. Over time, the intent has changed. The current intent of the amendments is set new standards for entity bylaws, update reporting requirements, update the appointment process to increase feedback from entities and BC members, set a procedure for the creation of new entities, create a standard e-poll process, require official email addresses for members of entities, prohibit the BC's political appointees from serving on entities, set new limitations and requirements for stipends, and allow the Business Committee to set stipend amounts by resolution, among other changes.		
Purpose	To govern the procedures regarding boards, committees and commissions of the Nation, including appointment and election, creation of bylaws, maintenance of official records, and compensation. <i>[see Boards, Committees and Commissions, 1 O.C. 105.1-1]</i>		
Affected Entities	Anyone serving on a Board, Committee or Commission of the Nation. Anyone applying to serve on a Board, Committee, or Commission of the Nation. Political appointees, such as legislative assistants. This law references the duties of the Business Committee Support Office, the Nation's Secretary, the Nation's Chairperson, the Oneida Election Board, Management Information Service (MIS) Department, and Records Management Department. This law does not apply to the Oneida Business Committee, Standing Committees or Tribal corporations.		
Affected Legislation	Election law, Removal law, Conflict of Interest law, Code of Ethics, Computer Resources Ordinance, Social Media Policy, Travel and Expense Policy, Oneida Nation Gaming Ordinance, and bylaws of all boards, committees and commissions of the Nation.		
Enforcement/Due Process	A member of an entity that violates this law may be subject to sanctions and penalties in accordance with any laws and policies of the Nation governing sanctions and penalties. A member of an elected entity may be subject to removal pursuant to the Removal Law. A member of an appointed entity may be subject to termination of appointment by the Oneida Business Committee. <i>[see Boards, Committees and Commissions, 1 O.C. 105.17]</i>		
Public Meeting	A public meeting was held on June 21, 2018.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. The Comprehensive Policy Governing Boards, Committees and Commissions was first adopted by the Oneida Business Committee on August 2, 1995, and was most recently amended by the Business Committee on September 27, 2006.

- B.** These amendments set new standards for entity bylaws, update reporting requirements, update the appointment process to increase feedback from entities and BC members, set a procedure for the creation of new entities, create a standard e-poll process, require official email addresses for members of entities, prohibit the BC's political appointees from serving on entities, set new limitations and requirements for stipends, and allow the Business Committee to set stipend amounts by resolution, among other changes.
- C.** The following chart lists the Boards, Committees and Commissions of the Nation that are governed by this law. This law does not apply to the Oneida Business Committee, Standing Committees of the Nation, or Tribal Corporations.

ELECTED	APPOINTED
<ul style="list-style-type: none">Oneida Election BoardOneida Gaming CommissionOneida Land Claims CommissionOneida Land CommissionOneida Nation Commission on Aging (ONCOA)Oneida Nation School BoardTrust Enrollment Committee	<ul style="list-style-type: none">Anna John Resident Centered Care Community Board (AJRCC)Environmental Resource Board (ERB)Oneida Community Library BoardOneida Nation Arts BoardOneida Police CommissionOneida Pow Wow CommitteeOneida Nation Veterans Affairs Committee (ONVAC)Pardon and Screening Forgiveness CommitteePersonnel Selection Committee*Southeastern WI Oneida Tribal Services Advisory Board (SEOTS)

**Note: On August 27, 2018, GTC rescinded the dissolution of the Personnel Commission. It is expected that the re-established Personnel Commission will be subject to this law.*

SECTION 3. CONSULTATION AND OUTREACH

- A.** The Business Committee Support Office, Records Management, Management Information Services (MIS) Department and representatives from the following Boards, Committees and Commissions were consulted in the development of this law: Environmental Resource Board, Police Commission, Oneida Nation Commission on Aging, Oneida Nation School Board, Oneida Election Board, Oneida Land Claims Commission, Trust Enrollment Committee, Oneida Veterans Affairs Committee, Gaming Commission, Pow-wow Committee, Land Commission, Oneida Library Board. All boards, committees and commissions were invited to participate in two work meetings scheduled outside of normal business hours to meet their needs.
- B.** The Election Law, Removal Law, Conflict of Interest Law, Code of Ethics, Computer Resources Ordinance, Social Media Policy, Travel and Expense Policy, and Oneida Nation Gaming Ordinance were reviewed in drafting this analysis. In addition, the following bylaws were reviewed: Oneida Election Board, Oneida Land Claims Commission, Oneida Land Commission, ONCOA, Oneida Nation School Board, Trust Enrollment Committee, Anna John Resident Centered Care Community Board, Finance Committee, Arts Board, Audit Committee, Environmental Resource Board, Oneida Community Library Board, ONVAC, Pardon and Forgiveness Screening Committee, Police Commission, Pow-wow Committee and Southeastern WI Oneida Tribal Services Advisory Board (SEOTS).

SECTION 4. PROCESS

- A. Thus far, this law has followed the process set forth in the Legislative Procedures Act (LPA).
- B. The law was originally added to the Active Files List on April 3, 2013 and has been carried over from the previous two terms. The law was re-added to the Active Files List on September 17, 2014 and again on September 6, 2017.
- C. At the time this legislative analysis was developed, the following work meetings were held/scheduled regarding the most recent efforts to develop this law and legislative analysis:
- September 6, 2017: LOC work meeting.
 - September 21, 2017: LOC, BC Support Office, and representatives from the following Boards, Committees and Commissions: Election Board, Environmental Resource Board, Land Claims Commission, Police Commission, ONCOA, and Trust Enrollment. In addition, the Oneida Nation School Board submitted written comments.
 - October 2, 2017: BC Support Office
 - October 27, 2017: LOC work meeting.
 - February 2, 2018: LOC work meeting.
 - February 22, 2018: LOC, BC Support Office, and representatives from the following Boards, Committees and Commissions: Election Board, Gaming Commission, Land Commission, Library Board, ONCOA, ONVAC, Police Commission, Pow-wow Committee, and Trust Enrollment. In addition, Environmental Resource Board submitted written comments.
 - March 2, 2018: LOC work meeting.
 - March 21, 2018: BC Support Office and Oneida Management Information Services (MIS)
 - April 11, 2018: BC Support Office and MIS
 - May 2, 2018: LOC work meeting.
 - June 6, 2018: LOC work meeting.
 - June 20, 2018: LOC work meeting.
 - July 18, 2018: LOC work meeting.
 - August 13, 2018: LOC work meeting.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. **Title.** The title of the law has been changed from “Comprehensive Policy on Boards, Committees and Commissions” to “Boards, Committees and Commissions.”
- B. **Creation of an Entity.** This new provision outlines a standard procedure for the creation a new board, committee or commission. Boards, committees or commissions must be created by adoption of a law or resolution by the Oneida Business Committee (OBC) or General Tribal Council (GTC). The law or resolution must include the purpose, powers and responsibilities of the entity. The Oneida Business Committee is responsible for drafting the initial bylaws when a new entity is created. This is because a newly created board will not have any members. Once board members are appointed, they may revise their bylaws in accordance with this law [*see Boards, Committees and Commissions, 1 O.C. 105.4*].
- C. **Applications.** The application form to serve on a board, committee or commission must be approved by the Oneida Business Committee. The application form must include a conflict of interest disclosure. A statement has been added to the application form explaining attendance requirements. The intent is to ensure applicants are aware of these requirements when they apply. Application materials will be made available in the Business Committee (BC) Support Office.

- 81 ▪ *Background Investigation Application.* For entities that require a background check, an additional
82 application form will now be required. This background application form will include social
83 security number and any other information required to conduct a background investigation. The
84 background investigation application will not be shared with the Oneida Business Committee,
85 entity or Election Board. The intent is to keep this personal information separate from the main
86 application materials. Currently, only Oneida Gaming Commission and Oneida Police
87 Commission require background checks [see *Boards, Committees and Commissions, 1 O.C.*
88 *105.5-1(b)*].
- 89 ▪ Completed applications must be submitted by 4:30 p.m. on the deadline date. Applications may
90 be mailed as long as they are postmarked by the deadline date and received by the Business
91 Committee Support Office within 5 business days of the deadline [see *Boards, Committees and*
92 *Commissions, 1 O.C. 105.5-2*].

93 **D. Vacancies.** This section describes the process for filling vacancies.

- 94 ▪ *Appointments to Fill Vacancies on Elected Entities.* Individuals appointed to fill a vacancy on an
95 elected entity will be considered an appointed official for the purposes of this law. This means
96 that the appointed official may have their appointment terminated by the OBC, regardless of
97 whether they serve on an elected board. [see *Boards, Committees and Commissions, 1 O.C.*
98 *105.6-1*].
- 99 ▪ *Serve until Successor Appointed.* A new provision was added to allow members to remain in
100 office until their successor has been sworn in. This provision was added to ensure that entities can
101 still maintain a quorum while they wait for new appointments to be processed [see *Boards,*
102 *Committees and Commissions, 1 O.C. 105.6-2(a)(1)*].
- 103 ▪ *Resignations.* Previously, officials could resign by delivering a resignation letter to the entity's
104 chairperson or by verbally resigning during a meeting. The process for resignation letters has
105 been changed to require officials to submit their letter to both the entity's chairperson and to the
106 BC Support Office. This is to ensure that the BC Support Office is aware of resignations as soon
107 as they occur, so that vacancies can be posted and filled in a timely manner [see *Boards,*
108 *Committees and Commissions 1 O.C. 105.6-2(d)*]
- 109 ▪ Entities must notify the BC Support Office of vacancies as soon as they learn the position will
110 become vacant [see *Boards, Committees and Commissions, 1 O.C. 105.6-3*]. This section also
111 specifies when the BC Support Office must post notice of vacancies [see *Boards, Committees and*
112 *Commissions, 1 O.C. 105.6-4*]. Notice of vacancies will be posted by the BC Support Office in all
113 official media outlets of the Nation, as determined by the Oneida Business Committee. This
114 currently includes the Kalihwisaks and the Nation's website [see *Boards, Committees and*
115 *Commissions, 1 O.C. 105.6-5*].

116 **E. Appointment to an Entity.** This section describes the process for appointment to an entity.

- 117 ▪ *Current Process.* Under current law, all applications are delivered to the Nation's chairperson.
118 The chairperson selects an applicant "within a reasonable time" and the appointment is voted on
119 by the Oneida Business Committee. Currently, the chairperson is under no obligation to consult
120 with OBC members prior to making an appointment, and there is no timetable for when the
121 appointment must be made.
- 122 ▪ *Proposed Process.* In this proposed law, the appointment process has been modified to provide
123 individual OBC members and the entity's chairperson an opportunity to review applications and
124 offer recommendations. In addition, this law requires the BC Support Office to place

appointments on the executive session portion of the agenda for the next BC meeting, to ensure a speedier appointment process. During executive session of the next BC meeting, all OBC members will have an opportunity to discuss the applicants and select an appointee by consensus [see *Boards, Committees and Commissions, 1 O.C. 105.7-1*].

- *Notification of an Appointment.* After an appointment is approved by the Business Committee, the Nation's Chairperson will notify the Secretary of the appointment. The Secretary will then notify the applicant [see *Boards, Committees and Commissions, 1 O.C. 105.7-2*].

- *Declining an Appointment.* This new provision describes how an individual can decline their appointment before taking the oath of office. Individuals can decline their appointment by delivering a letter to the BC Support Office. In addition, failure to take the oath of office within thirty (30) days of appointment will also be considered declining the appointment. Oaths of office are administered during OBC meetings, which are held twice monthly. Therefore, appointees will have at least two opportunities to take the oath. In addition, a new provision has been added later in this law to allow for oaths of office by video conference. If an individual declines their appointment, the OBC will select another applicant from the original posting rather than re-post the vacancy [see *Boards, Committees and Commissions, 1 O.C. 105.7-3*].

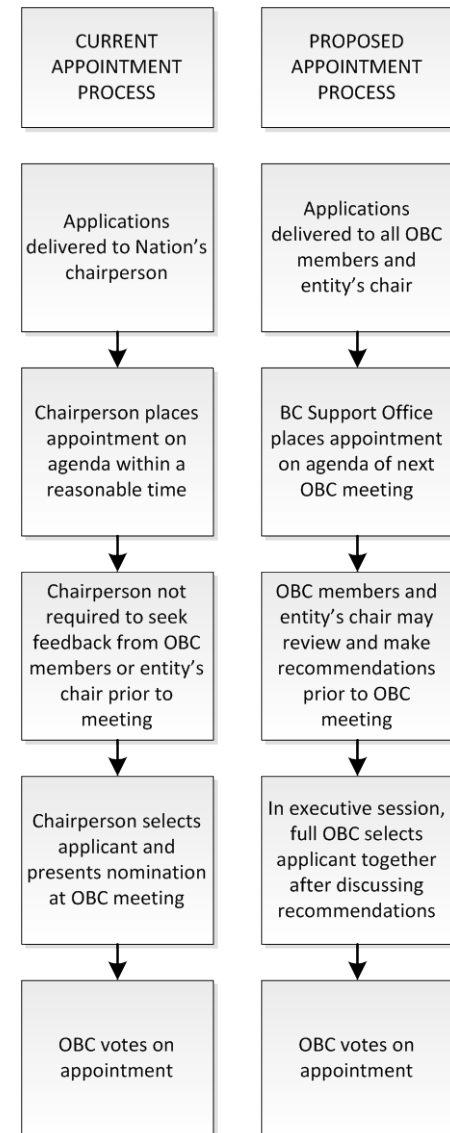
- *Termination of Appointment.* Appointed members, including individuals appointed to fill vacancies on elected entities, may have their appointment terminated by a 2/3 majority vote of the BC. Termination of appointment is final and cannot be appealed [see *Boards, Committees and Commissions, 1 O.C. 105.7-4*].

F. Election to an Entity. Candidates for an elected entity must be nominated at a caucus or petition to be placed on the ballot. Vacancies may be filled by appointment, per each entity's bylaws. The election process is governed by the Election Law [See *Boards, Committees and Commissions, 1 O.C. 105.8*].

G. Oath of Office. This section lists the oath of office and the procedure for changing the oath.

- *Revised Oath.* Minor revisions have been made to the wording of the oath to reflect the change from Oneida Tribe to Oneida Nation and to make it easier to recite. Specifically, "and with the strictest confidentiality" has been changed to "and will strictly maintain confidential information."
- *Video Conference.* A provision has been added that allows members to take their oath by video conference with permission of the Secretary. Members of the SEOTS Board, who reside in the Milwaukee area, are an example of members who may benefit from this provision.

Chart 2. Appointment Comparison



- *Electronic Copies.* The BC Support Office may now store electronic copies of the signed oath, rather than keep original paper copies [See *Boards, Committees and Commissions, 1 O.C. 105.9*]

H. Bylaws. Bylaws are the documents that provide a framework for the operation and management of an entity. This law outlines the format that entities must follow for developing their bylaws. These are the minimum requirements for what must be included. Entities may add additional information to their bylaws if they choose. Bylaws must be organized in the following manner:

- *Article I: Authority.* This section includes the following new provisions: Establishment, which cites the law or resolution that established the entity. Authority, which will state the purpose of the entity and the authority delegated to the entity. Termination or Removal, which identifies causes for termination or removal from the entity. Trainings and Conferences, which describes trainings and/or conferences the entity deems necessary to serve on the entity [See *Boards, Committees and Commissions, 1 O.C. 105.10-3(a)*].
- *Article II: Officers.* This section lists the duties and responsibilities of the entity's chairperson, vice chairperson, and any additional officers. It also describes the procedure for selecting officers and whether the entity has the authority to hire personnel. A new provision on budgetary and travel sign-off authority has been added to identify which members of the entity have sign-off authority on behalf of the entity. All travel requests must be approved by majority vote during a meeting of the entity [See *Boards, Committees and Commissions, 1 O.C. 105.10-3(b)*].
- *Article III: Meetings.* This section identifies when and where regular, emergency and joint meetings will be held and how meetings will be noticed [See *Boards, Committees and Commissions, 1 O.C. 105.10-3(c)*].
 - *Justification for Emergency Meetings.* Within 72 hours of an emergency meeting, the entity must provide the Nation's Secretary with notice of the meeting, the reason for the meeting, and an explanation for why the matter could not wait for a regular meeting. This is a new provision.
 - *Joint Meetings.* A new provision has been added regarding whether joint meetings will be held between the entity and the Oneida Business Committee.
 - *Voting and E-Poll.* The Voting section has been revised to include whether the entity will allow e-polls and under what circumstances the entity's chairperson is allowed to vote.
- *Article IV: Expectations.* This is a new section which sets expectations for behavior of members of an entity. Entities must prohibit violence and the use of alcohol and illegal drugs when acting in an official capacity. Entities must also list expectations regarding how official business of the entity may be posted on social media. A conflict of interest section has also been added, which lists any additional conflict of interests that may be unique to that entity. This section will also describe how conflicts of interest will be handled and mitigated [See *Boards, Committees and Commissions, 1 O.C. 105.10-3(d)*].
- *Article V: Stipends and Compensation.* This new section will list all of the stipends members are eligible to receive and the requirements for collecting each stipend [See *Boards, Committees and Commissions, 1 O.C. 105.10-3(e)*].
- *Article VI: Records and Reporting.* This section describes the procedure and format for agenda items, meeting minutes, attachments and the entity's relationship with the OBC Liaison. New revisions to this section include identifying a reasonable timeframe that the entity will submit minutes to the BC Support Office, and identifying how records of meeting attachments will be kept [See *Boards, Committees and Commissions, 1 O.C. 105.10-3(f)*].

- 213 ○ *Audio Recording Requirement.* All entities will now be required to audio record their
214 meetings.
- 215 ■ *Article VII: Amendments.* This section describes how entities may revise their bylaws, with the
216 approval of the Oneida Business Committee or General Tribal Council [*See Boards, Committees*
217 *and Commissions, 1 O.C. 105.10-3(g)*].
- 218 **I. *Electronic Polling (E-Poll).*** This new provision outlines the process for conducting an electronic
219 poll, or “e-poll.” Entities may use e-polls if approval of an action is needed before their next meeting.
220 ■ *E-Poll Process.* E-polls must be sent from an official email address of the entity by the chair or
221 designee, include a deadline for response of no greater than 24 hours, and follow the formatting
222 requirements described in this section. Members will vote by responding to the e-poll from an
223 official address of the entity. Responses from personal email addresses will not be accepted. In
224 order for an e-poll to be valid, a majority of the members of the entity must respond to the e-poll.
225 This is similar to requiring a quorum for an in-person meeting. If a majority vote in support of
226 the e-poll, then the action will be approved. Copies of all e-poll results must be placed on the
227 entity’s next meeting agenda to be entered into the record [*see Boards, Committees and*
228 *Commissions, 1 O.C. 105.11*].
- 229 **J. *Reporting Requirements.*** This law describes reporting requirements for minutes, standard operating
230 procedures and reports to the Oneida Business Committee and General Tribal Council. Several new
231 provisions have been added:
232 ■ *Minutes.* Actions taken by an entity are valid once the action has been approved by a vote. For
233 example, if an entity passes a motion, that motion is valid immediately. Entities have the option
234 of adding a requirement to their bylaws that minutes must be approved before the actions become
235 valid [*See Boards, Committees and Commissions, 1 O.C. 105.12-1*].
236 ■ *Standard Operating Procedures.* Entities will now be required to submit all standard operating
237 procedures to the BC Support Office to be kept on file.
238 ■ *Quarterly Reports to Oneida Business Committee.* Entities must submit quarterly reports to the
239 Oneida Business Committee. At least one member of each entity must attend the BC Meeting
240 where their quarterly report is being presented. Quarterly reports will contain the following
241 information: Contact information, number and type of meetings, the topics of any emergency or
242 special meetings, accomplishments, goals, budget status, requests to the Business Committee and
243 any other information deemed appropriate by the entity [*See Boards, Committees and*
244 *Commissions, 1 O.C. 105.12-3*].
245 ■ *Annual and Semi-Annual Reports to GTC.* Entities must submit annual and semi-annual reports
246 to the General Tribal Council. The Business Committee will set the format for these reports.
247 ○ *Complaints.* New provisions were added that require entities to include the number of
248 substantiated complaints against members of the entity in their annual and semi-annual
249 reports. A substantiated complaint is a complaint that has been found valid by the BC or
250 Judiciary. The proposed Sanctions and Penalties law will set a standard procedure for
251 complaints.
252 ■ *Failure to Submit Reports.* A new provision was added specifying that if an entity does not
253 submit reports on time, OBC may place a hold on all stipends for that entity until the reports are
254 received [*See Boards, Committees and Commissions, 1 O.C. 105.12-5*].

- 255 **K. *Stipends, Reimbursement and Compensation.*** This law describes the procedures for how stipends
256 will be paid for meetings, hearings, and other expenses [*see Boards, Committees and Commissions, 1*
257 *O.C. 105.13*].
- 258 ■ *Stipend Amount Set by Resolution.* Rather than put the stipend amounts within the law, the
259 Oneida Business Committee will now set stipend amounts in a separate resolution. The BC may
260 adjust those amounts by amending the resolution. The purpose of this change is to allow for
261 greater flexibility in adjusting stipends. It also ensures that stipend amounts for all of the Nation's
262 boards, committees and commissions are accurately documented in one place. At the time this
263 analysis was written, the LOC plans to draft a resolution setting stipend amounts and include the
264 resolution in the adoption packet for this law.
 - 265 ■ *Gift Card Option.* Entities will now have the option of paying stipends in the form of cash or gift
266 cards, such as Oneida Retail cards.
 - 267 ■ *Requirements for Regular and Emergency Meeting Stipends.* In order to receive a stipend,
268 meetings must have an established quorum and last at least one hour. In addition, there is a new
269 requirement that members must be physically present for the entire meeting to earn the stipend. If
270 members arrive late or leave early, they will not earn a stipend.
 - 271 ○ *Appointed Members:* Appointed members may only receive one meeting stipend per
272 month, regardless of the number of meetings held. This is consistent with current law
273 [*See Boards, Committees and Commissions, 1 O.C. 105.13-3(a)*].
 - 274 ○ *Elected Members:* Elected members may receive two meeting stipends per month,
275 regardless of the number of meetings held. This is a change from current law, which
276 previously allowed elected boards to receive stipends for any number of meetings per
277 month. [*See Boards, Committees and Commissions, 1 O.C. 105.13-3(b)*].
 - 278 ■ *Requirements for Joint Meeting Stipends.* Members of entities can receive a stipend for attending
279 a duly called joint meeting with the Oneida Business Committee. The joint meeting must have an
280 established quorum, last at least one hour, and members must be physically present for the entire
281 meeting. Business Committee members are full-time employees and do not receive meeting
282 stipends [*See Boards, Committees and Commissions, 1 O.C. 105.13-4*].
 - 283 ○ *Examples:* Trust Enrollment Committee, Land Commission and Land Claims
284 Commission are examples of entities that hold joint meetings with the Business
285 Committee.
 - 286 ■ *Stipends for Oneida Judiciary Hearings.* A member of an entity will receive a stipend for
287 attending an Oneida Judiciary hearing if that member is required to attend by subpoena [*See*
288 *Boards, Committees and Commissions, 1 O.C. 105.13-5*].
 - 289 ■ *Hearings of an Entity:* Members may receive stipends for conducting hearings administered by
290 the entity. Entities may only receive one stipend for each hearing, regardless of the length of the
291 hearing. Members may not receive additional stipends for continuations of a hearing or to draft
292 decisions [*See Boards, Committees and Commissions, 1 O.C. 105.13-6*].
 - 293 ○ *Boards with Hearing Authority:* The following entities currently exercise hearing
294 authority: Election Board, Police Commission, School Board, Trust Enrollment
295 Committee, Pardon and Forgiveness Screening Committee, and Gaming Commission.
296 Environmental Resource Board and Land Commission have transferred hearing body
297 authority to the Judiciary.

- 298 ▪ *Other Stipends:* Stipends for any other activity will be set by the OBC in the resolution setting
299 stipend amounts. Examples of such activities include Pow-wow Committee working at Pow-
300 wows and Election Board conducting elections or conducting hand counts at GTC meetings [*See*
301 *Boards, Committees and Commissions, 1 O.C. 105.13-7*].
- 302 ▪ *Conferences and Training:* Members will receive stipends for attending conferences and training.
303 Members will receive stipends for each full day of training required by law, bylaw or resolution.
304 Members will not receive stipends for travel days. In addition, members are eligible for per diem
305 per the Nation's Travel and Expense policy. This is consistent with current law. This section
306 removes the \$100 amount for the travel stipend. Instead, the amount of the stipend will be set by
307 the OBC by resolution [*See Boards, Committees and Commissions, 1 O.C. 105.13-8*].

308 **L. Confidential Information.** This law requires members to maintain confidentiality in all information
309 obtained through their position on the entity. Members cannot disclose confidential information
310 without the written authorization of the Oneida Business Committee. After leaving an entity, a
311 member must return all records. Members of an entity cannot use confidential information for
312 personal gain [*See Boards, Committees and Commissions, 1 O.C. 105.14-1*].

- 313 ▪ *Official Email Address.* Members will now be provided an official email address for conducting
314 business of the entity. Members cannot use personal or work email to conduct the entity's
315 business. Employees of the Nation will receive a separate email address. Members must follow
316 the Nation's computer and media related policies and sign an acknowledgment form provided by
317 the Secretary. When a member leaves office, the Nation's Secretary will direct MIS to disable the
318 email address [*See Boards, Committees and Commissions, 1 O.C. 105.14-3*].

319 **M. Conflicts of Interest.** This law requires members to adhere to the Nation's policies regarding
320 conflicts of interest. It also requires members to disclose conflicts of interest as soon as they arise and
321 submit an updated conflict of interest disclosure form to the Nation's Secretary on an annual basis
322 [*See Boards, Committees and Commissions, 1 O.C. 105.15-2*].

- 323 ▪ *Political Appointees.* Political appointees are no longer allowed to serve on boards, committees or
324 commissions. There are currently ten political appointees in the organization: Chairperson's
325 Assistant, Chairperson's Policy Advisor, Vice Chair's Assistant, Treasurer's Assistant,
326 Secretary's Assistant, and five Legislative Assistants [*See Boards, Committees and Commissions,*
327 *1 O.C. 105.15-3*].

- 328 ▪ *Deleted Sections.* The current Comprehensive Policy includes a list of specifically prohibited
329 activities covered under "conflicts of interest." This draft deletes this list of prohibited activities,
330 and instead, directs entities to follow the Nation's laws and policies governing conflicts of
331 interest [*see Comprehensive Policy on Boards, Committees and Commissions, 1 O.C. 105.13*].
332 These laws include the Conflict of Interest Law and the Code of Ethics, which both apply to
333 members of boards, committees and commissions. Members must also follow any conflict of
334 interest provisions in their entity's bylaws. The Conflict of Interest Law and Code of Ethics
335 provide broad guidelines, while the deleted Conflict of Interest sections in this law provided more
336 specific examples that fell within those guidelines.

337 **N. Use of the Nation's Assets.** This law describes how entities will maintain bank accounts, execute and
338 record transactions, and use Generally Accepted Accounting Principles for the Nation's funds. Any
339 evidence of noncompliance will be reported to the Internal Audit department [*See Boards,*
340 *Committees and Commissions, 1 O.C. 105.16*].

- 341 **O. *Dissolution of an Entity.*** Entities can only be dissolved by GTC or OBC motion. A new requirement
342 was added that within 5 business days of dissolving an entity, OBC will provide the entity with a
343 written notice of the dissolution [*See Boards, Committees and Commissions, 1 O.C. 105.17-2*]. This
344 law specifies that chairpersons and secretaries of dissolved entities are responsible for closing out
345 business and forwarding records to the BC Support Office. The BC Support Office may use the
346 assistance of Records Management or any other appropriate department [*See Boards, Committees and*
347 *Commissions, 1 O.C. 105.17-3*].
- 348 **P. *Enforcement.*** Members who violate this law are subject to sanctions and penalties, removal pursuant
349 to the Removal law, or termination of appointment to an appointed entity. A provision regarding
350 disqualifying candidates for election was removed, because disqualification is addressed in the
351 Election law [*See Boards, Committees and Commissions, 1 O.C. 105.18*].
352

353 **SECTION 6. EFFECT ON EXISTING LEGISLATION**

- 354 **A. *Bylaws.*** The bylaws of every Board, Committee and Commission will need to be updated to conform
355 with the new bylaw requirements in this law [*See Boards, Committees and Commissions, 1 O.C.*
356 *105.10-3*].
- 357 **B. *References to the Other Laws of the Nation:*** The following laws of the Nation are referenced in this
358 law. This law does not conflict with any of the referenced laws.
- 359 ▪ ***Election Law.*** The process for election of a member to an elected entity will be governed by the
360 Election Law [*See Boards, Committees and Commissions, 1 O.C. 105.8-2*].
 - 361 ▪ ***Removal Law.*** Removal of an official elected to an entity is governed by the Removal Law [*See*
362 *Boards, Committees and Commissions, 1 O.C. 105.6-2(b)*]. Members who violate this law may be
363 subject to Removal pursuant to the Removal Law [*See Boards, Committees and Commissions, 1*
364 *O.C.105.17-1*].
 - 365 ▪ ***Conflict of Interest Law.*** All members of an entity are required to follow the Nation's laws
366 governing conflicts of interest [*See Boards, Committees and Commissions, 1 O.C.105.15-1*].
 - 367 ▪ ***Code of Ethics.*** All members of an entity are required to follow the Nation's laws governing
368 conflicts of interest. The Code of Ethics also includes conflict of interest provisions [*See Boards,*
369 *Committees and Commissions, 1 O.C. 105.15-1*].
 - 370 ▪ ***Computer Resources Ordinance.*** Members of an entity must sign an acknowledgment form
371 indicating notice of the Nation's applicable computer and media related laws [*See Boards,*
372 *Committees and Commissions, 1 O.C. 105.14-3(b)*].
 - 373 ▪ ***Social Media Policy.*** The bylaws of each entity must identify expectations for the use of social
374 media in regards to official business of the entity [*See Boards, Committees and Commissions, 1*
375 *O.C. 105.10-3(d)(4)*].
 - 376 ▪ ***Travel and Expense Policy.*** Members of an entity are eligible to be reimbursed for travel and per
377 diem to attend a conference or training in accordance with the Nation's travel policies [*See*
378 *Boards, Committees and Commissions, 1 O.C. 105.13-8*].
 - 379 ▪ ***Oneida Nation Gaming Ordinance.*** Compensation of Gaming Commissioners is not subject to
380 the this law [*see Oneida Nation Gaming Ordinance, 5 O.C. 501.6-1*].
381

382 **SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR OBLIGATIONS**

- 383 **A. *Right to Appeal Termination of Appointment.*** After the OBC terminates an appointment, the
384 termination is final and not subject to appeal. While appointed members have always served at the

discretion of the Business Committee, for clarity, the law now specifically states that appeals are not allowed. Note that this does not impact members who were elected to their positions, which is governed by the Removal Law.

- B. *Political Appointees.*** This law bans political appointees, such as legislative assistants, from serving on boards, committees and commissions. By accepting the position, political appointees will be knowingly giving up the right to serve on an entity as a condition of their employment. Any appointees currently serving on an entity will be allowed to finish their terms. *[See Boards, Committees and Commissions, 1 O.C. 105.15-3].*

SECTION 8. ENFORCEMENT AND ACCOUNTABILITY

- A.** Elected officials may be removed pursuant to the Removal Law and appointed officials may have their appointments terminated by the Oneida Business Committee *[See Boards, Committees and Commissions, 1 O.C. 105.18-1(b-c)]*.
- B.** Any member of an entity who violates this law may be subject to sanctions and penalties. The LOC is currently developing a Sanctions and Penalties law *[See Boards, Committees and Commissions, 1 O.C. 105.18-1(a)]*.
- C.** Entities that fail to comply with reporting requirements in this law may have their stipends withheld until reports are submitted *[See Boards, Committees and Commissions, 1 O.C. 105.12-5]*.

SECTION 9. OTHER CONSIDERATIONS

The LOC may want to consider the following regarding implementation of this law:

- A. *Bylaws.*** Boards, Committees and Commissions have been unable to update their bylaws for the last several years while this law has been on the LOC's Active Files List. Upon adoption of this law, all entities will need to update their bylaws to conform with the new standards *[See Boards, Committees and Commissions, 1 O.C. 105.10]*. Entities will be expected to update their bylaws within a reasonable time after adoption of this law, rather than a specific deadline. All bylaws must be approved by the Oneida Business Committee. Entities, LOC and the BC should expect to begin processing a large number of bylaws after passage. The LOC plans to assist entities with updating their bylaws by offering training sessions, bylaw templates, and additional assistance from LRO staff.
- B. *Stipend Processing.*** This law places several new requirements and limitations on how and when members may receive stipends. These new requirements will require enforcement. Enforcing these new provisions will require reviewing bylaws, entity and OBC meeting minutes, Judiciary subpoenas and other actions. Currently, stipend requests are sent directly to Accounting. The BC Support Office is in the process of taking over this responsibility and is well suited to this role given their familiarity with each of the boards. If possible, the BC Support Office should take over this role to coincide with the implementation of this law.
- C. *Current Political Appointees.*** This law bans political appointees from serving on boards, committees and commissions *[See Boards, Committees and Commissions, 1 O.C. 105.15-3]*. At the time this analysis was drafted, two political appointees currently serve on an entity. Both serve on elected entities. These two individuals, and any other political appointees who may be serving at the time this law is adopted, will be permitted to serve out the remainder of their terms. This decision will be included in the adopting resolution for this law. The OBC should also consider working with Oneida Human Resources Dept. to update job descriptions for political appointees to include this ban.

- D. Audio Recording Requirement.** This law adds a new requirement for all entities to audio record their meetings. According to the BC Support Office, three entities currently audio record their meetings on a regular basis. The BC Support Office has recording equipment available to assist entities. It may be necessary for the BC Support Office to acquire additional audio recording equipment to implement this provision. The LOC may want to consider delaying the implementation date of this requirement in the adopting resolution to allow for any necessary planning, training or purchases.
- E. Email Addresses for BCC Members.** MIS, BC Support Office and Records Management have begun work to develop a process to provide and manage email addresses for member entities. Based on MIS research, the email address requirement will impact approximately 130 members. To allow for necessary planning to implement protocols, set budgets, and secure licenses to set up new email addresses, the LOC intends to delay implementation of the email requirement in the adopting resolution.
- F. Changes to Application Form.** The following changes must be made to the application form for boards, committees and commissions. The revised application forms must be approved by the Business Committee [see *Boards, Committees and Commissions, 1 O.C. 105.5-1*].
- Add a statement to the application form explaining the attendance requirements of section 105.11-3
 - Create an additional Background Investigation Application Form, to include social security number and any other information needed to conduct a background investigation. This form will only be provided to applicants applying to entities that require a background check. This includes the Gaming Commission and Police Commission.
- G. New Forms and Standard Operating Procedures:**
- *Computer Resource Acknowledgment Form.* The Secretary must provide an acknowledgment form to be signed by each member upon receiving an email address. The Nation's Secretary and BC Support Office may want to consult with MIS regarding existing standard forms that could be used [see *Boards, Committees and Commissions 1 O.C. 105.14-3(b)*].
 - *Disabling Email Addresses.* The Secretary must direct MIS to disable the email address for members that leave office. The Nation's Secretary and BC Support Office may want to develop an SOP for this process [see *Boards, Committees and Commissions 1 O.C. 105.14-3(d)*].
 - *SOP for Background Check Application Forms.* Given the sensitive information on the new background check application forms, the Nation's Secretary and BC Support Office may want to create an SOP for how these forms will be securely stored and processed, if such an SOP does not already exist.
- The following is provided for information:*
- H. Current Stipends.** Under this law, stipend amounts will be set by Business Committee resolution [see *Boards, Committees and Commissions 1 O.C. 105.13-2*]. The OBC will periodically review and adjust these stipend amounts. Below is a depiction of current stipend amounts at the time this analysis was drafted. Whether to maintain or adjust the current stipend amounts a policy decision.

Chart 4. Current Meeting Stipends for Appointed Boards.

NO STIPEND
▪ Oneida Nation Arts Board
\$50 PER MEETING
<ul style="list-style-type: none"> ▪ Anna John Resident Centered Care Community Board (AJRCC) ▪ Environmental Resource Board (ERB) ▪ Oneida Community Library Board ▪ Oneida Police Commission ▪ Oneida Pow-wow Committee ▪ Oneida Nation Veterans Affairs Committee (ONVAC) ▪ Pardon and Screening Forgiveness Committee ▪ Personnel Selection Committee*
\$75 PER MEETING
▪ Southeastern WI Oneida Tribal Services Advisory Board (SEOTS)

Source: 2018 Semi-Annual Report to General Tribal Council

**Note – On August 27, 2018, GTC rescinded the dissolution of the Personnel Commission.*

Chart 5. Current Meeting Stipends for Elected Boards.

\$50 PER MEETING
<ul style="list-style-type: none"> ▪ Land Commission ▪ Land Claims Commission
\$75 PER MEETING
<ul style="list-style-type: none"> ▪ Oneida Nation Commission on Aging (ONCOA) ▪ Oneida Nation School Board
\$100 PER MEETING FOR CHAIR, \$75 PER MEETING FOR MEMBERS
▪ Trust Enrollment Committee
\$100 PER MEETING
▪ Oneida Election Board
FULL TIME SALARY – NO MEETING STIPENDS
<ul style="list-style-type: none"> ▪ Oneida Gaming Commission* <ul style="list-style-type: none"> ○ Gaming Commissioners are full-time officials. Compensation of Gaming Commissioners is not subject to the Comprehensive Policy on Boards, Committees and Commissions [see Oneida Nation Gaming Ordinance 5 O.C. 501.6-11]. ○ “Pro-Tem” Commissioners, appointed as needed to participate in hearings when full-time commissioners recuse themselves, receive \$150 per hearing.

Source: 2018 Semi-Annual Report to General Tribal Council.

- **Summary of Current Meeting Stipends.** Currently, there are variations in stipends from board to board based on BC and entity actions over the years.
 - *Appointed.* Members of appointed entities receive \$50 per meeting, with the exception of SEOTS, which reports that it receives \$75 per meeting, and Oneida Arts Board, which is a volunteer board that does not accept stipends.

- *Elected.* Members of elected entities receive between \$50 to \$100 per meeting. An exception is the Oneida Gaming Commission, whose members receive a full-time salary.
 - **Hearing Stipends.** Entities with hearing body authority receive stipends for conducting hearings. Hearing stipend amounts are typically the same as meeting stipends.
 - **Conferences and Training Stipends.** Members currently receive a \$100 stipend for each full day spent attending a conference or training, not including travel days.
 - **Other Stipends.** In addition, certain entities receive stipends for other activities:
 - Oneida Election Board members receive \$10 per hour for conducting elections and caucuses. They also receive a \$100 stipend for conducting hand counts at General Tribal Council meetings.
 - Oneida Pow-wow Committee members receive \$25 per hour, not to exceed \$200 per day, for planning, preparation and working Oneida Pow-wows.
- I. Proposed Stipend Amounts.** At the time this analysis was drafted, the LOC intends to propose an increase in stipend amounts for boards, committees and commissions. Below are the stipend amounts that the LOC proposes to set by resolution upon adoption of this law. For additional information, see the proposed stipend resolution included in the adoption materials for this law.

Chart 6. Proposed Meeting Stipends for Appointed Boards.

Appointed Entity	Current Stipend Amount	Proposed Stipend Amount
Oneida Nation Arts Board	None	\$75 per meeting
Anna John Resident Centered Care Community Board (AJRCC)	\$50 per meeting	\$75 per meeting
Oneida Community Library Board	\$50 per meeting	\$75 per meeting
Environmental Resource Board	\$50 per meeting	\$75 per meeting
Oneida Nation Veterans Affairs Committee (ONVAC)	\$50 per meeting	\$75 per meeting
Personnel Selection Committee*	\$50 per meeting	\$75 per meeting
Oneida Police Commission	\$50 per meeting	\$75 per meeting
Oneida Pow-wow Committee	\$50 per meeting	\$75 per meeting
Pardon and Forgiveness Screening Committee	\$50 per meeting	\$75 per meeting
Southeastern Oneida Tribal Services Advisory Board (SEOTS)	\$75 per meeting	\$75 per meeting

- The LOC proposes to increase stipend amounts for appointed boards to \$75 per meeting. Appointed boards are limited to one meeting stipend per month.
- For more information regarding proposed stipends, see proposed stipend resolution in the adoption materials for this law.

Chart 7. Proposed Meeting Stipends for Elected Boards.

Elected Entity	Current Stipend Amount	Proposed Stipend Amount
Land Commission	\$50 per meeting	\$100 per meeting
Land Claims Commission	\$50 per meeting	\$100 per meeting
Oneida Nation Commission on Aging (ONCOA)	\$75 per meeting	\$100 per meeting
Oneida Nation School Board	\$75 per meeting	\$100 per meeting
Trust Enrollment Committee	\$100 per meeting for chairperson, \$75 per meeting for members	\$100 per meeting (all members)
Oneida Election Board	\$100 per meeting	\$100 per meeting

- The LOC proposes to increase stipend amounts for elected boards to \$100 per meeting.
- Upon adoption of this law, elected boards will be limited to two meeting stipends per month, regardless of the number of meetings held.
- Compensation of Oneida Gaming Commissioners is not subject to the Comprehensive Policy on Boards Committees and Commissions [see *Oneida Nation Gaming Ordinance, 5 O.C. 501.6-11*].
- For more information regarding proposed stipends, see proposed stipend resolution in the adoption materials for this law.

J. Sanctions and Penalties. This law references sanctions and penalties. The Legislative Operating Committee (LOC) is currently drafting a Sanctions and Penalties Law to increase accountability among elected and appointed officials of the Nation. Currently, the only reprimand available for a violation of this law is termination of appointment for appointed members, removal of elected members, and in certain instances, withholding stipends. However, there may be instances of misconduct that do not rise to the level of removal. In these cases, other sanctions such as verbal warnings, written warnings, suspension or fines may be more appropriate. The proposed Sanctions and Penalties law will create a formal complaint process and allow for corrective actions against officials who violate laws, bylaws and SOPs of the Nation. At the time this analysis was drafted, the LOC intends to present a Sanctions and Penalties Law to GTC for consideration once the draft is complete and all legislative requirements are met. [See *Boards, Committees and Commissions, 1 O.C. 105.18-1(a)*].

K. Please refer to the fiscal impact statement for any fiscal impacts.

Draft 3 for OBC Consideration (Redline to Current)
2018 09 12

Title 1. Government and Finances – Chapter 105
~~COMPREHENSIVE POLICY GOVERNING~~ BOARDS, COMMITTEES AND
COMMISSIONS

Laotiyani<hs>sh&ha k<tyohkway<-l&-se>
Their laws_____ of the groups we have

105.1. Purpose and Policy
105.2. Adoption, Amendment, Repeal
105.3. Definitions
105.4. ~~Creation of an Entity~~ Applications
105.5. Applications
~~105.6. Vacancies~~
105.6. Appointed Positions
~~105.7. Elected Positions~~ Appointment to an Entity
105.8. ~~By Laws of Boards, Committees and Commissions~~ Election to an Entity

105.9. ~~Minutes~~ Oath of Office
105.10. ~~Dissolution of Entities~~ Bylaws
105.11. Electronic Polling
105.12. Reporting Requirements
105.13. Stipends, Reimbursement and Compensation ~~for Services~~
105.14. Confidential Information
105.15. Conflicts of Interest
105.16. Use of the Nation's Assets
105.17. Dissolution of an Entity
105.18. Enforcement

105.1. Purpose and Policy

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

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

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

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

105.2. Adoption, Amendment, Repeal

105.2-1. This policy law was adopted by the Oneida Business Committee by resolution ~~#-BC-505-14-97-F~~ and amended by resolutions ~~#-BC-09-27-06-E-and-#, BC-09-22-10-C-, and BC-~~
~~- - -~~

105.2-2. This policy law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act or repealed by the Oneida Business Committee or the Oneida General Tribal Council, ~~regardless of where the original adoption took place~~ pursuant to the procedures set out in the Legislative Procedures Act.

105.2-3. Should a provision of this policy law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this policy law which are considered to have legal force without the invalid portions.

~~105.2-4. Any policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this policy is hereby repealed to the extent that it is inconsistent with or is contrary to this policy. Provided that meeting stipends for elected members of a~~

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

~~board, committee or commission that are in effect on [adoption date of the amendments] shall remain unaffected, but prior exceptions to this policy for appointed entities shall be repealed to extent that meeting stipends are inconsistent with this policy.~~

105.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

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

105.3. Definitions

105.3-1. This section shall govern the definitions of words and phrases ~~as used herein~~within this law. All words not defined herein shall be used in their ordinary and everyday sense.

~~(a)~~(a) "Application" means the form by which a person seeks to be appointed to fill a vacancy on an entity.

(b) "Appointment" means the process by which a person is chosen to fill a vacancy on an entity by the Oneida Business Committee.

(c) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays recognized by the Nation.

(d) "Bylaws" means a document which provides a framework for the operation and management of a board, committee, or commission of the Nation chiefly for the government of its members and the regulation of its affairs.

(e) "Conference" means any training, seminar, meeting, or other assembly of persons which is not an assembly of the entity.

(f) "Confidential information" means all information or data, whether printed, written, or oral, concerning business or customers of the Nation, disclosed to, acquired by, or generated by a member of an entity in confidence at any time during their elected or appointed term or during their employment.

(g) "Conflict of interest" means any interest, real or apparent, whether it be personal, financial, political, or otherwise, in which an elected official, officer, political appointee, employee, contractor, or appointed or elected member, or their immediate family members, friends or associates, or any other person with whom they have contact, have that conflicts with any right of the Nation to property, information, or any other right to own and operate activities free from undisclosed competition or other violation of such rights of the Nation. In addition, conflict of interest also means any financial or familial interest an elected official, officer, political appointee, employee, contractor, or appointed or elected member or their immediate family members may have in any transaction between the Nation and an outside party.

(h) "Entity" means a board, committee or commission created by the General Tribal Council or the Oneida Business Committee whose members are appointed by the Oneida Business Committee or elected by the ~~General Tribal Council~~ Nation's membership.

~~(b) "Vacancy"~~(i) "E-poll" means any position an electronic poll, which is the act of delivering an e-mail to all members of an entity, in order to seek a response which identifies a vote in favor of, opposing, or abstaining to an issue requiring approval by the entity.

(j) "Joint meeting" means a meeting with the Oneida Business Committee.

(k) "Nation" means the Oneida Nation.

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

(l) "Per Diem" means the payment made by the Nation to offset the costs of being on any travel on behalf of the Oneida Nation.

(m) "Political appointee" means a person appointed by a member of the Oneida Business Committee to provide assistance with the Oneida Business Committee member's daily activities and operations.

(n) "Prohibited drugs" means marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance included in Schedules I through V, as defined by Section 812 of Title 21 of the United States Code. This also includes prescription medication or over-the-counter medicine used in an unauthorized or unlawful manner.

(o) "Stipend" means the amount paid by the Oneida Nation to a person serving on a board, committee, or commission caused by resignation, end of term, removal, termination, or creation of a new position of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for his or her board, committee, or commission for the betterment of the Nation.

~~(e) "Application" means any process by which a person proceeds to be appointed to a vacancy.~~

~~(d) "Appointment" means the process by which a person is chosen to fill a vacancy.~~

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

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

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

~~(f) "Conference"s)~~ "Vacancy" means any training, seminar, meeting, or other assembly position on any board, committee or commission caused by resignation, end of persons which is not term, removal, termination, or creation of a new position.

105.4. Creation of an assembly Entity

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

~~(g) "Per Diem" means the payment made by 105.4-2. The law or resolution establishing the Tribe to offset entity shall state the costs of being out of town or to travel on behalf purpose of the Oneida Tribe of Indians of Wisconsin.~~

~~(h) "Stipend" means that amount paid by entity and all powers and responsibilities delegated to the entity.~~

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

105.5. Applications

105.5-1. The Oneida Tribe of Indians of Wisconsin to persons serving on boards,

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

~~committees and commissions of the Oneida Tribe of Indians of Wisconsin to offset the expenses of being a member on the board, committee or commission.~~

~~(i) "Official" means any person appointed or elected to membership~~ Business Committee shall approve all applications to serve on an entity of the ~~Oneida Tribe.~~

~~105.4~~ Nation. ~~Applications~~

~~105.4-1.~~ All ~~applications~~ application materials shall be ~~generated by~~ available in the ~~Tribal Secretary's~~ Business Committee Support Office and ~~approved any other location specified~~ by the ~~Oneida Business Committee Support Office.~~

~~105.4-2.~~ The content of ~~(a)~~ All applications shall ~~be as follows~~ include:

~~(a)~~ questions designed to obtain the following information

- ~~(1)~~ name
- ~~(2)~~ address
- ~~(3)~~ phone number
- ~~(4)~~ enrollment number
- ~~(5)~~ position applied for

~~(b)~~ applications may contain any other questions necessary to obtain information necessary to making an informed decision as to the qualifications of any individual to hold any vacancy.

~~(c)~~ Form A-1, attached, is the current approved application form in use and shall be placed in the Tribal Secretary's Office and other locations specified by the Tribal Secretary's Office.

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

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

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

~~105.5-2.~~ ~~105.4-3.~~ Applications shall be filed with the ~~Tribal Secretary's office~~ Business Committee Support Office by 4:30 p.m. of the deadline date. Postmarked envelopes are accepted as filed if postmarked by the deadline date and received by the ~~Tribal Secretary's Office~~ within five (5) business days of the deadline. ~~At the completion of the posted deadline for filing applications the Tribal Secretary shall notify by postcard all persons who have filed an application of the date the application was filed and whether it will be considered for the election or appointment. A tentative date for appointment will be placed on the post card with the instruction that this is a tentative date and further information can be requested by calling the Tribal Secretary's Office. Postcard information should be in substantially similar format as that in Figure 1.~~ Business Committee Support Office within five (5) business days of the deadline.

Your application was received on:

Draft 3 for OBC Consideration (Redline to Current)
2018 09 12

~~Tentative date for appointment or election:~~

~~Your application is not being considered.~~

~~For more information, call the Tribal Secretary's Office at 869-2214.~~

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

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

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

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

105.56. Vacancies

~~105.5-1.~~ 105.5-1. ~~This section shall govern when vacancies occur, and where and when notice of the vacancies shall be posted.~~

~~105.5-2.~~ 105.5-2. ~~The following vacancies shall be effective as listed herein.~~

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

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

- (a) *End of Term.* A vacancy is effective as of 4:30 p.m. of the last day of the month in which the term ends ~~as of the by-laws of the entity.~~

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

- (b) *Removal.* Removal is effective, ~~under adopted~~ pursuant to any law and ~~approved procedures of the entity, when the final action has taken place. Where a final action is defined as~~ or policy of the Nation regarding removal.

- ~~(1) failure to file a timely appeal,~~
- ~~(2) denial of appeal, or~~
- ~~(3) final written opinion is filed.~~

- (c) Termination of Appointment. A termination is effective upon a two-thirds (2/3)

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

majority vote of the Oneida Business Committee in favor of a member's termination of appointment.

(d) Resignation. A resignation is effective upon:

- (1) Deliverance of a letter to the entity, or Business Committee Support Office and to the Chairperson of the entity, or designee; or
- (2) Acceptance by motion of the entity of a verbal resignation.

(de) New Positions. Vacancies on new entities are effective upon adoption of by-laws ~~by laws~~.

105.6-3. (e) Interim Positions. ~~Vacancies of interim positions are effective upon creation of interim positions by~~ An entity shall notify the Oneida Business Committee Support Office as soon as the entity learns that a position has or ~~General Tribal Council.~~

105.5-3 will become vacant. All notices of vacancy shall be sent to the entities for clarification or confirmation prior to notification to the Oneida Business Committee. ~~The following guidelines are minimum notice requirements:~~

~~(a) End of Term.~~ Entity should be notified 60 days prior to end of term by the Tribal Secretary.

~~(b) Removal or Resignation.~~ Entity should be notified as soon as final action is taken by the Oneida Business Committee or General Tribal Council to accept the resignation, or final action according to any Removal law of the Tribe.

105.5-4. ~~Notice of vacancies shall be by the Tribal Secretary's Office in the following locations:~~

~~(a) Tribal Secretary's Office~~

~~(b) The Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida Community Health Center, the South Eastern Wisconsin Oneida Tribal Services (SEOTS) building and the Highway 54 and E & EE Oneida One Stops.~~

~~(c) Kalihwisaks~~

~~(d) Minutes of the Oneida Business Committee, and~~

~~(e) Any reasonable location requested by the entity.~~

105.5-5. ~~The Tribal Secretary's~~ Support Office shall forward the notice of vacancy to the Oneida Secretary. The Secretary shall request and receive approval from the Oneida Business Committee to post the notice of vacancy. The Business Committee ~~for approval and direction to post notice as set out in this section. The Tribal Secretary shall~~ Support Office shall post notice of vacancies at the following times:

~~(a) End of Term.~~ (a) End of Term. Automatically ~~thirtysixty (60)~~ thirty (30) days prior to completion of the term.

~~(b) Removal.~~ Upon notice by Secretary, or other person authorized by ~~No later than~~ the by-laws next Oneida Business Committee meeting following the effective date of the entity, to the Tribal Secretary's Office. ~~removal.~~

~~(c) Resignation.~~ Upon notice by ~~No later than~~ the Secretary, or other person authorized by next Oneida Business Committee meeting following the by-laws Business Committee Support Office's receipt of notice of an effective resignation from the entity, ~~to the Tribal Secretary's Office.~~

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

- (1) if not specified, immediately upon creation of entity or adoption of ~~by~~

Draft 3 for OBC Consideration (Redline to Current)
2018 09 12

~~laws~~bylaws, whichever is later, or

(2) upon date specified when creating the entity.

~~(e) Interim Members. Upon one of the following:~~

~~(1) upon completion of the term designated to hold in new entity, or~~

~~(2) upon completion of vacant term of the pre-existing entity~~

~~(f) Termination of appointment. At~~No later than the next Oneida Business Committee meeting following the effective date of the ~~termination of appointment.~~

105.6. ~~Appointed Positions~~

~~105.6.1. All appointments-5. Notice of vacancies shall be made~~posted by the Business Committee Support Office in all official media outlets of the Nation, as determined by the Oneida Business Committee at regular or special Oneida Business Committee meetings. Provided that, no applicant may be appointed who fails to meet, as well as any other location deemed appropriate by the requirements set out in the entity's by laws~~Secretary.~~

105.7. Appointment to an Entity

~~105.6.2-7-1. Appointment Selection.~~ The following procedures shall be used to determine ~~who shall be~~how the applicant for an appointed position is selected:

(a) ~~Five (5)~~Eight (8) business days after ~~close of notice,~~the posted deadline for submitting an application, or within twenty-one (21) days of the posted deadline if the entity requires a background investigation to be completed as part of the application process, the Business Committee Support Office shall:

(1) deliver all applications~~shall be delivered to the Tribal Chairperson,~~ along with a summary of qualifications to hold office., and the results of the background investigation if required, to each member of the Oneida Business Committee as well as the entity's Chairperson; and

~~(b) Within a reasonable time, the Tribal Chairperson shall:~~

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

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

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

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

(1) choose an applicant for appointment, or

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

~~(e) Forward choice of applicants to all Council members prior to appointment:~~

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

~~(1) Council members may accept the Tribal Chairperson's selected applicants, or~~
~~(2) Reject an applicant.~~ (d) All appointments shall be made by majority vote the Oneida Business Committee during the open session of a quorum at any regular or special Oneida Business Committee meeting. The Oneida Business Committee shall not appoint an applicant who fails to meet the requirements set out in the entity's bylaws.

(e) During the open session of the 105.6-3. All appointments are official upon taking an oath at a regular or special Oneida Business Committee meeting and all rights and delegated authorities of membership in the entity shall vest upon taking the oath. The Tribal Secretary shall notify the chosen persons when they should appear for taking the oath, a member of the Oneida Business Committee may make a motion to appoint an individual. Oneida Business Committee members may:

~~(a) Originals~~ (1) accept the selected applicant and vote to appoint the individual to the vacant position, or

(2) reject the selected applicant and vote to oppose the appointment of the signed oath shall be maintained individual.

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

~~(b) Copies~~ 105.7-2. Notification of the oath shall be forwarded to the new member and the entity.

~~(c) Wording of oaths shall be approved by the~~ Appointment. Once an individual is selected for appointment at an Oneida Business Committee and kept on file by the Tribal Secretary's Office.

~~(1) The following oath is the standard oath to be used unless a specific oath for the entity is pre-approved by the Oneida Business Committee:~~

~~I, ♦name♦, do hereby promise to uphold the laws and regulations of the Oneida Tribe of Indians of Wisconsin, the General Tribal Council, and the Tribal Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and with the strictest confidentiality.~~

~~I will carry out the duties and responsibilities as a member of the ♦entity name♦, and all recommendations shall be made in the best interest of the Oneida Tribe as a whole.~~

~~(d) Revisions of oaths shall be approved by the Oneida Business Committee prior to usage.~~

~~(e) All oaths shall be sufficient to make the appointee aware of their duty to the Oneida Tribe and as members of the entity.~~

~~105.6-4. The Tribal~~ meeting, the Nation's Secretary shall notify all applicants of the final status of their application.

(a) The Tribal Nation's Chairperson shall forward a list of all applicants to the Tribal Nation's Secretary and the final decision regarding the selection after the procedures in sec. 6-2 for selection of an applicant described in section 105.7-1 are completed. Provided that, the Tribal

(b) The Nation's Secretary shall include on the notice to the applicant selected for appointment

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

the following paragraph:

~~"The Oneida Tribe of Indians of Wisconsin reports all income paid by the Oneida Tribe in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income."~~

~~105.6-5. Termination of Appointment. Appointed members of entities serve at the discretion of the Oneida Business Committee. Upon the recommendation of the Tribal Chair, an appointed member of an entity may have his or her appointment terminated by the Oneida Business Committee by a two-thirds majority vote of the entire Oneida Business Committee.~~

~~105.7 Elected Positions~~

~~105.7-1. All elected positions, unless otherwise noted in the by laws of the entity, shall be nominated at a caucus called by the Oneida Election Board, or petition for ballot placement, in accordance with the Oneida Election Law. Provided that, when the Election Board notifies a petitioner or nominee that he or she is eligible to be placed on the ballot, the following paragraph shall be included:~~

~~"The Oneida Tribe of Indians of Wisconsin~~Nation ~~reports all income paid by the Tribe~~Oneida Nation ~~in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income."~~

~~105.7-2. All other processes shall be as directed in the Oneida Election Law~~3. Declination of Appointment. An individual who has been selected for appointment to an entity by the Oneida Business Committee may decline the appointment.

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

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

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

(b) The Business Committee Support Office shall notify the Oneida Business Committee if an individual declines an appointment to an entity. The Oneida Business Committee shall then use the original pool of applications for the vacancy posting and the process outlined in section 105.7-31 to select another applicant for appointment.

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

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

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

Draft 3 for OBC Consideration (Redline to Current)
2018 09 12

105.8 Election to an Entity

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

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

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

105.9. Oath of Office

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

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

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

105.9-3.(a)— Originals of the signed oath, or electronic copies of the originals of the signed oath, shall be maintained by the Tribal Secretary's Business Committee Support Office.

(b) Copies of the oath shall be forwarded to the new member of the entity and the entity.

105.9-4. © Wording of oaths shall be approved by the Oneida Business Committee and kept on file by the Tribal Secretary's Office. The following oath is the standard oath to be used unless a specific oath for the entity is pre-approved by the Oneida Business Committee:

I, ♣[name♣-do], hereby promise to uphold the laws and regulations of the Oneida Tribe-of Indians of WisconsinNation, the General Tribal Council, and the TribalOneida Nation Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and withwill strictly maintain confidential information. I will carry out the strictest confidentialityduties and responsibilities as a member of the [entity name], and all recommendations shall be made in the best interest of the Oneida Nation as a whole.

I will carry out the duties and responsibilities as a member of the ♣entity name♣, and all recommendations shall be made in the best interest of the Oneida Tribe as a whole.

(d) Revisions of oaths shall be approved by the Oneida Business Committee prior to usage.

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

~~(e)~~105.9-5. All oaths shall be sufficient to make the ~~appointee~~appointed or elected member of an entity aware of their duty to the ~~Tribe~~Nation and as members of the entity.

~~105.8. By-Laws of Boards, Committees and Commissions~~

~~105.8~~10. Bylaws

~~105.10-1. By-Laws~~All entities of ~~all Boards, Committees and Commissions~~the Nation shall have bylaws that conform to the requirements of this outline law. Bylaws shall become effective upon approval of the Oneida Business Committee, unless where General Tribal Council approval is additionally required.

(a) All existing entities must comply with this format and present ~~by-laws~~bylaws for adoption within a reasonable time after creation of the entity, or within a reasonable time after adoption of this ~~policy~~law.

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

~~105.8-2. Specifically excepted from this section are (c) Exception.~~ Task Forces and Ad Hoc Committees are excepted from the requirement to have bylaws. However, these entities must have, at minimum, mission or goal statements for completion of the task.

~~105.8-3. There~~10-2. Articles. Bylaws shall ~~be~~contain, at a minimum, the following Articles:

- (a) Article I. Authority.
- (b) Article II. Officers.
- (c) Article III. Meetings.
- (d) Article IV. ~~Reporting~~Expectations.
- (e) Article V. Stipends and Compensation.
- (f) Article VI. Records and Reporting.
- (g) Article VII. Amendments.

~~105.8-4~~10-3. Sections. Articles shall be divided into "~~Sections~~sections" as set out.

(a) "Article I. Authority" ~~consists~~shall consist of the following ~~information~~:

(1) *Name.* ~~All entities should list the~~The full name of the entity. ~~In addition, there should be listed~~ shall be stated, along with any short name that will be officially used.

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

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

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

~~(4)~~(5) Membership. The following information ~~should~~shall be in this section:

- (A) Number of members on the entity;
- (B) ~~How~~If members on the entity are elected or appointed; and how a member is elected or appointed;
- (C) How vacancies are filled; and
- (D) ~~The qualifications~~Qualifications for membership on the entity.

(i) In order to qualify for membership on an entity, a person shall meet the minimum age requirements set forth for status as a

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

qualified voter of the Nation, unless a law, policy, or directive sets forth a minimum age requirement.

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

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

(b) "Article II. Officers" ~~consists~~shall consist of the following ~~information~~:

(1) ~~Chair~~Chairperson and Vice-~~Chair~~Chairperson. This section creates the chairperson and vice-chairperson positions of the entity. Other officer positions may also be created here.

(2) ~~Chair duties~~Responsibilities of the Chairperson. Because of the importance of this position, ~~those~~all duties and responsibilities of the chairperson, as well as limitations ~~should of the chairperson shall~~ be specifically listed here.

(3) Responsibilities of the Vice-~~Chair duties~~Chairperson. Because of the importance of this position, ~~those~~all duties and responsibilities of the vice-chairperson, as well as limitations ~~should of the vice-chairperson shall~~ be specifically listed here.

(4) Responsibilities of Additional Offices and Duties~~Officers~~. There ~~should~~may be additional sections as needed for every ~~office~~officer position created in subsection one (1) above. These sections shall state all duties and responsibilities of the officer, as well as any limitations of the officer.

(5) ~~How chosen. There should be specifically set out~~Selection of Officers. This section shall identify how a member of the entity ~~will occupy~~shall be selected for an official officer position ~~as set out in this section~~the entity.

~~(6)~~(6) Budgetary Sign-Off Authority and Travel. This section shall identify the entity's varying levels of budgetary sign-off authority, the members that are authorized to sign-off at each level, and how the entity shall handle approving travel on behalf of the entity.

(A) An entity shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(B) An entity shall approve a member's request to travel on behalf of the entity by majority vote at a regular or emergency meeting of the entity.

(7) Personnel. State entities~~This section shall state the entity's~~ authority for hiring personnel, if any, and the duties of such personnel.

(c) "Article III. Meetings" ~~consists~~shall consist of the following ~~information~~:

(1) Regular meetings. ThereThis section shall be listedidentify when and where regular meetings shall be held, and, how the entity shall provide notice of the meeting agenda, documents, and minutes ~~will be disbursed to the members~~.

(2) Emergency meetings. ThereThis section shall be listedidentify what constitutes an emergency meeting, how Emergency~~emergency~~ meetings shall be called ~~and noticed~~, and how the entity shall provide notice of the emergency meeting.

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

~~(3)~~—(A) All bylaws shall include a provision requiring that within seventy-two (72) hours after an emergency meeting, the entity shall provide the Nation's Secretary with notice of the meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait for a regular meeting.

(3) *Joint Meetings.* This section shall identify if joint meetings shall be held, the frequency and location of joint meetings, and how the entity shall provide notice of the meeting agenda, documents, and minutes.

(4) *Quorum.* This section shall ~~list~~ identify how many members of an entity create a quorum.

(4) *Order of Business.* This section sets out how the agenda will be set up.

(5) *Voting.* This section ~~should list how~~ shall identify voting ~~shall be taken, what~~ requirements, such as, but not limited to:

(A) the percentages that shall be needed to pass different items;

(B) if, and when, the chairperson is allowed to vote;

(C) if the use of an e-poll is permissible; and

(D) if the use of and e-poll is permissible, who will serve as the Chairperson's designee for the responsibility of conducting an e-poll, if a designee is utilized.

(d) ~~“Article IV. Reporting”~~ ~~consists~~ “Article IV. Expectations” shall consist of the following information:

(1) *Behavior of Members.* This section shall identify the behavioral expectations and requirements of a member of the entity, and identify how the entity shall enforce these behavioral expectations.

(2) *Prohibition of Violence.* This section shall prohibit any violent intentional act committed by a member of the entity that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property, and set forth any further expectations regarding the prohibition of violence.

(3) *Drug and Alcohol Use.* This section shall prohibit the use of alcohol and prohibited drugs for a member of an entity when acting in their official capacity, and set forth any further expectations regarding the use of prohibited drugs and alcohol.

(4) *Social Media.* This section shall identify expectations for the use of social media in regards to official business of the entity.

(5) *Conflict of Interest.* This section shall state any standards and expectations additional to those required by law of the Nation in regards to conflicts of interest and how they are handled, as well as requirements related to prohibited activities resulting from disclosed conflicts of interest, and means by which a party can alleviate or mitigate the conflict of interest.

(e) “Article V. Stipends and Compensation” shall consist of the following information:

(1) *Stipends.* This section shall include a comprehensive list of all stipends members are eligible to receive and the requirements for collecting each stipend, if any in addition to those contained in this law.

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

(2) *Compensation.* This section shall include details regarding all other forms of compensation members are eligible to receive and the requirements for collecting such compensation, if any in addition to those contained in this law.

(f) "Article VI. Records and Reporting" shall consist of the following information:

(1) *Agenda Items.* Agenda items shall be maintained in an identified consistent format as identified by this section.

(2) *Minutes.* Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the entity. This may include a summary of action taken by the entity. This section shall identify the format for minutes, and a reasonable timeframe by which minutes shall be submitted to the Business Committee Support Office.

(3) *Attachments.* Handouts, reports, memoranda, and the like may be attached to the minutes and agenda, or may be kept separately, provided that all materials can be identified to the meeting in which they were presented. This section shall identify how records of attachments shall be kept.

(4) *Oneida Business Committee Liaison.* Entities will report to shall regularly communicate with the Oneida Business Committee member who is their designated liaison. This reporting section shall identify a format and frequency for communication which may be as the liaison and entity agree to, but not less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council. Reports shall be made within a reasonable time after a meeting is held, or as the Oneida Business Committee member liaison and entity agree. Provided that, the agreement The purpose of the liaison relationship is to uphold the ability of the liaison to act as a support to that entity.

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

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

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

(1) *Amendments to By-laws.* There should be described Bylaws. This section shall describe how amendments to the by-laws shall take place. Provided that, bylaws are made. Any amendments to bylaws shall conform to the requirements of this and any other policy. Provided further, that amendments are of the Nation. Amendments to bylaws shall be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable, prior to implementation.

105.11. Electronic Polling

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

105.11-2. Conducting an E-Poll. The Chairperson of the entity, or designee, shall e-mail the e-poll to all members of the entity. Requests for an e-poll shall be sent only from an official e-

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

mail address of the entity. The e-poll's message shall include the following information:

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

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

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

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

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

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

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

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

105.11-3.

~~105.9~~ *Response to an E-Poll.* A response from a member of an entity shall be valid if received from an official e-mail address of the entity. No responses from unknown e-mails or personal e-mails shall be accepted. An e-poll request shall receive responses from a majority of members of the entity in order to be an official vote.

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

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

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

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

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

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

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

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

105.12. Reporting Requirements

105.12-1. Minutes

~~105.9-1.~~ All minutes shall be submitted to the ~~Tribal Secretary's~~ Business Committee Support Office within a reasonable time after approval by the entity-, as identified in the entity's bylaws.

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

~~105.9-2.~~(a) Actions taken by an entity are valid ~~when~~ upon approval of the action by vote, unless the bylaws of the entity otherwise require minutes are approved, provided that, minutes are to be approved by the entity before the actions are valid.

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

~~(c) 105.9-3.~~ No action or approval of minutes is required by the Oneida Business Committee on minutes submitted by an entity unless specifically required by the ~~by laws~~ bylaws of that entity.

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

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

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

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

(1) If emergency meetings were held, the report shall indicate the basis of the emergency for each meeting.

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

(d) Goals. Details of both ~~105.9-4.~~ In the event of dissolution entity's long term goals, the entity's goals for the next quarter, and projected quarterly activities.

(e) Budget. The amount of ~~an~~ the entity's budget, the status of the budget at that quarter, the amount of each stipend a member may be eligible to receive, how the budget is being utilized by the entity, ~~all files and documents are~~ and projected budgetary uses for the next quarter.

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

(g) Other. And any other information deemed appropriate by the entity, as well as any other information required ~~to be forwarded to the Tribal Secretary's Office for proper storage and disposal~~ by a law or policy of the Nation.

~~105.10. Dissolution of~~ 12-4. Annual and Semi-Annual Reports to the General Tribal Council. Entities

~~105.10-1.~~ All entities of the Tribe shall be dissolved according to this section. ~~Provided that other specific directions may be included within by laws.~~

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

~~105.10-2. A task force or ad hoc committee dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials generated by a task force or ad hoc committee shall be forwarded to the Tribal Secretary's Office for proper disposal within two weeks of dissolution.~~

~~105.10-3. All other entities of the Tribe shall be dissolved only by motion of~~ provide annual reports to the Oneida General Tribal Council ~~or based on their activities during the previous fiscal year, and semi-annual reports based on their activities during the current fiscal year. All annual and semi-annual reports shall follow a format prescribed by the Oneida Business Committee. Unless otherwise indicated, the materials generated by these entities shall be forwarded to the Tribal Secretary's Office for proper disposal within two weeks of dissolution.~~

~~105.10-4. All Chairpersons~~ (a) Annual and ~~Secretaries of dissolved entities~~ semi-annual reports shall ~~be responsible for closing out open business~~ contain information on the number of substantiated complaints against all members of the entity.

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

~~105.11-105.12-5.~~ Any failure to comply with the reporting requirements may result in the Oneida Business Committee placing a hold on the release of a stipend payment.

105.13. Stipends, Reimbursement and Compensation for Service

~~105.13-1. Stipends~~ 105.11-1. Compensation and reimbursement for expenses shall ~~be follow the procedures as set out in this section and according to procedures for payment as set out in this section and according to procedures for payment as set out by the Oneida Tribe of Indians of Wisconsin~~ by the Nation.

~~105.11-2. The Oneida Tribe recognizes that persons serving on entities of the Tribe, whether elected or appointed, incur some expense. Therefore, the Tribe, in order to attract persons to serve on entities, shall pay stipends to these members in accordance with this section.~~

~~105.11-3. Meeting Stipends for Appointed Members. Except provided in sub (a) and unless otherwise declined by the entity through its bylaws, or declined by a member(s), appointed members serving on entities shall be paid a stipend of no more than \$50 per month when at least one (1) meeting is conducted where a quorum has been established in accordance with the duly adopted by laws of that entity. Provided that the meeting lasts for at least one (1) hour and that members collecting stipends must be present for at least one (1) hour of the meeting.~~

~~(a) Members serving on the Oneida Child Protective Board shall be exempt from the \$50 stipend per month limitation and shall receive a \$50~~ 105.13-2. The Oneida Business Committee shall set stipend ~~for each meeting held in accordance with amounts by resolution.~~ 105.11-3.

~~105.11-4. Meeting Stipends for Elected Members. Unless otherwise declined by the entity through its bylaws, or declined by a member(s), elected members serving on entities shall be paid a minimum stipend of \$50 for each meeting which has established a quorum in accordance with the duly adopted by laws of that entity for at least one (1) hour, regardless of the length of the meeting. Members collecting stipends must be present for at least one (1) hour of the meeting, regardless of the length of the meeting.~~

~~105.11-5.~~ The Oneida Business Committee shall periodically review the amounts provided for

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

~~meeting~~ stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending ~~this Policy~~ the resolution. Stipends are paid in the form of cash or cash equivalent, which may include, but is not limited to, gift cards.

105.13-3. Meeting Stipends. A member of an entity shall only receive a meeting stipend for a regular or emergency meeting where a quorum has been established in accordance with the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the stipend is physically present for the entire meeting.

(a) Meeting Stipends for an Appointed Entity. An individual serving on an appointed entity shall be paid no more than one (1) meeting stipend per month.

(b) Meeting Stipends for an Elected Entity. An individual serving on an elected entity shall be paid no more than two (2) meeting stipends per month.

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

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

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

105.13-5. ~~105.11-6.~~ Oneida Judiciary Hearings. A member of an entity shall receive a Judiciary hearing stipend if the member's attendance at the Judiciary hearing is required by official subpoena.

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

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

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

(a) A member shall be eligible for a ~~\$100~~ stipend for each full day the member is present at the conference or training, when attendance at the conference or training is required by law, bylaw or resolution.

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

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

105.11-7. ~~13-9.~~ Business Expenses. All members of entities shall be eligible for reimbursement for normal business expenses naturally related to membership in the entity.

105.11-8 ~~13-10.~~ Task Force ~~members~~ and ~~members~~ Ad Hoc Subcommittees. Members of task

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

force, ad hoc committees and subcommittees shall not be eligible for stipends unless specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

105.1214. Confidential Information

~~105.1214-1. The Oneida Tribe is involved in numerous business ventures and governmental functions where it is necessary that private information be kept in the strictest confidence to assure the continued success and welfare~~All members of the Tribe. ~~It is in the best interest of the Oneida Tribe that all officials~~an entity shall maintain in a confidential manner all information, ~~whether of historical, immediate, or future use or need.~~ obtained through their position on the entity. The ~~Oneida Tribe desires~~Nation requires that all ~~officials~~members of an entity who have access to the ~~Oneida Tribe's~~Nation's confidential information be subject to specific limitations in order to protect the interest of the ~~Oneida Tribe.~~ It is the intention of the Oneida TribeNation and ensure that no persons engaged in by the ~~Tribe~~Nation, nor their relatives or associates, benefit from the use of confidential information.

~~105.12-2. Confidential information means all information or data, whether printed, written, or oral, concerning business or customers of the Oneida Tribe, disclosed to, acquired by, or generated by officials in confidence at any time during their elected or appointed term or during their employment.~~

~~(a)105.12-3.~~ Confidential information shall be considered and kept as the private and privileged records of the ~~Oneida Tribe~~Nation and will not be divulged to any person, firm, corporation, or other entity except by direct written authorization of the Oneida Business Committee.

~~105.12-4. An official~~(b) A member of an entity will continue to treat as private and privileged any confidential information, and will not release any such information to any person, firm, corporation, or other entity, either by statement, deposition, or as a witness, except upon direct written authority of Oneida Business Committee, and the ~~Oneida Tribe~~Nation shall be entitled to an injunction by any competent court to enjoin and restrain the unauthorized disclosure of such information. Such restriction continues after termination of the relationship with the ~~Oneida Tribe~~Nation and the entity.

~~(c)105.12-5.~~ Upon completion or termination of his/or her elected or appointed term of membership in an entity, for any cause whatsoever, the ~~official~~member of the entity will surrender to the ~~Oneida Tribe~~Nation, in good condition, all records kept by the ~~employee~~member of the entity.

~~105.12-6.~~(d) No ~~official~~member of an entity shall disclose confidential information acquired by reason of his/her other relationship or status with the ~~Oneida Tribe~~Nation for his/or her personal advantage, gain, or profit, or for the advantage, gain, or profit of a relative or associate.

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

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

Draft 3 for OBC Consideration (Redline to Current)
2018 09 12

- (a) If a member is also an employee of the Nation, he or she shall receive a separate e-mail address from his or her regular work e-mail address.
- (b) A member of an entity shall sign an acknowledgment form provided by the Nation's Secretary indicating notice of the Nation's applicable computer and media related laws, policies and rules. The Nation's Secretary shall maintain a record of all such acknowledgment forms.
- (c) A member of an entity shall not use any personal or work e-mail address to electronically conduct any business of the entity.
- (d) Immediately upon receipt of notice of an entity vacancy, the Nation's Secretary shall instruct the Management Information Systems department to disable the e-mail address for the member having vacated the position.

105.15. Conflicts of Interest

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

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

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

105.15-3. Due to the potential for a real or perceived conflict of interest to exist, political appointees shall not serve on an appointed or elected entity.

105.16. Use of the Nation's Assets

105.13. Conflicts of Interest

Subpart A. General

~~105.13-1. The Oneida Tribe recognizes the ability of all persons to serve on entities of the Oneida Tribe. However, it is also recognized that the delegated authority and responsibilities of an entity may cause conflict with membership on other entities or employment.~~

~~105.13-2. It is the policy of the Oneida Tribe to request a candidate to disclose possible conflicts prior to election or appointment to allow the conflicts to be resolved in a timely manner.~~

~~105.13-3. Officials shall disclose and resolve conflicts of interest in a reasonable and timely manner. Failure to resolve conflicts shall result in removal from office for elected officials and may result in termination of appointment for appointed officials. Provided that, all applicants shall submit, with the application forms, a signed conflict of interest declaration disclosing all known conflicts.~~

~~105.13-4. This section sets forth specifically prohibited conflicts of interests. However, for any individual candidate or member on an entity, conflicts may arise within the by laws of that entity or employment relationships.~~

~~105.13-5. No official shall act as a consultant, agent, representative for, or hold any position as an officer, director, partner, trustee, or belong as a member in a board, committee or~~

Draft 3 for OBC Consideration (Redline to Current)

2018 09 12

~~commission, or the like without first disclosing such activity to determine possible conflicts of interest.~~

~~Subpart B. Employment Interests~~

~~105.13-6. No official shall hold office in an entity which has authority over the area in which the official is employed by the Oneida Tribe or elsewhere. The Oneida Tribe recognizes the ability of all persons to serve on entities of the Oneida Tribe, however, recognizes the conflict arising out of membership on an entity and employment in an area over which the entity has authority.~~

~~105.13-7. Employment is defined for this subpart as that area which the employee supervises or is supervised in regards to a specific subject matter.~~

~~105.13-8. Authority of an entity is defined for this subpart as that area over which the entity has subject matter jurisdiction delegated either by the Oneida Business Committee or Oneida General Tribal Council, and for which that authority may be regulatory, oversight, or otherwise.~~

~~Subpart C. Financial Interests, Investments, and Gifts~~

~~105.13-9. No official, or their immediate family, may have a financial interest in any transaction between the entity and an outside party where the official has a financial or familial relationship.~~

~~105.13-10. The following words are defined for the purposes of this subpart:~~

~~(a) "Financial interest" means any profit sharing arrangements, rebates, payments, commissions, or compensation in any form, and shall include any form of ownership, regardless of ability to control the activities of the business. Provided that, this shall not include ownership of shares which, other than in combination with others, cannot exert a controlling influence on the activities of the business and in relation to the outstanding shares, the ownership of shares represents a small part of the whole.~~

~~(b) "Transaction" means any activity wherein a provider of goods and/or services is compensated in any form.~~

~~(c) "Immediate family" means the mother, father, sister, brother, daughter, son, granddaughter, grandson, grandfather, grandmother and these relationships with any spouse.~~

~~105.13-11. As referred to in this Subpart, entity includes for the purposes of defining conflicts, the programs or enterprises over which the entity has delegated authority.~~

~~105.13-12. Officials shall avoid personal investment in any business with which the Oneida Tribe has or is expected to have a contractual or other business relationship. Notwithstanding the foregoing, however, an investment by an official in a business with which the Oneida Tribe has dealings is permissible if the Oneida Business Committee or other delegated authority determines in writing that:~~

~~(a) the investment is not made or cannot be considered to have been made on the basis of confidential information, and~~

~~(b) the investment cannot be expected to adversely affect or influence the official's judgement in the performance of any services or obligations on behalf of the Oneida Tribe.~~

~~105.13-13. Officials shall not use their relationship with the Oneida Tribe to exercise undue~~

Draft 3 for OBC Consideration (Redline to Current)
2018 09 12

~~influence to obtain anything which is not freely available to all prospective purchasers.~~
105.13-14. ~~No official~~ 16-1. Entities shall ~~accept gifts, payments for personal gain, opportunities to invest, opportunities to act as an agent, a consultant, or a representative for actual or potential purchasers, sales sources, contractors, consultants, customers or suppliers, or accept any direct or indirect benefit from any actual or potential purchaser, sales source, contractor, consultant, customer, or supplier.~~

105.13-15. ~~No official shall accept any gift, entertainment, service, loan, promise of future benefits or payment of any kind which the Oneida Business Committee or other delegated authority determines adversely affects or influence his/her judgement in the performance of any services, duties, obligations or responsibilities to the Oneida Tribe, or impairs confidence in the Oneida Tribe.~~

105.13-16. ~~Notwithstanding the foregoing, however, officials may accept or provide business-related meals, entertainment, gifts or favors when the value involved is insignificant and the Oneida Business Committee or other delegated authority has determined that it clearly will not place him/her under any obligation.~~

Subpart D. Competition With The Oneida Tribe

105.13-17. ~~No official shall enter into competition with the Oneida Tribe in the purchase or sale of any property, property rights or interests, without prior consent of the Oneida Tribe.~~

105.13-18. ~~An official may enter into competition with the Oneida Tribe where the activity engaged is approved through an Oneida entrepreneur development program or other similar Oneida program and does not otherwise violate this policy.~~

Subpart E. Use Of Tribal Assets

105.13-19. ~~All~~ maintain all bank accounts for ~~tribal~~ the Nation's funds ~~shall be maintained~~ in the name of the Oneida ~~Tribe and~~ Nation. Bank accounts will be reflected on the Oneida ~~Tribe's~~ Nation's books in accordance with Generally Accepted Accounting ~~Procedures~~ Principles.

105.13-20 16-2. Each ~~official~~ member of an entity shall comply with the system of internal accounting controls sufficient to provide assurances that:

- (a) all transactions are executed in accordance with management's authorization; and
- (b) access to assets is permitted only in accordance with management's authorization; and
- (c) ~~all transactions are recorded to permit preparation of financial statements in conformity with generally accepted accounting principles~~ Generally Accepted Accounting Principles or other applicable criteria.

105.13-21. ~~Any records created or obtained while as an official of an entity of the Oneida Tribe is/are the property of the Oneida Tribe and can only be removed or destroyed by approval from a quorum of the entity at a duly called meeting. All removal or destruction of documents must be made in accordance with the Open Records and Open Meetings law.~~

Subpart F. Disclosure

105.13-22. ~~Each official shall disclose any outside activities or interests that conflict or suggest a potential conflict with the best interests of the Oneida Tribe by completely filling out the application for membership or informing the Oneida Business Committee or other designated authority after election or appointment of a conflict arising during membership on an entity.~~

Draft 3 for OBC Consideration (Redline to Current)
2018 09 12

~~Subpart G. Reporting~~

~~105.13-23. All conflicts or potential conflicts that arise during membership on an entity shall be immediately reported to the Tribal Secretary of the Oneida Tribe. Upon receiving information of a potential conflict of interest, the Tribal Secretary shall request a determination from the Oneida Law Office whether further action must be taken by the Oneida Tribe regarding the status of the official.~~

~~105.13-24.~~105.16-3. Any evidence of noncompliance with any policy regarding the use of tribal assets shall be immediately reported to the ~~internal audit staff~~Internal Audit department. If the ~~internal audit staff~~Internal Audit department finds evidence of noncompliance they shall notify the Oneida Law Office ~~of the Oneida Tribe~~, who will then make a determination of further action to be taken, if any.

105.17. Dissolution of an Entity

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

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

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

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

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

105.18. Enforcement And Penalties

~~105.13-25. Officials~~105.18-1. Any member of an entity found to be in violation of this ~~policy~~law may be ~~removed~~subject to:

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

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

(c) termination of appointment terminated by the Oneida Business Committee, if the individual is a member of an appointed entity.

~~105.13-26. Candidates for appointment or election to office found in violation of this policy may be disqualified from taking office.~~

Draft 3 for OBC Consideration (Redline to Current)
2018 09 12

104 |
105 | *End.*

106

107

108 |
109 | Adopted - BC-~~8-208-02~~-95-A

110 | Amended - BC-~~505~~-14-97-F

111 | Emergency Amendments - BC-04-12-06-JJ

112 | Amended - BC-~~909~~-27-06-E (permanent adoption of emergency amendments)

113 | Amended – BC-09-22-10-C

114 | Amended – BC- - - -

115

116

Draft 3 for OBC Consideration
2018 09 12

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

105.1. Purpose and Policy
105.2. Adoption, Amendment, Repeal
105.3. Definitions
105.4. Creation of an Entity
105.5. Applications
105.6. Vacancies
105.7. Appointment to an Entity
105.8. Election to an Entity
105.9. Oath of Office

105.10. Bylaws
105.11. Electronic Polling
105.12. Reporting Requirements
105.13. Stipends, Reimbursement and Compensation
105.14. Confidential Information
105.15. Conflicts of Interest
105.16. Use of the Nation's Assets
105.17. Dissolution of an Entity
105.18. Enforcement

105.1. Purpose and Policy

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

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

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

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

105.2. Adoption, Amendment, Repeal

105.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, and BC-__-__-__-__.

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

105.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

105.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

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

105.3. Definitions

105.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

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

Draft 3 for OBC Consideration
2018 09 12

(b) "Appointment" means the process by which a person is chosen to fill a vacancy on an entity by the Oneida Business Committee.

(c) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays recognized by the Nation.

(d) "Bylaws" means a document which provides a framework for the operation and management of a board, committee, or commission of the Nation chiefly for the government of its members and the regulation of its affairs.

(e) "Conference" means any training, seminar, meeting, or other assembly of persons which is not an assembly of the entity.

(f) "Confidential information" means all information or data, whether printed, written, or oral, concerning business or customers of the Nation, disclosed to, acquired by, or generated by a member of an entity in confidence at any time during their elected or appointed term or during their employment.

(g) "Conflict of interest" means any interest, real or apparent, whether it be personal, financial, political, or otherwise, in which an elected official, officer, political appointee, employee, contractor, or appointed or elected member, or their immediate family members, friends or associates, or any other person with whom they have contact, have that conflicts with any right of the Nation to property, information, or any other right to own and operate activities free from undisclosed competition or other violation of such rights of the Nation. In addition, conflict of interest also means any financial or familial interest an elected official, officer, political appointee, employee, contractor, or appointed or elected member or their immediate family members may have in any transaction between the Nation and an outside party.

(h) "Entity" means a board, committee or commission created by the General Tribal Council or the Oneida Business Committee whose members are appointed by the Oneida Business Committee or elected by the Nation's membership.

(i) "E-poll" means an electronic poll, which is the act of delivering an e-mail to all members of an entity, in order to seek a response which identifies a vote in favor of, opposing, or abstaining to an issue requiring approval by the entity.

(j) "Joint meeting" means a meeting with the Oneida Business Committee.

(k) "Nation" means the Oneida Nation.

(l) "Per Diem" means the payment made by the Nation to offset the costs of being on travel on behalf of the Oneida Nation.

(m) "Political appointee" means a person appointed by a member of the Oneida Business Committee to provide assistance with the Oneida Business Committee member's daily activities and operations.

(n) "Prohibited drugs" means marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance included in Schedules I through V, as defined by Section 812 of Title 21 of the United States Code. This also includes prescription medication or over-the-counter medicine used in an unauthorized or unlawful manner.

(o) "Stipend" means the amount paid by the Oneida Nation to a person serving on a board, committee, or commission of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for his or her board, committee, or commission for the betterment of the Nation.

Draft 3 for OBC Consideration
2018 09 12

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

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

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

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

105.4. Creation of an Entity

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

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

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

105.5. Applications

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

(a) All applications shall include:

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

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

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

105.5-2. Applications shall be filed with the Business Committee Support Office by 4:30 p.m. of the deadline date. Postmarked envelopes are accepted as filed if postmarked by the deadline date and received by the Business Committee Support Office within five (5) business days of the deadline.

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

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

105.5-5. *Insufficient Applicants.* In the event that there are an insufficient number of applicants

Draft 3 for OBC Consideration
2018 09 12

after the deadline date has passed for appointed positions, the Oneida Business Committee may elect to:

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

105.6. Vacancies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (2) upon date specified when creating the entity.

- (e) *Termination of appointment.* No later than the next Oneida Business Committee

meeting following the effective date of the termination.

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

105.7. Appointment to an Entity

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

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

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

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

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

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

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

(1) choose an applicant for appointment, or

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

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

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

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

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

(f) If the Oneida Business Committee rejects the selected applicant, the matter will be deferred to the next Oneida Business Committee meeting where another applicant may be recommended by the Oneida Business Committee, or the Oneida Business Committee

Draft 3 for OBC Consideration
2018 09 12

may direct the vacancy to be re-posted. When a vacancy is re-posted under this section, all applications from the first posting shall be considered to have been filed within the deadline period.

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

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

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

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

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

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

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

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

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

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

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

Draft 3 for OBC Consideration
2018 09 12

105.8 Election to an Entity

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

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

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

105.9. Oath of Office

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

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

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

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

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

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

105.10. Bylaws

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

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

Draft 3 for OBC Consideration
2018 09 12

adoption of this law.

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

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

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

(a) Article I. Authority.

(b) Article II. Officers.

(c) Article III. Meetings.

(d) Article IV. Expectations.

(e) Article V. Stipends and Compensation.

(f) Article VI. Records and Reporting.

(g) Article VII. Amendments.

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

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

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

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

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

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

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

(A) Number of members on the entity;

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

(C) How vacancies are filled; and

(D) Qualifications for membership on the entity.

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

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

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

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

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

(2) *Responsibilities of the Chairperson.* Because of the importance of this position, all duties and responsibilities of the chairperson, as well as limitations of

the chairperson shall be specifically listed here.

(3) *Responsibilities of the Vice-Chairperson.* Because of the importance of this position, all duties and responsibilities of the vice-chairperson, as well as limitations of the vice-chairperson shall be specifically listed here.

(4) *Responsibilities of Additional Officers.* There may be additional sections as needed for every officer position created in subsection one (1) above. These sections shall state all duties and responsibilities of the officer, as well as any limitations of the officer.

(5) *Selection of Officers.* This section shall identify how a member of the entity shall be selected for an official officer position in the entity.

(6) *Budgetary Sign-Off Authority and Travel.* This section shall identify the entity's varying levels of budgetary sign-off authority, the members that are authorized to sign-off at each level, and how the entity shall handle approving travel on behalf of the entity.

(A) An entity shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(B) An entity shall approve a member's request to travel on behalf of the entity by majority vote at a regular or emergency meeting of the entity.

(7) *Personnel.* This section shall state the entity's authority for hiring personnel, if any, and the duties of such personnel.

(c) "Article III. Meetings" shall consist of the following:

(1) *Regular meetings.* This section shall identify when and where regular meetings shall be held, and how the entity shall provide notice of the meeting agenda, documents, and minutes.

(2) *Emergency meetings.* This section shall identify what constitutes an emergency meeting, how emergency meetings shall be called, and how the entity shall provide notice of the emergency meeting.

(A) All bylaws shall include a provision requiring that within seventy-two (72) hours after an emergency meeting, the entity shall provide the Nation's Secretary with notice of the meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait for a regular meeting.

(3) *Joint Meetings.* This section shall identify if joint meetings shall be held, the frequency and location of joint meetings, and how the entity shall provide notice of the meeting agenda, documents, and minutes.

(4) *Quorum.* This section shall identify how many members of an entity create a quorum.

(5) *Order of Business.* This section sets out how the agenda will be set up.

(6) *Voting.* This section shall identify voting requirements, such as, but not limited to:

(A) the percentages that shall be needed to pass different items;

(B) if, and when, the chairperson is allowed to vote;

(C) if the use of an e-poll is permissible; and

(D) if the use of and e-poll is permissible, who will serve as the Chairperson's designee for the responsibility of conducting an e-poll, if a

designee is utilized.

(d) "Article IV. Expectations" shall consist of the following information:

(1) *Behavior of Members*. This section shall identify the behavioral expectations and requirements of a member of the entity, and identify how the entity shall enforce these behavioral expectations.

(2) *Prohibition of Violence*. This section shall prohibit any violent intentional act committed by a member of the entity that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property, and set forth any further expectations regarding the prohibition of violence.

(3) *Drug and Alcohol Use*. This section shall prohibit the use of alcohol and prohibited drugs for a member of an entity when acting in their official capacity, and set forth any further expectations regarding the use of prohibited drugs and alcohol.

(4) *Social Media*. This section shall identify expectations for the use of social media in regards to official business of the entity.

(5) *Conflict of Interest*. This section shall state any standards and expectations additional to those required by law of the Nation in regards to conflicts of interest and how they are handled, as well as requirements related to prohibited activities resulting from disclosed conflicts of interest, and means by which a party can alleviate or mitigate the conflict of interest.

(e) "Article V. Stipends and Compensation" shall consist of the following information:

(1) *Stipends*. This section shall include a comprehensive list of all stipends members are eligible to receive and the requirements for collecting each stipend, if any in addition to those contained in this law.

(2) *Compensation*. This section shall include details regarding all other forms of compensation members are eligible to receive and the requirements for collecting such compensation, if any in addition to those contained in this law.

(f) "Article VI. Records and Reporting" shall consist of the following information:

(1) *Agenda Items*. Agenda items shall be maintained in a consistent format as identified by this section.

(2) *Minutes*. Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the entity. This may include a summary of action taken by the entity. This section shall identify the format for minutes, and a reasonable timeframe by which minutes shall be submitted to the Business Committee Support Office.

(3) *Attachments*. Handouts, reports, memoranda, and the like may be attached to the minutes and agenda, or may be kept separately, provided that all materials can be identified to the meeting in which they were presented. This section shall identify how records of attachments shall be kept.

(4) *Oneida Business Committee Liaison*. Entities shall regularly communicate with the Oneida Business Committee member who is their designated liaison. This section shall identify a format and frequency for communication which may be as the liaison and entity agree to, but not less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council. The purpose of the liaison relationship is to uphold the

ability of the liaison to act as a support to that entity.

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

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

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

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

105.11. Electronic Polling

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

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

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

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

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

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

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

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

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

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

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

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

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

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

available meeting.

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

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

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

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

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

105.12. Reporting Requirements

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

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

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

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

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

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

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

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

(1) If emergency meetings were held, the report shall indicate the basis of the emergency for each meeting.

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

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

Draft 3 for OBC Consideration
2018 09 12

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

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

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

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

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

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

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

105.13. Stipends, Reimbursement and Compensation

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

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

105.13-3. *Meeting Stipends.* A member of an entity shall only receive a meeting stipend for a regular or emergency meeting where a quorum has been established in accordance with the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the stipend is physically present for the entire meeting.

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

(b) *Meeting Stipends for an Elected Entity.* An individual serving on an elected entity shall be paid no more than two (2) meeting stipends per month.

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

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

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

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

Draft 3 for OBC Consideration
2018 09 12

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

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

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

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

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

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

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

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

105.14. Confidential Information

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

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

(b) A member of an entity will continue to treat as private and privileged any confidential information, and will not release any such information to any person, firm, corporation, or other entity, either by statement, deposition, or as a witness, except upon direct written authority of Oneida Business Committee, and the Nation shall be entitled to an injunction by any competent court to enjoin and restrain the unauthorized disclosure of such information. Such restriction continues after termination of the relationship with the Nation and the entity.

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

(d) No member of an entity shall disclose confidential information acquired by reason of

Draft 3 for OBC Consideration
2018 09 12

his other relationship or status with the Nation for his or her personal advantage, gain, or profit, or for the advantage, gain, or profit of a relative or associate.

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

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

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

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

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

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

105.15. Conflicts of Interest

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

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

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

105.15-3. Due to the potential for a real or perceived conflict of interest to exist, political appointees shall not serve on an appointed or elected entity.

105.16. Use of the Nation's Assets

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

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

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

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

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

105.16-3. Any evidence of noncompliance with any policy regarding the use of tribal assets shall

Draft 3 for OBC Consideration
2018 09 12

be immediately reported to the Internal Audit department. If the Internal Audit department finds evidence of noncompliance they shall notify the Oneida Law Office, who will then make a determination of further action to be taken, if any.

105.17. Dissolution of an Entity

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

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

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

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

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

105.18. Enforcement

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

- (a) sanctions and penalties in accordance with any laws or policies of the Nation governing sanctions and/or penalties;
- (b) removal pursuant to any laws or policies of the Nation's governing removal, if the individual is a member of an elected entity; or
- (c) termination of appointment by the Oneida Business Committee, if the individual is a member of an appointed entity.

End.

Adopted - BC-08-02-95-A

Amended - BC-05-14-97-F

Emergency Amendments - BC-04-12-06-JJ

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

Amended - BC-09-22-10-C

Amended - BC-__-__-__-__

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Boards, Committees, and Commissions Law Stipends

WHEREAS, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the Boards, Committees, and Commissions law ("the Law") was adopted by the Oneida Business Committee through resolution BC-5-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, and most recently BC-__-__-__-___. ; and

WHEREAS, the Law provides stipends paid by the Oneida Nation to a person serving on a board, committee, and commission of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for the boards, committee, or commission for the betterment of the Nation; and

WHEREAS, the Law requires the Oneida Business Committee to set stipend amounts by resolution; and

WHEREAS, the Oneida Business Committee shall periodically review the amounts provided for stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending this resolution; and

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee sets forth the following stipend amounts allowed to be paid to a member of a board, committee, or commission of the Nation:

1. *Meetings of a Board, Committee, or Commission of the Nation.* A member of a board, committee, or commission of the Nation shall receive a stipend for attending a duly called meeting of the board, committee, or commission in accordance with the Law.
 - a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board, committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75) for a duly called meeting of the board, committee, or commission for up to one (1) meeting per month.
 - i. Appointed boards, committees, and commissions of the Nation include the following:
 1. Anna John Resident Centered Care Community Board;
 2. Oneida Community Library Board;
 3. Environmental Resource Board;
 4. Oneida Nation Arts Board;
 5. Oneida Nation Veterans Affairs Committee;

6. Personnel Selection Committee;
7. Oneida Police Commission;
8. Oneida Pow-wow Committee;
9. Pardon and Forgiveness Screening Committee; and
10. Southeastern Oneida Tribal Services Advisory Board.
- b. *Elected Boards, Committees, and Commissions.* A member of an elected board, committee, or commission of the Nation shall receive a stipend of one hundred dollars (\$100) for a duly called meeting of the boards, committee, or commission for up to two (2) meetings per month.
 - i. Elected boards, committees, and commissions of the Nation include the following:
 1. Oneida Nation Commission on Aging;
 2. Oneida Election Board;
 3. Oneida Land Claims Commission;
 4. Oneida Land Commission;
 5. Oneida Nation School Board;
 6. Oneida Trust Enrollment Committee; and
 7. Oneida Gaming Commission;
 - a. Although the Oneida Gaming Commission is an elected commission of the Nation, the Oneida Nation Gaming Ordinance provides that the compensation of Oneida Nation Gaming Commissioners is not subject to the Nation's Boards, Committees, and Commissions law.
2. *Joint Meetings with the Oneida Business Committee.* A member of a board, committee, or commission of the Nation shall receive a stipend for attending a duly called joint meeting between the board, committee, or commission and the Oneida Business Committee in accordance with the Law.
 - a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board, committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75) for a duly called joint meeting.
 - b. *Elected Boards, Committees, and Commissions.* A member of an elected board, committee, or commission of the Nation shall receive a stipend of one hundred dollars (\$100) for a duly called joint meeting.
3. *Oneida Judiciary Hearings.* A member of a board, committee, or commission of the Nation shall receive a stipend of fifty dollars (\$50) for attending a hearing of the Oneida Judiciary if the member's attendance at the hearing is required by official subpoena.
4. *Hearings of a Board, Committee, or Commission of the Nation.* A member of a board, committee, or commission of the Nation shall receive a stipend of fifty dollars (\$50) for conducting an official hearing of the board, committee, or commission.
5. *Miscellaneous Stipends.* The Oneida Business Committee shall have the discretion to determine any other stipends deemed appropriate.
 - a. *Pow-wow Activities.* A member of the Oneida Pow-wow Committee shall receive a stipend of twenty-five dollars (\$25) per hour for services he or she provides during each Pow-wow, not to exceed two hundred dollars (\$200) per day, contingent upon available budgeted funds.
 - b. *Election Activities.* A member of the Oneida Election Board shall receive a stipend of ten dollars (\$10) per hour for services he or she provides during an election including, but not limited to, managing the polling site, recounts, and lot drawings.
 - c. *General Tribal Council Meetings.* A member of the Oneida Election Board shall receive a stipend of one hundred dollars (\$100) for attendance and service provided at a General Tribal Council meeting of the Nation.

- 95 d. *Interviews and Job Selection Pre-Screening.* A member of the Personnel Selection
96 Committee shall receive a stipend of twenty-five dollars (\$25) for up to four (4) hours of
97 participating in interviews and/or job description pre-screens conducted by the Human
98 Resource Department, and a stipend of fifty dollars (\$50) for more than four (4) hours of
99 participating in interviews and/or job description pre-screens conducted by the Human
100 Resource Department.
- 101 6. *Conferences and Training.* A member of a board, committee, or commission of the Nation shall
102 receive a stipend of one hundred dollars (\$100) per day for attendance at a conference or training
103 that is required by law, bylaw, or resolution.
104

105 **BE IT FINALLY RESOLVED**, that this resolution hereby adopted and shall be effective September 26,
106 2018.



Statement of Effect

Boards, Committees, and Commissions Law Stipends

Summary

This resolution sets forth specific stipend amounts allowed to be paid to a member of a board, committee, or commission of the Nation.

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

Date: September 5, 2018

Analysis by the Legislative Reference Office

The Boards, Committees, and Commissions law (“the Law”) was adopted by the Oneida Business Committee for the purpose of governing boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. [1 O.C. 105.1-1].

Stipends are paid by the Oneida Nation to a person serving on a board, committee, or commission of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for his or her board, committee, or commission for the betterment of the Nation. [1 O.C. 105.3-1(n)].

The Law requires that the Oneida Business Committee set stipend amounts by resolution. [1 O.C. 105.13-2]. Through this resolution the Oneida Business Committee sets forth the specific amounts for the various stipends a member of a board, committee, or commission may be eligible to receive.

Conclusion

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



Legislative Operating Committee
September 5, 2018

Election Law Amendments

Submission Date: 12/6/17	Public Meetings: n/a
LOC Sponsor: Jennifer Webster	Emergency Enacted: n/a Expires: n/a

Summary: *On November 12, 2017, the General Tribal Council adopted a motion to identify amendments to the Election Law and bring back to the GTC in calendar year 2018.*

11/12/17 GTC: Motion by Dylan Benton to accept the information presented and for the Oneida Business Committee to take this information and the discussion to identify amendments to the Election Law for presentation to and action by the General Tribal Council during calendar year 2018. Seconded by Loretta Metoxen. Motion carried by a show of hands.

12/6/17 LOC: Motion by Kirby Metoxen to add Election Law Amendments to the active files list as a high priority and assign Jennifer Webster as sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to direct the LRO Director to send a memo to the Secretary's Office updating her on this action; seconded Kirby Metoxen. Motion carried unanimously.

1/25/18: *Work Meeting.* Present: Tani Thurner, Jennifer Falck, Brandon Wisneski, Jennifer Webster, Racquel Hill (Election Board Chairperson), Sunshine Wheelock (Election Board Secretary), Vicki Cornelius, Patricia Lassila, Tonya Webster, Christina Liggins, and Tina Skenandore. This work meeting was held to gather input from the Election Board regarding what changes should be made to the law.

3/16/18: *Work Meeting.* Present: David P. Jordan, Ernest Stevens III, Jennifer Webster, Cathy Bachhuber, Daniel Guzman King, Tani Thurner, Brandon Wisneski.

3/19/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Rosa Laster, Laura Laitinen-Warren, Ernest Stevens III, Tani Thurner, Brandon Wisneski.

3/23/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Cathy Bachhuber, Rosa Laster, Tani Thurner, Brandon Wisneski. The purpose of this work meeting was to discuss GTC comments.

3/29/18: *Work Meeting.* Present: Kirby Metoxen, Ernest Stevens III, Jennifer Webster, Cathy Bachhuber, Daniel Guzman King, Tani Thurner, Brandon Wisneski. The purpose of this work meeting was to discuss GTC comments.

- 4/2/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Tani Thurner, Brandon Wisneski, Jennifer Falck. The purpose of this work meeting was to discuss Election Board comments.
- 4/19/18:** *Work Meeting.* Present: David P. Jordan, Daniel Guzman King, Kirby Metoxen, Leyne Orosco, Jennifer Falck, Tani Thurner, Brandon Wisneski. The purpose of this work meeting was to discuss Election Board comments.
- 5/2/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Kirby Metoxen, Jennifer Falck, Tani Thurner, Brandon Wisneski. The purpose of this work meeting was to discuss Election Board comments and additional recommendations.
- 6/20/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Kirby Metoxen, Jennifer Falck, Clorissa Santiago, Brandon Wisneski. The purpose of this work meeting was to review potential amendments to include in the memorandum to GTC.
- 7/12/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Falck, Clorissa Santiago, Brandon Wisneski. The purpose of this work meeting was to discuss a new strategy to prepare the Election law to be brought back to GTC.
- 8/6/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Kristen Hooker. The purpose of this work meeting was to review the drafted amendments to the Election law and discuss additional amendments that should be made.
- 8/28/18:** *Work Meeting.* Present: Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Fawn Billie, Laura Laitinen-Warren. The LOC reviewed the legislative analysis and made policy considerations. The drafting attorney will update the draft, the analyst will update the legislative analysis, and the public meeting materials will be prepared.

Next Steps:

- Approve the public meeting packet and forward the Election law amendments to a public meeting to be held on November 8, 2018.
- Forward the memorandum and public meeting packet to the Oneida Business Committee for inclusion in the October 28, 2018, General Tribal Council meeting materials.
- Forward the Election law amendments to the Finance Office and direct that a fiscal analysis be completed.



TO: General Tribal Council
FROM: David P. Jordan, Legislative Operating Committee Chairman *DJ*
DATE: October 28, 2018
RE: Election Law Amendments

Background

At the November 12, 2017, Special General Tribal Council (GTC) Meeting, GTC passed a motion “to accept the information presented and for the Oneida Business Committee to take this information and the discussion to identify amendments to the Election Law for presentation to and action by the General Tribal Council during calendar year 2018.”

After the November 12, 2017, Special GTC meeting, the Legislative Operating Committee (LOC) added this item to its Active Files List on December 6, 2017. Since then, the LOC has drafted proposed amendments and has conducted a legislative analysis of the proposed amendments.

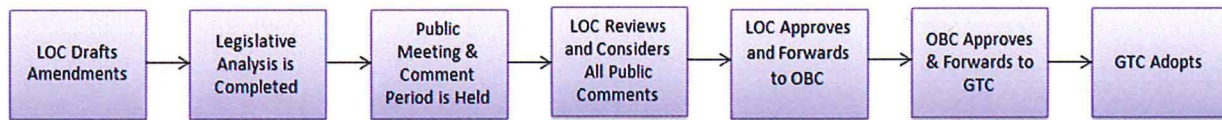
The Legislative Operating Committee will be holding a public meeting on the proposed Election law amendments on November 8, 2018, in an effort to obtain input from the community. Anyone can attend the public meeting to provide oral comments. Additionally, anyone can submit written comments during the public comment period, which ends at the close of business on November 15, 2018.

Public meeting and public comment periods are noticed in the Kalihwisaks and at the Oneida Register at www.oneida-nsn.gov/government/register. The public meeting materials are included with this memorandum and include:

- *Public Meeting Notice.* This notice contains details on when and where the public meeting will be held, a summary of the proposed amendments, when the public comment period will close, and how to submit written comments.
- *Legislative Analysis.* This document provides a plain language analysis of the proposed legislation including a statement of the legislation’s terms and substance, intent of the legislation, a description of the subject(s) involved, including any conflicts with Oneida or other law, key issues, potential impacts of the legislation and policy considerations.
- *Redline Draft.* This draft illustrates the proposed changes from the current law.
- *Clean Draft.* This draft provides the proposed amendments to the law as it would appear if the law is adopted by the General Tribal Council.

After the public meeting and the public comment period closes, the LOC will review and consider all comments that are received, and determine if any revisions to the proposed draft are necessary.

The proposed amendments to the Election law will ultimately come back to GTC for a vote on the adoption after all the legislative requirements are met. Below is a depiction of the legislative process:



Participation in the legislative process is highly encouraged.

Requested Action

Motion to accept the update on the Election law amendments as information.

ONEIDA NATION PUBLIC MEETING NOTICE

LEGISLATIVE OPERATING COMMITTEE
WWW.ONEIDA-NSN.GOV/GOVERNMENT

Thursday, November 8, 2018, 12:15pm

Norbert Hill Center-Business Committee Conference Room
N7210 Seminary Rd., Oneida, Wisconsin

AMENDMENTS TO ELECTION LAW

The purpose of this law is govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations.



Some of the proposed amendments will:

1. Clarify the process for voters who require assistance [1 O.C. 102.16-3];
2. Require ballots from each polling location be kept separate [1 O.C. 102.16-8];
3. Shorten the voter registration form [1 O.C. 102.15-1];
4. Provide a more detailed procedure for handling spoiled ballots [1 O.C. 102.16-9];
5. Require an individual to present a photo ID to be allowed to vote during the election [1 O.C. 102.15-2];
6. Provide that tentative election results be posted within 24 hours of a recount [1 O.C. 102.18-9];
7. Update the timeframe for conducting recounts, and clarify how recounts are conducted [1 O.C. 102.18];
8. Clarify that only the first application submitted for multiple Oneida Business Committee or Judiciary positions will be accepted [1 O.C. 102.9-5];
9. Transfer hearing authority from the Election Board to the Judiciary [1 O.C. 102.9-8];
10. Reduce the number of Election Board members required to be at each polling site [1 O.C. 102.16-11(a)];
11. Remove term limits from the Election Board [1 O.C. 102.4];
12. Clarify the process for submitting referendum questions [1 O.C. 102.7];
13. Update the caucus process [1 O.C. 102.13-1, 102.13-2];
14. Clarify and update language throughout the Law.

PUBLIC COMMENTS PERIOD CLOSSES THURSDAY, NOVEMBER 15, 2018

During the Public Comment Period, all interested persons may submit written comments. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



-PUBLIC MEETING PACKETS ARE AVAILABLE AT-

www.oneida-nsn.gov/Register/Public Meetings or contact Oneida Nation Legislative Reference Office located in the Norbert Hill Center, PO Box 365, Oneida, Wisconsin 54155
Email: LOC@oneidanation.org Phone: 920-869-4376



AMENDMENTS TO ELECTION LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

REQUESTER: GTC	SPONSOR: Jennifer Webster	DRAFTER: Clorissa N. Santiago	ANALYST: Brandon Wisneski
Intent of the Amendments	To update the Nation's election process to require separation of ballots between each polling place, to require the Election Board to ensure voting equipment and ballots are secured and locked, to revise the recount process, to require election results and notices to be posted on the Nation's website, to shorten the voter registration process on election day, to add more safeguards to spoiled ballot process, to require a public test of voting machines, to eliminate provisional voting for voters deemed ineligible, to clarify the process for candidate eligibility, to transfer the Election Board's hearing authority to the Judiciary, to remove term limits for Election Board members, and to reduce the number of Election Board members required at each polling site, among other changes.		
Purpose	The purpose of the Election Law is to govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations <i>[see Election Law, 1 O.C. 102.1-1]</i> .		
Affected Entities	All qualified voters of the Oneida Nation, all elected officials of the Nation, all candidates for elected office, Election Board, Trust Enrollment Department, Oneida Police Department, Oneida Records Management Department, Zoning Department, the Nation's Secretary, and the Business Committee Support Office		
Affected Legislation	Election Law, Zoning and Shoreland Protection Law, Open Records and Open Meetings Law, Comprehensive Policy Governing Boards, Committees and Commissions, Garnishment Law, Per Capita Law.		
Enforcement/Due Process	Any qualified voter may challenge the results of an election by filing a complaint with the Judiciary within ten (10) calendar days after the election <i>[see 102.19-1]</i> . Candidates deemed ineligible for the ballot by Election Board may appeal to the Judiciary <i>[see 102.9-8]</i> . Election Board members who violate the Election Law may be subject to removal in accordance with the Removal Law, termination of appointment if appointed to fill a vacancy, or sanctions and penalties in accordance with laws of the Nation <i>[see 102.4-12]</i> . A member who is removed from the Election Board shall be ineligible to serve on the Election Board for three (3) years from the time he or she is removed from the Election Board <i>[see 102.4-12(a)(1)]</i> .		
Public Meeting	A public meeting has not yet been held.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. The Election Law was adopted by General Tribal Council (GTC) in 1993 in accordance with Article III, Section 5 of the Constitution. The Election law governs the procedures for the conduct of orderly elections of the Nation. The Election Law was most recently amended by GTC on April 23, 2017 to incorporate Constitutional Amendments into the law, including lowering the age of qualified voters from twenty-one (21) to eighteen (18).
- B. On November 12, 2017, GTC passed a motion to "accept the information presented and for the Oneida Business Committee to take this information and the discussion to identify amendments to the Election Law for presentation to and action by the General Tribal Council during calendar year

2018.” The meeting materials and discussion from this meeting included concerns regarding Election Board, recount process, recusal process and security of ballots and voting machines. In addition to the discussion from this meeting, other potential revisions to the law have been identified by the Election Board, Trust Enrollment Department, and a review of relevant Judiciary decisions.

- C. As a result of this review, the following revisions to this law have been proposed by the Legislative Operating Committee (LOC): update the Nation’s election process to require separation of ballots between each polling place, require the Election Board to ensure voting equipment and ballots are secured and locked, revise the recount process, require election results and notices to be posted on the Nation’s website, shorten the voter registration process on election day, add more safeguards to spoiled ballot process, require a public test of voting machines, eliminate provisional voting for voters deemed ineligible, clarify the process for candidate eligibility, transfer the Election Board’s hearing authority to the Judiciary, remove term limits for Election Board members, and reduce the number of Election Board members required at each polling site, among other changes.

SECTION 3. CONSULTATION AND OUTREACH

- A. The Legislative Operating Committee (LOC) held a work meeting with the Election Board on January 25, 2018 to discuss the board’s ideas for potential amendments. In addition, the LOC reviewed suggested amendments submitted by the Trust Enrollment Department.
- B. The following documents were reviewed in the drafting of this analysis: The Nation’s Constitution, the Election Board’s bylaws and standard operating procedures, Election Board Final Election Reports, relevant Oneida Judiciary decisions, and the November 12, 2017 GTC Meeting minutes and materials.
- C. The following laws were reviewed in the drafting of this analysis: Zoning and Shoreland Protection Law, Open Records and Open Meetings Law, and Comprehensive Policy Governing Boards, Committees and Commissions. In addition, the following Election Laws from other tribes were reviewed: Ho Chunk Election Code, Menominee Nation Election Code, Forest County Potawatomi Election Code, and Stockbridge Munsee Election Ordinance.

SECTION 4. PROCESS

- A. Thus far, this law has followed the process set forth in the Legislative Procedures Act (LPA).
- B. The law was added to the Active Files List on December 6, 2017.
- C. At the time this legislative analysis was developed, the following work meetings were held/scheduled regarding the development of this law and legislative analysis:
- January 25, 2018: Work Meeting with Election Board
 - March 16, 2018: LOC Work Meeting
 - March 19, 2018: LOC Work Meeting
 - March 23, 2018: LOC Work Meeting
 - March 29, 2018: LOC Work Meeting
 - April 2, 2018: LOC Work Meeting
 - April 19, 2018: LOC Work Meeting
 - May 2, 2018: LOC Work Meeting
 - June 20, 2018: LOC Work Meeting
 - July 12, 2018: LOC Work Meeting
 - August 6, 2018: LOC Work Meeting
 - August 28, 2018: LOC Work Meeting

SECTION 5. CONTENTS OF THE LEGISLATION

- A. *Election Board.* This section describes the composition and duties of the Election Board. The Election Board consists of nine (9) members elected by General Tribal Council (GTC). The Election

Board is responsible for conducting the elections of the Oneida Nation. The following revisions have been made to the Election Board:

- **Term Limits.** This law eliminates term limits for members of the Election Board. Election Board members are elected by GTC. Currently, Election Board members are limited to two consecutive three-year terms. After serving two terms, Board members must sit out a term before they can run again [see *Election Law, 1 O.C. 102.4-2*]. Now, Election Board members may run for as many terms as they wish.
- **Comparison to other Oneida Boards, Committees and Commissions.** Most other entities of the Nation do not have term limits. For example, other elected entities such as Land Commission, Land Claims Commission, Gaming Commission and Trust Enrollment Committee do not have term limits. Currently, the only other elected board of the Nation with term limits is Oneida Nation Commission on Aging (ONCOA).
- **Comparison to Election Boards of other tribal nations:** Menominee Nation, Potawatomi Nation, Ho Chunk Nation and Stockbridge Munsee have appointed Election Boards which do not have term limits. However, the appointing body has control over who is appointed and for how long.
- **Advantages and Disadvantages of Term Limits:** Potential advantages of term limits are that they may bring new ideas and fresh perspectives to an elected body and give more individuals an opportunity to participate in public service. Potential disadvantages of term limits are that they deprive voters of the ability to elect the candidate of their choice and that the elected body loses experienced members and institutional knowledge.
- **Recusal.** Election Board members must recuse themselves from any pre-election, election day and post-election activities if he or she is a petitioner, applicant or candidate in any election, or if there is otherwise a conflict of interest [see *102.4-3*].
- **Immediate Family:** A new provision has been added clarifying that Election Board members must recuse themselves if an immediate family member is a petitioner, applicant or candidate. This requirement was previously located in the Election Board's bylaws, but has been added directly into the law to strengthen and clarify this requirement [see *102.4-3(b)*].
- **Definition of Immediate Family Members.** An immediate family member is defined as: an individual's father, mother, grandparent, sister, brother, wife, husband, daughter, son, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, step-father, step-mother, step-sister, step-brother, step-daughter, step-son and any other these relations obtained through legal adoption [see *102.3(n)*].
- **Recusal for Judiciary.** Recusal provisions for members of the Nation's Judiciary are located in the Oneida Tribal Judiciary Canons of Judicial Conduct. The canons state that a judge shall withdraw from any matter where the judge has or could be perceived to have a conflict of interest. The canons go on to state that this includes personal, professional, or fiduciary relationships between the Judge or an immediate family member of the Judge [see *Oneida Tribal Judiciary Canons of Judicial Conduct 8 O.C. 802, Section 2.2*].
- **Securing Ballots and Voting Equipment.** A new provision has been added that requires the Election Board to ensure that election polling equipment and ballots are maintained in a locked and secured area when they are not being used for an Election. This is added to clarify that it is Election Board's responsibility to secure the equipment, and that failure to do so is a violation of this law [see *102.4-8(a)*].
- **Standard Operating Procedures.** The Election Board will be required to develop and follow standard operating procedures (SOPs) regarding election activities and responsibilities. Any actions of the Election Board regarding their standard operating procedures must be presented to the Business Committee who shall then adopt or forward to the GTC for

- 110 adoption. For more information regarding the Election Board's current SOPs, see Section 9
111 "Other Considerations" in this analysis. [see 102.4-8(b)].
- 112 ■ **Enforcement and Removal.** A new provision has been added regarding Enforcement, which
113 replaces the previous "Removal" section. Election Board members who violate the Election
114 Law may be subject to:
 - 115 ○ **Removal:** Election Board members who violate the Election Law may be removed in
116 accordance with the Removal Law. A member who is removed from the Election Board
117 will be prohibited from serving on the Election Board for three (3) years.
 - 118 ○ **Termination of Appointed Members.** Election Board members who were appointed to
119 fill vacancies on the board may have their appointments terminated by the Oneida
120 Business Committee in accordance with the Comprehensive Policy Governing Boards,
121 Committees and Commissions.
 - 122 ○ **Sanctions and Penalties.** Election Board members may be subject to sanctions and
123 penalties in accordance with laws of the Nation regarding sanctions and penalties. The
124 Legislative Operating Committee (LOC) is currently drafting a Sanctions and Penalties
125 Law to increase accountability among elected and appointed officials of the Nation,
126 which will include members of the Election Board. At the time this analysis was drafted,
127 the LOC intends to present a Sanctions and Penalties Law to GTC for consideration once
128 the draft is complete and all legislative requirements are met.
 - 129 **B. General Elections.** This section explains that general elections will be held in accordance with the
130 Constitution [see 102.5].
 - 131 **C. Special Elections.** This section describes the process for special elections. No changes have been
132 made to the special election process.
 - 133 **D. Referendums.** This section describes the process for referendums. Referendum questions may be
134 submitted by qualified voters at a caucus prior to an election. The following revisions have been
135 made to the referendum process to ensure a streamlined process: [see 102.7]
 - 136 ■ **Standard Form.** A provision has been added requiring the Secretary to provide a standard
137 form to submit referendum questions.
 - 138 ■ **Yes or No Questions.** In addition, referendum questions must be written in the form of a
139 "yes or no" question. The intent is to ensure that the questions are written clearly for the
140 voter to answer.
 - 141 **E. Primary Elections for Oneida Business Committee Positions.** This section describes the process
142 for primary elections. No changes have been made to the primary election process [see 102.8].
 - 143 **F. Candidate Eligibility.** This section describes the requirements to be a candidate. The following
144 revisions have been made to this section [see 102.9]:
 - 145 ■ **Applications.** This provision clarifies that all candidates, including those nominated at
146 caucus, must fill out and turn in a completed application packet. Packets will be available in
147 the BC Support Office. In addition, the Election Board's current practice is to provide
148 application packets at the caucus for those that have been nominated. The purpose of
149 requiring the application form is to ensure that candidates meet the eligibility requirements
150 for the office they are seeking [see 102.9-4].
 - 151 ■ **Proof of Minimum Eligibility Requirements.** Applicants will now be required to attach
152 proof that they meet the minimum requirements for the position they are running for. The
153 Election Board must include a list of the required documents on the application so that
154 applicants are aware of what they need to submit. If an applicant does not submit the
155 required documentation, they will be disqualified by the Election Board [see 102.9-4(d)]. If
156 an applicant feels they were unfairly disqualified, they may appeal to the Judiciary.
 - 157 ○ **Example:** An example of required documentation is proof of residency for positions that
158 require members to reside in Brown or Outagamie County or copies of degrees and
159 transcripts for positions that require a degree.

- 160 ■ **Applying for More than One BC or Judiciary Position.** Under the current law, applicants

161 cannot run for more than one Business Committee or Judicial position. For example, an

162 applicant cannot file to run for both BC Chairperson and Councilperson in the same election.

163 However, the current law doesn't state how the Election Board should handle this situation

164 when it occurs. This has led to cases in the Oneida Judiciary, where the Judiciary noted: "the

165 statute is silent as to whether a person has the opportunity to cure any defects and, if so, how

166 much time is afforded to cure such defects. Furthermore, the statute says nothing about

167 disqualifying a candidate from the election entirely who runs for more than one elective

168 office" [see *Metoxen v. Election Board 17-AV-007*]. Therefore, the following new

169 provisions have been added [see 102.9-5]:

 - 170 ○ **Include Restriction in Application Packet & Announce at Caucus.** The restriction on

171 running for multiple BC or Judicial offices will be included in the application packet and

172 read aloud at the caucus, to ensure that all potential candidates are aware before applying

173 [see 102.9-5(a)].
 - 174 ○ **Process If an Applicant Applies For More Than One BC or Judiciary Position:** If an

175 individual applies to run for more than one BC or Judiciary office, the Election Board

176 will only accept the first application that the individual submitted. Any additional

177 applications from that individual for other BC or Judicial offices will be rejected. The BC

178 Support Office will be required to timestamp all applications in the order they are

179 received, and the time stamp will be used to determine which application the individual

180 filed first.
 - 181 ○ Currently, the Election Board reports that they attempt to contact the applicant to

182 determine which office they want to run for. However, the Election Board has not always

183 been able to reach applicants in time for the deadline. The purpose of this new process is

184 to provide clear guidelines to applicants, the Election Board, and the Judiciary. It places

185 responsibility on applicants to follow the law while ensuring that applicants are not

186 disqualified from the ballot entirely.
- 187 ■ **Transfer of Hearing Authority to Judiciary.** This law removes the Election Board's hearing

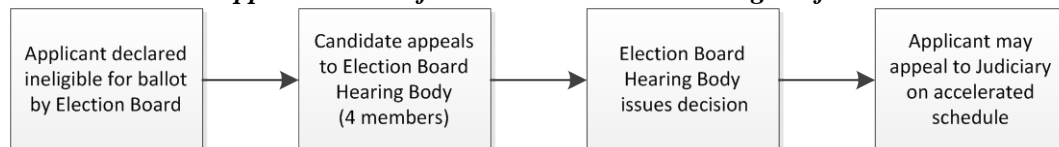
188 body authority and transfers it to the Judiciary. In the current law, when an applicant is

189 found ineligible to be on the ballot by the Election Board, they can appeal that decision to a

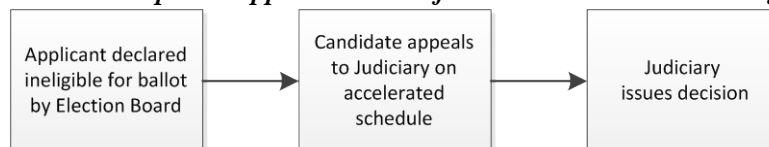
190 hearing body made up of four (4) members of the Election Board. Instead, applicants will

191 now appeal directly to the Judiciary on an accelerated schedule [see 102.9-8].

194 **Chart 1. Current Appeals Process for Candidates Found Ineligible for Ballot:**



195 **Chart 2. Proposed Appeals Process for Candidates Found Ineligible for Ballot:**



- 197 ○ **Transfer of Hearing Body Authority.** GTC established a Judiciary through the adoption of

198 the Judiciary Law by GTC on January 7, 2013 and the approval of Article V to the

199 Nation's Constitution in 2015. Since that time, several boards, committees and

200 commissions have transferred their hearing authority to the Judiciary, including

201

202

Environmental Resource Board (ERB) and Land Commission. The intent of transferring the Election Board's hearing authority is to continue consolidating administrative and judicial hearing responsibilities in the Judiciary to increase consistency in the hearing process.

G. Campaign Fines. This section describes the restrictions on campaigning, campaign signs and campaign finance. The following revisions have been made to this section [see 102.11-1].

- *Process for Fines.* Under the current law, the Election Board may issue fines for violating campaign finance or campaign sign restrictions. This law clarifies that any campaign fines must be paid to the Election Board within (90) ninety days after the fine is issued. The Election Board may seek to collect fines through garnishment and per capita process if not paid in 90 days. Fines will be placed into the Nation's general fund [see 102.10-4 and 102.11-4]
- *Types of Campaign Fines:* In addition to fines for campaign finance violations and campaign sign violations, the Election Board may now impose fines for campaigning within two hundred eighty (280) feet of the voting area during an election.

H. Campaign Signs and Campaigning. This section describes restrictions on campaigning and placement of campaign signs. This includes restrictions on employees campaigning on work time and campaigning within 280 feet of a polling site.

- *Removal of Campaign Signs.* A provision has been revised clarifying that the Zoning Administrator is responsible for removing any campaign signs that are not in compliance with the Election Law or Zoning and Shoreland Protection Law.

I. Candidate Withdrawal from the Election. This section describes the process for a candidate to withdraw from an election prior to the submission of the ballot, prior to the opening of the polls, after the opening of the polls, or after winning an election [see 102.12].

- *Declining Office After Winning Election.* A provision has been added clarifying that if a candidate declines an office after winning an election and after taking the oath of office, it will be treated as a resignation. If a candidate declines an office after winning but before taking the oath of office, then the next highest vote-getter will be declared the winner [see 102.12-6].

J. Shortening Caucus and Primary Election Timeline. Changes have been made to the election timelines to potentially shorten the length of the election season:

- *Caucus Timeline.* In the current law, the caucus must be held at least ninety (90) days prior to the general election. Instead, the caucus will now be held at least seventy-five (75) days prior to the general election [see 102.13-1(a)].
- *Primary Election Timeline.* In the current law, the primary election must be held on a Saturday at least sixty (60) days prior to the general election. Instead, the primary election will now be held on a Saturday at least thirty (30) days prior to the general election [see 102.8-1].
 - Note that these deadlines refer to "at least," or the minimum number of days prior to an election. This means that Election Board may hold the caucus or primary election more than seventy-five (75) or thirty (30) days before the election if more time is needed.
- *Effect.* The effect of these changes will be to potentially shorten the length of the entire election season from a minimum of 90 days to 75 days, the length of time from the caucus to primary election from 30 days to 25 days, and the length of time from the primary election to the general election from 60 to 30 days.

Chart 3. Current Election Timeline:

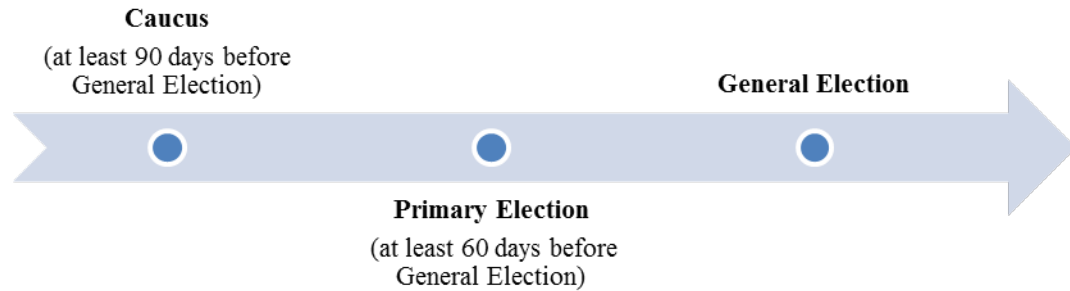
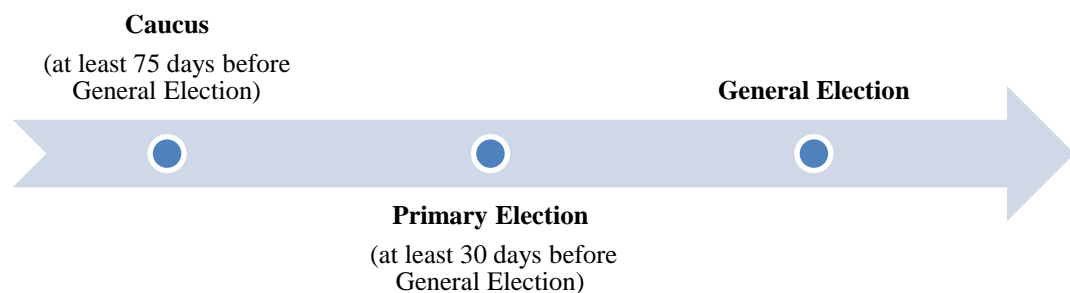


Chart 4. Proposed Election Timeline:



- K. Caucus Procedure.** The section describes the caucus process for selection of candidates.
- *Nominating Candidates by Motion.* More detail has been added to the law to reflect the current caucus process. The law clarifies that each position will be opened and closed for nomination by motion during the caucus: [see 102.13-2]
 - *Example:* A motion will be made to open nominations for the BC Chairperson position. Once all nominations have been made for BC Chairperson, nominations will be closed for that position. Then, a motion will be made to open nominations for BC Vice Chair position, and so on. The intent of this provision is to ensure an orderly caucus.
 - If a candidate is not present at the caucus, or arrives late and misses the position they wanted to be nominated for, they can still petition to be on the ballot instead. A petition to be on the ballot requires only 10 signatures.
 - *Nominating Yourself.* A new provision has been added clarifying that an individual cannot nominate themselves at the caucus. They must be nominated by someone else. [see 102.13-2(b)(1)].
- L. Posting Election Notices & Tentative Results on the Nation's Website.** A provision has been added requiring election notices and tentative election results to be posted on the Nation's website, in addition to being posted to the prominent locations.
- **The prominent locations include:** the polling places, the Norbert Hill Center, the Oneida Community Library, the Oneida Community Health Center, the Southeastern Oneida Tribal Services (SEOTS) building, and all fuel stations operated by the Nation. The prominent locations have been revised to remove Tsunhehkwa Retail store, which is now called Oneida Market and is located within an Oneida One Stop [see 102.3-2(u)].
 - **Require Notices to be posted to Website.** Election notices must be posted in the prominent locations and the Nation's "official media outlets," which includes both the Nation's website and the Nation's newspaper [see 102.14]. Tentative Election results must be posted to the prominent locations and the Nation's website [see 102.17-2]. The purpose of requiring

results to be posted on the website is to ensure that tribal members and candidates receive election results quickly and conveniently.

M. Shortened Voter Registration Form at Polling Site. When voters sign-in at the polls on election day, they must fill out a voter registration form. This form has been shortened to only require name, date of birth and enrollment number. The requirement that voters write down their maiden name and current address has been removed. The intent of shortening this form is to speed up the line for voters on Election Day. The Election Board reports that name, date of birth and enrollment number are enough information to identify voters [see 102.15-1].

N. Elimination of Provisional Ballots for Voters Ruled Ineligible. Voters who are ruled ineligible to vote at the polls by election officials will no longer have the right to cast a ballot or challenge the decision of the election officials. An example of why a voter would be deemed ineligible to vote is failure to show a photo ID [see 102.15-5].

- **Current Process.** Currently, if a voter is deemed ineligible, they are still allowed to cast a ballot. However, the ballot is placed in a sealed envelope and signed by two Election Board members. The voter is then required to submit an appeal to the Election Board within two (2) business days in order to challenge the Election Board's decision. The Election Board then has five (5) business days to issue a final decision on the voter's eligibility. The Election Board will only count the ballot if the board determines the individual was, in fact, eligible to vote.

O. Public Test of Voting Machines. A new provision has been adding requiring a public test of the voting machines prior to each election. The Election Board will conduct this test no more than ten (10) days prior to election day, and the public test will be noticed in the Nation's newspaper and website. The test will be performed by running a group of pre-audited marked ballots through the machine to ensure that the machine records the correct, predetermined number. The intent of the public test is to increase voter confidence in the voting equipment [see 102.16-1].

- **Public Tests of Voting Machines in Wisconsin.** The public test is modeled after public tests held by Wisconsin municipalities to test their own voting machines under section 5.84(1) of Wisconsin Statutes. Examples of area municipalities that hold public tests of voting machines include the City of De Pere, City of Green Bay, and Village of Ashwaubenon.

P. Voter Assistance. The Election Law has been clarified to state that a voter with a disability or other impairment can request assistance from a member of the Election Board or any other qualified voter of their choosing. A qualified voter is an enrolled member of the Oneida Nation aged 18 or older. For example, a voter can request assistance from a family member or friend, as long as that person is a qualified voter. The purpose of this revision is to clarify that voters may be assisted by any qualified voter of their choosing, whether they are a member of the Election Board or not [see 102.16-4].

- **Qualified Voters Only.** The intent of limiting assistance to qualified voters is to restrict the voting area to qualified voters only, consistent with 102.16-8 of this law, which states that this restriction is in the interest of maintaining security of the ballots and the voting process

Q. Separation of Milwaukee and Oneida Ballots. A provision has been added to the law requiring ballots from each polling site to be kept separate. There are currently two polling sites, one in Oneida and one in Milwaukee. During the 2017 general election, the ballots from the manual count in Milwaukee were combined with the machine count in Oneida. During recounts, it was no longer possible to determine if a ballot came from the Milwaukee or Oneida count. By keeping the ballots separate throughout the election process, it will be easier to determine if there were irregularities at one of the polling sites [see 102.16-9(a)].

R. Spoiled Ballots Procedure. The process for spoiled ballots has been revised. Spoiled ballots will now be placed in a locked, sealed container marked "spoiled ballots." Previously, spoiled ballots were placed in a marked envelope. In addition, the voter will now be required to witness their

spoiled ballot being placed into the container. The purpose of these provisions is to increase voter confidence and to ensure that spoiled ballots are handled properly [see 102.16-10].

S. **Reducing Number of Election Board Members Required at the Polls.** The minimum number of Election Board members required to be present at each polling site on Election day to sign the election totals has been reduced from six (6) members to four (4) members. With the new voting machines, the Election Board reports that they are able to open and close the polls more efficiently, requiring less members to be present. The Election Board also reports that lowering the number of Board members required at each polling place may reduce the need for alternates. The Election Board suggests this may produce a cost savings [see 102.16-12].

T. **Recount Process.** Several revisions have been made to the recount process:

- **Extension of Deadline for Recount Requests.** A provision has been added regarding deadlines for a candidate to request a recount. Currently, candidates have five (5) business days after an election to request a recount. If a recount reverses the result of an election, the candidate who lost as a result of the recount will now have one (1) additional business day to request their own recount. This ensures that a candidate impacted by a recount will still have the opportunity to request their own recount [see 102.18-2(a)].
- **Require Election Board to Complete Recounts within Two (2) Business Days.** Upon receiving a recount request from the Nation's Secretary, the Election Board will now have two (2) business days to complete a recount instead of five (5) days. The purpose of shortening the deadline is to get recount results out sooner, especially if the recount changes the result of the election and the losing candidate wishes to request their own recount [see 102.18-4].
- **Recounts Conducted By Hand and by Machine.** Currently, there is a discrepancy in the Election Law regarding whether the Election Board must conduct recounts by hand or by machine. A change has been made that will now require the Election Board to both hand count and machine count the ballots during a recount. The intent of this change is to increase voter confidence in the process and ensure an accurate count [see 102.18-7].
- **Posting Recount Results.** The Election Board will now be required to post the tentative recount results just like any other election results. The results will be posted in the prominent locations and the Nation's official media outlets within 24 hours of the recount [see 102.18-9]. The intent of this change is to increase transparency of the recount process.

U. **Minor Drafting Changes.** Minor drafting changes have been made, such as changing "judge" to "Election judge" for clarity.

SECTION 6. EFFECT ON EXISTING LEGISLATION

A. **References to Other Laws.** The following laws of the Nation are referenced in this law. This law does not conflict with any of the referenced laws.

- **Open Records and Open Meetings Law.** Among the duties of the Election Board Secretary is to keep a record of Election Board meetings and make them available to the Nation's Secretary, other Election Board members, and the public as required by the Open Records and Open Meetings Law [see 102.4-9(c)].
- **Comprehensive Policy Governing Boards, Committees and Commissions.** Stipend rates for Election Board members will be set in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions. At the time this analysis was drafted, Election Board members receive \$100 per meeting and \$10 per hour to conduct elections [see 102.4-10].
- **Personnel Policies and Procedures.** Employees of the Nation are not allowed to campaign during work hours. Employees that violate this provision will be subject to disciplinary action in accordance with the Nation's Personnel Policies and Procedures [see 102.11-1(b)].
- **Zoning and Shoreline Law.** The Zoning Administrator shall remove any campaign signs that are not in compliance with this law, in accordance with the Zoning and Shoreline law [see 102.11-3].

- *Garnishment Law and Per Capita Law.* If a fine issued by the Election Board is not paid by the deadline, the Election Board may seek to collect the money owed through the Nation's garnishment and/or per capita attachment process [see 102.10-4(b)].

SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR OBLIGATIONS

A. *Elimination of Provisional Voting.* This law eliminates an existing right to challenge the decision of election officials if a voter is deemed ineligible to vote on election day. An example of why a person would be deemed ineligible to vote is failure to show a Photo ID.

- *Current Process:* Under current law, if a voter is deemed ineligible to vote on election day, he or she may still fill out a ballot. This ballot is sealed in a numbered envelope and initialed by two Election Board members. The voter then has two (2) business days to mail a written appeal to Election Board. The Election Board will issue a final decision, and will only count the ballot if it is determined that the voter was, in fact, an eligible voter.
- *Proposed Process:* Under this proposed law, if a voter is deemed ineligible to vote on election day, they cannot fill out a ballot and cannot challenge the decision of the Election officials.
- *Provisional Voting in State of Wisconsin.* The Wisconsin Election Commission reports that for state elections, voters can receive a provisional ballot if they are unable or unwilling to provide proof of identification. Provisional ballots are not counted unless the voter provides the required information to the municipal clerk by 4:00 pm of the Friday following the election.
- *Provisional Voting in Other Tribes.* There are examples of other tribes that allow versions of provisional ballots:
 - *Ho Chunk Nation:* If the eligibility of a voter is questioned, the ballot of that voter will be enclosed in an envelope which will be endorsed with the voter's name, the reason for the challenge, and any refutation of the challenge. The Election Board will make the final determination of the eligibility of the voter and will count the votes of those determined eligible to vote [see *Ho Chunk Election Code 13(j)*].
 - *Forest County Potawatomi:* If the eligibility of a voter is questioned by the Election Board, the ballot of that voter shall be enclosed in an envelope which shall be endorsed with his or her name and the reason for the challenge. Challenges shall be made only on the basis of eligibility for voting membership in the Tribe as specified in Article VI, Section 5 of the Constitution of the Forest County Potawatomi Community. The eligibility of all challenged ballots must be determined by a majority of the Election Board before tallying any votes. If the voter is determined to be eligible that envelope will be opened and the ballot placed in the ballot box [see *Forest County Potawatomi Election Code 2.8*].
- *Conclusion:* The LOC should be aware that removing provisional voting eliminates an existing right of voters of the Nation. Whether to allow provisional voting is a policy decision.

SECTION 8. ENFORCEMENT AND ACCOUNTABILITY

- A. *Challenging an Election.* Any qualified voter may challenge the results of an election by filing a complaint with the Judiciary within ten (10) calendar days after the election [see 102.19-1].
- B. *Challenging Election Board Decision Regarding Candidate Eligibility.* An applicant found to be ineligible for a nominated or petitioned for position shall have two (2) business days to request a hearing with the Judiciary to review the eligibility status of the applicant [see 102.9-8].
- C. *Enforcement and Removal.* Election Board members who violate the Election Law may be subject to removal in accordance with the Removal Law, termination of appointment if appointed to fill a vacancy, or sanctions and penalties in accordance with laws of the Nation [see 102.4-12].
- D. *Final Report.* The Election Board is required to forward a Final Report to the Nation's Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed. The Final Report must include the following information: Total number of

persons voting; total votes cast for each candidate by subsection of the ballot; list of any ties and final results of those ties, including the method of resolution; list of candidates elected and position elected to; number of spoiled ballots; and cost of the election, including compensation paid to each Election Board member [see 102.19-2].

SECTION 9. OTHER CONSIDERATIONS

- A. *New Voting Machines.* The Election Board reports that they have purchased two (2) new DS200 ballot machines. The Election Board reports that these machines include a regular maintenance schedule. For more information regarding these machines, contact the Election Board.
- B. *Election Board Standard Operating Procedures (SOPs).* The Business Committee Support Office has worked with the Election Board to place their Standard Operating Procedures (SOPs) on the Nation's website, so that all members have access to the processes by which an election is conducted. The Election Board's SOPs include detailed instructions regarding ballots, the ballot box, testing voting machines, conducting elections, breaking a tie, conducting recounts and other-election related topics. The SOPs may be viewed by selecting "Oneida Election Board" at www.oneida-nsn.gov/government/boards-committees-and-commissions/elected/
- *What is an SOP?* SOPs are the detailed, step-by-step instructions for how an entity implements a law or policy. The intent of an SOP is to ensure consistency in the process. Unlike laws, Election Board SOPs are developed by the Election Board.
- C. *Sanctions and Penalties Law.* The Legislative Operating Committee (LOC) is currently drafting a Sanctions and Penalties Law to increase accountability among elected and appointed officials of the Nation, which will include members of the Election Board. Currently, the only remedy for elected officials is the Removal Law. However, there may be instances of misconduct that do not rise to the level of removal. In these cases, other sanctions such as verbal warnings, written warnings, suspension or fines may be more appropriate. This new law will create a formal complaint process and allow for corrective actions against officials who violate laws, bylaws and SOPs of the Nation. At the time this analysis was drafted, the LOC intends to present a Sanctions and Penalties Law to GTC for consideration once the draft is complete and all legislative requirements are met.
- D. *Update Resolution Setting Fines for Election Violation.* This law states that the Business Committee will pass a resolution specifying fines for violations of campaign finance restrictions [102.10-2(a)]. The Business Committee passed a resolution setting fines for campaign sign violations [see BC-01-22-14-A]. However, this resolution did not specifically identify fines for campaign finance violations.
- *Recommendation:* The Business Committee should consider amending resolution BC-01-22-14-A to specify fines for campaign finance violations in accordance with this law.
- E. *New Forms or Procedures:*
- *Updated Application:* The Election Board will be required to update the application form to include:
 - A list of required documents that applicants must submit to meet minimum eligibility requirements.
 - A statement that applicants cannot apply to run for more than one Business Committee or Judiciary position.
 - *Updated Election Board SOPs:* The Election Board will need to update their SOPs to comply with all amendments to this law.
 - *New Referendum Form:* The Nation's Secretary will be required to provide a standard referendum form at the caucus. The Nation's Secretary and BC Support Office should develop this form.
- F. Please refer to the fiscal impact statement for any fiscal impacts.

Title 1. Government and Finances - Chapter 102

ELECTION

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

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

102.1. Purpose and Policy	<u>102.12. Candidate Withdrawal from the Election</u>
102.2. Adoption, Amendment, Repeal	<u>102.13. Selection of Candidates</u>
102.3. Definitions	102.714. Notice of Polling Places
102.4. Election Board	102.815. Registration of Voters
102.5. <u>General Election</u> Candidate Eligibility	102.916. Election Process
102.6. <u>Special Election</u>	102.10. <u>Tabulating and Securing Ballots</u>
102.7. <u>Referendums</u>	17. 102.11 Election <u>Outcome</u> Outcomes and Ties
102.8. <u>Primary Elections for Oneida Business Committee Positions</u>	102.12. <u>Elections</u> 18. <u>Recount Procedures</u>
102.9. <u>Candidate Eligibility</u>	102.19. <u>Challenges</u> 102.13. Oneida Nation Constitution and <u>By-law</u>
102.10. <u>Campaign Financing</u>	<u>Declaration of Results</u>
102.11. <u>Campaign Signs and Campaigning</u>	102.20. <u>Constitutional</u> Amendments

102.1. Purpose and Policy

102.1-1. It is the policy~~purpose~~ of ~~the Nation that~~ this law shall~~to~~ govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. Because of the desire for orderly and easily understood elections, there has not been an allowance made for write-in candidates on ballots.

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

102.2. Adoption, Amendment, Repeal

102.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-98-A and amended by resolutions GTC-01-04-10-A, BC-02-25-15-C ~~and~~ GTC-04-23-17-A₂ and GTC- - - -

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

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

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

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

102.3. Definitions

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

102.3-2.(a) "Administrative offices" means the locations where the Oneida Business Committee conducts business.

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

102.3-3.(c) "Applicant" shall mean a potential candidate who has not yet been officially

Draft 1- PM Draft
2018 11 08

approved for acceptance on a ballot.

~~102.3-4.~~(d) “Business day” shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding holidays of the Nation.

~~102.3-5.~~(e) “Campaigning” shall mean all efforts designed to influence members of the Nation to support or reject a particular candidate of the Nation including, without limitation, advertising, rallying, public speaking, or other communications with members of the Nation.

~~102.3-6.~~(f) “Candidate” shall mean a petitioner or nominee for an elected position whose name is placed on the ballot by the Election Board after successful application.

~~102.3-7.~~(g) “Clerk” shall mean ~~the election official~~ an Election Board member who identifies proper registration for the purpose of determining voter eligibility.

~~102.3-8.~~(h) “Close of business” shall mean 4:30 p.m. Monday through Friday.

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

~~102.3-10.~~(j) “Constitution” means the Constitution and By-laws of the Oneida Nation.

(k) “Election” shall mean every primary and election.

~~102.3-11.~~(l) “Election Judge” shall mean an Election Board member who informs and advises the Election Board Chairperson of discrepancies, complaints and controversy regarding voter eligibility.

(m) “General election” shall mean the election held every three (3) years in July to elect the Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the Oneida Business Committee, and may include ~~contests~~ elections for other elected ~~boards, committees and commissions~~ positions.

~~102.3-12. “Judge” shall mean the election official who informs and advises the Chairperson of discrepancies, complaints and controversy regarding voter eligibility.~~

~~102.3-13.~~(n) “Immediate family member” means an individual’s father, mother, grandparent, sister, brother, wife, husband, daughter, son, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, step-father, step-mother, step-sister, step-brother, step-daughter, step-son, and any of the these relations attained through legal adoption.

(o) “Judiciary” means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.

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

~~102.3-15.~~(q) “Nation” means the Oneida Nation.

~~102.3-16. “Nation’s newspaper” shall mean the Kalihwisaks, or any other newspaper operated by the Nation for the benefit of transmitting news to members of the Nation, which is designated by the Election Board as a source for election related news.~~

Draft 1- PM Draft

2018 11 08

~~102.3-17.~~(r) “Official media outlets” means the Oneida Nation’s website and the Kalihwisaks newspaper as identified by the Oneida Business Committee through resolution BC-03-22-17-B.

~~(s)~~ “Oneida Police Officer” shall mean an ~~enrolled member of the Oneida Nation who is a-employed as a police officer on any police force~~with the Oneida Police Department.

~~102.3-18.~~(t) “Private property” shall mean any lot of land not owned by the Nation, a residential dwelling or a privately owned business within the boundaries of the Reservation.

~~102.3-19.~~(u) “Prominent locations” shall mean the polling places, main doors of the Norbert Hill Center, main doors of the Oneida Community Library, ~~Tsyunhehkwa Retail Store,~~ the Oneida Community Health Center, the South Eastern Oneida Tribal Services (SEOTS) building, and all ~~One Stop locations~~fuel stations operated by the Nation.

~~102.3-20.~~(v) “Qualified voter” shall mean an enrolled member of the Nation who is eighteen (18) years of age or older as defined in Article III, Section 2 of the Constitution.

~~102.3-21.~~(w) “Rejected Ballots” shall mean those ballots which are rejected by the vote tabulating machine.

~~102.3-22.~~(x) “Spoiled Ballot” shall mean a ballot which contains a voter error or is otherwise marred and is not tabulated.

~~102.3-23.~~(y) “Teller” shall mean ~~the election official~~an Election Board member in charge of collecting and storing of all ballots.

102.4. Election Board

~~Section A. 102.4-1. Establishment, Composition and Election~~

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

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

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

(a) he or she is a petitioner, applicant or candidate in any election;

(b) a petitioner, applicant, or candidate in any election is an immediate family~~102.4-4. Removal. Removal of members shall be pursuant to the Oneida Removal Law. A member who is removed from the Election Board shall be ineligible to serve on the Board for three (3) years from the time he or she is removed from the Election Board.~~

102.4-5. member of the Election Board member; or

(c) there is otherwise a conflict of interest.

102.4-4. Vacancies. Any vacancy in an unexpired term shall be filled by appointment by the ~~Oneida~~ Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed to correspond with the pre-election activities and the needs of the Election Board.

102.4-65. The Election Board shall identify members who shall serve as tellers, ~~judges~~Election Judges and clerks in advance of an election.

Draft 1- PM Draft
2018 11 08

102.4-~~76~~ Election Board Alternates. The Oneida Business Committee may appoint or reappoint a sufficient number of alternates to the Election Board, as recommended by the Election Board, to assist with election day and pre-election activities.

102.4-~~87~~. The Election Board shall choose a Chairperson from amongst themselves as set out in the ~~By-laws~~bylaws of the Election Board, to preside over the meetings. This selection shall be carried out at the first meeting of the Election Board following an election. The Chairperson shall then ask the Election Board to select a Vice-Chairperson and a Secretary.

~~Section B-~~ 102.4-8. Duties of the Election Board

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

(a) The Election Board shall ensure that the election polling equipment and ballots are maintained in a locked and secured area when not in use for an election;

(b) The Election Board shall develop and adhere to standard operating procedures regarding election activities and responsibilities;

(1) Actions of the Election Board regarding standard operating procedures shall be presented to the Business Committee who shall then adopt or forward action(s) to the General Tribal Council for adoption.

(c) The Election Board shall assist individuals with disabilities through the voting process;

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

~~Section C-~~ 102.4-9. Specific Duties of Officers and Election Board Members

. All Election Board members shall be required to attend all Election Board meetings. Additional specific~~102.4-10. Specific~~ duties of the Chairperson and other Election Board members, ~~in addition to being present at all Election Board meetings and assisting~~ include the ~~handicapped through the voting process, are as set out herein~~following:

(a) ~~Chairperson: Shall.~~ The Chairperson of the Election Board shall conduct the following duties:

(1) preside over meetings of the Election Board; shall select the hearing body for applicants found to be ineligible in accordance with 102.5-6 in the event of an appeal; shall

(2) oversee the conduct of the election; shall

(3) dismiss the alternates and Trust Enrollment Department personnel when their election day duties are complete; and shall post and report election results.

(4) post and report election results.

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

(c) ~~Secretary: Shall.~~ The Secretary shall keep a record of the meetings and make them available to the Nation's Secretary, other Election Board members, and the public as required in the ~~Open Records~~Nation's laws and ~~Open Meetings Law~~policies governing open records and open meetings.

(d) ~~Clerks: Shall.~~ The clerks shall implement the requirements of identifying and

Draft 1- PM Draft
2018 11 08

170 registering all voters and determining voter eligibility. Clerks shall work in conjunction
171 with the Trust Enrollment Department personnel in the registration process, and assist the
172 Chairperson as directed in conducting the election. ~~Clerks cannot be currently employed~~
173 ~~by the Trust Enrollment Department.~~

(1) Clerks shall not be currently employed by the Trust Enrollment Department.

175 (e) ~~Tellers:—Shall.~~ Tellers shall collect and keep safe all ballots; until the election is
176 complete, as determined by this law.—~~Shall, and shall~~ assist the Chairperson in
177 conducting the election.

178 (f) ~~Election Judges:—Shall.~~ Election Judges shall inform and advise the Chairperson of
179 all aspects of the election conducted under this law. In case of disputes among Election
180 Board members, or between members of the Nation and Election Board members, or any
181 controversy regarding voter eligibility, the ~~Judge~~election judge(s) shall assist the
182 Chairperson in making a determination. ~~The Judge(s) shall also ensure that all ballots of~~
183 ~~voters whose eligibility may be in question, remain confidential.~~

102.4-10.

~~Section D. Compensation Rates~~

186 ~~102.4-11. Election Board Stipend Rates.~~ Election Board members shall receive a stipend in
187 accordance with the Nation's laws, policies, and resolutions governing boards, committees, and
188 commissions. Election members are to be compensated at an hourly rate when conducting
189 elections as provided for in the Election Board's bylaws as approved by the Oneida Business
190 Committee. ~~The Election Board shall have a budget, approved through the Nation's budgeting~~
191 ~~process.~~

192 ~~102.4-12~~11. Compensation of other Election Personnel. The Trust Enrollment Department
193 personnel and Oneida Police Officer(s) shall be compensated at their regular rate of pay out of
194 their respective budgets when performing official duties during an election in accordance with
195 this law.

196 102.4-12. Enforcement. A member of the Election Board found to be in violation of this law
197 may be subject to:

198 (a) removal pursuant to any laws and/or policies of the Nation's governing removal, if
199 the Election Board member was elected to his or her position;

200 (1) A member who is removed from the Election Board shall be ineligible to
201 serve on the Election Board for three (3) years from the time he or she is removed
202 from the Election Board.

203 (b) termination of appointment by the Oneida Business Committee pursuant to any laws
204 and/or policies of the Nation governing boards, committees, and commissions, if the
205 Election Board member was appointed to his or her position by the Oneida Business
206 Committee; and/or

207 (c) sanctions and penalties pursuant to any laws and/or policies of the Nation governing
208 sanctions and/or penalties.

102.5. General Elections

211 102.5-1. In accordance with Article III, Section 5 of the Constitution, general elections shall be
212 held in the month of July on a date set by the General Tribal Council.

213 (a) The General Tribal Council shall set the election date at the January annual meeting,
214 or at the first General Tribal Council meeting held during a given year.

Draft 1- PM Draft
2018 11 08

102.6. Special Elections

102.6-1. Initiation of Special Elections. A special election may be initiated by a request or directive of the General Tribal Council or the Oneida Business Committee.

(a) A member of the Nation may make a request for a special election to the Oneida Business Committee or the General Tribal Council.

102.6-2. Matters subject to a special election include, but are not limited to, referendum questions, vacancies, and/or petitions. Matters subject to a special election may be placed on the ballot of a general election.

102.6-3. A special election shall follow the processes and procedures established for all other elections.

102.6-4. The date of a special elections shall be set by the Oneida Business Committee as recommended by the Election Board, or as ordered by the Judiciary in connection with an election challenge.

102.6-5. Notice of Special Elections. Notice of a special election shall be posted by the Election Board in the prominent locations, and placed in the Nation's official media outlets not less than ten (10) calendar days prior to the special election.

102.6-6. Emergency Cancellation of Special Elections. In the event of an emergency, the Election Board may reschedule the special election, provided that no less than twenty-four (24) hour notice of the rescheduled special election date is given to the voters, by posting notices in the prominent locations.

102.7. Referendums

102.7-1. A qualified voter may submit a referendum question to be included on the ballot for a general or special election for the purpose of soliciting an opinion from the voters of that election on any issue directly affecting the Nation or its general membership.

102.7-2. The Nation's Secretary shall develop and make available in the Business Committee Support Office a standard referendum form.

102.7-3. A referendum question shall be written in a manner that solicits a "yes" or "no" response.

102.7-4. The referendum form shall be presented to the Nation's Secretary at the caucus prior to an election. Once received at a caucus, the referendum question shall be placed on the ballot of the next election.

102.7-5. The results of a referendum question in which a majority of the qualified voters who cast votes shall be binding on the Oneida Business Committee to present the issue for action and/or decision at General Tribal Council.

102.8. Primary Elections for Oneida Business Committee Positions

102.8-1. There shall be a primary election for an Oneida Business Committee position whenever there are three (3) or more candidates for any officer position or sixteen (16) or more candidates for the at-large council member positions.

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

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

Draft 1- PM Draft

2018 11 08

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

102.8-2. The primary election shall be held on a Saturday at least thirty (30) calendar days prior to the election.

102.8-3. The Election Board shall cancel the primary election if the Oneida Business Committee positions did not draw the requisite number of candidates for a primary by the petitioning deadline set for the primary election.

102.8-4. In the event a candidate withdraws or is unable to run for office after being declared a winner in the primary, the Election Board shall declare the next highest primary vote recipient the primary winner. This procedure shall be repeated as necessary until the ballot is full or until there are no available candidates. If the ballot has already been printed, the procedures for notifying the Oneida public in section 102.12-3 and 102.12-4 shall be followed, including the requirement to print a notice in the Nation's official media outlets if time lines allow.

102.9. Candidate Eligibility

Section A. Requirements

~~102.5-1. In~~ 102.9-1. All applicants shall meet the minimum eligibility requirements in order to become a candidate, in addition to any specific requirements and/or exceptions set out in duly adopted ~~by laws~~ bylaws or other documents, ~~all applicants shall meet the minimum requirements set out in this section in order to become a candidate.~~

~~102.59-2.~~ Minimum **Eligibility** Requirements. In order to be eligible to be a candidate, applicants shall:

- (a) be an enrolled member of the Nation, as verified by membership rolls of the Nation-;
- (b) be a qualified voter on the day of the election-; and
- (c) provide proof of physical residency as required for the position for which they have been nominated or for which they have petitioned. Proof of residency may be through one (1) or more of the following:
 - (1) a valid Wisconsin driver's license;
 - (2) a bill or pay check stub showing name and physical address of the candidate from the prior or current month;
 - (3) another form of proof that identifies the candidate and that the candidate has physically resided at the address and identifies that address as the primary residence.

~~102.59-3.~~ **Conflict of Interest.** No applicant ~~may~~ shall have a conflict of interest with the position for which they are being considered, provided that any conflict of interest which may be eliminated within thirty (30) calendar days of being elected shall not be considered as a bar to nomination or election.

~~102.59-4. Applications and petitions where the~~ for Candidacy. An applicant interested in being considered as a candidate for a position that was ~~not~~ not nominated ~~during~~ at a caucus or will be petitioning for candidacy shall ~~be filed by presenting the information~~ submit an application for candidacy to the Nation's Secretary, ~~or designated agent, or the Business Committee Support Office.~~

- (a) The application for candidacy shall be submitted in person during normal business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, within five (5) business days after the caucus.

Draft 1- PM Draft

2018 11 08

(b) No mailed, internal Nation mail delivery, faxed or other delivery method shall be accepted.

~~102.5-5.~~(c) The Nation's Secretary or the Business Committee Support Office shall timestamp when an application for candidacy is received.

(d) Proof of Minimum Eligibility Requirements. At the time of submission, the application for candidacy shall include attached documentation verifying that the applicant meets the minimum eligibility requirements.

(1) The application for candidacy shall include a list of the required documentation for each office.

(2) An application that does not include attached documentation verifying the applicant meets the minimum eligibility requirements at the time of submission shall be disqualified.

102.9-5. An applicant for a position on the Oneida Business Committee or a position within the Judiciary shall only be eligible to apply for one (1) elective office or position per election.

(a) A statement of the ineligibility of an applicant to apply for more than one (1) elective office or position if applying for a position with the Oneida Business Committee or the Judiciary shall be included in the application materials as well as the notice for the caucus, and read verbally at the start of the caucus.

(b) If an applicant provides an application for candidacy or petition for candidacy for more than one position or office if applying for a position on the Oneida Business Committee or the Judiciary, then the application which was filed first shall be accepted while any other applications shall be disqualified.

(1) The Election Board should review the timestamps on the applications to determine which application shall be accepted.

102.9-6. The names of the candidates and the positions sought shall be a public record and made available to the public upon the determination of eligibility by the Election Board or the Election Board's ~~designated agent~~designee.

Section B102.9-7. Eligibility Review

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

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

(a) Position for which they were considered;

(b) ~~Qualification~~Qualifications of the position and citation of the source. ~~(Copies of source may be attached.);~~

(c) A brief summary explaining why the applicant was found to be ineligible; ~~and~~

(d) That the applicant has two (2) business days from notification to ~~make an appeal.~~

Draft 1- PM Draft
2018 11 08

~~Appeals must be filed at the location designated~~ request a hearing on the ~~notice by hand~~
~~delivery. The location designated~~ ineligibility determination with the Judiciary.

102.9-8. Request for a Hearing on Ineligibility. An applicant found to be ineligible for a nominated or petitioned for position shall have two (2) business days to request a hearing with the Judiciary to review the eligibility status of the applicant. The Judiciary shall hear and decide a request for a hearing on ineligibility within two (2) business days after the request is filed. Any appeal to the appellate body of the Judiciary shall be ~~on the Reservation. No mailed, internal Nation mail, faxed or other delivery method will be accepted~~ filed within one (1) business day after the issuance of the lower body's decision and decided within two (2) business days after the appeal is filed.

~~Section C.~~ **102.10. Campaign Financing**

~~102.5-8. Contributions:~~

~~(a) Solicitation of Contributions by Candidates.~~

~~(10-1) Candidates.~~ A candidate shall only accept contributions from individuals who are members of the Nation or individuals related by blood or marriage to the candidate. ~~Candidates may~~

102.10-2. A candidate shall not accept contributions from any business, whether sole proprietorship, partnership, corporation, or other business entity.

~~(2) Candidates~~ 102.10-3. A candidate shall not solicit or accept contributions in any office ~~or~~ business ~~and/or~~ facility of the Nation.

~~(b) Fines. Violation~~ 102.10-4. Violations of Campaign Financing Restrictions. A violation of the ~~contribution~~ campaign financing restrictions shall result in a fine ~~imposed by the~~.

(a) The Election Board shall impose the fine in an amount specified in a resolution adopted by the Oneida Business Committee.

(b) Fines shall be paid to the Election Board within ninety (90) days after the fine is issued. If the fine is not paid by this deadline, the Election Board may seek to collect the money owed through the Nation's garnishment and/or per capita attachment process.

(c) Money received from fines shall be deposited into the General Fund.

~~102.5-9~~ **11. Campaign Signs and Campaigning:**

~~(a) 102.11-1. Restrictions on Campaigning.~~ The following restrictions on campaigning apply to all candidates:

(a) No campaigning of any type shall be conducted within two hundred eighty (280) feet of the voting area during an election, excluding private property.

(b) Employees of the Nation shall not engage in campaigning for offices of the Nation during work hours.

(1) Enforcement. The Nation's employees shall be subject to disciplinary action under the Nation's laws and policies governing employment for political campaigning during work hours.

102.11-2. Placement of Campaign Signs. Placement of campaign signs shall be pursuant to the following restrictions:

~~(4a)~~ Campaign signs shall not be posted or erected on any property of the Nation except for private property with the owner ~~or~~ tenant's permission.

~~(2b)~~ No campaign sign shall exceed sixteen (16) square feet in area. A maximum of

Draft 1- PM Draft
2018 11 08

seven (7) such signs may be placed on a building or on a lot.

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

~~(b) Removal of campaign signs. 102.11-3. All campaign signs shall be removed within five (5) business days after an election.~~

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

~~(d) Enforcement. of Sign Placement.~~ The Zoning Administrator shall ~~cause to be removed~~ remove any campaign signs that are not in compliance with this law, in accordance with the ~~Zoning and Shoreland Protection Law~~ Nation's laws and policies governing zoning. The Zoning Administrator shall notify the Election Board of campaign sign violations.

~~(e) Fines. Violation of the 102.11-4. Violations of Campaign Restrictions. A violation of the restriction on campaigning within two hundred eighty (280) feet of the voting area during an election, or~~ campaign sign restrictions shall result in a fine ~~imposed by the~~.

(a) The Election Board shall impose the fine in an amount specified in a resolution adopted by the Oneida Business Committee.

~~Section D. Candidate Withdrawal~~

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

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

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

(b) Fines shall be paid to the Election Board within ninety (90) days after the fine is issued. If the fine is not paid by this deadline, the Election Board may seek to collect the money owed through the Nation's garnishment and/or per capita attachment process.

(c) Money received from fines shall be deposited into the General Fund.

102.11-5. Removal of Campaign Signs. All campaign signs shall be removed within five (5) business days after an election.

~~102.5-13. Candidates~~ **12. Candidate Withdrawal from the Election**

102.12-1. A candidate may withdraw from the election at any time. A candidate withdrawing by any method listed herein within this section shall be denied any position from which they have withdrawn regardless of the number of votes cast for that candidate. A written statement shall be considered the only necessary evidence of withdrawal and acceptance of denial of any position withdrawn from.

102.12-2. Withdrawal Prior to Submission of the Ballot. A candidate may withdraw his or her name from a ballot prior to submission of the ballot for printing if the withdrawal is submitted

Draft 1- PM Draft
2018 11 08

in writing by the candidate to any Election Board member, excluding alternates.

102.12-3. *Withdrawal Prior to the Opening of the Polls.* After the ballot is printed, a candidate may withdraw his or her name from the election prior to the opening of the polls by submitting in writing a statement indicating they are withdrawing from the election to any Election Board member, excluding alternates.

(a) This written withdrawal statement shall be posted alongside any sample ballot printed prior to the election in the official media outlets of the Nation or any posting at the polling places.

102.12-4. *Withdrawal After Opening of the Polls.* A candidate may withdraw after the opening of the polls by submitting a request to be removed from the ballot, in writing, to the Election Board members in charge of the polling place.

(a) The written withdrawal statement shall be posted next to any posted sample ballot.

102.12-5-14. *Candidate Withdrawal After Winning an Election but Before the Oath is Taken.*

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

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a ~~Special Elections~~ special election shall be held.

102.12-6.

2.6. Selection of Candidates

~~Section A~~ *Candidate Withdrawal After Taking an Oath of Office.* In the event a candidate declines an office after winning an election and taking an oath of office, the withdrawal shall be treated as a resignation of an official.

102.13. Selection of Candidates

102.13-1. *Setting of a Caucus*

~~102.6-1.~~ The Election Board shall be responsible for calling a caucus before any election is held.

(a) The caucus for the general election shall be held at least ~~ninety (90)~~ seventy-five (75) calendar days prior to the election date. ~~Caucuses~~

(b) A caucus for ~~other elections~~ a special election shall be held at least forty-five (45) calendar days prior to the election date.

(c) In a general election year, caucuses shall be combined so that candidates for the Oneida Business Committee and other elected ~~boards, committees and commissions~~ positions are nominated at the same caucus.

~~102.613-2.~~ 102.13-2. *Caucus Procedures.* The procedures for ~~the~~ a caucus shall be as follows:

~~(a) Candidates~~ (a) Each position shall be opened and closed for nominations by motion during the caucus. A nomination for a position shall only be accepted when a position is open for nominations.

(1) Once nominations are closed for a particular position, an applicant may petition to be on the ballot for that position.

(b) Once a position is opened for nominations a candidate shall be nominated for a position from the floor.

~~(b) Candidates~~ (1) An individual shall not nominate himself or herself for a position during the caucus.

(c) A candidate present at the caucus ~~will~~ shall accept ~~or~~ decline their nomination at the

Draft 1- PM Draft

2018 11 08

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

(~~e~~) Nominations shall consist of the following positions:

(1) Oneida Business Committee Chairperson;

(2) Oneida Business Committee Vice-Chairperson;

(3) Oneida Business Committee Treasurer;

(4) Oneida Business Committee Secretary;

(5) Oneida Business Committee Council Member; and

(6) Any other elected positions as required by ~~by laws or creating documents of a board, committee, or commission.~~ bylaws, resolution, or law of the Nation.

Section B102.13-3. Petition

~~102.6-3. for Candidacy.~~ Any eligible member of the Nation may petition to be placed on a ballot ~~according to the following procedures for an election.~~ The procedure for a petition for candidacy shall be as follows:

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

~~(b) Petitioners for candidacy.~~ A petitioner shall use an official petition form ~~as designated by this law and application for candidacy~~ which may be obtained in the Business Committee Support Office ~~of the Nation's Secretary~~ or from the mailing for that caucus.

(b) A petitioners shall obtain at least ten (10) signatures of qualified voters on the petition form. The petition form shall contain the original signatures of the qualified voters. Photocopies of signatures shall not be accepted.

(c) The petition form shall consist of each ~~endorsee's~~ qualified voter's:

(1) printed name and address;

(2) date of birth;

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

(4) signature.

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

~~(e)~~ (d) Petitions shall be presented to the Nation's Secretary; or ~~designated agent,~~ the Business Committee Support Office during normal business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday, but no later than prior to close of business five (5) business days after the caucus. The location to drop-off petitions shall be identified in the mailing identifying the caucus date.

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

~~(g)~~ (f) The Election Board shall ~~have forward the petitions to~~ the Trust Enrollment Department ~~verify~~ for verification of all signatures contained on the petition.

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

Draft 1- PM Draft
2018 11 08

~~102.7~~14. Notice of Polling Places

~~102.7~~14-1. The Election Board shall post a notice of the election in the prominent locations and on the official media outlets, stating the location of the polling places and the time the polls will be open. This notice shall also be posted in an easily visible position, close to the entrance of the Nation's businesses and/or facilities.

~~102.7~~14-2. ~~Polling~~Notice of the election and polling information shall be posted no less than ten (10) calendar days prior to the election, and shall remain posted until the poll closes on the day of the election.

~~102.7~~14-3. Except for a ~~Special Election~~special election, notice for the election shall be mailed to all ~~Nation~~-members of the Nation, stating the time and place of the election and a sample of the ballot, no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing.

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

~~102.8~~15. Registration of Voters

~~Section A. Requirements~~

~~102.8~~15-1. ~~Voter~~ Registration of Voters. All enrolled members of the Nation, who are eighteen (18) years of age or over, are qualified. Qualified voters of such shall physically register on the day of the election(s) as defined in Article III, Section at the polls by signing his or her name on an official Voter Registration Form containing the following information:

(a) name;

(b) date of birth; and

(c) enrollment number.

~~102.15-2 of the Oneida Nation Constitution.~~

~~Section B. Identification of Voters~~

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

(a) Oneida Nation ~~I.D.~~identification card;

(b) ~~Drivers License.~~Driver's license; or

(c) Other ~~I.D. with~~identification card that contains a name and ~~photo~~photograph.

~~Section C. Registration Procedures~~

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

~~102.8-4.~~102.15-3. Trust Enrollment Department personnel shall be responsible for verifying enrollment with the Nation. ~~Conduct~~The conduct of Trust Enrollment Department personnel is governed by the Election ~~Officials~~Board members during the voting period.

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

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

~~(b) current address;~~

~~(c) date of birth; and~~

~~(d) enrollment number.~~

Draft 1- PM Draft
2018 11 08

~~Section D. Qualification~~ 15-4. Verification of Voter Eligibility

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

~~102.8-7~~ 15-5. Any voter denied eligibility shall not be allowed to vote in the election.

102.16. Election Process

~~, provided~~ 102.16-1. Public Test of Ballot Machines. No more than ten (10) days prior to an election, the Election Board shall publically test the ballot machines to ensure that the ballot machine correctly counts the votes cast for all offices and on all measures.

(a) Notice of the public test of the ballot machines shall be ~~placed in an envelope, initialed by two (2) Election Officials, sealed and numbered.~~ The name of the voter posted in the Nation's official media outlets at least ten (10) days prior to the public test.

(b) All ballot machines shall be ~~written next to a numbered list which corresponds to the numbered and sealed envelope. The voter shall tested during the public test, no matter what polling location the ballot machines will ultimately be required to mail a written appeal to the Election Board at P.O. Box 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they desire to challenge the decision made by the Election Officials.~~ used for.

(b) The Election Board shall ~~make a final decision, within five (5) business days of receiving the appeal and shall report this decision in the final report sent to the Oneida Business Committee~~ conduct the test by processing a pre-audited group of marked ballots to ensure the machine properly records the predetermined number of votes on the test ballots.

~~102.9~~ 16-2. Election Process

Section A. Polling Places and Times

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

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

~~102.9~~ 16-3. Polling Time. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All qualified voters in line to vote at 7:00 p.m. shall be allowed to vote.

(a) If a ballot counting machine is used, the ballot counting machine shall be prepared prior to 7:00 a.m. on the day of the election. The Election Judges shall open the polls only after four (4) members of the Nation verify, through signature on the tape, the ballot

Draft 1- PM Draft
2018 11 08

box is empty and the ballot counting machine printer tape has a zero (0) total count.

~~102.9-4.~~102.16-4. Voter Assistance. A voter who requires assistance to complete the voting process, due to a disability or impairment, may request assistance from a member of the Election Board or from another qualified voter.

102.16-5. At least one (1) Oneida Police Officer shall be present during the time the polls are open, and until the counting of ballots is completed, and tentative results are posted.

~~102.9-5~~16-6. The Election Board shall provide a voting area sufficiently isolated for each qualified voter, such that there is an area with at least two (2) sides and a back enclosure.

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

~~102.9~~16-7. No one causing a disturbance shall be allowed in the voting area.

~~102.9~~16-8. Election Board members may restrict the voting area to qualified voters only. This restriction is in the interest of maintaining security of the ballots and voting process.

~~Section B~~102.16-9. Ballot Box

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

~~Section C~~(a) Ballots from each polling location shall remain separate.

102.16-10. Spoiled Ballots

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

~~102.9-11.~~(a) The spoiled ballot shall be marked "~~VOID~~void" and initialed by two (2) Election ~~Officials~~Board members and placed in ~~an envelope~~a locked sealed container marked as "Spoiled Ballots." The voter who spoiled his or her ballot shall witness the spoiled ballot be marked as "void" and placed into the locked sealed container.

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

~~Section D~~102.16-11. Rejected Ballots

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

(a) Computer rejected ballots shall be reviewed by the Election ~~Officials~~Board members to verify the authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final computer total, provided that, a new ballot was not received as set out in ~~sections~~section 102.916-10 through 102.9-12governing spoiled ballots.

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

~~102.10. Tabulating and Securing Ballots~~

~~Section A~~16-12. Machine Counted Ballots

~~102.10-1.~~ When ballots are counted by machine, ~~at the close of polls the~~Election Judges shall

Draft 1- PM Draft

2018 11 08

generate from the ballot counting machine copies of the election totals from the votes cast at the close of the polls.

~~102.10-2.~~(a) At least ~~six (6)~~four (4) Election Board members shall sign the election totals, which shall include the tape signed by the members of the Nation before the polls were opened per section 102.~~9~~16-3(a).

~~Section B~~102.16-13. *Manually Counted Ballots*

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

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

~~102.10-5.~~(b) The sealed ballots shall be opened at the time of counting by the Election ~~Officials~~Board members and witnessed ~~and~~ monitored by an Oneida Police Officer.

~~102.10-6.~~(c) Ballots must be counted by two (2) different Election ~~Officials~~Board members until two (2) final tallies are equal in back to back counting. Final tallies shall be verified by the Election Judges.

~~Section C~~102.16-14. *Securing Ballots*

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

~~102.11~~17. **Election Outcome and Ties**

~~Section A~~102.17-1. *Election Results Announcement*

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

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

~~102.11~~17-2. The Election Board shall post the tentative results of the election in the prominent locations, and publish in the tentative results on the Nation's ~~newspaper, the tentative results of an election~~website.

~~Section B.~~ *Tie*

~~102.11~~17-3. Tie. In the event of a tie for any office, and where the breaking of a tie is necessary to determine the outcome of an election, the Election Board shall conduct an automatic recount

Draft 1- PM Draft

2018 11 08

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

~~102.11-4. For~~ 17-4. Ties of an Oneida Business Committee Position. For Oneida Business Committee positions, a run-off election between the candidates with the same number of votes shall be held if there remains a tie after the recount. Said run-off election shall be held within twenty one (21) calendar days after the recount.

102.17-5. Ties of Other Elected Positions. For all ~~other~~ elected positions other than the Oneida Business Committee, if there remains a tie after the recount, the Election Board shall decide the winner of the tied positions at least two (2) business days after, but no more than five (5) business days after the recount through a lot drawing, which shall be open to the public.

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

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

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

~~Section C~~ 102.18. Recount Procedures

~~102.11-5.18-1.~~ 18-1. Eligibility for a Recount. A candidate may request the Election Board to complete a recount, provided the margin between the requesting candidate's vote total and vote total for the unofficial winner was within two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is greater.

102.18-2. Requesting a Recount. A candidate ~~requests~~ may request a recount by hand delivering a written request to the office of the Nation's Secretary; or ~~noticed designated agent~~ the Business Committee Support Office, within five (5) business days after the election.

(a) Requests shall be limited to one (1) request per candidate.

(b) The five (5) business day deadline for submitting a request for a recount may be extended for one (1) business day after the tentative results of a recount are announced, for a candidate who has not yet utilized his or her one (1) recount request, and who is directly impacted by a recount of the results which lead to a reversal in the results of the election.

102.18-3. The Nation's Secretary shall contact the Election Board Chairperson by the next business day after the request for recounts.

~~102.11-6~~ 18-4. The Election Board shall ~~respond by~~ conduct the ~~close of~~ requested recount within two (2) business ~~on the fifth (5th) day~~ days after receiving the request ~~regarding the results of the recount. Provided that, no~~ from the Nation's Secretary.

(a) No recount request need be honored where there have been two (2) recounts completed as a result of a request either as a recount of the whole election results, or of that sub-section.

Draft 1- PM Draft

2018 11 08

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

~~102.11-8. The~~102.18-5. An Oneida Police Officer shall be responsible for picking up the locked, sealed container with the ballots from the Records Management Department and transporting it to the ballot recounting location.

~~102.11-9~~18-6. A recount shall be conducted by a quorum of the Election Board, including at least three (3) of the original Election ~~Officials.~~Board members. The locked, sealed ballots shall be opened by the Election Board Chairperson and an Oneida Police Officer shall witness the recount.

~~102.11-10. Recounting of ballots may be performed manually or by computer.~~18-7. All recounts shall be conducted both manually and by machine count with, if possible, the original Election Board members and Oneida Police Officer present. Recounts may, at the discretion of the Election Board members, be of the total election results, or of the challenged sub-section of the election results.

102.18-8. All ballots shall be counted until two (2) final tallies are equal in back to back counting and the total count of ballots reconciles with the total count from the ballot counting machine. Sub-sections of candidates may be recounted in lieu of a full recount.

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

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

~~Section D~~102.18-9. The Election Board shall post tentative results of the recount within twenty-four (24) hours of the recount being completed. The Election Board shall post the tentative results in the prominent locations, and publish on the Nation's website.

102.19. Challenges and Declaration of Results

~~102.11-11~~19-1. *Challenges.* Any qualified voter may challenge the results of an election by filing a complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall hear and decide a challenge to any election within two (2) business days after the challenge is filed. Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after the issuance of the lower body's decision and decided within two (2) business days after the appeal is filed.

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

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

~~102.11-12~~19-2. *The Final Report.* The Election Board shall forward a Final Report to the Nation's Secretary after time has lapsed for recount requests, or challenges or after all recounts

Draft 1- PM Draft
2018 11 08

or challenges have been completed, whichever is longer. The Final Report shall consist of the following information:

- (a) Total number of persons voting;
- (b) Total votes cast for each candidate by subsection of the ballot;
- (c) List of any ties and final results of those ties, including the method of resolution;
- (d) List of candidates elected and position elected to;
- (e) Number of spoiled ballots; and
- (f) Cost of the election, including the compensation paid to each Election Board member.

~~102.11-13~~19-3. *Declaration of Results*. The Business Committee shall declare the official results of the election and send notices regarding when the swearing in of newly elected officials shall take place within ten (10) business days after receipt of the Final Report.

~~102.11-14~~19-4. A candidate elected to the Oneida Business Committee shall resign from any salaried position effective prior to taking an Oneida Business Committee oath of office

~~102.11-15~~19-5. Except in the event of an emergency, as determined by the Oneida Business Committee, a newly elected ~~officials~~official shall be sworn into office no later than thirty (30) calendar days after the official results of an election are declared by the Oneida Business Committee.

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

- (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a ~~Special Elections~~special election shall be held.

~~102.11-16~~19-6. The Election Board shall send notice to the Records Management Department to destroy the ballots thirty (30) calendar days after the election or after the final declaration of official election results occurs, whichever is longer.

102.12. Elections20. Constitutional Amendments

~~Section A. Primary Elections; Business Committee~~

~~102.12-1~~20-1. ~~When a primary is required under 102.12-2, it shall be held on a Saturday at least sixty (60) calendar days prior to the election.~~

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

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

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

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

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

~~102.12-4~~. ~~In the event a candidate withdraws or is unable to run for office after being declared a~~

Draft 1- PM Draft

2018 11 08

~~winner in the primary, the Election Board shall declare the next highest primary vote recipient the primary winner. This procedure shall be repeated as necessary until the ballot is full or until there are no available candidates. If the ballot has already been printed, the procedures for notifying the Oneida public in section 102.5-11 and 102.5-12 shall be followed, including the requirement to print a notice in the Nation's newspaper if time lines allow.~~

Section B. Special Elections

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

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

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

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

Section C. ~~Referendums~~

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

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

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

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

Section D. Initiation of Special Elections

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

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

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

102.13. Oneida Nation Constitution and By-law Amendments

~~102.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a petition of qualified voters.~~

102.20-2. Constitutional Amendments by the Oneida Business Committee. The requirements for the Oneida Business Committee's initiation of Constitutional amendments to the Constitution are

Draft 1- PM Draft

2018 11 08

as provided in the Constitution ~~and as~~ Additional requirements for constitutional amendments by the Oneida Business Committee shall be further detailed in the supporting standard operating procedures which the Oneida Business Committee shall adopt.

102.20-3. Constitutional Amendments by a Petition of Qualified Voters. Qualified voters may petition to amend the ~~Oneida Nation~~ Constitution ~~and By-laws~~ by submitting a petition to ~~the Office of~~ the Nation's Secretary which includes the full text of the proposed amendments and signatures that are equal in number to at least ten percent (10%) of all members qualified to vote.

(a) Qualified voters may request a petition form from the ~~Office of the~~ Nation's Secretary or the Business Committee Support Office.

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

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

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

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

102.13-220-4. The Election Board shall place any proposed amendments to the Oneida Nation Constitution that meet the requirements ~~contained in 102.13-1~~ of this law on the ballot at the next general election. Provided that, the Oneida Business Committee or General Tribal Council may order a special election be held to consider the proposed amendments. In such circumstances, the Election Board shall place any proposed amendments to the Oneida Nation Constitution on the ballot at the next special election.

102.13-320-5. The Election Board shall publish any proposed amendments to the Constitution by publishing a sample ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing. Copies of such publications shall be prominently posted in each polling place ~~and~~ at administrative offices of the Nation, and shall also be published in the official ~~Oneida~~ media outlets, ~~which the Oneida Business Committee shall identify by resolution. For the purposes of this section, Oneida administrative offices means the location where the Oneida Business Committee conducts~~

Draft 1- PM Draft
2018 11 08

~~business.~~

102.13-420-6. The Election Board shall ensure that the ballot contains a statement of the purpose of the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a true and impartial statement and is written in such a manner that does not create prejudice for or against the proposed amendment.

102.13-520-7. Pursuant to Article VI, Section 3 of the ~~Oneida Nation~~ Constitution, proposed amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that amendment shall become part of the Constitution ~~and By laws~~, and shall abrogate or amend existing provisions of the Constitution ~~and By laws~~ at the end of thirty (30) days after submission of the final election report.

102.13-620-8. If two (2) or more amendments approved by the voters at the same election conflict, the amendment receiving the highest affirmation vote prevails.

End.

Adopted - June 19, 1993

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

Presented for Adoption of 1997 Revisions - GTC-707-6-98-A

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

Amended-GTC-01-04-10-A

Amended – BC-02-25-15-C

Amended – GTC-04-23-17-A

Amended – GTC- - - -

Title 1. Government and Finances - Chapter 102

ELECTION

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

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

102.1. Purpose and Policy	102.11. Campaign Signs and Campaigning
102.2. Adoption, Amendment, Repeal	102.12. Candidate Withdrawal from the Election
102.3. Definitions	102.13. Selection of Candidates
102.4. Election Board	102.14. Notice of Polling Places
102.5. General Election	102.15. Registration of Voters
102.6. Special Election	102.16. Election Process
102.7. Referendums	102.17. Election Outcomes and Ties
102.8. Primary Elections for Oneida Business Committee Positions	102.18. Recount Procedures
102.9. Candidate Eligibility	102.19. Challenges and Declaration of Results
102.10. Campaign Financing	102.20. Constitutional Amendments

102.1. Purpose and Policy

102.1-1. It is the purpose of this law to govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. Because of the desire for orderly and easily understood elections, there has not been an allowance made for write-in candidates on ballots.

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

102.2. Adoption, Amendment, Repeal

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

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

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

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

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

102.3. Definitions

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

(a) "Administrative offices" means the locations where the Oneida Business Committee conducts business.

(b) "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.

(c) "Applicant" shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

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

(e) "Campaigning" shall mean all efforts designed to influence members of the Nation to support or reject a particular candidate of the Nation including, without limitation,

Draft 1- PM Draft
2018 11 08

advertising, rallying, public speaking, or other communications with members of the Nation.

(f) “Candidate” shall mean a petitioner or nominee for an elected position whose name is placed on the ballot by the Election Board after successful application.

(g) “Clerk” shall mean an Election Board member who identifies proper registration for the purpose of determining voter eligibility.

(h) “Close of business” shall mean 4:30 p.m. Monday through Friday.

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

(j) “Constitution” means the Constitution and By-laws of the Oneida Nation.

(k) “Election” shall mean every primary and election.

(l) “Election Judge” shall mean an Election Board member who informs and advises the Election Board Chairperson of discrepancies, complaints and controversy regarding voter eligibility.

(m) “General election” shall mean the election held every three (3) years in July to elect the Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the Oneida Business Committee, and may include elections for other elected positions.

(n) “Immediate family member” means an individual’s father, mother, grandparent, sister, brother, wife, husband, daughter, son, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, step-father, step-mother, step-sister, step-brother, step-daughter, step-son, and any of the these relations attained through legal adoption.

(o) “Judiciary” means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.

(p) “Lot drawing” shall mean the equal chance method used to select a candidate as the winner of an elected position, in the case of a tie between two (2) or more candidates.

(q) “Nation” means the Oneida Nation.

(r) “Official media outlets” means the Oneida Nation’s website and the Kalihwisaks newspaper as identified by the Oneida Business Committee through resolution BC-03-22-17-B.

(s) “Oneida Police Officer” shall mean an employed as a police officer with the Oneida Police Department.

(t) “Private property” shall mean any lot of land not owned by the Nation, a residential dwelling or a privately owned business within the boundaries of the Reservation.

(u) “Prominent locations” shall mean the polling places, main doors of the Norbert Hill Center, main doors of the Oneida Community Library, the Oneida Community Health Center, the South Eastern Oneida Tribal Services (SEOTS) building, and all fuel stations operated by the Nation.

(v) “Qualified voter” shall mean an enrolled member of the Nation who is eighteen (18)

Draft 1- PM Draft
2018 11 08

years of age or older as defined in Article III, Section 2 of the Constitution.

(w) “Rejected Ballots” shall mean those ballots which are rejected by the vote tabulating machine.

(x) “Spoiled Ballot” shall mean a ballot which contains a voter error or is otherwise marred and is not tabulated.

(y) “Teller” shall mean an Election Board member in charge of collecting and storing of all ballots.

102.4. Election Board

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

102.4-2. *Composition.* The Election Board shall consist of nine (9) elected members. All members shall be elected to terms of three (3) years.

102.4-3. *Recusal.* An Election Board member shall recuse himself or herself from participating as an Election Board member in any pre-election, election day, or post-election activities when:

(a) he or she is a petitioner, applicant or candidate in any election;

(b) a petitioner, applicant, or candidate in any election is an immediate family member of the Election Board member; or

(c) there is otherwise a conflict of interest.

102.4-4. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the Oneida Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed to correspond with the pre-election activities and the needs of the Election Board.

102.4-5. The Election Board shall identify members who shall serve as tellers, Election Judges and clerks in advance of an election.

102.4-6 *Election Board Alternates.* The Oneida Business Committee may appoint or reappoint a sufficient number of alternates to the Election Board, as recommended by the Election Board, to assist with election day and pre-election activities.

102.4-7. The Election Board shall choose a Chairperson from amongst themselves as set out in the bylaws of the Election Board, to preside over the meetings. This selection shall be carried out at the first meeting of the Election Board following an election. The Chairperson shall then ask the Election Board to select a Vice-Chairperson and a Secretary.

102.4-8. *Duties of the Election Board.* The Election Board shall have the following duties, along with other responsibilities listed throughout this law:

(a) The Election Board shall ensure that the election polling equipment and ballots are maintained in a locked and secured area when not in use for an election;

(b) The Election Board shall develop and adhere to standard operating procedures regarding election activities and responsibilities;

(1) Actions of the Election Board regarding standard operating procedures shall be presented to the Business Committee who shall then adopt or forward action(s) to the General Tribal Council for adoption.

(c) The Election Board shall assist individuals with disabilities through the voting process;

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

(e) Upon completion of an election, the Election Board shall make a final report on the election results.

Draft 1- PM Draft
2018 11 08

102.4-9. *Specific Duties of Officers and Election Board Members.* All Election Board members shall be required to attend all Election Board meetings. Additional specific duties of the Chairperson and other Election Board members include the following:

(a) *Chairperson.* The Chairperson of the Election Board shall conduct the following duties:

- (1) preside over meetings of the Election Board;
- (2) oversee the conduct of the election;
- (3) dismiss the alternates and Trust Enrollment Department personnel when their election day duties are complete; and
- (4) post and report election results.

(b) *Vice-Chairperson.* The Vice-Chairperson shall preside over all meetings in the absence of the Chairperson.

(c) *Secretary.* The Secretary shall keep a record of the meetings and make them available to the Nation's Secretary, other Election Board members, and the public as required in the Nation's laws and policies governing open records and open meetings.

(d) *Clerks.* The clerks shall implement the requirements of identifying and registering all voters and determining voter eligibility. Clerks shall work in conjunction with the Trust Enrollment Department personnel in the registration process, and assist the Chairperson as directed in conducting the election.

- (1) Clerks shall not be currently employed by the Trust Enrollment Department.

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

(f) *Election Judges.* Election Judges shall inform and advise the Chairperson of all aspects of the election conducted under this law. In case of disputes among Election Board members, or between members of the Nation and Election Board members, or any controversy regarding voter eligibility, the election judge(s) shall assist the Chairperson in making a determination.

102.4-10. *Stipend Rates.* Election Board members shall receive a stipend in accordance with the Nation's laws, policies, and resolutions governing boards, committees, and commissions. Election members are to be compensated at an hourly rate when conducting elections as provided for in the Election Board's bylaws as approved by the Oneida Business Committee.

102.4-11. *Compensation of other Election Personnel.* The Trust Enrollment Department personnel and Oneida Police Officer(s) shall be compensated at their regular rate of pay out of their respective budgets when performing official duties during an election in accordance with this law.

102.4-12. *Enforcement.* A member of the Election Board found to be in violation of this law may be subject to:

(a) removal pursuant to any laws and/or policies of the Nation's governing removal, if the Election Board member was elected to his or her position;

- (1) A member who is removed from the Election Board shall be ineligible to serve on the Election Board for three (3) years from the time he or she is removed from the Election Board.

(b) termination of appointment by the Oneida Business Committee pursuant to any laws and/or policies of the Nation governing boards, committees, and commissions, if the Election Board member was appointed to his or her position by the Oneida Business

Draft 1- PM Draft
2018 11 08

Committee; and/or

(c) sanctions and penalties pursuant to any laws and/or policies of the Nation governing sanctions and/or penalties.

102.5. General Elections

102.5-1. In accordance with Article III, Section 5 of the Constitution, general elections shall be held in the month of July on a date set by the General Tribal Council.

(a) The General Tribal Council shall set the election date at the January annual meeting, or at the first General Tribal Council meeting held during a given year.

102.6. Special Elections

102.6-1. *Initiation of Special Elections.* A special election may be initiated by a request or directive of the General Tribal Council or the Oneida Business Committee.

(a) A member of the Nation may make a request for a special election to the Oneida Business Committee or the General Tribal Council.

102.6-2. Matters subject to a special election include, but are not limited to, referendum questions, vacancies, and/or petitions. Matters subject to a special election may be placed on the ballot of a general election.

102.6-3. A special election shall follow the processes and procedures established for all other elections.

102.6-4. The date of a special elections shall be set by the Oneida Business Committee as recommended by the Election Board, or as ordered by the Judiciary in connection with an election challenge.

102.6-5. *Notice of Special Elections.* Notice of a special election shall be posted by the Election Board in the prominent locations, and placed in the Nation's official media outlets not less than ten (10) calendar days prior to the special election.

102.6-6. *Emergency Cancellation of Special Elections.* In the event of an emergency, the Election Board may reschedule the special election, provided that no less than twenty-four (24) hour notice of the rescheduled special election date is given to the voters, by posting notices in the prominent locations.

102.7. Referendums

102.7-1. A qualified voter may submit a referendum question to be included on the ballot for a general or special election for the purpose of soliciting an opinion from the voters of that election on any issue directly affecting the Nation or its general membership.

102.7-2. The Nation's Secretary shall develop and make available in the Business Committee Support Office a standard referendum form.

102.7-3. A referendum question shall be written in a manner that solicits a "yes" or "no" response.

102.7-4. The referendum form shall be presented to the Nation's Secretary at the caucus prior to an election. Once received at a caucus, the referendum question shall be placed on the ballot of the next election.

102.7-5. The results of a referendum question in which a majority of the qualified voters who cast votes shall be binding on the Oneida Business Committee to present the issue for action and/or decision at General Tribal Council.

Draft 1- PM Draft
2018 11 08

102.8. Primary Elections for Oneida Business Committee Positions

102.8-1. There shall be a primary election for an Oneida Business Committee position whenever there are three (3) or more candidates for any officer position or sixteen (16) or more candidates for the at-large council member positions.

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

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

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

102.8-2. The primary election shall be held on a Saturday at least thirty (30) calendar days prior to the election.

102.8-3. The Election Board shall cancel the primary election if the Oneida Business Committee positions did not draw the requisite number of candidates for a primary by the petitioning deadline set for the primary election.

102.8-4. In the event a candidate withdraws or is unable to run for office after being declared a winner in the primary, the Election Board shall declare the next highest primary vote recipient the primary winner. This procedure shall be repeated as necessary until the ballot is full or until there are no available candidates. If the ballot has already been printed, the procedures for notifying the Oneida public in section 102.12-3 and 102.12-4 shall be followed, including the requirement to print a notice in the Nation's official media outlets if time lines allow.

102.9. Candidate Eligibility

102.9-1. All applicants shall meet the minimum eligibility requirements in order to become a candidate, in addition to any specific requirements and/or exceptions set out in duly adopted bylaws or other documents.

102.9-2. *Minimum Eligibility Requirements.* In order to be eligible to be a candidate, applicants shall:

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

(b) be a qualified voter on the day of the election; and

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

(1) a valid Wisconsin driver's license;

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

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

102.9-3. *Conflict of Interest.* No applicant shall have a conflict of interest with the position for which they are being considered, provided that any conflict of interest which may be eliminated within thirty (30) calendar days of being elected shall not be considered as a bar to nomination or election.

102.9-4. *Applications for Candidacy.* An applicant interested in being considered as a candidate

Draft 1- PM Draft
2018 11 08

for a position that was nominated at a caucus or will be petitioning for candidacy shall submit an application for candidacy to the Nation's Secretary or the Business Committee Support Office.

(a) The application for candidacy shall be submitted in person during normal business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, within five (5) business days after the caucus.

(b) No mailed, internal Nation mail delivery, faxed or other delivery method shall be accepted.

(c) The Nation's Secretary or the Business Committee Support Office shall timestamp when an application for candidacy is received.

(d) *Proof of Minimum Eligibility Requirements.* At the time of submission, the application for candidacy shall include attached documentation verifying that the applicant meets the minimum eligibility requirements.

(1) The application for candidacy shall include a list of the required documentation for each office.

(2) An application that does not include attached documentation verifying the applicant meets the minimum eligibility requirements at the time of submission shall be disqualified.

102.9-5. An applicant for a position on the Oneida Business Committee or a position within the Judiciary shall only be eligible to apply for one (1) elective office or position per election.

(a) A statement of the ineligibility of an applicant to apply for more than one (1) elective office or position if applying for a position with the Oneida Business Committee or the Judiciary shall be included in the application materials as well as the notice for the caucus, and read verbally at the start of the caucus.

(b) If an applicant provides an application for candidacy or petition for candidacy for more than one position or office if applying for a position on the Oneida Business Committee or the Judiciary, then the application which was filed first shall be accepted while any other applications shall be disqualified.

(1) The Election Board should review the timestamps on the applications to determine which application shall be accepted.

102.9-6. The names of the candidates and the positions sought shall be a public record and made available to the public upon the determination of eligibility by the Election Board or the Election Board's designee.

102.9-7. *Eligibility Review.* The Election Board shall be responsible for reviewing the qualifications of applicants to verify eligibility. Any applicant found to be ineligible for a nominated or petitioned for position shall be notified by certified mail return receipt requested. The notice shall provide the following information:

(a) Position for which they were considered;

(b) Qualifications of the position and citation of the source. Copies of source may be attached;

(c) A brief summary explaining why the applicant was found to be ineligible; and

(d) That the applicant has two (2) business days from notification to request a hearing on the ineligibility determination with the Judiciary.

102.9-8. *Request for a Hearing on Ineligibility.* An applicant found to be ineligible for a nominated or petitioned for position shall have two (2) business days to request a hearing with the Judiciary to review the eligibility status of the applicant. The Judiciary shall hear and decide

Draft 1- PM Draft
2018 11 08

a request for a hearing on ineligibility within two (2) business days after the request is filed. Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after the issuance of the lower body's decision and decided within two (2) business days after the appeal is filed.

102.10. Campaign Financing

102.10-1. A candidate shall only accept contributions from individuals who are members of the Nation or individuals related by blood or marriage to the candidate.

102.10-2. A candidate shall not accept contributions from any business, whether sole proprietorship, partnership, corporation, or other business entity.

102.10-3. A candidate shall not solicit or accept contributions in any office, business and/or facility of the Nation.

102.10-4. *Violations of Campaign Financing Restrictions.* A violation of the campaign financing restrictions shall result in a fine.

(a) The Election Board shall impose the fine in an amount specified in a resolution adopted by the Oneida Business Committee.

(b) Fines shall be paid to the Election Board within ninety (90) days after the fine is issued. If the fine is not paid by this deadline, the Election Board may seek to collect the money owed through the Nation's garnishment and/or per capita attachment process.

(c) Money received from fines shall be deposited into the General Fund.

102.11. Campaign Signs and Campaigning

102.11-1. *Restrictions on Campaigning.* The following restrictions on campaigning apply to all candidates:

(a) No campaigning of any type shall be conducted within two hundred eighty (280) feet of the voting area during an election, excluding private property.

(b) Employees of the Nation shall not engage in campaigning for offices of the Nation during work hours.

(1) *Enforcement.* The Nation's employees shall be subject to disciplinary action under the Nation's laws and policies governing employment for political campaigning during work hours.

102.11-2. *Placement of Campaign Signs.* Placement of campaign signs shall be pursuant to the following restrictions:

(a) Campaign signs shall not be posted or erected on any property of the Nation except for private property with the owner or tenant's permission.

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

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

102.11-3. *Enforcement of Sign Placement.* The Zoning Administrator shall remove any campaign signs that are not in compliance with this law, in accordance with the Nation's laws and policies governing zoning. The Zoning Administrator shall notify the Election Board of campaign sign violations.

102.11-4. *Violations of Campaign Restrictions.* A violation of the restriction on campaigning within two hundred eighty (280) feet of the voting area during an election, or campaign sign restrictions shall result in a fine.

Draft 1- PM Draft
2018 11 08

(a) The Election Board shall impose the fine in an amount specified in a resolution adopted by the Oneida Business Committee.

(b) Fines shall be paid to the Election Board within ninety (90) days after the fine is issued. If the fine is not paid by this deadline, the Election Board may seek to collect the money owed through the Nation's garnishment and/or per capita attachment process.

(c) Money received from fines shall be deposited into the General Fund.

102.11-5. *Removal of Campaign Signs.* All campaign signs shall be removed within five (5) business days after an election.

102.12. Candidate Withdrawal from the Election

102.12-1. A candidate may withdraw from the election at any time. A candidate withdrawing by any method listed within this section shall be denied any position from which they have withdrawn regardless of the number of votes cast for that candidate. A written statement shall be considered the only necessary evidence of withdrawal and acceptance of denial of any position withdrawn from.

102.12-2. *Withdrawal Prior to Submission of the Ballot.* A candidate may withdraw his or her name from a ballot prior to submission of the ballot for printing if the withdrawal is submitted in writing by the candidate to any Election Board member, excluding alternates.

102.12-3. *Withdrawal Prior to the Opening of the Polls.* After the ballot is printed, a candidate may withdraw his or her name from the election prior to the opening of the polls by submitting in writing a statement indicating they are withdrawing from the election to any Election Board member, excluding alternates.

(a) This written withdrawal statement shall be posted alongside any sample ballot printed prior to the election in the official media outlets of the Nation or any posting at the polling places.

102.12-4. *Withdrawal After Opening of the Polls.* A candidate may withdraw after the opening of the polls by submitting a request to be removed from the ballot, in writing, to the Election Board members in charge of the polling place.

(a) The written withdrawal statement shall be posted next to any posted sample ballot.

102.12-5. *Candidate Withdrawal After Winning an Election but Before the Oath is Taken.*

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

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a special election shall be held.

102.12-6. *Candidate Withdrawal After Taking an Oath of Office.* In the event a candidate declines an office after winning an election and taking an oath of office, the withdrawal shall be treated as a resignation of an official.

102.13. Selection of Candidates

102.13-1. *Setting of a Caucus.* The Election Board shall be responsible for calling a caucus before any election is held.

(a) The caucus for the general election shall be held at least seventy-five (75) calendar days prior to the election date.

(b) A caucus for a special election shall be held at least forty-five (45) calendar days

Draft 1- PM Draft
2018 11 08

prior to the election date.

(c) In a general election year, caucuses shall be combined so that candidates for the Oneida Business Committee and other elected positions are nominated at the same caucus.

102.13-2. *Caucus Procedures.* The procedures for a caucus shall be as follows:

(a) Each position shall be opened and closed for nominations by motion during the caucus. A nomination for a position shall only be accepted when a position is open for nominations.

(1) Once nominations are closed for a particular position, an applicant may petition to be on the ballot for that position.

(b) Once a position is opened for nominations a candidate shall be nominated for a position from the floor.

(1) An individual shall not nominate himself or herself for a position during the caucus.

(c) A candidate present at the caucus shall accept or decline their nomination at the caucus. A candidate nominated at the caucus, but not present at the caucus to accept the nomination, shall be required to follow the petition process.

(d) Nominations shall consist of the following positions:

(1) Oneida Business Committee Chairperson;

(2) Oneida Business Committee Vice-Chairperson;

(3) Oneida Business Committee Treasurer;

(4) Oneida Business Committee Secretary;

(5) Oneida Business Committee Council Member; and

(6) Any other elected positions as required by bylaws, resolution, or law of the Nation.

102.13-3. *Petition for Candidacy.* Any eligible member of the Nation may petition to be placed on a ballot for an election. The procedure for a petition for candidacy shall be as follows:

(a) Each petitioner, not nominated at caucus, shall file a petition for candidacy. A petitioner shall use an official petition form and application for candidacy which may be obtained in the Business Committee Support Office or from the mailing for that caucus.

(b) A petitioners shall obtain at least ten (10) signatures of qualified voters on the petition form. The petition form shall contain the original signatures of the qualified voters. Photocopies of signatures shall not be accepted.

(c) The petition form shall consist of each qualified voter's:

(1) printed name and address;

(2) date of birth;

(3) enrollment number; and

(4) signature.

(d) Petitions shall be presented to the Nation's Secretary or the Business Committee Support Office during normal business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday, but no later than prior to close of business five (5) business days after the caucus. The location to drop-off petitions shall be identified in the mailing identifying the caucus date.

(e) The Nation's Secretary shall forward all petitions to the Election Board

Draft 1- PM Draft
2018 11 08

Chairperson the next business day following the close of petition submissions.

(f) The Election Board shall forward the petitions to the Trust Enrollment Department for verification of all signatures contained on the petition.

102.14. Notice of Polling Places

102.14-1. The Election Board shall post a notice of the election in the prominent locations and on the official media outlets, stating the location of the polling places and the time the polls will be open. This notice shall also be posted in an easily visible position, close to the entrance of the Nation's businesses and/or facilities.

102.14-2. Notice of the election and polling information shall be posted no less than ten (10) calendar days prior to the election, and shall remain posted until the poll closes on the day of the election.

102.14-3. Except for a special election, notice for the election shall be mailed to all members of the Nation, stating the time and place of the election and a sample of the ballot, no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing.

102.15. Registration of Voters

102.15-1. *Voter Registration.* Qualified voters shall physically register on the day of the election at the polls by signing his or her name on an official Voter Registration Form containing the following information:

- (a) name;
- (b) date of birth; and
- (c) enrollment number.

102.15-2. *Identification of Voters.* All qualified voters shall present one of the following picture identifications in order to be able to vote:

- (a) Oneida Nation identification card;
- (b) Driver's license; or
- (c) Other identification card that contains a name and photograph.

102.15-3. Trust Enrollment Department personnel shall be responsible for verifying enrollment with the Nation. The conduct of Trust Enrollment Department personnel is governed by the Election Board members during the voting period.

102.15-4. *Verification of Voter Eligibility.* Should a question or dispute arise as to the eligibility of an individual being qualified to vote, an Election Board member serving as an election judge shall meet with the Trust Enrollment Department personnel who are registering voters, to decide the voting member's eligibility currently being questioned, and shall make such decisions from the facts available, whether the applicant is, in fact qualified and verifiable under Article III Section 2 of the Constitution to vote in the Nation's elections.

102.15-5. Any voter denied eligibility shall not be allowed to vote in the election.

102.16. Election Process

102.16-1. *Public Test of Ballot Machines.* No more than ten (10) days prior to an election, the Election Board shall publically test the ballot machines to ensure that the ballot machine correctly counts the votes cast for all offices and on all measures.

Draft 1- PM Draft
2018 11 08

(a) Notice of the public test of the ballot machines shall be posted in the Nation's official media outlets at least ten (10) days prior to the public test.

(b) All ballot machines shall be tested during the public test, no matter what polling location the ballot machines will ultimately be used for.

(b) The Election Board shall conduct the test by processing a pre-audited group of marked ballots to ensure the machine properly records the predetermined number of votes on the test ballots.

102.16-2. *Polling Location.* Elections shall be held in facilities of the Nation as determined by the Election Board.

102.16-3. *Polling Time.* Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All qualified voters in line to vote at 7:00 p.m. shall be allowed to vote.

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

102.16-4. *Voter Assistance.* A voter who requires assistance to complete the voting process, due to a disability or impairment, may request assistance from a member of the Election Board or from another qualified voter.

102.16-5. At least one (1) Oneida Police Officer shall be present during the time the polls are open, and until the counting of ballots is completed, and tentative results are posted.

102.16-6. The Election Board shall provide a voting area sufficiently isolated for each qualified voter, such that there is an area with at least two (2) sides and a back enclosure.

102.16-7. No one causing a disturbance shall be allowed in the voting area.

102.16-8. Election Board members may restrict the voting area to qualified voters only. This restriction is in the interest of maintaining security of the ballots and voting process.

102.16-9. *Ballot Box.* All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and shall be locked until counting at the close of polls. Provided that, with electronic ballot counting, the ballots may be placed within the ballot counting machine as they are received.

(a) Ballots from each polling location shall remain separate.

102.16-10. *Spoiled Ballots.* If a voter spoils his or her ballot, he or she shall be given a new ballot.

(a) The spoiled ballot shall be marked "void" and initialed by two (2) Election Board members and placed in a locked sealed container marked as "Spoiled Ballots." The voter who spoiled his or her ballot shall witness the spoiled ballot be marked as "void" and placed into the locked sealed container.

(b) The Spoiled Ballot locked sealed containers shall be retained and secured for no less than fifteen (15) calendar days following finalization of any challenge of the election, at the Records Management Department.

102.16-11. *Rejected Ballots.* Rejected Ballots are to be placed in a specially marked container and sealed.

(a) Computer rejected ballots shall be reviewed by the Election Board members to verify the authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final computer total, provided that, a new ballot was not received as set out in section 102.16-10 governing spoiled ballots.

Draft 1- PM Draft
2018 11 08

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

102.16-12. *Machine Counted Ballots.* When ballots are counted by machine, the Election Judges shall generate from the ballot counting machine copies of the election totals from the votes cast at the close of the polls.

(a) At least four (4) Election Board members shall sign the election totals, which shall include the tape signed by the members of the Nation before the polls were opened per section 102.16-3(a).

102.16-13. *Manually Counted Ballots.* When ballots are manually counted, the Election Judges shall unlock the ballot box and remove the ballots at the close of the polls.

(a) If the ballots need to be counted at a location other than the polling site, the ballots shall be secured in a sealed container for transportation to the ballot counting location. The sealed ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election Board members for counting and tallying of ballots.

(b) The sealed ballots shall be opened at the time of counting by the Election Board members and witnessed and monitored by an Oneida Police Officer.

(c) Ballots must be counted by two (2) different Election Board members until two (2) final tallies are equal in back to back counting. Final tallies shall be verified by the Election Judges.

102.16-14. *Securing Ballots.* The Election Judges shall place together all ballots counted and secure them together so that they cannot be untied or tampered with without breaking the seal. The secured ballots, and the election totals with the signed tape, if applicable, shall then be secured by the Election Judges in a sealed container in such a manner that the container cannot be opened without breaking the seals or locks, or destroying the container. The Oneida Police Officer shall then deliver, on the day of the election, the sealed container to the Records Management Department for retention.

102.17. Election Outcome and Ties

102.17-1. *Election Results Announcement.* The tentative results of an election shall be announced and posted by the Election Board within twenty-four (24) hours after the closing of the polls. Notices of election results shall contain the following statement: "The election results posted here are tentative results. Final election results are forwarded by the Oneida Election Board to the Oneida Business Committee via a Final Report after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer"

102.17-2. The Election Board shall post the tentative results of the election in the prominent locations, and publish the tentative results on the Nation’s website.

102.17-3. *Tie .* In the event of a tie for any office, and where the breaking of a tie is necessary to determine the outcome of an election, the Election Board shall conduct an automatic recount of the votes for each candidate receiving the same number of votes. Any recount conducted shall be the only recount allowed for the tied candidates.

102.17-4. *Ties of an Oneida Business Committee Position.* For Oneida Business Committee

Draft 1- PM Draft
2018 11 08

positions, a run-off election between the candidates with the same number of votes shall be held if there remains a tie after the recount. Said run-off election shall be held within twenty one (21) calendar days after the recount.

102.17-5. *Ties of Other Elected Positions.* For all elected positions other than the Oneida Business Committee, if there remains a tie after the recount, the Election Board shall decide the winner of the tied positions at least two (2) business days after, but no more than five (5) business days after the recount through a lot drawing, which shall be open to the public.

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

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

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

102.18. Recount Procedures

102.18-1. *Eligibility for a Recount.* A candidate may request the Election Board to complete a recount, provided the margin between the requesting candidate's vote total and vote total for the unofficial winner was within two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is greater.

102.18-2. *Requesting a Recount.* A candidate may request a recount by hand delivering a written request to the office of the Nation's Secretary or the Business Committee Support Office, within five (5) business days after the election.

(a) Requests shall be limited to one (1) request per candidate.

(b) The five (5) business day deadline for submitting a request for a recount may be extended for one (1) business day after the tentative results of a recount are announced, for a candidate who has not yet utilized his or her one (1) recount request, and who is directly impacted by a recount of the results which lead to a reversal in the results of the election.

102.18-3. The Nation's Secretary shall contact the Election Board Chairperson by the next business day after the request for recounts.

102.18-4. The Election Board shall conduct the requested recount within two (2) business days after receiving the request from the Nation's Secretary.

(a) No recount request need be honored where there have been two (2) recounts completed as a result of a request either as a recount of the whole election results, or of that sub-section.

102.18-5. An Oneida Police Officer shall be responsible for picking up the locked, sealed container with the ballots from the Records Management Department and transporting it to the ballot recounting location.

102.18-6. A recount shall be conducted by a quorum of the Election Board, including at least

Draft 1- PM Draft
2018 11 08

three (3) of the original Election Board members. The locked, sealed ballots shall be opened by the Election Board Chairperson and an Oneida Police Officer shall witness the recount.

102.18-7. All recounts shall be conducted both manually and by machine count with, if possible, the original Election Board members and Oneida Police Officer present. Recounts may, at the discretion of the Election Board members, be of the total election results, or of the challenged sub-section of the election results.

102.18-8. All ballots shall be counted until two (2) final tallies are equal in back to back counting and the total count of ballots reconciles with the total count from the ballot counting machine. Sub-sections of candidates may be recounted in lieu of a full recount.

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

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

102.18-9. The Election Board shall post tentative results of the recount within twenty-four (24) hours of the recount being completed. The Election Board shall post the tentative results in the prominent locations, and publish on the Nation's website.

102.19. Challenges and Declaration of Results

102.19-1. *Challenges.* Any qualified voter may challenge the results of an election by filing a complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall hear and decide a challenge to any election within two (2) business days after the challenge is filed. Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after the issuance of the lower body's decision and decided within two (2) business days after the appeal is filed.

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

(b) If the Judiciary invalidates the election results, a special election shall be ordered by the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon as this law allows for a special election.

102.19-2. *The Final Report.* The Election Board shall forward a Final Report to the Nation's Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer. The Final Report shall consist of the following information:

(a) Total number of persons voting;

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

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

(d) List of candidates elected and position elected to;

(e) Number of spoiled ballots; and

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

102.19-3. *Declaration of Results.* The Business Committee shall declare the official results of the election and send notices regarding when the swearing in of newly elected officials shall take place within ten (10) business days after receipt of the Final Report.

102.19-4. A candidate elected to the Oneida Business Committee shall resign from any salaried

Draft 1- PM Draft
2018 11 08

position effective prior to taking an Oneida Business Committee oath of office

102.19-5. Except in the event of an emergency, as determined by the Oneida Business Committee, a newly elected official shall be sworn into office no later than thirty (30) calendar days after the official results of an election are declared by the Oneida Business Committee.

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

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a special election shall be held.

102.19-6. The Election Board shall send notice to the Records Management Department to destroy the ballots thirty (30) calendar days after the election or after the final declaration of official election results occurs, whichever is longer.

102.20. Constitutional Amendments

102.20-1. Pursuant to Article VI of the Constitution, amendments to the Constitution may be initiated by the Oneida Business Committee or a petition of qualified voters.

102.20-2. *Constitutional Amendments by the Oneida Business Committee.* The requirements for the Oneida Business Committee's initiation of amendments to the Constitution are as provided in the Constitution. Additional requirements for constitutional amendments by the Oneida Business Committee shall be further detailed in the supporting standard operating procedures which the Oneida Business Committee shall adopt.

102.20-3. *Constitutional Amendments by a Petition of Qualified Voters.* Qualified voters may petition to amend the Constitution by submitting a petition to the Nation's Secretary which includes the full text of the proposed amendments and signatures that are equal in number to at least ten percent (10%) of all members qualified to vote.

(a) Qualified voters may request a petition form from the Nation's Secretary or the Business Committee Support Office.

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

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

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

Draft 1- PM Draft
2018 11 08

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

102.20-4. The Election Board shall place any proposed amendments to the Oneida Nation Constitution that meet the requirements of this law on the ballot at the next general election. Provided that, the Oneida Business Committee or General Tribal Council may order a special election be held to consider the proposed amendments. In such circumstances, the Election Board shall place any proposed amendments to the Oneida Nation Constitution on the ballot at the next special election.

102.20-5. The Election Board shall publish any proposed amendments to the Constitution by publishing a sample ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing. Copies of such publications shall be prominently posted in each polling place, at administrative offices of the Nation, and shall also be published in the official media outlets.

102.20-6. The Election Board shall ensure that the ballot contains a statement of the purpose of the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a true and impartial statement and is written in such a manner that does not create prejudice for or against the proposed amendment.

102.20-7. Pursuant to Article VI, Section 3 of the Constitution, proposed amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that amendment shall become part of the Constitution, and shall abrogate or amend existing provisions of the Constitution at the end of thirty (30) days after submission of the final election report.

102.20-8. If two (2) or more amendments approved by the voters at the same election conflict, the amendment receiving the highest affirmation vote prevails.

End.

Adopted - June 19, 1993

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

Presented for Adoption of 1997 Revisions - GTC-07-6-98-A

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

Amended-GTC-01-04-10-A

Amended – BC-02-25-15-C

Amended – GTC-04-23-17-A

Amended – GTC-__-__-__-__



TO: Oneida Business Committee
FROM: David P. Jordan, LOC Chairman *DJ*
RE: August 27, 2018 GTC Action to Recreate the Personnel Commission
DATE: September 12, 2018

BACKGROUND

On August 27, 2018, the General Tribal Council adopted a motion to;

Rescind the actions of the Oneida Business Committee related to the dissolution of the Oneida Personnel Commission, and to rescind the amendments related to Blue Book from April 11, 2018 to today.

LEGISLATIVE UPDATE

In response, the Legislative Operating Committee will draft resolutions that will;

1. Record for historical purposes the action taken by the GTC.
2. Transition cases from the Judiciary to the Personnel Commission
3. Dissolve the Personnel Selection Committee and bylaws
4. Recreate the Personnel Commission
5. Repeal emergency amendments made in response to the dissolution of the Personnel Commission.

Four laws were amended in response to the dissolution of the Personnel Commission; Employee Protection, Military Service Employee Protection, Oneida Personnel Policies and Procedures, and the Rules of Civil Procedure. Those amendments will need to be repealed by resolution. (Note: the Rules of Civil Procedure and Employee Protection laws were on the LOC's active files list prior to the Personnel Commission dissolution, and the LOC will continue to work on amendments that are unrelated to the Personnel Commission).

The LRO is currently working on these tasks. The LOC will review this work at the September 19, 2018 LOC meeting and forward to the Business Committee to consider at the September 26, 2018 regular Business Committee meeting. After repealed, the correct versions of each law will be placed into the Code of Laws and the Oneida Register.

August 2018

August 2018						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

September 2018						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
	Jul 29	30	31	Aug 1	2	3	4
Jul 29 - Aug 4				9:00am 3:00pm LOC (BC_Conf_Room) - LOC			
	5	6	7	8	9	10	11
Aug 5 - 11		1:30pm 4:00pm LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago					
	12	13	14	15	16	17	18
Aug 12 - 18		1:30pm 4:00pm LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago		9:00am 3:00pm LOC (BC_Conf_Room) - LOC	12:15pm 2:15pm PUBLIC MEETING: Military Service Employee Protection Act Amendm		
	19	20	21	22	23	24	25
Aug 19 - 25		1:30pm 4:00pm Canceled: LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	3:00pm 4:30pm LOC Prep (BC_Exec_Conf_Room) - LOC				
	26	27	28	29	30	31	Sep 1
Aug 26 - Sep 1		6:00pm 10:00pm GTC (Radisson)	8:30am 11:00am LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago				

September 2018

September 2018						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

October 2018						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Aug 26 - Sep 1	Aug 26	27	28	29	30	31	Sep 1
Sep 2 - 8	2	3	4	5	6	7	8
				9:00am 3:00pm LOC (BC_Conf_Room) - LOC			
Sep 9 - 15	9	10	11	12	13	14	15
		1:30pm 4:00pm LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago					
Sep 16 - 22	16	17	18	19	20	21	22
			3:00pm 4:30pm LOC Prep (BC_Exec_Conf_Room) - LOC	9:00am 3:00pm LOC (BC_Conf_Room) - LOC	12:15pm 2:15pm PUBLIC MEETING: Amendments to the Oneida Personnel Pol	8:30am 11:00am LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Sa	
Sep 23 - 29	23	24	25	26	27	28	29
		6:00pm 10:00pm GTC (Radisson)			1:30pm 4:00pm LOC Work Session (BC_E 5:00pm 7:30pm UPDATE- LOC Commu		
Sep 30 - Oct 6	30	Oct 1	2	3	4	5	6