



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA
Business Committee Conference Room-2nd Floor Norbert Hill Center
November 21, 2018 9:00 a.m.

I. Call to Order and Approval of the Agenda

II. Minutes to be Approved

1. November 7, 2018 LOC Meeting Minutes (pg. 2)

III. Current Business

1. Petition: Gladys Dallas – Special Per Capita Payments and/or Options (pg. 4)
2. Petition: Cathy L. Metoxen – Oneida Youth Leadership Institute (pg. 7)
3. Election Law Amendments (pg. 13)

IV. New Submissions

1. Recycling and Solid Waste Disposal Amendments (pg. 96)
2. Petition: Scott Kosbab – Creating a Term Limits Law (pg. 98)
3. Petition: Gina D. Powless – Rescinding the Removal Law (pg. 99)

V. Additions

VI. Administrative Updates

1. Oneida Personnel Commission Update (pg. 100)

VII. Executive Session

VIII. Recess/Adjourn



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
November 07, 2018
2:00 p.m.

Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Daniel Guzman King

Excused: Kirby Metoxen

Others Present: Maureen Perkins, Kristen Hooker, Brandon Wisneski, Clorissa Santiago, Lee Cornelius, Leyne Orosco, Bonnie Pigman, Carol Silva, Nic Reynolds

I. Call to Order and Approval of the Agenda

David P. Jordan called the November 07, 2018 Legislative Operating Committee meeting to order at 2:00 p.m.

Motion by Jennifer Webster to approve the agenda as is; seconded by Ernest Stevens III. Motion carried unanimously.

II. Minutes to be Approved (:46 -1:08)

October 17, 2018 LOC Minutes

Motion by Ernest Stevens III to approve the October 17, 2018 Legislative Operating Committee meeting minutes and forward to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

1. Employee Protection Policy Amendments (1:11 – 1:59)

Motion by Jennifer Webster to approve the public meeting packet and forward the law to a public meeting to be held on December 3, 2018; seconded by Daniel Guzman King. Motion carried unanimously.

2. Sanctions & Penalties Law (2:01 – 8:50)

Motion by Jennifer Webster to accept the public comment review memorandum and the updated draft; seconded by Daniel Guzman King. Motion carried unanimously.

IV. New Submissions - None

V. Additions - None

VI. Administrative Items

1. FY18 Fourth Quarter LOC Report (8:56 – 10:30)

Motion by Ernest Stevens III to approve the Legislative Operating Committee FY18 Fourth Quarter Report and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.



2. Active Files List Memo (10:31 -11:39)

Motion by Ernest Stevens III to remove the Employment law, Research Protection Act, Tribal Identification law, and Commerce law from the Active Files List, and rename the Business Organizations law the Business Corporations law; seconded by Jennifer Webster. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Ernest Stevens III to adjourn the November 7, 2018 Legislative Operating Committee meeting at 2:11 p.m.; seconded by Daniel Guzman King. Motion carried unanimously.



Legislative Operating Committee
November 21, 2018

Petition: Dallas – Special Per Capita Payment and/or Options

Submission Date: 9/26/18	Public Meeting: n/a
LOC Sponsor: David P. Jordan	Emergency Enacted: n/a Expires: n/a

Summary: *This petition “direct the Chairman of the Oneida Nation of Wisconsin to call for a Special General Tribal Council meeting, to be held on a Saturday to allow for the greatest possible membership participation and within one hundred and twenty (120) days of the submission of this petition, to review, discuss and direct Special Per Capita payment(s) and/or plan options that include but are not limited to those identified below, for ALL enrolled members of the Oneida Nation of Wisconsin, to be approved by way of Resolution, and payable within a timeframe directed by the Oneida General Tribal Council:*

- Quarterly payments (i.e. September 15th, December 15th, March 15th, and June 15th) based on a percentage (i.e. 30%, 40%, 50%, etc.) of ALL GROSS profits from ALL of the revenue generating areas, to include but not limited to, gaming, retail, all hotels, etc., of the Oneida Nation of Wisconsin
- \$3,000 for 2019, \$4,000 for 2020, \$5,000 FOR 2021, and \$2,500 per year thereafter.
- \$3,000-2019, \$4,000-2020, \$5,000-2021, \$6,000-2022 to be disbursed by June 1st & Dec 1st, Quarterly or One Full Payment- Tribal Members choice
- \$1,500 Quarterly 18 & Up
- 30% Gaming Profits & 35% Non-Gaming
- Elders Per Cap will remain the same whatever the decision we pass
- Amounts and time frames determine by the Oneida General Tribal during this special Oneida General Tribal Council Meeting”

10/10/18 OBC: Motion by Jennifer Webster to approve the four (4) requested actions [1) to acknowledge receipt of the petition from Gladys and Linda Dallas regarding Special Per Capita payment(s) and/or option; 2) to assign the petition to a GTC meeting agenda tentatively scheduled for January 21, 2019; 3) to direct the Direct Report Offices to complete and submit their administrative impact statements; and 4) to direct the Law, Finance, and Legislative Reference Offices to complete and submit the legal review, fiscal impact statement, and statement of effect, respectively] regarding Petitioners Dallas re: Special Per Capita payment(s) and/or options, seconded by Brandon Stevens. Motion carried.

10/17/18 LOC: Motion by Jennifer Webster to add Petition: Dallas-Special Per Capita Payments and/or Options as a high priority with Jennifer Webster as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

11/16/18 OBC: Motion by Trish King to accept the request to withdraw the petition, seconded by Jennifer Webster. Motion carried.

Next Steps:

- Remove the Petition: Dallas – Special Per Capita Payment and/or Options from the Active Files List.



TO: Legislative Operating Committee
FROM: Clorissa N. Santiago, Legislative Reference Office, Staff Attorney
DATE: November 21, 2018
RE: Petition: Dallas – Special Per Capita Payment and/or Options

On September 26, 2018, the Petition: Dallas - Special Per Capita Payment and/or Options (“the Petition”) was submitted to the Business Committee Support Office by Gladys Dallas and Linda Dallas and has since been verified by the Oneida Trust Enrollment Department.

On October 10, 2018, the Oneida Business Committee accepted the verified Petition and requested that the Legislative Reference Office complete a statement of effect for the November 28, 2018 regular Oneida Business Committee meeting.

On November 14, 2018, the Oneida Business Committee adopted a motion to accept the request to withdraw the Petition from the petitioners.

Since the Petition has been withdrawn, a statement of effect is no longer necessary and the item can be removed from the Legislative Operating Committee’s Active Files List.

Requested Action

Remove Petition: Dallas – Special Per Capita Payment and/or Options from the Active Files List.



Legislative Operating Committee
November 21, 2018

Petition: C. Metoxen – Oneida Youth Leadership Institute

Submission Date: 9/28/18	Public Meeting: n/a
LOC Sponsor: David P. Jordan	Emergency Enacted: n/a Expires: n/a

Summary: *This Petition, received on September 28, 2018, requests a GTC meeting for a “comprehensive presentation on the creation of the 7871 – Youth Development Leadership Fund to include but not limited to the historical makeup of the board of directors, current board of directors, a full accounting of any and all funds to include but not limited to start up funds, funds received, current funds, any and all distributions, copies of all meeting agendas and meeting minutes, any and all travel, any and all expenditures to include but not limited to wages, salaries, stipends, rent, supplies, etc., any and all Oneida Business Committee involvement and/or actions(s) or failure to act, applicable laws, policies, procedures, etc.; and the Oneida General Tribal Council will review, decide and provide direction regarding any and all matters concerning the 7871 in general and holistically.”*

10/10/18 OBC: Motion by Kirby Metoxen to approve the four (4) requested actions [1) to acknowledge receipt of the petition from Cathy L. Metoxen regarding Oneida Youth Leadership Institute; 2) to assign the petition to a GTC meeting agenda tentatively scheduled for January 21, 2019; 3) to direct the Direct Report Offices to complete and submit their administrative impact statements; and 4) to direct the Law, Finance, and Legislative Reference Offices to complete and submit the legal review, fiscal impact statement, and statement of effect, respectively] regarding Petitioner Cathy L. Metoxen re: Oneida Youth Leadership Institute; Seconded by Jennifer Webster. Motion carried.

10/17/18 LOC: Motion by Jennifer Webster to add Petition: Cathy L. Metoxen – Oneida Youth Leadership Institute to the active files list with David P. Jordan as the sponsor; Seconded by Daniel Guzman King. Motion carried unanimously.

Next Step:

- Approve the Petition: C. Metoxen – Oneida Youth Leadership Institute statement of effect and forward to the Oneida Business Committee for consideration.



Statement of Effect

Petition: C. Metoxen – Oneida Youth Leadership Institute

Summary

This Petition requests that the General Tribal Council consider a comprehensive presentation on the creation of the 7871 – Youth Development Leadership Fund and then review, decide and provide direction regarding all matters concerning the 7871 in general and holistically.

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

Date: November 21, 2018

Analysis by the Legislative Reference Office

On September 28, 2018, the Petition: C. Metoxen – Oneida Youth Leadership Institute (“Petition”) was submitted to the Business Committee Support Office by Cathy L. Metoxen and has since been verified by the Oneida Trust Enrollment Department. On October 10, 2018, the Oneida Business Committee (“OBC”) accepted the verified Petition and requested 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 consider a “comprehensive presentation on the creation of the 7871 – Youth Development Leadership Fund to include but not limited to the historical makeup of the board of directors, current board of directors, a full accounting of any and all funds to include but not limited to start up funds, funds received, current funds, any and all distributions, copies of all meeting agendas and meeting minutes, any and all travel, any and all expenditures to include but not limited to wages, salaries, stipends, rent, supplies, etc., any and all Oneida Business Committee involvement and/or actions(s) or failure to act, applicable laws, policies, procedures, etc.; and the Oneida General Tribal Council will review, decide and provide direction regarding any and all matters concerning the 7871 in general and holistically.”

All applicable laws and policies of the Nation were reviewed in developing this statement of effect, including the Oneida Nation Constitution (“Constitution”) and the Oneida Youth Leadership Institute Charter (“Charter”) that was adopted by Resolution # BC-09-14-16-B (“Resolution”), as well as its corresponding bylaws.

The OBC has been delegated authority by the GTC to exercise the powers set forth in Article IV, Section 1 of the Constitution. Pursuant to this authority, the OBC created the Oneida Youth Leadership Institute (“OYLI”), an agency of the Nation formed under Section 7871 of the Internal Revenue Code (“Section 7871”) to: (1) operate and support programs and activities which promote leadership qualities in Oneida youth; and (2) solicit charitable tax deductible donations to fund such programs and activities. [See Resolution, p.1]. The OYLI qualifies for treatment under Section 7871 based on the following:

- (1) The OYLI is not separately incorporated under state law;

- (2) The Nation exerts a substantial degree of control over the OYLI, including the appointment of the OYLI board members and approval of the OYLI bylaws;
- (3) The Nation is liable for the actions of the OYLI;
- (4) The OYLI is a wholly owned agency of the Nation; and
- (5) The Nation has made a substantial financial commitment to the OYLI, including making employees of the Nation available for the OYLI's use as needed.

[See Resolution, p.1].

The OYLI is governed and managed by a Board of Directors ("Board") that is appointed by the OBC; however, the Board is not considered a board, committee or commission for purposes of the Boards, Committees and Commissions law. *[See Charter, Section I].* All rights, powers or privileges not expressly delegated to the OYLI through its Charter are reserved to and held by the OBC and the GTC. *[Id.]*.

With respect to the OYLI's reporting requirements, Section XI of the Charter provides, in pertinent part, that:

- A. The Board shall prepare reports annually for the annual meeting of the GTC, and shall prepare reports quarterly for the OBC, and at such other times as directed by the OBC.
- B. The Board shall submit narrative reports to the Secretary of the OBC for inclusion in the agenda materials for the annual GTC meeting. These reports are considered public and, at a minimum, must include:
 1. a summary of the OYLI's programs and activities;
 2. any significant problems, accomplishments, and events;
 3. a description of any material changes or developments;
 4. identification of the primary goals and targets and progress made towards accomplishment of the same;
 5. identification of key elements for success, including risks, resources and relations available and needed to successfully fulfill outlined strategies; and
 6. a summary of assets and financial condition.
- C. The Board shall submit financial reports quarterly to the Secretary of the OBC, with copies to the Chair, Treasurer and Audit Committee. These reports are subject to annual audits; are proprietary and confidential; are to be retained by the Secretary's office; and are accessible only to those authorized officers, officials and personnel of the Nation with a legal or legitimate need to know. Financial reports, at a minimum, must include:
 1. an executive summary;
 2. a statement of financial position;
 3. a statement of activities;
 4. a statement of functional expenses;
 5. a statement of cash flows; and
 6. notes to financial statements.
- D. The Board shall submit disclosure reports to the OBC by May 31st of each year that identify any personal financial interest on the part of any Director which precludes him or her from participating in actions of the Board or being involved in certain operations of OYLI. These reports are proprietary and confidential; are to be retained by the Secretary's office; and are accessible only to those authorized officers, officials and personnel of the

Nation with a legal or legitimate need to know the information.

The OYLI also has bylaws that require the Board to make quarterly reports to the OBC, as well as annual and semi-annual reports to the GTC. In sum, these reports are to include, on varying levels, such information as:

1. The name of the Board; director submitting the report; OBC liaison; and Directors, their titles, term expiration dates and contact information.
2. The number and location of meetings held; whether they were open or closed; and whether there are any necessary updates to the previously submitted minutes.
3. The Board's original budget for the previous fiscal year; whether and for what reason the budget was exceeded; and the funding source for the budget;
4. The stipends a director is eligible to receive and the funding source for said stipends.
5. Whether any special events were held during the reporting period and whether any special events are anticipated for the upcoming reporting period.
6. The Board's achievements in the previous fiscal year, their impact on the Oneida community, and goals for the new fiscal year.
7. A report on any actions taken in response to OBC and/or GTC directives, if any.

With respect to the Laws of the Nation, the Oneida Code of Ethics ("Code") sets forth minimum ethical standards for all government officials to follow. The Code defines a "government official" as "all persons who are elected or appointed to serve on the Oneida Business Committee and any board, committee, or commission created by the Oneida Business Committee or Oneida General Tribal Council." [1 O.C. 103.2(a)]. Section 103.3-3 of the Code, requires government officials and their administrative staff to "protect the privileged information to which they have access in the course of official duties, and be prudent in the use of information acquired in the course of their duties." Administrative staff are "all personnel employed and involved in the functioning of government." [1 O.C. 103.2(b)].

The Code also sets forth minimum ethical standards that govern Tribal programs and their personnel. Tribal programs are defined as activities of the Nation "not expected to create revenue for the Tribe or those activities not expected to make a profit at any time." [1 O.C. 103.2(c)]. Like government officials and their administrative staff, program personnel are also required to "protect the privileged information to which they have access in the course of official duties and be prudent in the use of information acquired in the course of their duties." [1 O.C. 103.4-8].

The OYLI is a wholly owned instrumentality of the Nation that was created by the OBC and is governed, as well as managed, by a Board that was also created by the OBC. [See Charter, Section I]. In addition, "any exercise by the OYLI of any powers or authorities in accordance with [the] Charter shall constitute the exercise of a governmental function of the Nation." [Id.]. Although the OYLI Board does not constitute a board, committee or commission for purposes of the Boards, Committees and Commissions law, it could very well be classified as one under the Code. If not though, at the very least, the OYLI would qualify as a Tribal program under the Code and its Board as program personnel. Thus, the Code may limit the Board's ability to disclose some of the information requested within the Petition.

The Nation also has an Open Records and Open Meetings law ("Law") that governs the disclosure of records. The Law acknowledges that the Oneida people are entitled to information pertaining

to governmental business and that denial of public access is generally contrary to the public interest. [1 O.C. 107.1-2]. However, it also recognizes that there are some records which are of a sensitive nature such that the public's right to the record is outweighed by the public interest in keeping such documents confidential. To that end, the Law exempts, in pertinent part, the following records from inspection and copying:

- (a) Proposals and bids for any contract or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contract or agreement with the Tribe.
- (b) Contracts or other agreements which specifically prohibit disclosure of the content of the contract or agreement to third parties.
- (c) Information that, if disclosed, would constitute an unreasonable invasion of personal privacy.
- (d) Trade secrets and commercial or financial information obtained from a person or business, or such information belonging to the Tribe where the trade secrets or information are proprietary, privileged, or confidential, or where disclosure of the trade secrets or information may cause competitive harm.
- (e) Drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated.
- (f) Inter-office communications relating to proposals or matters which have not been introduced for consideration in an open meeting, including:
 - 1. Inter-office memorandums, personal notes, drafts, communications with staff and other records which relate to ongoing matters or works in progress.
 - 2. Records relating to the subject of an ongoing investigation.
 - 3. Records relating to proposals which did not result in legislation.
- (g) Privileged attorney-client information or work product.
- (h) Any record containing personally identifiable information that is collected or maintained in connection with a complaint, investigation or other circumstances that may lead to an enforcement action, administrative proceeding, arbitration proceeding, or court proceeding.
- (i) Any record containing personally identifiable information that, if disclosed, would endanger an individual's life or safety or identify an informant.
- (j) Other records protected from disclosure by law.

Finally, the Nation has an Internal Audit law that requires employees of the Internal Audit Department to "strictly maintain the utmost confidentiality in all aspects of the audit process, including but not limited to confidentiality of information obtained during an audit and audit results and recommendations." [1 O.C. 108.5-2]. Final audit reports may be released for member viewing; however, they must be redacted as deemed necessary by the Oneida Law Office and comply with the following process:

- A. That, under no circumstances shall audit reports be provided in a GTC agenda packet;
- B. That, prior to granting access, the custodian of the audit report shall require:
 - 1. Verification of member status by means of a member identification card; and
 - 2. That the member sign and print their full name on the applicable access log; and
- C. That, custodians of audit reports shall limit access to on-site review and shall deny permission to print and/or make copies of audit reports.

The Petition seeks disclosure of a wide range of records relating to the OYLI that include, but are not limited to, records on "the historical makeup of the board of directors, current board of directors, a full accounting of any and all funds to include but not limited to start up funds, funds

received, current funds, any and all distributions, copies of all meeting agendas and meeting minutes, any and all travel, any and all expenditures to include but not limited to wages, salaries, stipends, rent, supplies, etc., any and all Oneida Business Committee involvement and/or actions(s) or failure to act, applicable laws, policies, procedures, etc.”

The OYLI’s own Charter and bylaws require the Board to report and make open to the public much of the information that the Petitioner appears to be seeking. However, there are certain limitations placed upon the Board with respect to the sharing of specific financial information and director disclosures. Those limitations are echoed and expanded upon within the above-mentioned Laws of the Nation that further govern the disclosure of information by the OYLI.

Conclusion

Adoption of the Petition: C. Metoxen – Oneida Youth Leadership Institute would not result in a legislative impact on any current Laws of the Nation so long as any disclosure of information requested within the Petition was limited in accordance with the applicable laws, Charter and bylaws referenced within this statement of effect. If there is uncertainty on whether a document may be released, the Open Records and Open Meetings law directs that the record custodian consult with the Oneida Law Office prior to release.

Requested Action

Accept the Statement of effect for Petition: C. Metoxen – Oneida Youth Leadership Institute.



Legislative Operating Committee
November 21, 2018

Election Law Amendments

Submission Date: 12/6/17	Public Meetings: 11/8/18
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.
- 9/5/18 LOC:** Motion by Jennifer Webster to approve the memo in the public meeting packet, send the Election Law Amendments to a public meeting November 8, 2018, forward all the materials to the OBC for inclusion in the October 28, 2018 GTC meeting materials, and forward the Election Law Amendments to the finance office for a fiscal impact statement; seconded by Daniel Guzman King. Motion carried unanimously.
- 9/5/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Jennifer Falck, Jo Anne House, Clorissa Santiago, Kristen Hooker, Brandon Wisneski, Maureen Perkins, Leyne Orosco. The purpose of this work meeting was to review and discuss GTC's motion on this matter and original intent, and how this item is moving forward.
- E-poll conducted.
- 9/19/18 LOC:** Motion by Daniel Guzman King to enter the e-poll results into the record; seconded by Jennifer Webster. Motion carried unanimously.
- 9/26/18 OBC:** Motion by David P. Jordan to approve the notice and materials for October 28, 2018, tentatively scheduled special General Tribal Council meeting, seconded by Daniel Guzman King. Motion carried.
- 10/8/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Kirby Metoxen, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski, Laura Laitinen-Warren. The purpose of this work meeting was to discuss the materials that will be included in the October 28, 2018, GTC meeting materials, and determined if any further materials should be developed to aid the LOC in that discussion at GTC.

10/17/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Rosa Laster. The purpose of this work meeting was to review the updated memo for the October 28, 2018, GTC meeting, and plan for how the LOC will address this issue.

10/22/18: *Work Meeting.* Present: Jennifer Webster, Jennifer Falck, Brandon Wisneski, Clorissa N. Santiago. The purpose of this work meeting was to prepare for Jenny's presentation on the Election law update during the October 28, 2018, GTC meeting.

10/25/18: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Jennifer Falck, Brandon Wisneski, Clorissa N. Santiago, Kristen Hooker. The purpose of this work meeting was to review the final materials and prepare for the presentation on the Election law update during the October 28, 2018, GTC meeting.

11/8/18: Public Meeting Held.

Next Steps:

- Accept the public meeting comments and the public comment review memorandum and defer this item to a work meeting for consideration.



TO: Legislative Operating Committee (LOC)
FROM: Clorissa N. Santiago, Legislative Reference Office, Staff Attorney
DATE: November 21, 2018
RE: Election Law Amendments: Public Meeting Comment Review

On November 8, 2018, a public meeting was held regarding the proposed amendments to the Election law (“the Law”). The public comment period was then held open until November 16, 2018. This memorandum is submitted as a review of the oral and written comments received within the public meeting and public comment period.

The public meeting draft, public meeting transcript, and written comments received are attached to this memorandum for review.

Comment 1 – Definition of Alternate:

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.

(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.

102.4. Election Board

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.

Election Board (written): Lines 28, 29 vs 107. (b) Alternate definition contradicts line 107; add "until results are certified" to be consistent with definition.

Response

The commenter requests that the definition for “alternate” which states that an alternate will serve on the Election Board during an election and until election results have been certified be made consistent with a later section of the Law which provides that alternates will assist with election day and pre-election activities.

In an effort to eliminate any perceived inconsistencies, the following revision to the Law is recommended based on this comment:

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~~ during an election and until election results have been certified.

LOC Consideration

Comment 2 – Definition of Prominent Locations:

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.

(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.

Election Board (written): Lines 76-79. (u) Prominent Locations states polling places. Remove SEOTS because its already a polling site. Remove all fuel stations. Limit it to just NHC, OHC, SEOTS, Fuel station Four Paths and Hwy 54.

Response

The commenter requests that the South Eastern Oneida Tribal Services (SEOTS) building be removed from the definition of “prominent locations” as the definition of prominent locations already includes polling places, and SEOTS is a polling place.

The Law does not specify what locations will serve as polling places of the Nation, but instead states that 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. [1 O.C. 102.14-1]. This allows the Nation the flexibility to change the location of the polling places to meet the needs of the Nation without having to amend the Law.

Although SEOTS currently serves as the polling place in Milwaukee, it does not have to remain the polling place in the future. At a special General Tribal Council meeting held on March 28, 2015, General Tribal Council adopted a motion to require that a Milwaukee polling site be included in all tribal elections. This General Tribal Council directive did not specify that SEOTS has to be the location of a Milwaukee polling site. Therefore, a more appropriate polling site other than SEOTS could be found and utilized in Milwaukee in the future.

SEOTS is included in the definition of prominent locations because the Legislative Operating Committee made the determination that elections should be noticed at SEOTS even if in the future SEOTS is no longer a polling place of the Nation.

Additionally, the commenter requests that the Oneida Community Library and all fuel stations not the Four Paths fuel station or One Stop on Highway 54 be removed from the definition of prominent locations. The Legislative Operating Committee included all the listed locations in the definition of prominent locations in an effort to provide a wide range of locations that elections will be noticed at.

The determination of what locations are included in the definition of prominent locations is a policy consideration for the Legislative Operating Committee. The Legislative Operating Committee may determine if the definition included in the Law for prominent locations should be amended, or remain as currently drafted.

LOC Consideration

Comment 3 – Prior Refence of Prominent Locations:

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.

(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.

102.17. Election Outcome and Ties

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.

Bonnie Pigman (oral): And in Line 702 and 703, is there another place that states where prominent places are? There is an existing memo from the previous Councilman DelaRosa that identified such places, I don’t see it referenced in this Election Law draft.

Response

The commenter questions if the Law provides more information on where the prominent places of the Nation are located since the Law requires tentative results of the election to be posted in the prominent locations.

The Law defines prominent locations as 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. [1 O.C. 102.3-1(u)].

The Law's definition of prominent locations would supersede any prior memorandums of the Nation that identified prominent locations. Therefore, there is no revision to the Law recommended based on this comment.

LOC Consideration

Comment 4 – SEOTS as a Polling Place:

Election Board (written): SEOTS isn't noted as a polling location. Due to GTC decision in 2015, do we need to have it noted in the Law? Does the new law supercede the GTC decision?

Response

The commenter notes that SEOTS is not noted as a polling location in the Law, and questions if because of the General Tribal Council's 2015 directive does it need to be noted in the Law.

At a special General Tribal Council meeting held on March 28, 2015, General Tribal Council adopted a motion to require that a Milwaukee polling site be included in all tribal elections. This General Tribal Council directive did not specify that SEOTS has to be the location of a Milwaukee polling site. Therefore, although SEOTS currently serves as the polling location in Milwaukee, a more appropriate polling site other than the SEOTS building could be found and utilized in Milwaukee in the future.

Additionally, the Law does not specify what locations will serve as polling places of the Nation, but instead states that 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. [1 O.C. 102.14-1]. This allows the Nation the flexibility to change the location of the polling places to meet the needs of the Nation without having to amend the Law. The Law does not necessarily supersede the General Tribal Council's March 28, 2015, directive as the Law still allows the Nation to comply with having a polling location in Milwaukee without having to specifically state in the Law where that polling location is.

Therefore, SEOTS does not have to be specifically listed as a polling location in the Law in order to comply with the General Tribal Council's March 28, 2015, directive.

There is no revision to the Law needed based on this comment.

LOC Consideration

Comment 5 – Adoption of Election Board Standard Operating Procedures:

102.4. Election Board

102.4-8. Duties of the Election Board. The Election Board shall have the following duties, along with other responsibilities listed throughout this law:

(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.

Election Board (written): Lines 118-120. Remove entire section. Why would OBC and/or GTC adopt EB SOP's? This isn't efficient for future needed changes.

Response

The commenter requests that the requirement that any 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 be removed from the Law. The commenter expresses concern that this provision of the Law would prevent future needed changes to standard operating procedures of the Election Board from occurring in an efficient manner.

In addition to the requirements of this Law regarding standard operating procedures, the Boards, Committees, and Commissions law requires that all standard operating procedures established by an entity shall be submitted to the Business Committee Support Office, where they shall be kept on file. [1 O.C. 105.12-2].

The Legislative Operating Committee will have to determine whether the requirement of the Election Board's standard operating procedures to be adopted by the Oneida Business Committee or the General Tribal Council should remain in the Law. The Legislative Operating Committee may determine:

1. The Law should remain as currently drafted and require the Election Board's standard operating procedures to be adopted by the Oneida Business Committee or the General Tribal Council.
2. The Law should be amended to remove the requirement that the Election Board's standard operating procedures to be adopted by the Oneida Business Committee or the General Tribal Council.

LOC Consideration

Comment 6 – Specific Duties of the Election Board Chairperson:

102.4. Election Board

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:

(2) oversee the conduct of the election;

Election Board (written): Line 132. EB Chair is at one (1) polling site. Due to having two (2) polling sites can we change it to Chair or designee oversee the conduct of the election.

Response

The commenter requests that the section of the Law which states that it is the specific duty of the Chairperson of the Election Board to oversee the conduct of the election be amended to reference a designee of the Chairperson since there are more than one (1) polling sites.

The purpose of this section of the Law is to provide for specific duties unique to the Chairperson of the Election Board. The Chairperson of the Election Board is delegated the authority to oversee the conduct of the election. This responsibility to oversee the conduct of the election is for the election as a whole and includes the conduct of any and all polling sites. Although the Chairperson cannot be physically present at all polling sites during an election, the Chairperson is still the individual delegated the authority and responsibility to oversee the conduct of the election and all activities included in the election process.

It would be inappropriate to reference a designee in this section of the Law as the authorities and responsibilities delegated through this provision are specific to the Chairperson.

There is no recommended revision to the Law based on this comment.

LOC Consideration

Comments 7 through 8 – Election Judge’s Communication with a Designee of the Chairperson:

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.

(g) “Clerk” shall mean an Election Board member who identifies proper registration for the purpose of determining voter eligibility.

(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.

(y) “Teller” shall mean an Election Board member in charge of collecting and storing of all ballots.

102.4. Election Board

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:

(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.

Election Board (written): Lines 40, 52, 86. Clerk, Election Judge, Teller - Line 52 - Judge advises EB Chair regarding voter eligibility - it s/b Chair or designee due to SEOTS polling site.

Election Board (written): Line 148. Can the Election Judge contact EB Chair or a designee if EB Chair is at a different polling site.

Response

The commenter questions whether the Election Judge can contact a designee of the Election Board Chairperson if a dispute or controversy arises that requires a decision of the Election Board Chairperson at a polling site where the Chairperson is not physically present. And if so, requests that the definition for Election Judge be modified to include reference to a designee of the Chairperson.

The Law requires that the Election Judges inform and advise the Chairperson of all aspects of the election, and that 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 in regard to the dispute. [1 O.C. 102.4-9(f)].

Due to the fact that the Law requires the Election Judges to inform the Chairperson off all aspects of the election and assist the Chairperson in making a determination in regard to the dispute, an

Election Judge is not allowed to contact a designee of the Chairperson if the Chairperson is at a different polling site. The Election Judge would still be required to keep the Chairperson informed of the activities of the election, and consult the Chairperson for the resolution of disputes, even if the Chairperson is located at a different polling site.

There is no recommended revision to the Law based on this comment.

LOC Consideration

Comment 9 – Number of At-Large Council Members that Requires a Primary Election:

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.

Election Board (written): Line 219. Can the number of at-large council members be lowered from sixteen (16) to eleven (11)?

Response

The commenter requests that the Law be amended so that the requirement to hold a primary election for an Oneida Business Committee position when there are sixteen (16) or more candidates for the at-large council member positions be lowered to be required when there are eleven (11) candidates for the at-large council member positions.

The number of candidates running for an at-large council member position that require a primary election is a policy consideration for the Legislative Operating Committee. The Legislative Operating Committee may make one (1) of the following determinations:

1. The Law should remain as currently drafted and only require a primary election when there are sixteen (16) or more candidates for the at-large council member positions.
2. The Law should be amended as follows:
 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~~eleven (161) or more candidates for the at-large council member positions.

LOC Consideration

Comment 10 – Number of Candidates Placed on the Ballot After a Primary Election:

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.

(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.

Election Board (written): Line 223. If we lower the at-large above, can we lower to top candidates from fifteen (15) to ten (10)?

Response

The commenter requests that the Law be amended so that the requirement that the fifteen (15) candidates that receive the highest number of votes cast for the at-large council member positions be placed on the ballot be lowered to the ten (10) candidates that receive the highest number of votes cast for the at-large council member positions be placed on the ballot.

The number of candidates who receive the highest number of votes cast and secure a place on the ballot is a policy consideration for the Legislative Operating Committee. The Legislative Operating Committee may make one (1) of the following determinations:

1. The Law should remain as currently drafted and provide that the fifteen (15) candidates receiving the highest number of votes cast for the at-large council member positions shall be placed on the ballot.
2. The Law should be amended as follows:

(b) The ~~fifteen~~ten (150) candidates receiving the highest number of votes cast for the at-large council member positions shall be placed on the ballot.

LOC Consideration

Comment 11 – Primary Elections:

102.8. Primary Elections for Oneida Business Committee Positions

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.

Election Board (written): Line 230. Remove: set for the primary election.

Response

The commenter suggests removing the words “set for the primary election” from the sentence contained in section 102.8-3 of the Law.

The following revision to the Law is recommended:

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 ~~date~~set for the primary election.

LOC Consideration

Comment 12 – Completed Applications for Candidacy:

102.9. Candidate Eligibility

102.9-4. Applications for Candidacy. An applicant interested in being considered as a candidate 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.

Election Board (written): Uncertain where this would statement would be most appropriate: At the time of submission of application for candidacy, the application must be completed fully. Any incomplete application will be considered ineligible.

Response

The commenter suggests that a provision be added to the Law that clearly states that at the time of submission of an application for candidacy, the application must be completely filled out, and if the application is not completed, the application will be considered ineligible.

The following revision is recommended to clarify this issue in the Law:

102.9-4. *Applications for Candidacy.* An applicant interested in being considered as a candidate 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.~~

(e) An application that is incomplete or does not include attached documentation verifying the applicant meets the minimum eligibility requirements at the time of submission shall be disqualified.

LOC Consideration

Comment 13 – Candidate Eligibility Public Record:

102.9. Candidate Eligibility

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.

Election Board (written): Lines 290-292. 102.9-6 Is this a candidacy list, sample ballot, etc? This is also the first time designee was noted in the law. Does designee need to be defined?

Response

The commenter questions what document section 102.9-6 of the Law references and whether it is a candidacy list or sample ballot. This provision of the Law provides that the name of a candidate and the position that candidate is seeking is public record, and that the Election Board shall make this record available to the public once the eligibility of the candidates has been determined. Whether this information is shared through a list of candidates or a sample ballot is not specified through the Law which provides discretion to the Election Board to determine in what format this information is shared.

This provision of the Law also states that the public record shall be made available to the public upon the determination of eligibility by the Election Board or the Election Board's designee. The commenter questions if the term designee needs to be defined since this is the first time the term is being utilized in the Law. The term designee does not need to be defined in the Law because it is being used in its ordinary and everyday sense. The term designee is used in this sentence to signify that the Election Board may choose a designee to handle this responsibility if the Election Board desires.

There is no recommended revision to the Law based on this comment.

LOC Consideration

Comment 14 – Source of Candidate Eligibility:

102.9. Candidate Eligibility

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:

- (b) Qualifications of the position and citation of the source. Copies of source may be attached;

Election Board (written): Lines 298-299. Can you change the word "citation" of source.

Response

The commenter suggests amending the Law to change the word "citation" used in 102.9-7(b) for clarification purposes.

The following revision to the Law is recommended based on this comment:

- (b) Qualifications of the position and ~~citation~~reference to the source of the

qualifications. Copies of source may be attached;

LOC Consideration

Comment 15 – Issues with Campaigning:

102.10. Campaign Financing

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.

102.11-4. *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.

- (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.

Election Board (written): Line 318. Campaigning on tribal property.... Something should be added to the Law to eliminate members to campaign at any tribal offices or buildings. We experience issues with members having campaigning at the polling sites as well.

Response

The commenter suggests that a provision similar to that found in section 102.10-4 of the Law regarding violations of campaign financing restrictions be added to the Law to address campaigning on tribal property or at the polling sites, since this has been an issue the Election Board has seen occur.

The Law currently provides some restrictions on campaigning. The Law states that no campaigning of any type shall be conducted within two hundred and eighty (280) feet of the voting area during an election, excluding private property. [1 O.C. 102.11-1(a)]. Additionally, the Law prohibits employees of the Nation from engaging in campaigning for offices of the Nation during work hours. [1 O.C. 102.11-1(b)]. The Law then provides that any violations of the restrictions on campaigning shall result in a fine. [1 O.C. 102.11-4].

The Law currently does not provide a general prohibition against campaigning in any offices or buildings of the Nation. It would be a policy consideration for the Legislative Operating Committee to decide whether a general prohibition against campaigning in an office or building of the Nation should be included in the Law. The Legislative Operating Committee should consider whether any official or unofficial campaign events normally occur in buildings owned by the Nation, such as a candidate debate, forum, or meet and greet, and whether those events should be allowed. The Legislative Operating Committee may make one (1) of the following determinations:

1. The Law should remain as currently drafting and only restrict campaigning within two hundred and eighty (280) feet of the voting area during an election, and employees from campaigning during work hours.
2. The Law should be amended to include a general prohibition against campaigning in any office or building of the Nation. If the Legislative Operating Committee makes this determination then the following revision should be made to the Law:

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) No campaigning of any type shall be conducted within a building owned by the Nation.

(bc) 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.

102.11-4. *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.

(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.

LOC Consideration

Comment 16 – Campaigning Near a Voting Area:

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.

Bonnie Pigman (oral): Line 628-629, I'm questioning whether or not the information got moved to another document or elsewhere in the Election Law.

Response

The commenter references lines 628-629 of the redline draft which demonstrates a deleted sentence of "102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of the voting area, excluding private property."

The provision regarding the prohibition of campaigning near a polling site is found in section 102.9-6 of the currently effective Law, which governs the election process in general. This provision has been moved to section 102.11 of the proposed draft, which will specifically provide provisions regarding campaign signs and campaigning. Although the location within the Law has changed, the requirements of the Law remain the same.

There is no recommended revision based on this comment.

LOC Consideration

Comment 17 – Size and Number of Campaign Signs Allowed:

102.11. Campaign Signs and Campaigning

102.11-2. Placement of Campaign Signs. Placement of campaign signs shall be pursuant to the following restrictions:

(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.

Election Board (written): Lines 341-342. (b) Campaign sign size and # of signs - remove entire section.

Response

The commenter requests that the provision of the Law that provides that no campaign sign exceed sixteen (16) square feet in area, and that a maximum of seven (7) such signs may be placed on a building or lot, be removed from the Law.

In addition to the Law's provisions regarding the size of signs and maximum number of signs allowed on a lot, the Nation's Zoning and Shoreland Protection law addresses temporary political signs and contains the same guidelines and provisions. The Zoning and Shoreland Protection law provides that temporary political signs may be erected upon private property under the following conditions:

1. The person responsible for the erection or distribution of any such signs or the owners of the property upon which the signs are located shall remove the signs with five (5) business days after the election.
 2. No sign shall exceed sixteen (16) square feet in area.
 3. A maximum of seven (7) such signs may be placed on a building or on a lot.
- [6 O.C. 605.11-7].

The Legislative Operating Committee previously made the decision that the Law, in addition to the Zoning and Shoreland Protection law, should address the allowable size for campaign signs, and the number of signs that may be allowed on a building or lot. What the Law provides for in terms of restrictions on the size and placement of campaign signs is a policy determination for the Legislative Operating Committee to make. The Legislative Operating Committee may determine:

1. The Law should remain as currently drafted and address restrictions on the size and placement of campaign signs. Including the provisions on campaign sign size and maximum numbers of signs allowed in this Law in addition to the provisions contained in the Zoning and Shoreland Protection law may provide more convenience to the reader, since the reader only has to review this Law to understand what governs campaign signs.
2. The Legislative Operating Committee may determine that the Law should be amended to remove the provision addressing restrictions on the size and placement of campaign signs. Removing the campaign sign size and maximum number guidelines from this Law does not eliminate the responsibility of a candidate or property owner to follow the specifications for campaign signs, as the provisions will still remain in the Zoning and Shoreland Protection law. Removing the provision from this Law will simply eliminate a duplication of the same provision appearing in two different laws of the Nation. If the LOC makes this determination, then the LOC is encouraged to make the following revision to the Law:

102.11-2. *Placement of Campaign Signs.* Placement of campaign signs shall be in accordance with ~~pursuant to~~ the Nation's laws and policies governing zoning. ~~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.~~

LOC Consideration

Comments 18 through 19 – Candidate Withdrawals Not Allowed to be Submitted to Alternates:

102.12. Candidate Withdrawal from the Election

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.

Election Board (written): Line 368. remove, excluding alternates.

Election Board (written): Line 372. remove, excluding alternates.

Response

The commenter suggests removing the provision of the Law that does not allow the submission of a withdrawal from the election to be given to an Election Board alternate, and instead requires the submission of the withdrawal to be given to a member of the Election Board.

Whether a candidate may submit a written withdrawal from the election to a member of the Election Board or an Election Board alternate is a policy consideration for the Legislative Operating Committee. The Legislative Operating Committee may make one (1) of the following policy considerations:

1. The Law should remain as currently drafted and require that a withdrawal from the election is submitted in writing by the candidate to any Election Board member, excluding alternates.
2. The Law should be amended to allow for a withdrawal from the election to be submitted in writing by the candidate to any Election Board member, including alternates. If this decision is made the following revision should be made to the Law:

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~~including 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~~including alternates.

LOC Consideration

Comment 20 – Petition for Candidacy:

102.13. Selection of Candidates

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 petitioner 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 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.

Election Board (written): Lines 421-443. 102.13-3. Petition for Candidacy. Why is a petition required if not nominated at the Caucus?

Response

The commenter questions why a petition for candidacy is required by an individual who is not nominated at the caucus.

Allowing an individual who is not nominated for candidacy at the caucus the ability to petition for candidacy provides more opportunities to members of the community to participate in the election and pursue one of the many positions within the Nation's government.

During the caucus, an individual shall be nominated for a position from the floor, by a person not himself or herself. [1 O.C. 102.13-2(b)]. Requiring a person to be nominated for a position by a person not himself or herself demonstrates some level of support for that candidacy from the community. An individual must be present during the caucus to accept or decline his or her nomination. [1 O.C. 102.13-2(c)]. If a person is not present at the caucus, misses the opportunity to accept a nomination, or is not nominated during the caucus, then the person can follow the process for petitioning for candidacy. [1 O.C. 102.13-2(c)]. The process for a petition for candidacy requires that a person completes an official petition form and application, as well as obtains at least ten (10) signatures of qualified voters of the Nation. [1 O.C. 102.13-3]. The requirement that the petitioner obtain at least ten (10) signatures of support again provides a demonstration that this individual has some level of support from the community in his or her endeavor to run for candidacy.

There is no recommended revision based on this comment.

LOC Consideration

Comment 21 – Notice of Election Mailed to all Members of the Nation:

102.14. Notice of Polling Places

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.

Election Board (written): Line 453. 102.14-3. Change to be mailed to head of household instead of all members.

Response

The commenter suggests the requirement that notice of the election be mailed to all members of the Nation through a mass mailing be changed to only require the notice of the election to be mailed to the head of every household.

Notice of the election is mailed to all members of the Nation through a mass mailing, and not just to the head of every household to ensure that all members of the Nation receive notice of the upcoming election to encourage participation in the election. To whom a notice of an election should be mailed to is a policy consideration for the Legislative Operating Committee. The Legislative Operating Committee may make one (1) of the following policy considerations:

1. The Law should remain as currently drafted and require that notice for the election shall be mailed to all members of the Nation.
 - a. If the Legislative Operating Committee makes this determination, then the Legislative Operating Committee should consider whether “all members of the Nation” should be clarified to mean all members of the Nation that are eligible to vote in the election.
2. The Law should be amended to provide that the notice of an election will be mailed to every head of household instead of every member of the Nation individually.

LOC Consideration

Comment 22 – Contact with the Trust Enrollment Department Prior to a Requested Mailing:

102.14. Notice of Polling Places

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.

Election Board (written): Line 456. Change Chairperson to Chair or desgineed or EB member which allows other members to contact Trust.

Response

The commenter suggests that the Law be amended so that instead of the Election Board Chairperson providing notice to the Trust Enrollment Department of a requested mailing for a

notice of an election, a designee of the Chairperson or any Election Board member can provide the Trust Enrollment Department the notice.

The purpose of delegating the authority to notify the Trust Enrollment Department to the Election Board Chairperson is having one clear delegation of who is responsible for making that communication. This allows the Trust Enrollment Department to always be aware of who will be providing the notification. Amending the Law to allow for any Election Board member or a designee of the Chairperson provide the notification to the Trust Enrollment Department would not provide the Trust Enrollment Department a clear designation of who to expect the notification from, but could allow for more flexibility on part of the Election Board.

Who is delegated the responsibility of providing notice to the Trust Enrollment Department of a requested mailing of a notice of an election is a policy consideration for the Legislative Operating Committee. The Legislative Operating Committee may make one (1) of the following policy considerations:

1. The Law should remain as currently drafted and require that it is the Chairperson of the Election Board that provides the Trust Enrollment Department notice of a requested mailing.
2. The Law should be amended to allow for any member of the Election Board or a designee of the Chairperson to provide notice to the Trust Enrollment Department for a requested mailing, in addition to the Chairperson of the Election Board. If the Legislative Operating Committee makes this determination the following revision should be made to the Law:

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 or any other member of the Election Board, no less than twenty (20) calendar days prior to the requested mailing.

LOC Consideration

Comment 23 – Conduct of Trust Enrollment Department Personnel:

102.4. Election Board

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.

102.15. Registration of Voters

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.

Bonnie Pigman (oral): On lines 567-568, the conduct sentence doesn't appear to fit under 102.5-3. It seems it should fall under Section 102.4-9. You may need to add Trust Enrollment Department as a standalone category.

Response

The commenter states the opinion that the sentence, "The conduct of Trust Enrollment Department personnel is governed by the Election Board members during the voting period" does not fit under section 102.15-3 where it is currently found and instead should be placed in section 102.4-9.

The sentence the commenter references discusses the Trust Enrollment Department's responsibility to verify a person's enrollment in the Nation during the registration of voters for an election. The Law states that while conducting the verification of voters, the conduct of the Trust Enrollment Department personnel is governed by the Election Board members. For this reason, the information on the Trust Enrollment Department's responsibility during the registration of voters and who is responsible for the Trust Enrollment Department's conduct is found under the section of the law governing the registration of voters.

Moving this provision of the Law to section 102.4-9 would be inappropriate as section 102.4 of the Law governs the Election Board, and section 102.4-9 specifically governs the specific duties of officers and Election Board members. The Trust Enrollment Department personnel that assist with the registration of voters are not members of the Election Board.

There is no recommended revision to the Law based on this comment.

LOC Consideration

Comment 24 – Use of the Word Determine Instead of Decide:

102.15. Registration of Voters

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.

Bonnie Pigman (oral): Under Line 580, would like to see the word “decide” changed to “determine”.

Response

The commenter requests that the word “decide” in section 102.15-4 of the Law be revised to the word “determine.” Since the words decide and determine are synonyms and invoke the same meaning, there is no recommended revision to the Law based on this comment.

LOC Consideration

Comment 25 – Qualified and Verifiable to Vote:

102.15. Registration of Voters

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.

Bonnie Pigman (oral): Line 582, to add “voter” behind “qualified”.

Response

The commenter suggests to add the term “voter” behind the word “qualified” in the phrase, “whether the applicant is, in fact qualified and verifiable under Article III Section 2 of the Constitution to vote in the Nation’s elections.”

This suggestion is unnecessary and would result in an improper sentence, as the sentence is stating that the applicant is in fact qualified and verified under Article III Section of the Constitution *to vote*.

There is no recommended revision to the Law based on this comment.

LOC Consideration

Comment 26 – Public Test of Ballot Machines:

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.

(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.

Election Board (written): Lines 483-492. 102.16-1. Public Test of Ballot Machines. Why does EB have to publicly test the machine? Section 102.16-3(a) indicates ballot box is empty and the zero (0) tape.

Response

The commenter questions why the requirement that the Election Board publicly test the ballot machines prior to the election was included in the Law, especially when section 102.16-3(a) of the Law already requires that the polls not be opened until 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.

The Legislative Operating Committee decided to include a provision in the Law that required a public test of the ballot machines in an effort to increase public trust and understanding of the election process. Although section 102.16-3(a) of the Law does require that the ballot box be empty and the ballot counting machine printer tape have a zero (0) total count before the polls can be opened, this simply indicates that there were no prior votes counted before the polls opened and does not provide assurance that the ballot machines are working as intended.

The public test of the ballot machines will demonstrate that the ballot machines are working as intended and accurately counting all ballots placed into the machine. Since the public test of the ballot machine will occur at least ten (10) days before the election, the Election Board will have the opportunity to address and resolve any errors or complications that occurred during the public test of the ballot machine before the actual election takes place.

The Legislative Operating Committee's decision to include a public test of the ballot machines in the Law is also consistent with the state of Wisconsin that requires municipalities to provide public tests of the ballot machines prior to an election. Currently, local municipalities such as the City of De Pere, City of Green Bay, and the Village of Ashwaubenon, provide public tests of the ballot machines prior to an election.

There is no recommended revision based on this comment.

LOC Consideration

Comment 27– Clarifying Ballot Box Language:

102.16. Election 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.

Election Board (written): Line 511. 102.16-9. Ballot Box. Change verbiage of "All ballots being votes" be changed? Something like all non-spoiled or rejected ballots...

Response

The commenter requests that the language in section 102.16-9 of the Law be clarified so that it is better understood that the ballots placed in the ballot box are non-spoiled and non-rejected ballots only.

The Law states that all ballots are placed in a receptacle clearly marked “Ballot Box” that shall be locked until counting at the close of the polls. [1 O.C. 102.16-9]. The Law later goes on to clarify that if a voter spoils his or her ballot, the voter shall be given a new ballot, and the spoiled ballot shall be marked “void: and initialed by two (2) Election Board members and placed into a locked sealed container marked as “Spoiled Ballots.” [1 O.C. 102.16-10(a)]. Ballots that are rejected are placed in a specially marked sealed container until a review by the Election Board can occur to verify the authenticity of the ballot. [1 O.C. 102.16-11].

The following revision is recommended to eliminate any confusion regarding what ballots are placed in the “Ballot Box” receptacle:

102.16-9. *Ballot Box.* All ballots ~~being used to~~ votes, shall be placed in a receptacle clearly marked "Ballot Box," ~~except for those ballots spoiled or rejected, and The Ballot Box~~ shall be locked until counting at the close of polls. ~~Provided that, W~~with electronic ballot counting, the ballots may be placed within the ballot counting machine as they are received.

(a) Ballots received from each polling location shall remain separate.

LOC Consideration

Comment 28 – Delivery of Ballots to the Records Management Department:

102.16. Election Process

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.

Election Board (written): Lines 557-559. The OPD Officer at the SEOTS polling site doesn't bring the sealed container to Records Management on the day of election. Need to add more time for SEOTS. Add "within 48 hours" at the end of the sentence.

Response

The commenter states that the Oneida Police Officer at the SEOTS polling site does not deliver on the day of the election, the sealed container containing the counted ballots to the Records Management Department for retention, and therefore the Law should be amended to allow for more time for those ballots coming from SEOTS.

A failure of the Oneida Police Officer to deliver the sealed container containing the counted ballots to the Records Management Department for retention on the day of the election is a direct violation of this Law. The intent of this provision in the Law to ensure that the ballots from an election are retained in a secure and consistent manner by the Records Management Department. The Law currently does not address a different timeline, or different expectations or process, to ensure ballots from different polling locations are secured. The intent of the Law is that ballots from any and all locations are secured in the same manner.

The details regarding the process and procedure contained in the law for securing ballots after an election is a policy consideration for the Legislative Operating Committee. The Legislative Operating Committee may make one (1) of the following policy considerations:

1. The Law should remain as currently drafted and require that an Oneida Police Officer deliver the sealed container containing the counted ballots from a polling location to the Records Management Department for retention on the day of the election, despite the location of the polling location.
2. The Law should be amended to provide an Oneida Police Officer additional time to deliver to the Records Management Department for retention the sealed container containing the counted ballots from a polling location located in Milwaukee. If the Legislative Operating Committee makes this determination, the Legislative Operating Committee will have to address the alternative timeframe, as well as additional process or procedure that would have to be drafted and included in the Law to ensure that the ballots are properly secured until the Oneida Police Office can deliver the ballots to the Records Management Department.

LOC Consideration

Comment 29 – When a Recount Can be Denied:

102.18. Recount Procedures

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.

Election Board (written): Lines 615-616. (a) not sure if that is the correct format or a # should be entered instead of (a). The sentence is also confusing, please clarify. Change to: 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 no recount request shall be honored.

Response

The commenter points out a formatting error in section 102.18-4 of the Law and requests that the sentence contained in this portion of the Law be clarified to eliminate any confusion on when a recount request will not be honored.

The commenter was correct in highlighting the formatting error of section 102.18-4, and in an effort to eliminate any confusion, the following revision to the Law is recommended based on this comment:

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~~The Election Board shall not honor a recount request ~~need be honored~~ where there have been two (2) recounts completed as a result of:

(1) a request either as a for a recount of the whole election results; or

(2) a request for a recount of that a sub-section of the election results.

LOC Consideration

Comment 30 – Use of the Term Original Members for a Recount:

102.18. Recount Procedures

102.18-6. A recount shall be conducted by a quorum of the Election Board, including at least 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.

Election Board (written): Lines 620-621. 102.18.6. A recount shall be conducted by a quorum of the EB, including at least three (3) of the original EB members. Please clarify what "original" means due to alternates utilized during the elections.

Response

The commenter asks for clarification for what the term “original” means in reference to the requirement that three (3) of the original Election Board members must be included in the quorum of the Election Board that conducts the recount.

The term “original” used in section 102.18-6 of the Law means that at least three (3) of the Election Board members that were present during the election and assisted in counting the ballots originally must be present when the Election Board later conducts a recount.

The following revision to the Law is recommended to clarify this provision:

102.18-6. A recount shall be conducted by a quorum of the Election Board, including at least three (3) of the ~~original~~ Election Board members originally present during the election to count the ballots or review the election totals from the ballot machine. The locked, sealed ballots shall be opened by the Election Board Chairperson and an Oneida Police Officer shall witness the recount.

LOC Consideration

Comment 31 – Use of an Electronic Ballot Counting Device:

102.18. Recount Procedures

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.

Election Board (written): Lines 633-634. Prior to using an election ballot counting device... how can it be certified as correct prior to? Please clarify what this entire sentence means.

Response

The commenter requests clarification on how an electronic ballot counting device can be certified as correct prior to use by the Election Board either by the maker, the lessor of the machine, or the Election Board.

This provision provides that if the Election Board chooses to utilize an electronic ballot counting device of some kind, then the Election Board is required to ensure that the electronic ballot counting device is in good working order and can accurately recount the ballots. The certification that the electronic ballot counting device is in good working order and will count ballots as intended can come from the maker of the device, the lessor of the device, or the Election Board.

In an effort to clarify this provision of the Law, the following revision is recommended based on this comment:

(b) Computer counted ballots shall be recounted twice and certified by the Election Judges. The Election Board shall certify that ~~Prior to using~~ an electronic ballot counting device ~~is in good working order and can accurately count ballots prior to using the device in a~~

~~recount, it~~ The certification of the electronic ballot counting device shall ~~come from~~ either certified as correct either by the maker, lessor of the machine, or the Election Board.

LOC Consideration

Comments 32 through 33 – Use of the Word Signatures in Regard to Trust Enrollment Department Verification:

102.13. Selection of Candidates

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 petitioner 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 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.

102.20-3. *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.

(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.

Bonnie Pigman (oral): Thank you. There was no sign-in sheet in the back of the room. Couple of things on the Election Law. The Trust Enrollment Department would like consideration to change the words in the document of signatures. We currently do not verify signatures of anyone because we don't have the capacity to do that. We verify that they are qualified voters. So if you could change that language we would much appreciate that.

Bonnie Pigman (oral): And in Lines 913 to 916, should read "A department to verify the signatures are of qualified voters and to notify the Election Board to provide notice that the petition may need to be placed on an upcoming ballot." I think it should be changed to that. If the petition is verified by the Trust Enrollment Department contains qualified voter signatures from at least ten percent of qualified voters. So again, trying to go from just saying qualified or just saying voters or saying signatures, specific to what the Constitution reads in regards to who is eligible and who is not. That's all. Thank you.

Response

The commenter requests the use of the term signatures be reconsidered in regard to what information the Trust Enrollment Department verifies, as the Trust Enrollment Department does not have the capability to verify the actual signature of an individual, but instead verifies that the individual who provided the signature on the petition is a qualified voter of the Nation.

In an effort to accurately capture what information the Trust Enrollment Department is responsible for verifying on a petition, the following revision to the Law is recommended:

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:

- (f) The Election Board shall forward the petitions to the Trust Enrollment Department for verification ~~of that~~ all individuals who provided a signatures ~~contained~~ on the petition are a qualified voter of the Nation.

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.

- (d) The Nation's Secretary shall forward submitted petitions to the Trust Enrollment Department for verification ~~of that~~ all individuals who provided a signatures on the petition are qualified voters of the Nation. and to notify the Election Board to provide notice that the petition may need to be placed on an upcoming ballot.

LOC Consideration

Comment 34 – Use of the Term Direct in Reference to the Trust Enrollment Department:

102.20. Constitutional Amendments

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.

- (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.

Bonnie Pigman (oral): The second thing is on the information regarding calculating ten percent of the qualified voters for, when the Nation's Secretary or designee wants us to calculate, the language in the document asks us that the Secretary is directing our department to do that. Based on General Tribal Council directives and governing documents, the Nation's Secretary cannot direct the Trust Enrollment Department to do anything. The administration of that department is only overseen by the Trust Enrollment Committee, so if you could change the language from direct to request, that would be appreciated or request to the Trust Enrollment Committee to have us do that.

Response

The commenter requests that the use of the word “direct” in the phrase “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” be changed to the word “request.” The commenter makes the statement that the Nation’s Secretary is prohibited from directing the Trust Enrollment Department from doing anything based on “General Tribal Council directives and governing documents,” but does not provide a citation or reference to any specific directive or document that outlines this prohibition.

The use of the term “direct” invokes a presumption that the Trust Enrollment Department is mandated to calculate the number of signatures required for a petition submittal once the directive is received from the Secretary. If this term is changed to “request” instead of “direct” then a much different intent of the Law would be invoked, and it could be presumed that the Trust Enrollment Department could deny the request for the calculation. The intent of the Law is to have a calculation of the number of signatures required for a petition submittal once a petition form is requested from the Nation’s Secretary.

The use of specific terms within a law is a policy consideration for the Legislative Operating Committee. The Legislative Operating Committee may make one (1) of the following determinations:

1. The Law should remain as currently drafted and state that “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.”
2. The Law should be amended, not to use the term request instead of the term direct, but to clarify that the Trust Enrollment Department’s calculation is a direct result of a request for a petition form, and not necessarily solely contingent on the directive of the Nation’s Secretary. If the Legislative Operating Committee makes this determination the following revision to the Law should be made:

(b) ~~When~~Upon the request of a petition form ~~is requested~~, the Nation’s Secretary, or his or her designee, shall inform the Trust Enrollment Department that a petition form has been requested and a calculation of the signatures currently required for a petition submittal is needed. ~~The~~ ~~direct the~~ Trust Enrollment Department ~~to~~ shall then 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 and provide this information to the Nation’s Secretary. 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.

LOC Consideration

Comment 35 – Records Management Department:

Bonnie Pigman (oral): Under Line 648, 90, 758, 823, we’re still recommending the law state which Records Management Department, because there are many Records Management Departments within the organization. I don’t know if saying the Nation’s Records Management Department or official whatever would be more helpful.

Response

The commenter requests that the Law be more specific when referencing the Nation’s Records Management Department, as the commenter believes there are many Records Management Departments within the organization.

Although there may be many departments within the Nation that manage records to some degree, there is only one official Records Management Department within the Nation. Therefore, further specification is not necessary, so there is no revision recommended based on this comment.

LOC Consideration

Comment 36 – Use of a Third Party Entity for Elections:

Daniel Guzman (written): For general elections hire a third party entity to conduct the election and handle any discrepancies. This would include handling and controlling all ballots throughout the entire process. This would eliminate conflicts of interest, minimize error, and liability can be held by the entity.

Response

The commenter requests that the Law be amended so that a third-party entity can be hired to conduct general elections on behalf of the Nation.

The purpose of the Nation’s 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. [1 O.C. 102.1-1]. The Law then goes on to state that 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, and that this law is intended to govern all procedures used in the election process. [1 O.C. 102.1-2]. The policy and purpose of the Law invoke the expectation that the Nation would exercise sovereignty by handling the election process internally through the Election Board.

Whether to change the purpose and policy of the Law so that a third-party entity could conduct the election on behalf of the Nation would be a policy consideration for the Legislative Operating Committee.

LOC Consideration

Title 1. Government and Finances - Chapter 102

ELECTION

Onayote'a'ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? Kayanl'hsia

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

102.1. Purpose and Policy	102.12. <u>Candidate Withdrawal from the Election</u>
102.2. Adoption, Amendment, Repeal	102.13. <u>Selection of Candidates</u>
102.3. Definitions	102.14. <u>Notice of Polling Places</u>
102.4. Election Board	102.15. <u>Registration of Voters</u>
102.5. <u>General Election</u> Candidate Eligibility	102.16. <u>Election Process</u>
102.6. <u>Special Election</u>	102.17. <u>Tabulating and Securing Ballots</u>
102.7. <u>Referendums</u>	17. 102.11 Election <u>Outcomes</u> 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 <u>Oneida Nation Constitution</u> and <u>By-law</u>
102.10. <u>Campaign Financing</u>	102.20. <u>Constitutional</u> Amendments
102.11. <u>Campaign Signs and Campaigning</u>	

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-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. ~~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

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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.~~

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~~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.

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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

(~~be~~) 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

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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.~~

174 (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.

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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.

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(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.

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(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 B 102.9-7. 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.~~

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~~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

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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

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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.

~~102.6-2.~~ 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

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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 B 102.13-3. 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)~~ (e) 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.~~

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~~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.~~

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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

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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

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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.~~916~~-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

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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.

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~~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

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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. Candidates~~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~~

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~~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

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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 102.13-4~~ 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~~

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~~business.~~

102.~~13-4~~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.~~13-5~~20-7. 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.~~13-6~~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-~~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,

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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)

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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.

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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

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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.

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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

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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

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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.

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(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

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396 prior to the election date.

397 (c) In a general election year, caucuses shall be combined so that candidates for the
398 Oneida Business Committee and other elected positions are nominated at the same
399 caucus.

400 102.13-2. *Caucus Procedures.* The procedures for a caucus shall be as follows:

401 (a) Each position shall be opened and closed for nominations by motion during the
402 caucus. A nomination for a position shall only be accepted when a position is open for
403 nominations.

404 (1) Once nominations are closed for a particular position, an applicant may
405 petition to be on the ballot for that position.

406 (b) Once a position is opened for nominations a candidate shall be nominated for a
407 position from the floor.

408 (1) An individual shall not nominate himself or herself for a position during the
409 caucus.

410 (c) A candidate present at the caucus shall accept or decline their nomination at the
411 caucus. A candidate nominated at the caucus, but not present at the caucus to accept the
412 nomination, shall be required to follow the petition process.

413 (d) Nominations shall consist of the following positions:

414 (1) Oneida Business Committee Chairperson;

415 (2) Oneida Business Committee Vice-Chairperson;

416 (3) Oneida Business Committee Treasurer;

417 (4) Oneida Business Committee Secretary;

418 (5) Oneida Business Committee Council Member; and

419 (6) Any other elected positions as required by bylaws, resolution, or law of the
420 Nation.

421 102.13-3. *Petition for Candidacy.* Any eligible member of the Nation may petition to be placed
422 on a ballot for an election. The procedure for a petition for candidacy shall be as follows:

423 (a) Each petitioner, not nominated at caucus, shall file a petition for candidacy. A
424 petitioner shall use an official petition form and application for candidacy which may
425 be obtained in the Business Committee Support Office or from the mailing for that
426 caucus.

427 (b) A petitioners shall obtain at least ten (10) signatures of qualified voters on the
428 petition form. The petition form shall contain the original signatures of the qualified
429 voters. Photocopies of signatures shall not be accepted.

430 (c) The petition form shall consist of each qualified voter's:

431 (1) printed name and address;

432 (2) date of birth;

433 (3) enrollment number; and

434 (4) signature.

435 (d) Petitions shall be presented to the Nation's Secretary or the Business Committee
436 Support Office during normal business hours, 8:00 a.m. to 4:30 p.m. Monday through
437 Friday, but no later than prior to close of business five (5) business days after the
438 caucus. The location to drop-off petitions shall be identified in the mailing
439 identifying the caucus date.

440 (e) The Nation's Secretary shall forward all petitions to the Election Board

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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.

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(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.

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(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

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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

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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

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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.

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(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-__-__-__-__



LEGISLATIVE OPERATING COMMITTEE PUBLIC MEETING

Election Law Amendments

Business Committee Conference Room-2nd Floor Norbert Hill Center
November 8, 2018 12:15 p.m.

Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski, Lee Cornelius, Jennifer Falck, Kristen Hooker, Rae Skenandore, Maureen Perkins, Carol Silva, Bonnie Pigman, Tommy Danforth.

Kirby Metoxen: Good afternoon, I would like to call the meeting to order. The time is 12:15 p.m. and today's date is Thursday, November 8, 2018. I will now call to order the public meeting for the proposed amendments to the Election law.

The Legislative Operating Committee is hosting three public meetings to gather feedback from the community regarding the legislative proposal. The public meeting is not a question and answer period. The Legislative Operating Committee will review and consider all comments received during the public comment period. The Legislative Operating Committee will respond to all comments received in a memorandum, which will be submitted to the meeting materials of a future LOC meeting.

All persons who wish to present oral testimony need to register on the sign in sheet at the back of the room. If you leave an email address on the sheet, we can ensure you receive a copy of the memorandum.

Additionally, written comments may be submitted to the Nation's Secretary's Office or to the Legislative Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business day on Friday, November 16, 2018.

In attendance from the LOC is the LOC members and it is Brandon, Ernie Stevens, myself Kirby Metoxen and David Jordan.

The LOC may impose a time limit for all speakers pursuant to Section 109.8-3(c) of the Legislative Procedures Act. As the presiding LOC member, I am imposing a limit of 5 minutes. This time limit shall be applied equally to all persons.

We will now begin today's public meeting for the proposed amendments to the Election law. The purpose of this law is to govern the procedures for the conduct of orderly elections of the Nation.

Those who wish to speak please come to the microphone. First up to speak is Carol Silva.

Carol Silva: Inaudible.

Kirby Metoxen: You're not speaking? Okay, thank you Carol. And then the next one is Rae Skenandore, Finance.

Rae Skenandore: Just signed in.

Kirby Metoxen: Just signed in. Thank you. We will wait to see if any other people show up for public comments.

Ernie Stevens: Inaudible.

Kirby Metoxen: From when they start speaking.

Ernie Stevens: Oh, for each speaker. Okay, so then there's no time frame.

Kirby Metoxen: Five minutes. It started when you started talking. Bonnie Pigman.

Bonnie Pigman: Thank you. There was no sign-in sheet in the back of the room. Couple of things on the Election Law. The Trust Enrollment Department would like consideration to change the words in the document of signatures. We currently do not verify signatures of anyone because we don't have the capacity to do that. We verify that they are qualified voters. So if you could change that language we would much appreciate that.

The second thing is on the information regarding calculating ten percent of the qualified voters for, when the Nation's Secretary or designee wants us to calculate, the language in the document asks us that the Secretary is directing our department to do that. Based on General Tribal Council directives and governing documents, the Nation's Secretary cannot direct the Trust Enrollment Department to do anything. The administration of that department is only overseen by the Trust Enrollment Committee, so if you could change the language from direct to request, that would be appreciated or request to the Trust Enrollment Committee to have us do that.

On lines 567-568, the conduct sentence doesn't appear to fit under 102.5-3. It seems it should fall under Section 102.4-9. You may need to add Trust Enrollment Department as a standalone category.

Under Line 580, would like to see the word "decide" changed to "determine".

Line 582, to add "voter" behind "qualified".

Line 628-629, I'm questioning whether or not the information got moved to another document or elsewhere in the Election Law.

Under Line 648, 90, 758, 823, we're still recommending the law state which Records Management Department, because there are many Records Management Departments within the organization. I don't know if saying the Nation's Records Management Department or official whatever would be more helpful.

And in Line 702 and 703, is there another place that states where prominent places are? There is an existing memo from the previous Councilman DelaRosa that identified such places, I don't see it referenced in this Election Law draft.

And in Lines 913 to 916, should read "A department to verify the signatures are of qualified voters and to notify the Election Board to provide notice that the petition may need to be placed on an upcoming ballot." I think it should be changed to that. If the petition is verified by the Trust Enrollment Department contains qualified voter signatures from at least ten percent of qualified voters. So again, trying to go from just saying qualified or just saying voters or saying signatures, specific to what the Constitution reads in regards to who is eligible and who is not. That's all. Thank you.

Kirby Metoxen: Are there any other speakers? Tommy are you coming to bring any recommendations for the

Tommy Danforth: Inaudible.

Kirby Metoxen: I guess I would say with there being no more speakers registered, the public meeting for the proposed amendments to the Election law is now closed at 12:24 p.m.

Written comments may be submitted until close of business day on Friday, November 16, 2018. Thank you.

-End of Meeting-

Election Law (Chapter 102)
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Election Board Review at 11/07/18 meeting

#	Line	Who	Question/Concern
1	28, 29 vs 107	MKD	(b) Alternate definition contradicts line 107; add "until results are certified" to be consistent with definition.
2	40, 52, 86	MKD	Clerk, Election Judge, Teller - Line 52 - Judge advises EB Chair regarding voter eligibility - it s/b Chair or designee due to SEOTS polling site.
3	76-79	MKD	(u) Prominent Locations states polling places. Remove SEOTS because its already a polling site. Remove all fuel stations. Limit it to just NHC, OHC, SEOTS, Fuel station Four Paths and Hwy 54.
4	118-120	MKD	Remove entire section. Why would OBC and/or GTC adopt EB SOP's? This isn't efficient for future needed changes.
5	132	MKD	EB Chair is at one (1) polling site. Due to having two (2) polling sites can we change it to Chair or designee oversee the conduct of the elction.
6	148	MKD	Can the Election Judge contact EB Chair or a designee if EB Chair is at a differrent polling site.
7	219	MKD	Can the number of at-large council members be lowered from sixteen (16) to eleven (11)?
8	223	MKD	If we lower the at-large above, can we lower to top candidates from fifteen (15) to ten (10)?
9	230	MKD	Remove: set for the primary election.
10	290-292	MKD	102.9-6 Is this a candidacy list, sample ballot, etc? This is also the first time designee was noted in the law. Does designee need to be defined?
11	298-299	MKD	Can you change the word "citation" of source.
12	ADD		Uncertain where this would statement would be most appropriate: At the time of submission of application for candidacy, the application must be completed fully. Any incomplete application will be considered ineligible.
13	341-342	MKD	(b) Campaign sign size and # of signs - remove entire section.
14	368	MKD	remove, excluding alternates.
15	372	MKD	remove, excluding alternates.
16	421-443	MKD	102.13-3. Petition for Candidacy. Why is a petition required if not nominated at the Caucus?
17	453	MKD	102.14-3. Change to be mailed to head of household instead of all members.
18	456	MKD	Change Chairperson to Chair or desgineed or EB member which allows other members to contact Trust.
20	483-492	MKD	102.16-1. Public Test of Ballot Machines. Why does EB have to publicly test the machine? Section 102.16-3(a) indicates ballot box is empty and the zero (0) tape.
21	511	MKD	102.16-9. Ballot Box. Change verbiage of "All ballots being votes" be changed? Something like all non-spoiled or rejected ballots...
22	557-559	MKD	The OPD Officer at the SEOTS polling site doesn't bring the sealed container to Records Management on the day of election. Need to add more time for SEOTS. Add "within 48 hours" at the end of the sentence.
23	615-616	MKD	(a) not sure if that is the correct format or a # should be entered instead of (a). The sentence is also confusing, please clarify. Change to: 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 no recount request shall be honored.

#	Line	Who	Question/Concern
24	620-621	VC	102.18.6. A recount shall be conducted by a quorum of the EB, including at lease three (3) of the original EB members. Please clarify what "original" means due to alternates utilized during the elections.
25	633-634	MKD	Prior to using an election ballot counting device... how can it be certified as correct prior to? Please clarify what this entire sentence means.
26		VC	SEOTS isn't noted as a polling location. Due to GTC decision in 2015, do we need to have it noted in the Law? Does the new law supercede the GTC decision?
27	318-	VC	Campaigning on tribal property.... Something should be added to the Law to eliminate members to campaign at any tribal offices or buildings. We experience issues with members having campaigning at the polling sites as well.

Friday
November, 16
2018

General Election

Daniel Guzman

Comment -

- For general elections hire a third party entity to conduct the election and handle any discrepancies.
- This would include handling and controlling all ballots throughout the entire process.
- This would eliminate conflicts of interests, minimize error, and liability can be held by the entity.



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



AGENDA REQUEST FORM

- 1) Request Date: 11/6/18
- 2) Contact Person(s): Amy Spears, Jeff Mears
 Dept: HIS
 Phone Number: 920-869-4549 Email: aspears@oneidation.org
- 3) Agenda Title: Recycling and Solid Waste Disposal Law
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
The Recycling and Solid Waste Disposal Law was adopted in 1995, it is outdated and in need of a rewrite. There is a rise in illegal dumping and due to the current law there is little that can be done if we were to catch the person(s). The law is also lacking a number of key necessities requiring recycling, mandatory collection service, and burning regulations.

List any supporting materials included and submitted with the Agenda Request Form

- | | |
|----------|----------|
| 1) _____ | 3) _____ |
| 2) _____ | 4) _____ |

- 5) Please list any laws, policies or resolutions that might be affected:
Zoning & Shaded protection
- 6) Please list all other departments or person(s) you have brought your concern to:
DPW, Comprehensive Housing, Land Management, EHSD
- 7) Do you consider this request urgent? ☒ Yes ☐ No

If yes, please indicate why:

We are looking at installing cameras to high risk dumping areas, even with video evidence there is a potential nothing could be done.

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester:

Amy Spears

Please send this form and all supporting materials to:

LOC@oneidation.org

or

Legislative Operating Committee (LOC)

P.O. Box 365

Oneida, WI 54155

Phone 920-869-4376

To: Jennifer Falck, LRO Director
From: Amy Spears, Environmental Specialist
Date: November 9, 2018
Re: Recycling and Solid Waste Law-Rewrite Needed

Background:

The Oneida Recycling and Waste Disposal Law was adopted in December of 1994 and amended in 1995. In 1998 an emergency amendment was adopted to enable enforcement that has since expired. This law does not contain due process and is currently not enforceable. This law was drafted in response to the State of Wisconsin law mandating recycling and banning materials from state landfills and is lacking many needed features.

Need:

The current law is lacking in many areas. In comparison with neighboring municipalities and other state tribes, it is missing several key features, such as:

- Due process
- Compelling fee structure
- Mandates for residential curbside collection
- Burning ban
- Nuisance laws
- Illegal Dumping
- Requirements for hazardous, universal and special waste disposal
- Modern definitions of wastes
- Permitting requirements, and much more...

Team:

We are currently assembling a team of individuals committed to working on the drafting of this law. We have team members from the Health and Industrial Services Dept, Land Department, and the EHS Area Manager committed to this endeavor. We are currently looking to recruit a member from the Oneida Police Department, Oneida Community Health and the Environmental Resource Board to the team.

Support:

We have support from the Department of Public Works and Comprehensive Housing Division. Both have committed themselves to be available for review and comments when needed.



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



AGENDA REQUEST FORM

- 1) Request Date: 11/16/18
- 2) Contact Person(s): Jennifer Falck
 Dept: Legislative Reference Office
 Phone Number: (920) 869-4312 Email: LOC@oneidanation.org
- 3) Agenda Title: Scott Kosbab – Creating a Term Limits Law
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On November 14, 2018 the Oneida Business Committee motioned to
direct the Legislative Reference Office to complete and submit the
statement of effect regarding the Petitioner Scott Kosbab re: Creating a
Term Limits Law.

List any supporting materials included and submitted with the Agenda Request Form

- 1) _____ 3) _____
- 2) _____ 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:

- 6) Please list all other departments or person(s) you have brought your concern to:

- 7) Do you consider this request urgent? ☐ Yes ☐ No

If yes, please indicate why:

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester:

A. Falck

Please send this form and all supporting materials to:

LOC@oneidanation.org
 or
Legislative Operating Committee (LOC)
 P.O. Box 365
 Oneida, WI 54155
 Phone 920-869-4376



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



AGENDA REQUEST FORM

- 1) Request Date: 11/16/18
- 2) Contact Person(s): Jennifer Falck
 Dept: Legislative Reference Office
 Phone Number: (920) 869-4312 Email: LOC@oneidanation.org
- 3) Agenda Title: Gina D. Powless – Rescinding the Removal Law
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On November 14, 2018 the Oneida Business Committee motioned to
direct the Legislative Reference Office to complete and submit the
statement of effect regarding the Petitioner Gina D. Powless re:
Rescinding the Removal Law.

List any supporting materials included and submitted with the Agenda Request Form

- 1) _____ 3) _____
- 2) _____ 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:

- 6) Please list all other departments or person(s) you have brought your concern to:

- 7) Do you consider this request urgent? ☐ Yes ☐ No

If yes, please indicate why:

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester:

J. A. Falck

Please send this form and all supporting materials to:

LOC@oneidanation.org
 or
Legislative Operating Committee (LOC)
 P.O. Box 365
 Oneida, WI 54155
 Phone 920-869-4376



TO: Oneida Business Committee
FROM: David P. Jordan, Legislative Operating Committee Chairman
DATE: November 28, 2018
RE: Oneida Personnel Commission

On September 26, 2018, the Oneida Business Committee adopted resolution BC-09-26-18-F titled, "Rescission of the Dissolution of the Oneida Personnel Commission and Related Emergency Amendments in accordance with General Tribal Council's August 27, 2018 Directive."

This resolution formally recognized for the record General Tribal Council's directive to rescind the actions of the Oneida Business Committee related to the dissolution of the Oneida Personnel Commission, and to rescind the related emergency amendments. As a result, resolution BC-04-11-18-A, which dissolved the Oneida Personnel Commission, was formally repealed and the Oneida Personnel Commission was formally reinstated.

This resolution provides details on how the Oneida Personnel Commission's responsibilities will be addressed until such a time that the Oneida Personnel Commission is prepared to once again exercise its authority.

Additionally, this resolution directs the Legislative Operating Committee to provide updates on the progress of the Oneida Personnel Commission to the Oneida Business Committee on a bimonthly basis, at the second Oneida Business Committee meeting of the month. This memorandum serves as the first update on the progress of the Oneida Personnel Commission.

ONEIDA PERSONNEL COMMISSION BYLAWS

On September 12, 2018, the Oneida Business Committee adopted a motion to defer posting the Oneida Personnel Commission vacancies until the updated bylaws are presented and approved by the Oneida Business Committee.

On September 26, 2018, a proposed draft of bylaws was presented to the Oneida Business Committee for consideration. The Oneida Business Committee adopted a motion to defer the Oneida Personnel Commission bylaws to an Oneida Business Committee work meeting for further review and discussion.

On October 16, 2018, the Oneida Personnel Commission bylaws were discussed during the Oneida Business Committee work session. During this meeting the Oneida Business Committee made the decision to defer the Oneida Personnel Commission bylaws to a separate meeting between the Nation's Secretary, the Legislative Operating Committee Chairman, and the staff of the Legislative Reference Office for more in-depth discussion and consideration of ideas. Additionally, the Oneida

Business Committee directed that updated bylaws be brought back to a future Oneida Business Committee work session for consideration.

The Legislative Operating Committee has continued to work on updating the Oneida Personnel Commission bylaws. The Legislative Operating Committee will present an updated draft of the bylaws to the Oneida Business Committee work meeting on November 20, 2018.

Once bylaws are adopted by the Oneida Business Committee, the vacant positions for the Oneida Personnel Commission can be posted and filled.

Requested Action

Accept this memorandum as an update on the progress of the Oneida Personnel Commission.

November 2018

November 2018						
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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Oct 28	29	30	31	Nov 1	2	3
4	5	6	7 9:00am LOC Meeting (BC_Conf_Room) - LOC 2:00pm LOC Meeting (BC_Conf_Room) - Jennifer	8 12:15pm PUBLIC MEETING: Election Law Amendments (BC_Conf_Room;) - Clorissa N. Santiago	9	10
11	12	13	14	15	16 1:30pm LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	17
18	19 2:30pm LOC Work Session - Election Law (BC_Exec_Conf_Room) - Clorissa N. Santiago	20	21 9:00am LOC Meeting (BC_Conf_Room) - LOC	22	23	24
25	26	27	28	29	30 9:00am LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	Dec 1

December 2018

December 2018						
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January 2019						
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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Nov 25	26	27	28	29	30	Dec 1
2	3 12:15pm PUBLIC MEETING: Whistleblower Protection Law (BC_Conf_Room) - Clorissa	4	5 9:00am LOC Meeting (BC_Conf_Room) - LOC	6	7	8
9	10 6:00pm GTC (Radisson)	11	12	13	14 8:30am LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	15
16	17	18	19 9:00am LOC Meeting (BC_Conf_Room) - LOC	20	21	22
23	24	25	26	27	28	29
30	31	Jan 1, 19	2	3	4	5