

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	<u>102.12. Candidate Withdrawal from the Election</u>
102.2. Adoption, Amendment, Repeal	<u>102.13. Selection of Candidates</u>
102.3. Definitions	<u>102.714. Notice of Polling Places</u>
102.4. Election Board	<u>102.815. Registration of Voters</u>
102.5. <del>General Election</del> <u>Candidate Eligibility</u>	<u>102.916. Election Process</u>
102.6. <u>Special Election</u>	<u>102.10. Tabulating and Securing Ballots</u>
<u>102.7. Referendums</u>	<u>17. 102.11. Election <del>Outcome</del>Outcomes and Ties</u>
<u>102.8. Primary Elections for Oneida Business Committee Positions</u>	<u>102.12. Elections18. Recount Procedures</u>
<u>102.9. Candidate Eligibility</u>	<u>102.19. Challenges102.13. Oneida Nation Constitution and By-lawDeclaration of Results</u>
<u>102.10. Campaign Financing</u>	<u>102.20. Constitutional Amendments</u>
<u>102.11. Campaign Signs and Campaigning</u>	

102.1. Purpose and Policy

102.1-1. Purpose. 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~~ Policy. 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~~ 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 This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.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 Oneida 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

35 approved for acceptance on a ballot.

36 ~~102.3-4.(d)~~ “Business day” shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m.,  
37 excluding holidays of the Nation.

38 ~~102.3-5.(e)~~ “Campaigning” shall mean all efforts designed to influence members of the  
39 Nation to support or reject a particular candidate of the Nation including, without  
40 limitation, advertising, rallying, public speaking, or other communications with members  
41 of the Nation.

42 ~~102.3-6.(f)~~ “Candidate” shall mean a petitioner or nominee for an elected position whose  
43 name is placed on the ballot by the Election Board after successful application.

44 ~~102.3-7.(g)~~ “Clerk” shall mean ~~the election official~~ an Election Board member who  
45 identifies proper registration for the purpose of determining voter eligibility.

46 ~~102.3-8. “Close of business” shall mean 4:30 p.m. Monday through Friday.~~

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

54 ~~102.3-10.(i)~~ “Constitution” means the Constitution and By-laws of the Oneida Nation.

55 ~~(j)~~ “Election” shall mean every primary and election.

56 ~~102.3-11.(k)~~ “Election Judge” shall mean an Election Board member who informs and  
57 advises the Election Board Chairperson of discrepancies, complaints and controversy  
58 regarding voter eligibility.

59 ~~(l)~~ “General election” shall mean the election held every three (3) years in July to elect the  
60 Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the  
61 Oneida Business Committee, and may include ~~contests~~ elections for other elected ~~boards,~~  
62 ~~committees and commissions~~ positions.

63 ~~102.3-12. “Judge” shall mean the election official who informs and advises the Chairperson of~~  
64 ~~discrepancies, complaints and controversy regarding voter eligibility.~~

65 ~~102.3-13.(m)~~ “Immediate family member” means an individual’s father, mother,  
66 grandparent, sister, brother, wife, husband, daughter, son, father-in-law, mother-in-law,  
67 sister-in-law, brother-in-law, daughter-in-law, son-in-law, step-father, step-mother, step-  
68 sister, step-brother, step-daughter, step-son, and any of the these relations attained through  
69 legal adoption.

70 ~~(n)~~ “Judiciary” means the judicial system that was established by Oneida General Tribal  
71 Council resolution GTC-01-07-13-B to administer the judicial authorities and  
72 responsibilities of the Nation.

73 ~~102.3-14.(o)~~ “Lot drawing” shall mean the equal chance method used to select a candidate  
74 as the winner of an elected position, in the case of a tie between two (2) or more candidates.

75 ~~102.3-15.(p)~~ “Nation” means the Oneida Nation.

76 ~~102.3-16. “Nation’s newspaper” shall mean the Kalihwisaks, or any other newspaper operated by~~  
77 ~~the Nation for the benefit of transmitting news to members of the Nation, which is designated by~~  
78 ~~the Election Board as a source for election related news.~~

79 ~~102.3-17.(q)~~ “Official media outlets” means the Oneida Nation’s website and the

80 Kalihwisaks newspaper as identified by the Oneida Business Committee through resolution  
81 BC-03-22-17-B.

82 (r) “Oneida Police Officer” shall mean an enrolled member of the Oneida Nation who is a  
83 individual employed as a police officer on any police force with the Oneida Police  
84 Department.

85 ~~102.3-18.~~(s) “Private property” shall mean any lot of land not owned by the Nation, a  
86 residential dwelling or a privately owned business within the boundaries of the  
87 Reservation.

88 ~~102.3-19.~~(t) “Prominent locations” shall mean the polling places, main doors of the  
89 Norbert Hill Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail  
90 Store, the Oneida Community Health Center, the South Eastern Oneida Tribal Services  
91 (SEOTS) building, and all One-Stop locations fuel stations operated by the Nation.

92 ~~102.3-20.~~(u) “Qualified voter” shall mean an enrolled member of the Nation who is  
93 eighteen (18) years of age or older as defined in Article III, Section 2 of the Constitution.

94 ~~102.3-21.~~(v) “Rejected Ballots ballots” shall mean those ballots which are rejected by the  
95 vote tabulating machine.

96 ~~102.3-22.~~(w) “Spoiled Ballot ballot” shall mean a ballot which contains a voter error or is  
97 otherwise marred and is not tabulated.

98 ~~102.3-23.~~(x) “Teller” shall mean the election official an Election Board member in charge  
99 of collecting and storing of all ballots.

100  
101  
102 **102.4. Election Board**

103 ~~Section A. 102.4-1. Establishment, Composition and Election~~

104 ~~102.4-1.~~ An Election Board is hereby created for the purpose of carrying out the provisions of  
105 this law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.

106 102.4-2. Composition. The Election Board shall consist of nine (9) elected members. All members  
107 shall be elected to terms of three (3) years, ~~not to exceed two (2) consecutive terms.~~

108 102.4-3. Recusal. An Election Board member shall recuse himself ~~or~~ herself from participating as  
109 an Election Board member in any pre-election, election day, or post-election activities ~~while he or~~  
110 ~~she is a petitioner, applicant or candidate in any election or there is otherwise a conflict of~~  
111 ~~interest when:~~

112 (a) he or she is a petitioner, applicant or candidate in any election;

113 (b) a petitioner, applicant, or candidate in any election is an immediate family~~102.4-4. Removal.~~  
114 ~~Removal of members shall be pursuant to the Oneida Removal Law. A member who is removed~~  
115 ~~from the Election Board shall be ineligible to serve on the Board for three (3) years from the time~~  
116 ~~he or she is removed from the Election Board.~~

117 ~~102.4-5.~~ member of the Election Board member; or

118 (c) there is otherwise a conflict of interest.

119 102.4-4. Vacancies. Any vacancy in an unexpired term shall be filled by appointment by the  
120 Oneida Business Committee for the balance of the unexpired term. The filling of a vacancy may  
121 be timed to correspond with the pre-election activities and the needs of the Election Board.

122 102.4-~~6~~5. The Election Board shall identify members who shall serve as tellers, ~~judges~~Election  
123 Judges and clerks in advance of an election.

124 102.4-~~7~~6 Election Board Alternates. The Oneida Business Committee may appoint ~~or reappoint~~

125 a sufficient number of alternates to the Election Board, as recommended by the Election Board, to  
126 assist ~~with~~during an election ~~day~~ and ~~pre-until~~ election ~~activities~~results have been certified.

127 102.4-87. The Election Board shall choose a Chairperson from amongst themselves as set out in  
128 the ~~By-laws~~bylaws of the Election Board, to preside over the meetings. This selection shall be  
129 carried out at the first meeting of the Election Board following an election. The Chairperson shall  
130 then ask the Election Board to select a Vice-Chairperson and a Secretary.

131  
132 ~~Section B-102.4-8. Duties of the Election Board~~

133 ~~102.4-9.~~ The Election Board shall have the following duties, along with other responsibilities  
134 listed throughout this law:

135 (a) The Election Board shall ensure that the election polling equipment and ballots are  
136 maintained in a locked and secured area when not in use for an election;

137 (b) The Election Board shall develop and adhere to standard operating procedures  
138 regarding election activities and responsibilities;

139 (1) The Election Board shall present updated and/or new standard operating  
140 procedures to the Oneida Business Committee who shall then accept the standard  
141 operating procedures as information only.

142 (c) The Election Board shall assist individuals with disabilities through the voting process;

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

144 (be) Upon completion of an election, the Election Board shall make a final report on the  
145 election results ~~as set out in this law~~.

146  
147 ~~Section C-102.4-9. Specific Duties of Officers and Election Board Members~~

148 ~~102.4-10. Specific.~~ All Election Board members shall be required to attend all Election Board  
149 meetings. Additional specific duties of the Chairperson and other Election Board members, ~~in~~  
150 ~~addition to being present at all Election Board meetings and assisting~~ include the ~~handicapped~~  
151 ~~through the voting process, are as set out herein~~following:

152 (a) ~~Chairperson: Shall.~~ The Chairperson of the Election Board shall conduct the following  
153 duties:

154 (1) preside over meetings of the Election Board; shall select the hearing body for  
155 applicants found to be ineligible in accordance with 102.5-6 in the event of an  
156 appeal; shall

157 (2) oversee the conduct of the election; shall

158 (3) dismiss the alternates and Trust Enrollment Department personnel when their  
159 election day duties are complete; and shall post and report election results.

160 (4) post and report election results.

161 (b) ~~Vice-Chairperson: Shall.~~ The Vice-Chairperson shall preside over all meetings in the  
162 absence of the Chairperson.

163 (c) ~~Secretary: Shall.~~ The Secretary shall keep a record of the meetings and make them  
164 available to the Nation's Secretary, other Election Board members, and the public as  
165 required in the ~~Open Records~~Nation's laws and ~~Open Meetings Law~~policies governing  
166 open records and open meetings.

167 (d) ~~Clerks: Shall.~~ The clerks shall implement the requirements of identifying and  
168 registering all voters and determining voter eligibility. Clerks shall work in conjunction  
169 with the Trust Enrollment Department personnel in the registration process, and assist the

170 Chairperson as directed in conducting the election. ~~Clerks cannot be currently employed~~  
171 ~~by the Trust Enrollment Department.~~

172 (1) Clerks shall not be currently employed by the Trust Enrollment Department.

173 (e) ~~Tellers:—Shall.~~ Tellers shall collect and keep safe all ballots, until the election is  
174 complete, as determined by this law. ~~Shall, and shall~~ assist the Chairperson in conducting  
175 the election.

176 (f) ~~Election Judges:—Shall.~~ Election Judges shall inform and advise the Chairperson of all  
177 aspects of the election conducted under this law. In case of disputes among Election Board  
178 members, or between members of the Nation and Election Board members, or any  
179 controversy regarding voter eligibility, the Election Judge(s) shall assist the Chairperson  
180 in making a determination. ~~The Judge(s) shall also ensure that all ballots of voters whose~~  
181 ~~eligibility may be in question, remain confidential.~~

182  
183 Section D. Compensation Rates

184 ~~102.4-11.~~ 102.4-10. Stipend Rates. Election Board members shall receive a stipend in accordance  
185 with the Nation’s laws, policies, and resolutions governing boards, committees, and commissions.  
186 Election Board members are to be compensated at an hourly rate when conducting elections as  
187 provided for in the Election Board’s bylaws as approved by the Oneida Business Committee. ~~The~~  
188 ~~Election Board shall have a budget, approved through the Nation’s budgeting process.~~

189 ~~102.4-12~~ 11. Compensation of other Election Personnel. The Trust Enrollment Department  
190 personnel and Oneida Police Officer(s) shall be compensated at their regular rate of pay out of  
191 their respective budgets when performing official duties during an election in accordance with this  
192 law.

193 102.4-12. Enforcement. A member of the Election Board found to be in violation of this law may  
194 be subject to:

195 (a) removal pursuant to any laws and/or policies of the Nation’s governing removal, if the  
196 Election Board member was elected to his or her position;

197 (1) A member who is removed from the Election Board shall be ineligible to serve  
198 on the Election Board for three (3) years from the time he or she is removed from  
199 the Election Board.

200 (b) termination of appointment by the Oneida Business Committee pursuant to any laws  
201 and/or policies of the Nation governing boards, committees, and commissions, if the  
202 Election Board member was appointed to his or her position by the Oneida Business  
203 Committee; and/or

204 (c) sanctions and penalties pursuant to any laws and/or policies of the Nation governing  
205 sanctions and/or penalties.

206  
207 102.5. General Elections

208 102.5-1. In accordance with Article III, Section 5 of the Constitution, general elections shall be  
209 held in the month of July on a date set by the General Tribal Council.

210 (a) The General Tribal Council shall set the election date at the January annual meeting,  
211 or at the first General Tribal Council meeting held during a given year.

212  
213 102.6. Special Elections

214 102.6-1. Initiation of Special Elections. A special election may be initiated by a request or

215 directive of the General Tribal Council or the Oneida Business Committee.

216 (a) A member of the Nation may make a request for a special election to the Oneida  
217 Business Committee or the General Tribal Council.

218 102.6-2. Matters subject to a special election include, but are not limited to, referendum questions,  
219 vacancies, and/or petitions. Matters subject to a special election may be placed on the ballot of a  
220 general election.

221 102.6-3. A special election shall follow the processes and procedures established for all other  
222 elections.

223 102.6-4. The date of a special elections shall be set by the Oneida Business Committee as  
224 recommended by the Election Board, or as ordered by the Judiciary in connection with an election  
225 challenge.

226 102.6-5. Notice of Special Elections. Notice of a special election shall be posted by the Election  
227 Board in the prominent locations, and placed in the Nation’s official media outlets not less than  
228 ten (10) calendar days prior to the special election.

229 102.6-6. Emergency Cancellation of Special Elections. In the event of an emergency, the Election  
230 Board may reschedule the special election, provided that no less than twenty-four (24) hour notice  
231 of the rescheduled special election date is given to the voters, by posting notices in the prominent  
232 locations.

233  
234 **102.7. Referendums**

235 102.7-1. A qualified voter may submit a referendum question to be included on the ballot for a  
236 general or special election for the purpose of soliciting an opinion from the voters of that election  
237 on any issue directly affecting the Nation or its general membership.

238 102.7-2. The Nation’s Secretary shall develop and make available in the Business Committee  
239 Support Office a standard referendum form.

240 102.7-3. A referendum question shall be written in a manner that solicits a “yes” or “no” response.

241 102.7-4. The referendum form shall be presented to the Nation’s Secretary at the caucus prior to  
242 an election. Once received at a caucus, the referendum question shall be placed on the ballot of the  
243 next election.

244 102.7-5. The results of a referendum question in which a majority of the qualified voters who cast  
245 votes shall be binding on the Oneida Business Committee to present the issue for action and/or  
246 decision at General Tribal Council.

247  
248 **102.8. Primary Elections for Oneida Business Committee Positions**

249 102.8-1. There shall be a primary election for an Oneida Business Committee position whenever  
250 there are three (3) or more candidates for any officer position or sixteen (16) or more candidates  
251 for the at-large council member positions.

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

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

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

258 102.8-2. The primary election shall be held on a Saturday at least thirty (30) calendar days prior  
259 to the election.

260 102.8-3. The Election Board shall cancel the primary election if the Oneida Business Committee  
261 positions did not draw the requisite number of candidates for a primary by the petitioning deadline  
262 date.

263 102.8-4. In the event a candidate withdraws or is unable to run for office after being declared a  
264 winner in the primary, the Election Board shall declare the next highest primary vote recipient the  
265 primary winner. This procedure shall be repeated as necessary until the ballot is full or until there  
266 are no available candidates. If the ballot has already been printed, the procedures for notifying the  
267 Oneida public in section 102.12-3 and 102.12-4 shall be followed, including the requirement to  
268 print a notice in the Nation's official media outlets if time lines allow.

### 269 **102.9. Candidate Eligibility**

#### 270 Section A. Requirements

271 ~~102.5-1. In~~ 102.9-1. All applicants shall meet the minimum eligibility requirements in order to  
272 become a candidate, in addition to any specific requirements and/or exceptions set out in duly  
273 adopted ~~by laws~~ bylaws or other documents, ~~all applicants shall meet the minimum requirements~~  
274 ~~set out in this section in order to become a candidate.~~

275 102.59-2. Minimum Eligibility Requirements. In order to be eligible to be a candidate, applicants  
276 shall:

- 277 (a) be an enrolled member of the Nation, as verified by membership rolls of the Nation;
- 278 (b) be a qualified voter on the day of the election; and
- 279 (c) provide proof of physical residency as required for the position for which they have  
280 been nominated or for which they have petitioned. Proof of residency may be through one  
281 (1) or more of the following:
  - 282 (1) a valid Wisconsin driver's license;
  - 283 (2) a bill or pay check stub showing name and physical address of the candidate  
284 from the prior or current month;
  - 285 (3) another form of proof that identifies the candidate and that the candidate has  
286 physically resided at the address and identifies that address as the primary  
287 residence.

288 102.59-3. Conflict of Interest. No applicant ~~may~~ shall have a conflict of interest with the position  
289 for which they are being considered, provided that any conflict of interest which may be eliminated  
290 within thirty (30) calendar days of being elected shall not be considered as a bar to nomination or  
291 election.

292 102.59-4. Applications and petitions where the for Candidacy. An applicant interested in being  
293 considered as a candidate for a position that was ~~not~~ nominated during at a caucus or will be  
294 petitioning for candidacy shall ~~be filed by presenting the information~~ submit an application for  
295 candidacy to the Nation's Secretary, ~~or designated agent,~~ or the Business Committee Support  
296 Office.

297 (a) The application for candidacy shall be submitted in person during normal business  
298 hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, within five (5) business days after  
299 the caucus.

300 (b) No mailed, internal Nation mail delivery, faxed or other delivery method shall be  
301 accepted.

302 102.5-5(c) The Nation's Secretary or the Business Committee Support Office shall  
303 timestamp when an application for candidacy is received.

305 (d) Proof of Minimum Eligibility Requirements. At the time of submission, the application  
306 for candidacy shall include attached documentation verifying that the applicant meets the  
307 minimum eligibility requirements.

308 (1) The application for candidacy shall include a list of the required documentation  
309 for each office.

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

313 102.9-5. An applicant for a position on the Oneida Business Committee or a position within the  
314 Judiciary shall only be eligible to apply for one (1) elective office or position per election.

315 (a) A statement of the ineligibility of an applicant to apply for more than one (1) elective  
316 office or position if applying for a position with the Oneida Business Committee or the  
317 Judiciary shall be included in the application materials as well as the notice for the caucus,  
318 and read verbally at the start of the caucus.

319 (b) If an applicant provides an application for candidacy or petition for candidacy for more  
320 than one position or office if applying for a position on the Oneida Business Committee or  
321 the Judiciary, then the application which was filed first shall be accepted while any other  
322 applications shall be disqualified.

323 (1) The Election Board shall review the timestamps on the applications to  
324 determine which application shall be accepted.

325 102.9-6. The names of the candidates and the positions sought shall be a public record and made  
326 available to the public upon the determination of eligibility by the Election Board or the Election  
327 Board's ~~designated agent~~designee.

328  
329 ~~Section B~~102.9-7. Eligibility Review

330 ~~102.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal.~~  
331 ~~At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall~~  
332 ~~select the hearing body. The hearing shall be held within two (2) business days of receipt of the~~  
333 ~~appeal. The applicant shall be notified by phone of time and place of the hearing. The decision~~  
334 ~~of the hearing body shall be sent via certified mail or hand delivery within two (2) business days~~  
335 ~~of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the~~  
336 ~~Judiciary on an accelerated schedule.~~

337 ~~102.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to~~  
338 ~~verify eligibility. Any applicant found to be ineligible for a nominated or petitioned for position~~  
339 ~~shall be notified by certified mail return receipt requested. The notice shall provide the following~~  
340 ~~information:~~

341 (a) Position for which they were considered;

342 (b) ~~Qualification~~Qualifications of the position and ~~citation~~reference to the source of the  
343 ~~source. (qualification requirements. Copies of source may be attached.);~~

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

345 (d) That the applicant has two (2) business days from notification to ~~make an appeal.~~  
346 ~~Appeals must be filed at the location designated~~request a hearing on the ~~notice by hand~~  
347 ~~delivery. The location designated~~ineligibility determination with the Judiciary.

348 102.9-8. Request for a Hearing on Ineligibility. An applicant found to be ineligible for a  
349 nominated or petitioned for position shall have two (2) business days to request a hearing with the



350 Judiciary to review the eligibility status of the applicant. The Judiciary shall hear and decide a  
351 request for a hearing on ineligibility within two (2) business days after the request is filed. Any  
352 appeal to the appellate body of the Judiciary shall be ~~on the Reservation. No mailed, internal~~  
353 ~~Nation mail, faxed or other delivery method will be accepted~~ filed within one (1) business day after  
354 the issuance of the lower body's decision and decided within two (2) business days after the appeal  
355 is filed.

356  
357 **Section C. 102.10. Campaign Financing**

358 **102.5-8. Contributions:**

359 ~~(a) Solicitation of Contributions by Candidates.~~

360 ~~(10-1) Candidates. A candidate shall only accept contributions from individuals who are members~~  
361 ~~of the Nation or individuals related by blood or marriage to the candidate. Candidates may~~  
362 102.10-2. A candidate shall not accept contributions from any business, whether sole  
363 proprietorship, partnership, corporation, or other business entity.

364 ~~(2) Candidates~~ 102.10-3. A candidate shall not solicit or accept contributions in any office or  
365 business/ and/or facility of the Nation.

366 ~~(b) Fines. Violation~~ 102.10-4. Violations of Campaign Financing Restrictions. A violation of the  
367 contribution campaign financing restrictions shall result in a fine imposed by the.

368 (a) The Election Board shall impose the fine in an amount specified in a resolution adopted  
369 by the Oneida Business Committee.

370 (b) Fines shall be paid to the Election Board within ninety (90) days after the fine is issued.  
371 If the fine is not paid by this deadline, the Election Board may seek to collect the money  
372 owed through the Nation's garnishment and/or per capita attachment process.

373 (c) Money received from fines shall be deposited into the General Fund.

374  
375 **102.5-911. Campaign Signs and Campaigning:**

376 102.11-1. Restrictions on Campaigning. The following restrictions on campaigning apply to all  
377 candidates:

378 (a) No campaigning of any type shall be conducted within two hundred and eighty (280)  
379 feet of the voting area during an election, excluding private property.

380 (b) No campaigning of any type shall be conducted within a building that is owned and  
381 operated by the Nation.

382 (1) Exception. An exception to the prohibition against campaigning in a building  
383 owned and operated by the Nation shall be made for:

384 (A) private property;

385 (B) an official election event sanctioned by the Election Board including,  
386 but not limited to, a candidate debate or forum; or

387 (C) an event held in a room and/or space rented by an individual.

388 (c) Employees of the Nation shall not engage in campaigning for offices of the Nation  
389 during work hours. ~~(a)~~

390 (1) Enforcement. The Nation's employees shall be subject to disciplinary action  
391 under the Nation's laws and policies governing employment for political  
392 campaigning during work hours.

393 102.11-2. Placement of Campaign Signs. Placement of campaign signs shall be pursuant to the  
394 following restrictions:

395 (4a) Campaign signs shall not be posted or erected on any property of the Nation except  
396 for private property with the owner~~/or~~ tenant's permission.

397 (2b) No campaign sign shall exceed sixteen (16) square feet in area. A maximum of seven  
398 (7) such signs may be placed on a building or on a lot.

399 (3c) No campaign sign shall project beyond the property line into the public right of way.

400 ~~(b) Removal of campaign signs. 102.11-3. All campaign signs shall be removed within five (5)~~  
401 ~~business days after an election.~~

402 ~~(c) Employees of the Nation shall not engage in campaigning for offices of the Nation~~  
403 ~~during work hours. The Nation's employees shall be subject to disciplinary action under~~  
404 ~~the personnel policies and procedures for political campaigning during work hours.~~

405 ~~(d) Enforcement of Sign Placement.~~ The Zoning Administrator shall ~~cause to be removed~~ **remove**  
406 any campaign signs that are not in compliance with this law, in accordance with the ~~Zoning and~~  
407 ~~Shoreland Protection Law~~ **Nation's laws and policies governing zoning.** ~~The Zoning Administrator~~  
408 ~~shall notify the Election Board of campaign sign violations.~~

409 ~~(e) Fines. Violation of the 102.11-4. Violations of Campaign Restrictions. A violation of a~~  
410 ~~restriction on campaigning, or~~ campaign sign restrictions shall result in a fine ~~imposed by the~~.

411 (a) ~~The~~ Election Board ~~shall impose the fine~~ in an amount specified in a resolution adopted  
412 by the ~~Oneida~~ Business Committee.

413  
414 *Section D. Candidate Withdrawal*

415 ~~102.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by~~  
416 ~~the candidate prior to submission of the ballot for printing to any Election Board member,~~  
417 ~~excluding alternates.~~

418 ~~102.5-11 After printing of the ballot, any candidate may withdraw his or her name from the~~  
419 ~~election by submitting in writing a statement indicating they are withdrawing from the election~~  
420 ~~prior to the opening of the polls to any Election Board member, excluding alternates. This~~  
421 ~~statement shall be posted alongside any sample ballot printed prior to the election in the newspaper~~  
422 ~~or any posting at the polling places.~~

423 ~~102.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the~~  
424 ~~Election Board members in charge of the polling place, to be removed from the ballot. The written~~  
425 ~~statement shall be posted next to any posted sample ballot.~~

426 ~~(b) Fines shall be paid to the Election Board within ninety (90) days after the fine is issued.~~  
427 ~~If the fine is not paid by this deadline, the Election Board may seek to collect the money~~  
428 ~~owed through the Nation's garnishment and/or per capita attachment process.~~

429 ~~(c) Money received from fines shall be deposited into the General Fund.~~

430 ~~102.11-5. Removal of Campaign Signs. All campaign signs shall be removed within five (5)~~  
431 ~~business days after an election.~~

432  
433 **102.5-13. Candidates 12. Candidate Withdrawal from the Election**

434 ~~102.12-1. A candidate may withdraw from the election at any time. A candidate~~ withdrawing by  
435 any method listed ~~herein~~ **within this section** shall be denied any position from which they have  
436 withdrawn regardless of the number of votes cast for that candidate. A written statement shall be  
437 considered the only necessary evidence of withdrawal and acceptance of denial of any position  
438 withdrawn from.

439 ~~102.12-2. Withdrawal Prior to Submission of the Ballot. A candidate may withdraw his or her~~

4 40 name from a ballot prior to submission of the ballot for printing if the withdrawal is submitted in  
4 41 writing by the candidate to any Election Board member, excluding alternates.

4 42 102.12-3. *Withdrawal Prior to the Opening of the Polls.* After the ballot is printed, a candidate  
4 43 may withdraw his or her name from the election prior to the opening of the polls by submitting in  
4 44 writing a statement indicating they are withdrawing from the election to any Election Board  
4 45 member, excluding alternates.

4 46 (a) This written withdrawal statement shall be posted alongside any sample ballot printed  
4 47 prior to the election in the official media outlets of the Nation or any posting at the polling  
4 48 places.

4 49 102.12-4. *Withdrawal After Opening of the Polls.* A candidate may withdraw after the opening  
4 50 of the polls by submitting a request to be removed from the ballot, in writing, to the Election Board  
4 51 members in charge of the polling place.

4 52 (a) The written withdrawal statement shall be posted next to any posted sample ballot.

4 53 102.12-5-14. *Candidate Withdrawal After Winning an Election but Before the Oath is Taken.*

4 54 (a) In the event a candidate declines an office after winning an election, the Election Board  
4 55 shall declare the next highest vote recipient the winner. This procedure shall be repeated  
4 56 as necessary until a winner is declared.

4 57 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a  
4 58 Special Election special election shall be held.

4 59 102.12-6.

## 4 60 2.6. Selection of Candidates

4 61 Section A *Candidate Withdrawal After Taking an Oath of Office.* In the event a candidate declines  
4 62 an office after winning an election and taking an oath of office, the withdrawal shall be treated as  
4 63 a resignation of an official.

## 4 65 102.13. Selection of Candidates

4 66 102.13-1. *Setting of a Caucus*

4 67 ~~102.6-1.~~ The Election Board shall be responsible for calling a caucus before any election is held.

4 68 (a) The caucus for the general election shall be held at least ~~ninety (90)~~ seventy-five (75)  
4 69 calendar days prior to the election date. ~~Caucuses~~

4 70 (b) A caucus for ~~other elections~~ a special election shall be held at least forty-five (45)  
4 71 calendar days prior to the election date.

4 72 (c) In a general election year, caucuses shall be combined so that candidates for the Oneida  
4 73 Business Committee and other elected ~~boards, committees and commissions~~ positions are  
4 74 nominated at the same caucus.

4 75 ~~102.6-2.~~ 102.13-2. *Caucus Procedures.* The procedures for ~~the~~ a caucus shall be as follows:

4 76 ~~(a) Candidates~~ (a) Each position shall be opened and closed for nominations by motion  
4 77 during the caucus. A nomination for a position shall only be accepted when a position is  
4 78 open for nominations.

4 79 (1) Once nominations are closed for a particular position, an applicant may petition  
4 80 to be on the ballot for that position.

4 81 (b) Once a position is opened for nominations a candidate shall be nominated for a position  
4 82 from the floor.

4 83 ~~(b) Candidates~~ (1) An individual shall not nominate himself or herself for a position  
4 84 during the caucus.

485 ~~(c) A candidate~~ present at the caucus ~~will~~shall accept~~/or~~ decline ~~their~~his or her nomination  
486 at the caucus. ~~Candidates~~A candidate nominated at the caucus, but not present at the caucus  
487 to accept the nomination, shall be required to follow the petition process.

488 ~~(e)~~ Nominations shall consist of the following positions:

489 (1) Oneida Business Committee Chairperson~~;~~;

490 (2) Oneida Business Committee Vice-Chairperson~~;~~;

491 (3) Oneida Business Committee Treasurer~~;~~;

492 (4) Oneida Business Committee Secretary~~;~~;

493 (5) Oneida Business Committee Council Member~~;~~ and

494 (6) Any other elected positions as required by ~~by laws or creating documents of a~~  
495 ~~board, committee, or commission.~~bylaws, resolution, or law of the Nation.

496  
497 Section B102.13-3. Petition

498 ~~102.6-3. for Candidacy.~~ Any eligible member of the Nation may petition to be placed on a ballot  
499 ~~according to the following procedures~~for an election. The procedure for a petition for candidacy  
500 shall be as follows:

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

503 ~~(b) Petitioners~~for candidacy. A petitioner shall use an official petition form as  
504 ~~designated by this law and application for candidacy~~ which may be obtained in the  
505 Business Committee Support Office ~~of the Nation's Secretary~~ or from the mailing for  
506 that caucus.

507 (b) A petitioner shall obtain at least ten (10) signatures of qualified voters on the  
508 petition form. The petition form shall contain the original signatures of the qualified  
509 voters. Photocopies of signatures shall not be accepted.

510 (c) The petition form shall consist of each ~~endorsee's~~qualified voter's:

511 (1) printed name and address;

512 (2) date of birth;

513 (3) ~~Oneida Nation Enrollment Number~~enrollment number; and

514 (4) signature.

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

517 ~~(e)~~(d) Petitions shall be presented to the Nation's Secretary~~;~~ or ~~designated agent,~~the  
518 Business Committee Support Office during normal business hours, 8:00 a.m. to 4:30  
519 p.m. Monday through Friday, but no later than ~~prior to close of business~~ five (5)  
520 business days after the caucus. - The location to drop-off petitions shall be identified in  
521 the mailing identifying the caucus date.

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

524 ~~(g)~~ The Election Board shall ~~have~~forward the petitions to the Trust Enrollment  
525 Department verify for verification that all ~~signatures contained~~individuals who  
526 provided a signature on the petition~~;~~ are a qualified voter of the Nation.

527  
528 102.6-4. A person who runs for a position on the Oneida Business Committee, or a position on a  
529 judicial court or commission, shall not run for more than one (1) elective office or seat per election.

**102.714. Notice of Polling Places**

102.714-1. 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.

102.714-2. ~~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.

102.714-3. Except for a ~~Special Election~~special election, notice for the election shall be mailed to all members of the Nation ~~members~~eligible to vote in the election, 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.~~

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

102.815-1. ~~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.~~

~~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 publicly 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.

(c) 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 box is empty and the ballot counting machine printer tape has a zero (0) total count.

§20 ~~102.9-4~~102.16-4. Voter Assistance. A voter who requires assistance to complete the voting  
§21 process, due to a disability or impairment, may request assistance from a member of the Election  
§22 Board or from another qualified voter.

§23 102.16-5. At least one (1) Oneida Police Officer shall be present during the time the polls are  
§24 open, and until the counting of ballots is completed, and tentative results are posted.

§25 ~~102.9-5~~16-6. The Election Board shall provide a voting area sufficiently isolated for each qualified  
§26 voter, such that there is an area with at least two (2) sides and a back enclosure.

§27 ~~102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of~~  
§28 ~~the voting area, excluding private property.~~

§29 ~~102.9~~16-7. No one causing a disturbance shall be allowed in the voting area.

§30 ~~102.9~~16-8. Election Board members may restrict the voting area to qualified voters only. This  
§31 restriction is in the interest of maintaining security of the ballots and voting process.

§32  
§33 ~~Section B~~102.16-9. Ballot Box

§34 ~~102.9-9.~~ All ballots ~~being votes~~used to vote, shall be placed in a receptacle clearly marked "Ballot  
§35 Box"~~and," except for those ballots spoiled or rejected. The ballot box~~ shall be locked until  
§36 counting at the close of polls. ~~Provided that, with~~With electronic ballot counting, the ballots may  
§37 be placed within the ballot counting machine as they are received.

§38  
§39 ~~Section C~~(a) Ballots received from each polling location shall remain separate.

§40 102.16-10. Spoiled Ballots

§41 ~~102.9-10.~~ If a voter spoils his ~~or~~ her ballot, he ~~or~~ she shall be given a new ballot.

§42 ~~102.9-11~~(a) The spoiled ballot shall be marked "~~VOID~~void" and initialed by two (2)  
§43 Election ~~Officials~~Board members and placed in ~~an envelope~~a locked sealed container  
§44 marked as "Spoiled Ballots." ~~The voter who spoiled his or her ballot shall witness the~~  
§45 ~~spoiled ballot be marked as "void" and placed into the locked sealed container.~~

§46 ~~102.9-12~~(b) The Spoiled Ballot ~~envelopes~~locked sealed containers shall be retained and  
§47 secured for no less than fifteen (15) calendar days following finalization of any challenge  
§48 of the election, at the Records Management Department.

§49  
§50 ~~Section D~~102.16-11. Rejected Ballots

§51 ~~102.9-13.~~ Rejected Ballots are to be placed in a specially marked container and sealed.

§52 (a) Computer rejected ballots shall be reviewed by the Election ~~Officials~~Board members  
§53 to verify the authenticity of the ballot. Ballots rejected because of mutilation shall be added  
§54 to the final computer total, provided that, a new ballot was not received as set out in  
§55 ~~sections~~section 102.9~~16-10 through 102.9-12~~governing spoiled ballots.

§56 (b) Ballots rejected, either during the computer process or during a manual counting, shall  
§57 be reviewed by the Election ~~Officials~~Board members to verify that they are authentic. If  
§58 the Election ~~Officials~~Board members determine that the ballot is not an official ballot, or  
§59 that it is an illegal ballot, the ballot shall be designated "void," and placed in a sealed  
§60 container marked "Void Ballots."

§61  
§62 ~~102.10. Tabulating and Securing Ballots~~

§63 ~~Section A~~16-12. Machine Counted Ballots

§64 ~~102.10-1.~~ When ballots are counted by machine, ~~at the close of polls the~~Election Judges shall

65 generate from the ballot counting machine copies of the election totals from the votes cast at the  
66 close of the polls.

67 ~~102.10-2.(a)~~ At least ~~six (6)~~four (4) Election Board members shall sign the election totals,  
68 which shall include the tape signed by the members of the Nation before the polls were  
69 opened per section 102.~~9~~16-3(a).

70  
71 ~~Section B~~102.16-13. Manually Counted Ballots

72 ~~102.10-3.~~ When ballots are manually counted, ~~at the close of polls the~~Election Judges shall unlock  
73 the ballot box and remove the ballots at the close of the polls.

74 ~~102.10-4.(a)~~ If the ballots need to be counted at a location other than the polling site, the  
75 ballots shall be secured in a sealed container for transportation to the ballot counting  
76 location. The sealed ballots shall be transported by an Oneida Police Officer with at least  
77 three (3) of the Election ~~Officials~~Board members for counting ~~and~~ tallying of ballots.

78 ~~102.10-5.(b)~~ The sealed ballots shall be opened at the time of counting by the Election  
79 ~~Officials~~Board members and witnessed ~~and~~ monitored by an Oneida Police Officer.

80 ~~102.10-6.(c)~~ Ballots must be counted by two (2) different Election ~~Officials~~Board  
81 members until two (2) final tallies are equal in back to back counting. Final tallies shall be  
82 verified by the Election Judges.

83  
84 ~~Section C~~102.16-14. Securing Ballots

85 ~~102.10-7.~~ The Election Judges shall place together all ballots counted and secure them together  
86 so that they cannot be untied or tampered with without breaking the seal. The secured ballots, and  
87 the election totals with the signed tape, if applicable, shall then be secured by the Election Judges  
88 in a sealed container in such a manner that the container cannot be opened without breaking the  
89 seals or locks, or destroying the container. The Oneida Police Officer shall then deliver, on the  
90 day of the election, the sealed container to the Oneida Police Department for retention. The Oneida  
91 Police Officer shall then deliver the sealed container to the Records Management Department for  
92 ~~retaining~~retention on the next business day.

93  
94 **102.~~11~~17. Election Outcome and Ties**

95 ~~Section A~~102.17-1. Election Results Announcement

96 ~~102.11-1.~~ The tentative results of an election shall be announced and posted by the Election Board  
97 within twenty-four (24) hours after the closing of the polls. Notices of election results shall contain  
98 the following statement:

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

703 ~~102.11-2.~~ The Election Board shall post the tentative results of the election in the prominent  
704 locations, and publish ~~in the tentative results on~~ the Nation's ~~newspaper, the tentative results of an~~  
705 election website.

706  
707 ~~Section B. Tie~~

708 ~~102.11-3.~~ Tie. In the event of a tie for any office, and where the breaking of a tie is necessary  
709 to determine the outcome of an election, the Election Board shall conduct an automatic recount of



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

712 ~~102.11-4. For~~ 17-4. *Ties of an Oneida Business Committee Position.* For Oneida Business  
713 Committee positions, a run-off election between the candidates with the same number of votes  
714 shall be held if there remains a tie after the recount. Said run-off election shall be held within  
715 twenty one (21) calendar days after the recount.

716 102.17-5. *Ties of Other Elected Positions.* For all ~~other~~ elected positions other than the Oneida  
717 Business Committee, if there remains a tie after the recount, the Election Board shall decide the  
718 winner of the tied positions at least two (2) business days after, but no more than five (5) business  
719 days after the recount through a lot drawing, which shall be open to the public.

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

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

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

733  
734 ~~Section~~ **102.18. Recount Procedures**

735 ~~102.11-5.18-1. *Eligibility for a Recount.*~~ A candidate may request the Election Board to complete  
736 a recount, provided the margin between the requesting candidate's vote total and vote total for the  
737 unofficial winner was within two percent (2%) of the total votes for the office being sought or  
738 twenty (20) votes, whichever is greater.

739 102.18-2. *Requesting a Recount.* A candidate ~~requests~~ may request a recount by hand delivering  
740 a written request to the office of the Nation's Secretary; or ~~noticed-designated agent~~ the Business  
741 Committee Support Office, within five (5) business days after the election.

742 (a) Requests shall be limited to one (1) request per candidate. \_

743 (b) The five (5) business day deadline for submitting a request for a recount may be  
744 extended for one (1) business day after the tentative results of a recount are announced, for  
745 a candidate who has not yet utilized his or her one (1) recount request, and who is directly  
746 impacted by a recount of the results which lead to a reversal in the results of the election.

747 102.18-3. The Nation's Secretary shall contact the Election Board Chairperson by the next  
748 business day after the request for recounts.

749 ~~102.11-6.18-4.~~ The Election Board shall ~~respond by~~ conduct the ~~close of~~ requested recount within  
750 two (2) business ~~on the fifth (5<sup>th</sup>) day~~ days after receiving the request ~~regarding the results of the~~  
751 ~~recount. Provided that, no recount request need be honored where there have been two (2) recounts~~  
752 ~~completed as a result of a request either as a recount of the whole election results, or of that sub-~~  
753 ~~section.~~ from the Nation's Secretary.

754 ~~102.11-7. All~~ (a) The Election Board shall not honor a recount request where there have

755 ~~been two (2) recounts shall be conducted manually with, if possible, the original Election~~  
756 ~~Officials and Oneida Police Officer present, regardless~~ completed as a result of the original  
757 type:

758 (1) a request for a recount of counting process. Manual recounts may, at the  
759 discretion of the Election Officials, be of the total the whole election results; or of  
760 the challenged

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

762 ~~102.11-8. The~~ 18-5. An Oneida Police Officer shall be responsible for picking up the locked,  
763 sealed container with the ballots from the Records Management Department and transporting it to  
764 the ballot recounting location.

765 ~~102.11-9~~ 18-6. A recount shall be conducted by a quorum of the Election Board, including at least  
766 three (3) of the ~~original Election Officials.~~ Election Board members originally present during the  
767 election to count the ballots or review the election totals from the ballot machine. The locked,  
768 sealed ballots shall be opened by the Election Board Chairperson and an Oneida Police Officer  
769 shall witness the recount.

770 ~~102.11-10. Recounting of ballots may be performed manually or by computer.~~ 18-7. All recounts  
771 shall be conducted both manually and by machine count with, if possible, the original Election  
772 Board members and Oneida Police Officer present. Recounts may, at the discretion of the Election  
773 Board members, be of the total election results, or of the challenged sub-section of the election  
774 results.

775 102.18-8. All ballots shall be counted until two (2) final tallies are equal in back to back counting  
776 and the total count of ballots reconciles with the total count from the ballot counting machine.  
777 Sub-sections of candidates may be recounted in lieu of a full recount.

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

780 (b) Computer counted ballots shall be recounted twice and certified by the Election Judges.  
781 ~~Prior to using~~ The Election Board shall certify that an electronic ballot counting device, ~~it~~  
782 ~~shall be certified as correct~~ is in good working order and can accurately count ballots prior  
783 to using the device in a recount, The certification of the electronic ballot counting device  
784 shall come from either by the maker, of the machine, the lessor of the machine, or the  
785 Election Board.

786  
787 ~~Section D~~ 102.18-9. The Election Board shall post tentative results of the recount within twenty-  
788 four (24) hours of the recount being completed. The Election Board shall post the tentative results  
789 in the prominent locations, and publish on the Nation's website.

### 791 **102.19. Challenges and Declaration of Results**

792 ~~102.11-11~~ 19-1. Challenges. Any qualified voter may challenge the results of an election by filing  
793 a complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall  
794 hear and decide a challenge to any election within two (2) business days after the challenge is filed.  
795 Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after  
796 the issuance of the lower body's decision and decided within two (2) business days after the appeal  
797 is filed.

798 (a) The person challenging the election results shall prove by clear and convincing  
799 evidence that the Election Law was violated or an unfair election was conducted, and that

800 the outcome of the election would have been different but for the violation.

801 (b) If the Judiciary invalidates the election results, a ~~Special Election~~special election shall  
802 be ordered by the Judiciary for the office(s) affected to be held on a date set by the Judiciary  
803 for as soon as ~~the Election Law~~this law allows for a ~~Special Election~~special election.

804 ~~102.11-12~~19-2. *The Final Report.* The Election Board shall forward a Final Report to the Nation's  
805 Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges  
806 have been completed, whichever is longer. The Final Report shall consist of the following  
807 information:

808 (a) Total number of persons voting~~;~~;

809 (b) Total votes cast for each candidate by subsection of the ballot~~;~~;

810 (c) List of any ties and final results of those ties, including the method of resolution~~;~~;

811 (d) List of candidates elected and position elected to~~;~~;

812 (e) Number of spoiled ballots~~;~~ and

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

814 ~~102.11-13~~19-3. *Declaration of Results.* The Business Committee shall declare the official results  
815 of the election and send notices regarding when the swearing in of newly elected officials shall  
816 take place within ten (10) business days after receipt of the Final Report.

817 ~~102.11-14. Candidates~~19-4. A candidate elected to the Oneida Business Committee shall resign  
818 from any salaried position effective prior to taking ~~a~~an Oneida Business Committee oath of office

819 ~~102.11-15~~19-5. Except in the event of an emergency, as determined by the Oneida Business  
820 Committee, a newly elected ~~officials~~official shall be sworn into office no later than thirty (30)  
821 calendar days after the official results of an election are declared by the Oneida Business  
822 Committee.

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

826 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a  
827 ~~Special Election~~special election shall be held.

828 ~~102.11-16~~19-6. The Election Board shall send notice to the Records Management Department to  
829 destroy the ballots thirty (30) calendar days after the election or after the final declaration of official  
830 election results occurs, whichever is longer.

## 831 ~~102.12. Elections~~20. **Constitutional Amendments**

### 832 ~~Section A. Primary Elections; Business Committee~~

833 ~~102.12-1. When a primary is required under 102.12-2, it shall be held on a Saturday at least~~  
834 ~~sixty (60) calendar days prior to the election.~~

835 ~~102.12-2. There shall be a primary election for Business Committee positions whenever there are~~  
836 ~~three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-~~  
837 ~~large council member positions.~~

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

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

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

§ 45 ~~102.12-3. The Election Board shall cancel the primary election if the Business Committee~~  
§ 46 ~~positions did not draw the requisite number of candidates for a primary by the petitioning deadline~~  
§ 47 ~~set for the primary.~~

§ 48 ~~102.12-4. In the event a candidate withdraws or is unable to run for office after being declared a~~  
§ 49 ~~winner in the primary, the Election Board shall declare the next highest primary vote recipient the~~  
§ 50 ~~primary winner. This procedure shall be repeated as necessary until the ballot is full or until there~~  
§ 51 ~~are no available candidates. If the ballot has already been printed, the procedures for notifying the~~  
§ 52 ~~Oneida public in section 102.5-11 and 102.5-12 shall be followed, including the requirement to~~  
§ 53 ~~print a notice in the Nation's newspaper if time lines allow.~~

§ 54  
§ 55 *Section B. Special Elections*

§ 56 ~~102.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as~~  
§ 57 ~~defined in this law, may be placed on the same ballot as the subject matter of an election.~~

§ 58 ~~102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business~~  
§ 59 ~~Committee as recommended by the Election Board or as ordered by the Judiciary in connection~~  
§ 60 ~~with an election challenge.~~

§ 61 ~~102.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent~~  
§ 62 ~~locations, and placed in the Nation's newspaper not less than ten (10) calendar days prior to the~~  
§ 63 ~~Special Election.~~

§ 64 ~~102.12-8. In the event of an emergency, the Election Board may reschedule the election, provided~~  
§ 65 ~~that no less than twenty four (24) hours notice of the rescheduled election date is given to the~~  
§ 66 ~~voters, by posting notices in the prominent locations.~~

§ 67  
§ 68 *Section C. Referendums*

§ 69 ~~102.12-9. Registered voters may indicate opinions on any development, law or resolution,~~  
§ 70 ~~proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a special~~  
§ 71 ~~referendum election.~~

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

§ 75 ~~(b) Referendum requests may appear on the next called for election.~~

§ 76 ~~(c) Referendum questions are to be presented to the Nation's Secretary, in writing, at the~~  
§ 77 ~~caucus prior to election, regarding issues directly affecting the Nation or general~~  
§ 78 ~~membership.~~

§ 79  
§ 80 *Section D. Initiation of Special Elections*

§ 81 ~~102.12-10. Special Elections may be initiated by a request or directive of the General Tribal~~  
§ 82 ~~Council or the Oneida Business Committee.~~

§ 83 ~~102.12-11. Special Election may be requested by a member of the Nation to the Business~~  
§ 84 ~~Committee or General Tribal Council.~~

§ 85 ~~102.12-12. All Special Elections shall follow rules established for all other elections. This includes~~  
§ 86 ~~positions for all Boards, Committees and Commissions.~~

§ 87  
§ 88 **~~102.13. Oneida Nation Constitution and By-law Amendments~~**

§ 89 ~~102.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida~~

§ 90 ~~Nation Constitution and By laws~~ may be initiated by the Oneida Business Committee or a petition  
 § 91 of qualified voters.

§ 92 102.20-2. Constitutional Amendments by the Oneida Business Committee. The requirements for  
 § 93 the Oneida Business Committee's initiation of ~~Constitutional~~ amendments to the Constitution are  
 § 94 as provided in the Constitution ~~and as~~ Additional requirements for constitutional amendments by  
 § 95 the Oneida Business Committee shall be further detailed in the supporting standard operating  
 § 96 procedures which the Oneida Business Committee shall adopt.

§ 97 102.20-3. Constitutional Amendments by a Petition of Qualified Voters. Qualified voters may  
 § 98 petition to amend the ~~Oneida Nation Constitution and By laws~~ by submitting a petition to ~~the~~  
 § 99 ~~Office of~~ the Nation's Secretary which includes the full text of the proposed amendments and  
 § 100 signatures that are equal in number to at least ten percent (10%) of all members qualified to vote.

§ 101 (a) Qualified voters may request a petition form from the ~~Office of the~~ Nation's Secretary  
 § 102 or the Business Committee Support Office.

§ 103 (b) ~~When~~ Upon the request of a petition form ~~is requested~~, the Nation's Secretary, or his or  
 § 104 her designee, shall ~~direct~~ inform the Trust Enrollment Department ~~to that a petition form has~~  
 § 105 been requested and a calculation of the signatures currently required for a petition submittal  
 § 106 is needed. The Trust Enrollment Department shall then calculate the number of signatures  
 § 107 currently required for a petition submittal, which shall be ten percent (10%) of all members  
 § 108 qualified to vote on the date the petition form is requested from the Nation's Secretary or  
 § 109 the Business Committee Support Office of, and provide this information to the Nation's  
 § 110 Secretary. When the Nation's Secretary receives the calculation from the Trust Enrollment  
 § 111 Department, the Nation's Secretary shall provide the requester with the petition form and  
 § 112 the number of signatures that are currently required.

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

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

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

§ 127 ~~102.13-220-4.~~ The Election Board shall place any proposed amendments to the Oneida Nation  
 § 128 Constitution that meet the requirements ~~contained in 102.13-1~~ of this law on the ballot at the next  
 § 129 general election. Provided that, the Oneida Business Committee or General Tribal Council may  
 § 130 order a special election be held to consider the proposed amendments. In such circumstances, the  
 § 131 Election Board shall place any proposed amendments to the Oneida Nation Constitution on the  
 § 132 ballot at the next special election.

§ 133 ~~102.13-320-5.~~ The Election Board shall publish any proposed amendments to the Constitution by  
 § 134 publishing a sample ballot no less than ten (10) calendar days prior to the election, through a mass

935 mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson,  
936 no less than twenty (20) calendar days prior to the requested mailing. Copies of such publications  
937 shall be prominently posted in each polling place ~~and~~, at administrative offices of the Nation, and  
938 shall also be published in the official Oneida media outlets, ~~which the Oneida Business Committee~~  
939 ~~shall identify by resolution. For the purposes of this section, Oneida administrative offices means~~  
940 ~~the location where the Oneida Business Committee conducts business.~~

941 102.13-420-6. The Election Board shall ensure that the ballot contains a statement of the purpose  
942 of the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall  
943 ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a  
944 true and impartial statement and is written in such a manner that does not create prejudice for or  
945 against the proposed amendment.

946 102.13-520-7. Pursuant to Article VI, Section 3 of the ~~Oneida Nation~~ Constitution, proposed  
947 amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that  
948 amendment shall become part of the Constitution ~~and By laws~~, and shall abrogate or amend  
949 existing provisions of the Constitution ~~and By laws~~ at the end of thirty (30) days after- submission  
950 of the final election report.

951 102.13-620-8. If two (2) or more amendments approved by the voters at the same election conflict,  
952 the amendment receiving the highest affirmation vote prevails.

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954

955

*End.*

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Adopted - June 19, 1993

959

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

960

Presented for Adoption of 1997 Revisions - GTC-707-6-98-A

961

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

962

Amended-GTC-01-04-10-A

963

Amended – BC-02-25-15-C

964

Amended – GTC-04-23-17-A

965

Amended – GTC- - - -