

## ONEIDA ELECTION BOARD BYLAWS

### Article I. Authority

- 1-1. *Name.* The name of this entity shall be the Oneida Election Board and may be referred to as the Board.
- 1-2. *Establishment.* This Board was established by the Oneida General Tribal Council (“GTC”) on July 7, 1939, through resolution GTC-07-07-39; and under the Nation’s Election law, adopted by GTC motion during its June 19, 1993 special meeting, as further amended by motion of the Oneida Business Committee on June 28, 1995, as well as resolutions GTC-07-06-98-A, GTC-01-04-10-A, BC-02-25-15-C and GTC-04-23-17-A.
- 1-3. *Authority.*
- (a) *Purpose.* The Board was created to carry out the provisions of the Election law and Article III, Sections 2 & 3 of the Constitution of the Oneida Nation. The purpose of the Board is to conduct the Nation’s elections in compliance with the laws of the Nation and assist with GTC meetings in reference to voting.
  - (b) *Powers and Duties.* The Board is responsible to conduct elections and to govern all procedures used in the election process along with attending GTC meetings. The Board has all delegated authority established through the laws, policies, rules and resolutions of the Nation, including, but not limited to, the Election law.
- 1-4. *Office.* The official mailing address of the Election Board shall be:  
Oneida Election Board  
P.O. Box 413  
Oneida, Wisconsin 54155
- 1-5. *Membership.*
- (a) *Number of Members.* The Election Board shall consist of nine (9) members.
    - (1) *Board Alternates.* The Oneida Business Committee may appoint or reappoint a sufficient number of alternates to the Board, as recommended by the Board, to assist with election day and pre-election activities.
  - (b) *Elected.* Members of the Board shall be elected by enrolled members of the Nation in accordance with the laws and/or policies of the Nation governing elections.
    - (1) Members of the Board shall serve terms of three (3) years, not to exceed two (2) consecutive terms.
    - (2) Members shall hold office until their term expires, they resign, or they are removed/terminated from office.
      - (A) Although a member’s term has expired, he or she shall remain in office and serve until a successor has been sworn in by the Oneida Business Committee.

- (B) A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the Board Chairperson or Chairperson's designee.
    - (i) The resignation is effective upon acceptance by Board motion of a member's verbal resignation or upon delivery of the written notices.
- (c) *Vacancies.* Vacancies on the Board shall be filled as follows:
  - (1) *Expired Terms.* Vacancies caused by the expiration of a member's term shall be filled by election in accordance with the laws and/or policies of the Nation governing elections.
  - (2) *Unexpired Terms.* Vacancies in unexpired terms shall be filled by appointment by the Oneida Business Committee, pursuant to the Boards, Committees and Commissions law, for the balance of the unexpired term.
    - (A) The Board's Chairperson shall provide the Oneida Business Committee recommendations on all applications for appointment to fill a vacancy by the executive session in which the appointment is intended to be made.
    - (B) The filling of a vacancy may be timed to correspond with the pre-election activities and the needs of the Board.
- (d) *Qualifications of Members.* All Board members must be:
  - (1) An enrolled member of the Nation; and
  - (2) At least eighteen (18) years of age.
- (e) *Duties/Responsibilities.*
  - (1) Board members shall carry out all duties delegated by the Election law, including, but not limited to:
    - (A) Ensuring that the election polling equipment and ballots are maintained in a locked and secured area when not in use for an election;
    - (B) Developing and adhering to standard operating procedures regarding election activities and responsibilities;
    - (C) Assisting individuals with disabilities throughout the voting process;
    - (D) Being in charge of all registration and election procedures;
    - (E) Upon completion of an election, making a final report on the election results and posting/publishing the election results in accordance with the Election law; and
    - (F) Attending all Board meetings.

- 1-6. *Termination or Removal.* A member of the Board found to be in violation of these bylaws or the Election law may be subject to the following:
- (a) If the Board member was elected, the Board's filing of a petition for his or her removal pursuant to the Removal law and/or any other law of the Nation governing removal of elected officials;

- (1) A member who is removed from the Board shall be ineligible to serve on the Board for three (3) years from the time he or she is removed from the Board.
- (b) If the Board member was appointed, the Board's recommendation to the Oneida Business Committee for termination of his or her appointment pursuant to the Boards, Committees and Commissions law and/or any other law of the Nation governing termination of appointed officials.
- (c) The filing of a petition for removal or submission of a recommendation for termination shall be decided by a majority vote of the members in attendance at a Board meeting of an established quorum.

1-7. *Trainings and Conferences.* Mandatory trainings/conferences for members of the Board shall be as follows:

- (a) Robert's Rules of Order training on an annual basis or as needed, not to exceed five (5) full days per Board member; and/or
- (b) Other Tribal Affiliated Election conferences/trainings as approved by the Board, not to exceed three (3) full days per Board member, per term.
- (c) Regardless of the number of trainings/conferences that he or she is required to attend, no member of the Bard shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

## **Article II. Officers & Non-Officer Positions**

2-1. *Officers.* The Officer positions of the Board shall consist of a Chairperson, a Vice-Chairperson and a Secretary.

2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson are as follows:

- (a) Call meetings and notify Board members with the assistance of the Vice-Chairperson and/or Secretary;
- (b) Preside over all meetings and hearings of the Board;
- (c) Oversee the conduct of the election;
- (d) Decide issues of voter eligibility with the assistance of the Election Judge(s);
- (e) Select the hearing body for applicants found to be ineligible in accordance with the Election law in the event of an appeal;
- (f) Dismiss the alternates and Trust Enrollment Department personnel when their election day duties are complete;
- (g) Post and report the results of all elections;
- (h) With the assistance of the Board Secretary, submit quarterly reports to the Oneida Business Committee and annual/semi-annual reports to the Oneida General Tribal Council in accordance with the Boards, Committees and Commissions law;
- (i) Attend, or designate a Board member to attend, the Oneida Business Committee meeting where the Board's quarterly report appears on the agenda; and

- (j) Carry out any other duty assigned to the Chairperson by the Board or the Election law.

2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the Vice-Chairperson are as follows:

- (a) Preside over all meetings in the absence of the Chairperson and assist the Chairperson in forwarding notice of meeting location, agenda, minutes and materials; and
- (b) Work with the Chairperson in all matters that concern the Board.

2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the Secretary are as follows:

- (a) Keep accurate minutes of all Board meetings; submit them to the Oneida Business Committee Support Office in accordance with the Boards, Committees and Commissions law; and make them available to other Board members, as well as the public, per the requirements of the Nation's Open Records and Open Meetings law;
- (b) Assure that minutes are reported in the proper format;
- (c) Oversee mail received and inform the Board of all correspondence;
- (d) In the event that both the Chairperson and Vice-Chairperson positions become vacant before the end of their terms, call Board meetings to fill the vacancies and preside over those meetings for the sole purpose of conducting an election of new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside;
- (e) Assist the Chairperson in forwarding notice of meeting location, agenda, minutes and materials; and
- (f) As applicable, the Oneida Business Committee Support Office will assist the Secretary with certain administrative duties and responsibilities.

2-5. *Selection of Officers.* The Officers shall serve one (1) year terms and shall be elected by a majority vote of the members in attendance at a Board meeting of an established quorum.

- (a) The Chairperson shall be elected at the first meeting of the Board.
  - (1) Upon his or her election, the Chairperson shall direct the Board to elect a Vice-Chairperson and Secretary.
- (b) Board members may be dismissed from their Officer positions by majority vote of the members in attendance at a Board meeting of an established quorum.
- (c) In the event of a vacancy in the position of a Board Officer, a successor shall be voted in by a majority vote of the members in attendance at a Board meeting of an established quorum for the duration of the Officer's unexpired term.
- (d) Officers may hold only one (1) Officer position per Officer term.

2-6. *Ad Hoc Committee of the Board.* The Board shall create an Ad Hoc Committee for the limited purpose of maintaining a pool of qualified candidates that the Board may choose from, when needed, to assist with its duties relating to GTC

meetings. On or before the date of its creation, the Board shall develop a mission statement that reflects the Ad Hoc Committee's limited purpose stated herein.

- (a) Members of the Ad Hoc Committee shall be appointed and reappointed by the Oneida Business Committee, as recommended by the Board, for one (1) year terms in accordance with the Boards, Committees and Commissions law.
  - (1) Members of the Ad Hoc Committee shall not be limited in the number of terms they can serve, consecutively or otherwise.
- (b) Members of the Ad Hoc Committee must possess the same qualifications required of Board members under the Election law and these bylaws.
- (c) Upon appointment, members of the Ad Hoc Committee must take an oath during a regular or special meeting of the Oneida Business Committee.
  - (1) Members of the Ad Hoc Committee shall be subject to the applicable portions of section 4-1 and all of sections 4-2 through 4-5 of these bylaws to the same extent as appointed members of the Board, including the provisions relating to enforcement and discipline.
- (d) Members of the Ad Hoc Committee shall receive a stipend of fifty (50) dollars for each GTC meeting that:
  - (1) The Board asked them to attend to assist with its duties relating to GTC meetings;
  - (2) They did attend for the entirety of the meeting; and
  - (3) They did assist with the Board's duties relating to GTC meetings.
- (e) Dissolution of the Ad Hoc Committee shall be in accordance with the Boards, Committees and Commissions law.

2-7. *Non-Officer Positions.* The Board shall identify Board members who shall serve in the non-Officer positions of tellers, Election Judges and clerks in advance of an election.

- (a) Non-Officers shall be identified in accordance with the Election law.

2-8. *Responsibilities of the Election Judge.* The duties, responsibilities and limitations of the Election Judge are as follows:

- (a) Inform and advise the Chairperson of all aspects of elections conducted under the Election law;
- (b) In accordance with the Election law, meet with the Trust Enrollment Department personnel who are registering voters to answer questions arising over voter eligibility; and
  - (1) When disputes among Board members, or between members of the Nation and Board members, or any controversy regarding voter eligibility arise, the Election Judge shall assist the Chairperson in making a determination.
- (c) Ensure that all ballots of voters whose eligibility may be in question remain confidential.

2-9. *Responsibilities of the Teller.* The duties, responsibilities and limitations of the teller are as follows:

- (a) Collect and keep safe all ballots until the election is complete, as determined by the Election law; and
- (b) Assist the Chairperson as directed in conducting the election.

2-10. *Responsibilities of the Clerk.* The duties, responsibilities and limitations of the clerk are as follows:

- (a) Implement the requirements of identifying and registering all voters and determining voter eligibility;
- (b) Work in conjunction with the Trust Enrollment Department personnel in the registration process;
- (c) Assist the Chairperson as directed in conducting the election; and
- (d) Not be currently employed in the Trust Enrollment Department.

2-11. *Budgetary Sign-Off Authority and Travel.* The Board shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

- (a) Levels of budgetary sign-off authority for the Board shall be as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Area Directors/Enterprise Directors.
  - (1) All Board Officers have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, except as follows:
    - (A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.
- (b) The Board shall approve a member's request to travel on behalf of the Board by a majority vote of the members in attendance at a regular or emergency Board meeting of an established quorum.

2-12. *Personnel.* The Board shall not have the authority to hire personnel for the benefit of the Board.

### **Article III. Meetings**

3-1. *Regular Meetings.* The regular meetings of the Board shall be held every second (2nd) Monday of the month, commencing at 5:00 p.m., at the Ridgeview Plaza, or another location as suggested at the first meeting of the Board, and may change from time-to-time as determined by the Board but shall be within the Reservation boundaries unless noticed to all members in writing and, along with the public, in accordance with governing law, including, but not limited to, the Nation's Open Records and Open Meetings law, prior to designating the meeting location.

- (a) The regular meeting date, time and location may change from time-to-time as determined by a majority vote of the members in attendance at a Board meeting of an established quorum upon notice to all members in writing and, along with the public, in accordance with governing law, including, but not limited to, the Nation's Open Records and Open Meetings law, prior to the implementation of a new date, time and/or location.

- (b) Notice of meeting location, agenda, minutes and materials shall be forwarded by the Chairperson with the assistance of the Vice-Chairperson and/or Secretary.
- (c) Meetings shall be run in accordance with Robert's Rules of Order.

3-2. *Emergency Meetings.* An emergency meeting may be called by the Chairperson when time sensitive issues require immediate action.

- (a) The Chairperson or Chairperson's designee shall provide advance notice to all Board members of an emergency meeting by telephone call, as well as email communication sent to the official Oneida Nation email address provided to each member to conduct business electronically on behalf of the Board, and shall further provide notice to all members, as well as the public, in accordance with the Nation's Open Records and Open Meetings law.
- (b) Within seventy-two (72) hours after an emergency meeting, the Board Chairperson or Chairperson's designee shall provide the Nation's Secretary with notice of the emergency meeting, the reason for the emergency meeting, and an explanation as to why the matter could not wait until the next regular meeting.

3-3. *Joint Meetings.* Joint Meetings shall not be held.

3-4. *Quorum.* A quorum shall consist of a majority of current Board members, at least one (1) of which shall include the Chairperson, Vice-Chairperson or Secretary; provided, the Secretary is presiding over the meeting in accordance with section 2-4(d) of these bylaws.

3-5. *Order of Business.* The order of business, as far as applicable, is:

- (a) Call to Order
- (b) Adopt the Agenda
- (c) Approval of Minutes
- (d) Old Business
- (e) New Business
- (f) Other Concerns/Announcements
- (g) Executive Session
- (h) Adjournment

3-6. *Voting.* Voting shall be in accordance with a majority vote of the Board members present at a meeting of an established quorum.

- (a) All members of the Board shall have one (1) equal vote.
- (b) The Chairperson or Vice-Chairperson, when presiding in the absence of the Chairperson, and Secretary, when presiding in accordance with section 2-4 (d) of these bylaws, shall only vote when a tie needs to be broken.
- (c) E-polls are permitted so long as conducted in accordance with the Boards, Committees and Commissions law.
  - (1) The Vice-Chairperson, in the absence or discretion of the Chairperson, and the Secretary, in the absence of the Vice-Chairperson or

discretion of the Chairperson, shall be responsible for conducting e-polls.

#### **Article IV. Expectations**

4-1. *Behavior of Members.* Members of the Board are expected to behave as follows:

- (a) They shall not miss three (3) consecutive unexcused meetings within a twelve (12) month period.
  - (1) A member who fails to notify a Board Officer, in writing, of his or her absence at least thirty (30) minutes prior to the meeting in which he or she will be absent from shall be deemed unexcused.
- (b) They shall follow the Election Board's Code of Conduct.
- (c) They shall not speak or act in the name of the Board except when, by majority vote of the members present at a meeting of an established quorum, the Board has specifically delegated that responsibility.
- (d) *Enforcement.* Any member of the Board found to be in violation of these behaviors/expectations or any other section of these bylaws may be subject to:
  - (1) Sanctions and penalties in accordance with any laws or policies of the Nation governing sanctions and/or penalties of officials.
  - (2) If the Board member was elected, the Board's filing of a petition for his or her removal pursuant to the Removal law and/or any other laws or policies of the Nation governing the removal of elected officials.
  - (3) If the Board member was appointed, the Board's recommendation to the Oneida Business Committee for termination of his or her appointment pursuant to the Boards, Committees and Commissions law and/or any other laws or policies of the Nation governing the termination of appointed officials.
  - (4) The filing of a petition for removal or recommendation for termination shall be decided by a majority vote of the members in attendance at a Board meeting of an established quorum.

4-2. *Prohibition of Violence.* Any violent intentional act committed by a member of the Board that inflicts, attempts to inflict or threatens to inflict emotional or bodily harm on another person, or damage to property, when acting in his or her official capacity is strictly prohibited.

4-3. *Drug and Alcohol Use.* Members of the Board are prohibited from using alcohol and/or illegal drugs when acting in their official capacity.

4-4. *Social Media.* Social media shall be used in accordance with the members' oath of office, as well as any laws or policies of the Nation governing social media.

- (a) No member of the Board shall post any Election Board information on his or her Facebook page or other social media outlets.

4-5. *Conflict of Interest.* Members of the Board shall abide by all applicable laws of the Nation governing conflicts of interest.



- (a) A Board member shall recuse himself or herself from participating as a Board member in any pre-election, election day, or post-election activities when:
  - (1) He or she is a petitioner, applicant or candidate in any election;
  - (2) A petitioner, applicant, or candidate in any election is an immediate family member of the Board member; or
    - (A) Immediate family member shall be as defined within the Nation's Conflict of Interest law.
  - (3) There is otherwise a conflict of interest.
- (b) Unless otherwise provided in any governing laws of the Nation relating to conflicts of interest, any conflicts will be handled by recommendation of a majority vote of the members in attendance at a Board meeting of an established quorum.

### **Article V. Stipends and Compensation**

5-1. *Stipends.* Board members are eligible for the following stipends as set forth in and subject to these bylaws, the Boards, Committees and Commissions law, and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter:

- (a) Two (2) monthly meeting stipends;
- (b) Stipends for conducting hearings on appeals of eligibility determinations;
- (c) Stipends for attending Judiciary hearings;
  - (1) A member of the Board may only receive a stipend for attending an Oneida Judiciary hearing if that member's attendance was required by official subpoena.
- (d) A stipend for attendance at each full day of a training/conference that is required by law, bylaws or resolution.
- (e) An hourly stipend for services that he or she provides during an election, including, but not limited to, managing the polling site, recounts and lot drawings; and
- (f) A stipend for attending and providing service at an Oneida General Tribal Council meeting of the Nation.

5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, Board members shall not be eligible for any other form of compensation for duties/activities they perform on behalf of the Board.

### **Article VI. Records and Reporting**

6-1. *Agenda Items.* Agenda items shall be maintained in a format provided by the Oneida Business Committee Support Office.

6-2. *Minutes.* Minutes of the Board shall be typed in a format designed by the Oneida Business Committee Support Office to generate the most informative record of the Board's meetings, including a summary of the actions taken by the Board during its meetings.

- (a) Minutes shall be submitted to the Oneida Business Committee Support Office within five (5) days of the meeting date.
- 6-3. *Attachments.* Any handouts, reports, or documents shall be turned in to be filed with the minutes and agenda for the meeting in which they were presented.
  - (a) All handouts, reports, and documents shall be kept in electronic format in the Board's shared folder.
- 6-4. *Oneida Business Committee Liaison.* The Board shall regularly communicate with the Oneida Business Committee member who is its designated liaison.
  - (a) The frequency and method of communication shall be as agreed upon by the Board and the liaison, but not less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.
- 6-5. *Audio Recordings.* All meetings of the Board shall be audio recorded using a recording device supplied by the Oneida Business Committee Support Office.
  - (a) Audio recordings shall be submitted to the Oneida Business Committee Support Office by the Chairperson or Chairperson's designee for purposes of maintaining in accordance with the applicable laws of the Nation.
  - (b) *Exception.* Audio recordings of executive session portions of a Board meeting shall not be required.

#### **Article VII. Amendments**

- 7-1. *Amendments to Bylaws.* Amendments shall be made to these bylaws by a majority vote of the members present at a regular Board meeting of an established quorum, provided that a written notice of proposed amendments was made at a prior regular meeting.
  - (a) Amendments to these bylaws must conform to the requirements of the Boards, Committees and Commissions law, as well as any other policy of the Nation.
  - (b) Amendments to these bylaws must be approved by the Oneida Business Committee before implementation.
  - (c) The Board shall review these bylaws from time to time as needed, but no less than on an annual basis.

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These By-laws, as amended and revised, are hereby approved by the Oneida Business Committee at a duly called meeting held on September 25, 2019, by the Secretary of the Oneida Business Committee's signature.

  
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Lisa Summers, Secretary  
Oneida Business Committee