



Oneida Business Committee

Executive Session and Regular Meeting
8:30 AM Wednesday, June 24, 2020
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

Meeting agenda is available here: oneida-nsn.gov/government/business-committee/agendas-packets/. Materials for the "General Tribal Council" section of the agenda, if any, are available to enrolled members of the Oneida Nation; to obtain a copy, visit the BC Support Office, 2nd floor, Norbert Hill Center and present a valid Tribal I.D. or go to <https://goo.gl/uLp2jE>. Scheduled times are subject to change.

NOTICE

All regular, special, and emergency Business Committee meetings are closed to the public for the duration of the Public Health State of Emergency. This is preventative measure as a result of the COVID-19 pandemic. Audio recordings are made of all meetings of the Business Committee. Video recordings are made of regular meetings of the Business Committee. All recordings are available on the Nation's website at: <https://oneida-nsn.gov/government/business-committee/recordings/>

If you have comments regarding open session items, please submit them to TribalSecretary@oneidanation.org no later than close of business the day prior to a Business Committee meeting. Comments will be noticed to the Business Committee.

I. CALL TO ORDER

II. OPENING

III. ADOPT THE AGENDA

IV. MINUTES

- A. Approve the June 10, 2020, regular Business Committee meeting minutes**
Sponsor: Lisa Summers, Secretary

V. RESOLUTIONS

- A. Adopt resolution entitled Authorizing the use of Self-Governance Carryover Funds to Purchase Crowd Control Equipment for the Oneida Police Department**
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs
- B. Adopt resolution entitled Adoption of Additional Emergency Amendments to the Election Law**
Sponsor: David P. Jordan, Councilman

VI. APPOINTMENTS

- A. Determine next steps regarding ten (10) alternates - Oneida Election Board**
Sponsor: Lisa Summers, Secretary
- B. Determine next steps regarding one (1) vacancy(ies) - Oneida ESC Group, LLC - Board of Managers**
Sponsor: Lisa Summers, Secretary

VII. TABLED BUSINESS

- A. Update and progress report regarding the implementation procedures for BC resolution # 03-11-20-C (tabled 4/8/20; no action requested)**

VIII. TRAVEL REQUESTS

- A. Approve the travel request in accordance with § 219.16-1 - Ten (10) individuals - 2020 General Election polling site - Milwaukee, WI**
Sponsor: Twylite Moore, Interim Chair/Oneida Election Board

IX. NEW BUSINESS

- A. Appoint a representative to the Green Bay Chamber of Commerce**
Sponsor: Louise Cornelius, Gaming General Manager
- B. Enter the e-poll results into the record regarding the approved expenditure for unemployment compensation**
Sponsor: Lisa Summers, Secretary
- C. Enter the e-poll results into the record regarding the authorized Coronavirus Related Distributions**
Sponsor: Lisa Summers, Secretary

X. EXECUTIVE SESSION**A. REPORTS**

1. **Accept the Chief Counsel report**
Sponsor: Jo Anne House, Chief Counsel
2. **Accept the General Manager report**
Sponsor: Debbie Thundercloud, General Manager
3. **Accept the Intergovernmental Affairs, Communications, and Self-Governance June 2020 report**
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

B. AUDIT COMMITTEE

1. **Accept the Information Technology FY-2019 compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman

C. TABLED BUSINESS

1. **Joint Marketing Standard Operating Procedures regarding Tickets & Merchandise Distribution (tabled 4/8/20; no action requested)**

D. NEW BUSINESS

1. **Approve a limited waiver of sovereign immunity - Advanced Disposal Services Solid Waste Midwest LLC agreement - file # 2020-0312**
Sponsor: Debbie Thundercloud, General Manager
2. **Review the Gaming operations phase II re-opening plans (9:30 a.m.)**
Sponsor: Louise Cornelius, Gaming General Manager
3. **Accept letter of resignation in accordance with section 7.2 of employment contract # 2018-0256 and determine next steps (11:15 a.m.)**
Sponsor: Lisa Summers, Secretary
4. **Review application(s) for ten (10) alternates - Oneida Election Board**
Sponsor: Lisa Summers, Secretary
5. **Review application(s) for one (1) vacancy(ies) - Oneida ESC Group, LLC - Board of Managers**
Sponsor: Lisa Summers, Secretary

6. **Review the Business Committee Support Staff assessment final report and determine next steps**
Sponsor: Lisa Summers, Secretary

XI. ADJOURN

Posted on the Oneida Nation's official website, www.oneida-nsn.gov pursuant to the Open Records and Open Meetings law (§ 107.14.)

The meeting packet of the open session materials for this meeting is available by going to the Oneida Nation's official website at: oneida-nsn.gov/government/business-committee/agendas-packets/

For information about this meeting, please call the Business Committee Support Office at (920) 869-4364 or (800) 236-2214

Approve the June 10, 2020, regular Business Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 06/22/20

2. General Information:

Session: ☒ Open

☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

☐ Contract Document(s)

☐ Legal Review

☐ Resolution

☐ Correspondence

☒ Minutes

☐ Statement of Effect

☐ Fiscal Impact Statement

☐ Report

☐ Travel Documents

☐ Other: *Describe*

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☒ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Summers, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

DRAFT**Oneida Business Committee**

Executive Session and Regular Meeting
8:30 AM Wednesday, June 10, 2020
BC Conference Room, 2nd floor, Norbert Hill Center

Minutes**EXECUTIVE SESSION**

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Treasurer Trish King, Secretary Lisa Summers, Council members: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens III, Jennifer Webster;

Not Present: n/a

Arrived at: n/a

Others present: Jo Anne House, Larry Barton, Debbie Thundercloud, Melinda J. Danforth via Microsoft Teams¹), Lisa Liggins;

REGULAR MEETING

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Treasurer Trish King, Secretary Lisa Summers, Council members: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens III, Jennifer Webster;

Not Present: n/a

Arrived at: n/a

Others present: Jo Anne House, Larry Barton, Debbie Thundercloud, Lisa Liggins; Clorissa Santiago, Cheryl Stevens, Twylite Moore;

I. CALL TO ORDER

Meeting called to order by Chairman Tehassi Hill at 8:35 a.m.

II. OPENING (00:0016)

Opening provided by Councilman Kirby Metoxen.

III. ADOPT THE AGENDA (00:00:43)

Motion by David P. Jordan to adopt the agenda as presented, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

¹Microsoft Teams is software which provides a communication and collaboration platform for workplace chat, file sharing, and video meetings

DRAFT

IV. OATH OF OFFICE (00:01:14)

Oath of office administered by Secretary Lisa Summers. Rich Van Boxtel (via telephone) was present.

- A. Oneida Police Commission - Richard Van Boxtel**
Sponsor: Lisa Summers, Secretary

V. MINUTES

- A. Approve the May 27, 2020, regular Business Committee meeting minutes (00:03:27)**
Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to approve the May 27, 2020, regular Business Committee meeting minutes, seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

VI. RESOLUTIONS

- A. Adopt resolution entitled Extension of Declaration of Public Health Emergency Until July 12, 2020 (00:03:56)**
Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to adopt resolution 06-10-20-A Extension of Declaration of Public Health State of Emergency Until July 12, 2020, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

- B. Adopt resolution entitled Setting Allocation Goals for Use of COVID-19 Relief Funds in the Cares Act (00:09:20)**
Sponsor: Trish King, Treasurer

Councilman Kirby Metoxen left at 9:41 a.m.

Councilman Kirby Metoxen returned at 9:44 a.m.

Motion by Daniel Guzman King to approve the allocations highlighted in blue on the chart on page 27 of the meeting packet, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Motion by Trish King to approve the allocation of \$3.2 Million for Personal/Vaction Reimbursement, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Motion by David P. Jordan to schedule mandatory meeting(s) to finish the setting the priorities, noting the Secretary will schedule the meeting(s), seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

DRAFT**C. Adopt resolution entitled Process for Authorization for Use of CARES Act Covid Relief Funds (01:27:53)**

Sponsor: Trish King, Treasurer

Motion by Trish King to adopt resolution 06-10-20-B Process for Authorization for Use of CARES Act Covid Relief Funds, with two (2) noted changes [1] in line 25, insert June 10, 2020; and 2) in line 104, insert June 10, 2020], seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Opposed: Lisa Summers

Secretary Lisa Summers stated for the record the Treasurer did identify that it looks like there's a piece that might not have been identified in the resolution as part of the process; that needed to be clarified. While I really appreciate the fact that the team brought forward a resolution to help identify an outline of a process, it's missing a lot of detail. I think it would have been more appropriate presented as a Standard Operating Procedure, including all of the appropriate forms and back up information that's identified in the resolution.

D. Adopt resolution entitled COVID-19 Response - Oneida Nation Small Business Assistance Program (01:41:48)

Sponsor: Trish King, Treasurer

Motion by Lisa Summers to adopt resolution 06-10-20-C COVID-19 Response - Oneida Nation Small Business Assistance Program with two (2) changes [1] in line 152, insert \$30,000; and 2) include a start date of June 15, 2020], seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers

Abstained: David P. Jordan, Jennifer Webster

Motion by Lisa Summers that the CRF Funding Coordinator is the Nation's delegate for making the final determinations identified in resolution # BC-06-10-20-C, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers

Abstained: David P. Jordan, Jennifer Webster

Councilwoman Jennifer Webster and Councilman David P. Jordan abstained because they are both small business owners.

E. Adopt resolution entitled Amendments to the Tobacco Law (02:00:36)

Sponsor: David P. Jordan, Councilman

Secretary Lisa Summers left at 10:35 a.m.

Secretary Lisa Summers returned at 10:40 a.m.

Motion by Jennifer Webster to adopt resolution 06-10-20-D Amendments to the Tobacco Law, seconded by Kirby Metoxen. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Abstained: Daniel Guzman King, Lisa Summers

DRAFT**F. Adopt resolution entitled Tobacco Law Penalty and Fine Schedule (02:05:30)**

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to adopt resolution 06-10-20-E Tobacco Law Penalty and Fine Schedule with one (1) change [1] in line 13, insert the appropriate resolution number], seconded by Kirby Metoxen. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Abstained: Daniel Guzman King, Lisa Summers

G. Adopt resolution entitled InterTribal Buffalo Council Surplus Buffalo Program (02:08:01)

Sponsor: Debbie Thundercloud, General Manager

Councilman Daniel Guzman King left at 10:43 a.m.

Motion by Jennifer Webster to adopt resolution 06-10-20-F InterTribal Buffalo Council Surplus Buffalo Program, seconded by Trish King. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Not Present: Daniel Guzman King

VII. TABLED BUSINESS**A. Update and progress report regarding the implementation procedures for BC resolution # 03-11-20-C (tabled 4/8/20; no requested action) (02:10:10)**

No action; item remains on the table.

VIII. NEW BUSINESS**A. Authorize the use of a Graphic regarding Intergovernmental Agreements (02:10:40)**

Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Summers to approve permission to reprint Graphic regarding Intergovernmental Agreements and authorize the Chairman to sign the request, seconded by Jennifer Webster. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Not Present: Daniel Guzman King

DRAFT

B. Accept the General Election safety plan (02:11:49)

Sponsor: Lisa Summers, Secretary

Motion by Kirby Metoxen to accept the General Election safety plan, as information, seconded by Brandon Stevens. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Not Present: Daniel Guzman King

Councilman Kirby Metoxen left at 10:55 a.m.

C. Approve a limited waiver of sovereign immunity - Green Bay Metropolitan Sewerage District professional services agreement - file # 2020-0292 (02:20:15)

Sponsor: Debbie Thundercloud, General Manager

Councilman Kirby Metoxen returned at 10:57 p.m.

Motion by Jennifer Webster to approve a limited waiver of sovereign immunity - Green Bay Metropolitan Sewerage District professional services agreement - file # 2020-0292, seconded by David P. Jordan. Motion carried:

Ayes: David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Abstained: Kirby Metoxen

Not Present: Daniel Guzman King

IX. REPORTS

A. OTHER**1. Accept the Oneida Youth Leadership Institute FY-2020 2nd quarter report (02:22:02)**

Sponsor: Cheryl Stevens, Executive Manager/Oneida Youth Leadership Institute

Motion by David P. Jordan to accept the Oneida Youth Leadership Institute FY-2020 2nd quarter report, seconded by Trish King. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Not Present: Daniel Guzman King

DRAFT

X. EXECUTIVE SESSION (02:23:18)

Councilman Daniel Guzman King returned at 10:58 a.m.

Treasurer Trish King left at 10:58 a.m.

Motion by Daniel Guzman King to go into executive session at 10:58 a.m., seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster
Not Present: Trish King

Treasurer Trish King returned at 11:03 p.m.

Councilwoman Jennifer Webster left at 11:55 p.m. to attend a teleconference for the Administration for Children and Families (ACF) Tribal Consultation

Councilman David P. Jordan left at 12:20 p.m.

Motion by Daniel Guzman King to come out of executive session at 12:35 p.m., seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers
Not Present: David P. Jordan, Jennifer Webster

A. REPORTS

1. Accept the Emergency Management FY-20 2nd quarter report (02:24:36)

Sponsor: Kaylynn Gresham, Director/Emergency Management

Motion by Brandon Stevens to accept the Emergency Management FY-20 2nd quarter report, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers
Not Present: David P. Jordan, Jennifer Webster

2. Accept the Chief Counsel report (02:25:00)

Sponsor: Jo Anne House, Chief Counsel

Motion by Brandon Stevens to accept the Chief Counsel report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers
Not Present: David P. Jordan, Kirby Metoxen, Jennifer Webster

3. Accept the General Manager report

Sponsor: Debbie Thundercloud, General Manager

Item was not addressed.

DRAFT**B. TABLED BUSINESS**

- 1. Joint Marketing Standard Operating Procedures regarding Tickets & Merchandise Distribution (tabled 4/8/20; no requested action)**

No action; item remains on the table.

C. NEW BUSINESS

- 1. Discuss next steps regarding legal review – Emergency Resolutions and Declarations – COVID-19 Pandemic (02:25:30); (02:27:51)**
Sponsor: David P. Jordan, Councilman

Motion by Brandon Stevens to defer this discussion to the June 24, 2020, regular Business Committee meeting agenda, seconded by Kirby Metoxen. Motion not voted.

Item X.C.2. was addressed next.

Motion by Daniel Guzman King to go into executive session at 12:39 p.m., seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Brandon Stevens,
Ernie Stevens III, Lisa Summers
Not Present: David P. Jordan, Jennifer Webster

The Oneida Business Committee, by consensus, recessed at 12:55 p.m. to 3:30 p.m.

Meeting called to order by Chairman Tehassi Hill at 3:37 p.m.

Roll call for the record:

Present: Councilman Daniel Guzman King; Chairman Tehassi Hill; Councilman David P. Jordan; Treasurer Trish King; Councilman Kirby Metoxen; Vice-Chairman Brandon Stevens; Councilman Ernie Stevens III; Secretary Lisa Summers;
Not Present: Councilwoman Jennifer Webster;

Motion by Ernie Stevens III to come out of executive session at 3:37 p.m., seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Ernie Stevens III, Lisa Summers
Not Present: Jennifer Webster

Motion by David P. Jordan to defer this discussion to next week's regularly scheduled Business Committee work session agenda, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Ernie Stevens III, Lisa Summers
Not Present: Jennifer Webster

Item XI. was addressed next.

DRAFT

- 2. Approve the US Department of the Interior - Multi-Year Funding Agreement amendment #6 - file # 2020-0392 (02:27:10)**
Sponsor: Jennifer Webster, Councilwoman

Motion by Ernie Stevens III to approve the US Department of the Interior - Multi-Year Funding Agreement amendment #6 - file # 2020-392, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Brandon Stevens,
Ernie Stevens III, Lisa Summers

Not Present: David P. Jordan, Jennifer Webster

Item X.C.1. was re-addressed next.

XI. ADJOURN (02:29:17))

Motion by David P. Jordan to adjourn at 3:38 p.m., seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Ernie Stevens III, Lisa Summers

Not Present: Jennifer Webster

Minutes prepared by Lisa Liggins, Information Management Specialist
Minutes approved as presented on _____.

Lisa Summers, Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

Adopt resolution entitled Authorizing the use of Self-Governance Carryover Funds to Purchase Crowd...

1. Meeting Date Requested: 06 / 24 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:

Adopted Resolution titled **Authorizing the use of Self-Governance Carryover Funds to Crowd Control Equipment for the Oneida Police Department**

3. Supporting Materials☐ Report ☒ Resolution ☐ Contract☐ Other:1. 3. 2. 4. ☒ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☒ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

With the recent protests, riots, and other disturbances that involved a large number of people, the Oneida Police Department requires crowd control equipment in case the Oneida Police Department has to protect the Nation's assets from violence and/or looting. The equipment will provide safety to the officers from projectiles and violent adversaries in defense of the Oneida Nation.

Adoption of this resolution will authorize the use of general Self Governance carryover funds in the amount of \$3,318.86 be used to purchase 18 riot helmets, 18 batons, and 5 shields.

In accordance with BC Resolution 09-25-19-B Update State of Effect Requirement for Resolutions, a statement of effect is not needed for Self-Governance contract or compact resolutions.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Nation

Post Office Box 365

Phone: (920) 869-2214



Oneida, WI 54155

BC Resolution # _____

Authorizing the use of Self-Governance Carryover Funds to Purchase Crowd Control Equipment for the Oneida Police Department

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** it is the mission of the Oneida Nation to govern and protect the people, land, and resources of the Oneida Nation; and
- WHEREAS,** the Oneida Nation has a compact and funding agreement with the Department of Interior's Bureau of Indian Affairs (BIA) pursuant to Title IV of the Indian Self-Determination and Education Assistance Act (P.L. 93-638); and
- WHEREAS,** Article III, Section 5 of the compact with the Department of Interior states that reallocation of funds from one program, activity, function, or service to another within a General Budget Category, or from one General Budget Category to another does not require Secretarial consent; and
- WHEREAS,** in accordance with Section 2 of the funding agreement between the Oneida Nation and the Department of Interior, the Oneida Nation has broad authority to reallocate funding between programs; and
- WHEREAS,** the Oneida Nation has assumed the responsibility of providing law enforcement services pursuant to Section 2 of the funding agreement; and
- WHEREAS,** on May 25, 2020, four officers were involved in an arrest that resulted in the death of George Floyd; and
- WHEREAS,** the death of Mr. Floyd sparked mass protests in cities across the United States and eventually the world, including municipalities that surround the Oneida Nation; and
- WHEREAS,** peaceful protests within the City of Green Bay turned violent with looting, property damage to area businesses, and discharges of weapon(s); and
- WHEREAS,** on June 3, 2020, Self-Governance reached out to the Oneida Police Department asking if they needed anything to ensure the safety of its officers and the community; and

BC Resolution # _____

Authorizing the use of Self-Governance Carryover Funds to Purchase Crowd Control Equipment for the Oneida Police
Department
Page 2 of 2

43 **WHEREAS,** the Oneida Police Department identified the need for crowd control equipment including:
44 18 riot helmets, 18 batons, and 5 shields; and
45

46 **WHEREAS,** the crowd control equipment is quoted at \$3,318.86.
47

48 **WHEREAS,** there are Self-Governance carryover funds that can be used to purchase the crowd control
49 equipment.
50

51 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee authorizes that Self-Governance
52 carryover funds in the amount of \$3,318.86 be made available to purchase the crowd control equipment for
53 the Oneida Police Department.
54
55

From: [Joel J. Maxam](#)
To: [Candice E. Skenandore](#)
Cc: [Eric H. Boulanger](#)
Subject: Crowd control gear
Date: Wednesday, June 3, 2020 10:50:06 AM
Attachments: [image001.png](#)

Good morning Candice, Eric asked me to reach out to you about crowd control gear for our officers. Ideally, we'd like to equip each officer with a protective helmet with face shield and 36" baton. We'd like to have 5 riot shields on hand that the officers can share in the event of an incident. The following is a breakdown of approximate cost for the equipment.

Galls Kohaut 36" hickory riot baton -\$22.99 (18)
Galls premier crown 906 series riot helmet- \$139.99 (18)
Paulson riot shield 36"X20" - \$154.99 (5)

The total cost for all the gear would be approximately \$3,709. Thank you for your time and consideration.

Joel J. Maxam
Assistant Chief of Police
Oneida Police Department
2783 Freedom Road
P.O. Box 365
Oneida, WI 54155-0365
Office (920) 869-2239
Fax (920) 869-1864

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Oneida Business Committee Agenda Request

Adopt resolution entitled Adoption of Additional Emergency Amendments to the Election Law

1. Meeting Date Requested: 06 / 24 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.


Additional Requestor:

Name, Title / Dept.



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



TO: Oneida Business Committee
FROM: David P. Jordan, LOC Chairperson 
DATE: June 24, 2020
RE: Election Law Emergency Amendments

Please find the following attached backup documentation for your consideration of the Election Law Emergency Amendments:

1. Resolution: Adoption of Additional Emergency Amendments to the Election Law
2. Statement of Effect: Adoption of Additional Emergency Amendments to the Election Law
3. Election Law Emergency Amendments Legislative Analysis
4. Election Law Emergency Amendments (Redline)
5. Election Law Emergency Amendments (Clean)

Overview

Emergency amendments to the Election law (the “Law”) are being sought to address the impact of the COVID-19 pandemic on the Nation’s 2020 General Election. The emergency amendments to the Law will provide that elections shall be held *at* an Oneida Nation facility, as opposed to *in* an Oneida Nation facility, to allow for outdoor, drive-through voting. [1 O.C. 102.9-2].

In response to the outbreak of the COVID-19 pandemic, on March 12, 2020, in accordance with Emergency Management and Homeland Security law, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020, and provided the necessary authority should action need to be taken and allowed the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. This declaration of a Public Health State of Emergency was extended by the Oneida Business Committee until May 12, 2020, through the adoption resolution BC-03-28-20-A, then extended again until June 11, 2020, through the adoption of resolution BC-05-06-20-A, and finally further extended until July 12, 2020, through the adoption of resolution BC-06-10-20-A.

On March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Safer at Home*” declaration which prohibits all public gatherings of any number of people and orders all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed. On April 21, 2020, the COVID-19 Core Decision Making Team issued an “*Updated Safer at Home*” declaration which allowed for gaming and golf operations to resume. Then on May 19, 2020, a “*Safer at Home Declaration, Amendment, Open for Business*” declaration was issued which directs that individuals within the Oneida Reservation should continue to stay at home, businesses can re-open under certain safer business practices, and social distancing should be practiced by all persons. The COVID-19 Core Decision Making Team most

recently issued a “*Stay Safer at Home*” declaration on June 10, 2020, which lessened the restrictions of the “*Safer at Home Declaration, Amendment, Open for Business*” while still providing guidance and some restrictions.

The Oneida Business Committee is delegated the authority to temporarily enact emergency legislation when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act. [1 O.C. 109.9-5]. A fiscal impact statement and public meeting are not required for emergency legislation. [1 O.C. 109.9-5(a)].

The emergency amendments to the Election law are necessary for the preservation of the public health, safety, and general welfare of the Reservation population. The emergency amendments are needed to protect the Reservation population against the public health crisis that is the COVID-19 pandemic. Allowing for a member of the Nation to choose the option of outdoor, drive-through voting during the 2020 General Election will help reduce any unnecessary contact between individuals which could spread COVID-19, while also ensuring that the 2020 General Election can occur without interruption.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of these amendments would be contrary to public interest. The 2020 General Election is tentatively scheduled for July 25, 2020. Therefore, the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the General Election could still occur on July 25, 2020, without violating the Election law.

The emergency amendments to the Law will become effective immediately upon adoption by the Oneida Business Committee and will remain effective for six (6) months, or until the 2020 General Election has concluded, whichever is sooner. There will be one (1) opportunity to extend the emergency amendments for an additional six (6) months. [1 O.C. 109.9-5(b)].

Requested Action

Approve the Resolution: Adoption of Additional Emergency Amendments to the Election Law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution

Adoption of Additional Emergency Amendments to the Election Law

- 1 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
- 2 recognized by the laws of the United States of America; and
- 3
- 4 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- 5
- 6 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
- 7 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- 8
- 9 **WHEREAS,** the Election law ("the Law") was adopted by the General Tribal Council for the purpose of
- 10 governing the procedures for the conduct of orderly elections of the Nation, and was most
- 11 recently amended by the Oneida Business Committee on an emergency basis through the
- 12 adoption of resolutions BC-03-17-20-B and BC-05-13-20-H; and
- 13
- 14 **WHEREAS,** the Law requires that elections shall be held in an Oneida Nation facility(s) as determined
- 15 by the Oneida Election Board; and
- 16
- 17 **WHEREAS,** the federal government has proclaimed a public health emergency related to the spread of
- 18 the COVID-19 virus and has identified that the spread of the virus has resulted in large
- 19 numbers of individuals becoming ill and high mortality rates, impacts to the stock markets,
- 20 and businesses; and
- 21
- 22 **WHEREAS,** state governors, including the State of Wisconsin, have declared public health emergencies
- 23 and state public health officers have issued orders, for example, closing public schools,
- 24 limiting public gatherings, and closing restaurants and bars except for take-out orders; and
- 25
- 26 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of*
- 27 *Emergency*" regarding COVID-19 which declared a Public Health State of Emergency for
- 28 the Nation until April 12, 2020, and set into place the necessary authority for action to be
- 29 taken and allows the Nation to seek reimbursement of emergency management actions
- 30 that may result in unexpected expenses; and
- 31
- 32 **WHEREAS,** the Nation's Public Health State of Emergency has since been extended until July 12, 2020,
- 33 through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, and BC-06-10-20-A;
- 34 and
- 35
- 36 **WHEREAS,** on March 24, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Safer*
- 37 *at Home*" declaration which prohibits all public gatherings of any number of people and
- 38 orders all individuals present within the Oneida Reservation to stay at home or at their
- 39 place of residence, with certain exceptions allowed; and
- 40
- 41 **WHEREAS,** the COVID-19 Core Decision Making Team has issued subsequent declarations modifying
- 42 the "*Safer at Home*" declaration including the April 21, 2020 "*Updated Safer at Home*"

43 declaration, the May 19, 2020, "*Safer at Home Declaration, Amendment, Open for*
44 *Business*" declaration, and the June 10, 2020, "*Stay Safer at Home*" declaration; and
45

46 **WHEREAS,** the Oneida Election Board has requested emergency amendments to the Election law to
47 address the impact of COVID-19 on the Nation; and
48

49 **WHEREAS,** the proposed emergency amendment to the Law provides that elections shall be held at
50 an Oneida Nation facility, as opposed to in an Oneida Nation facility, to allow the potential
51 for outdoor, drive-through voting; and
52

53 **WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact
54 legislation on an emergency basis, to be in effect for a period of six (6) months, renewable
55 for an additional six (6) months; and
56

57 **WHEREAS,** emergency adoption of legislation is allowed when legislation is necessary for the
58 immediate preservation of the public health, safety, or general welfare of the Reservation
59 population, and the amendment of the legislation is required sooner than would be possible
60 under the Legislative Procedures Act; and
61

62 **WHEREAS,** the emergency adoption of this amendment to the Law is necessary for the preservation of
63 the public health, safety, and general welfare of the Reservation population to protect the
64 Reservation population against the public health crisis that is the COVID-19 pandemic
65 since allowing for a member of the Nation to choose the option of outdoor, drive-through
66 voting during the 2020 General Election will help reduce any unnecessary contact between
67 individuals which could spread COVID-19, while also ensuring that the 2020 General
68 Election can occur without interruption; and
69

70 **WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of this
71 amendment would be contrary to public interest since the General Election is tentatively
72 scheduled for July 25, 2020, and the process and requirements of the Legislative
73 Procedures Act cannot be completed in time to ensure that the General Election could still
74 occur on July 25, 2020, without violating the Law; and
75

76 **WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement
77 when considering emergency legislation; and
78

79 **WHEREAS,** the Oneida Election Board is actively monitoring the public health crises and will notify
80 membership as soon as possible should the election days be canceled, postponed or
81 polling processes be amended to reduce the spread of the virus; and
82

83 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts emergency
84 amendments to the Election Law effective immediately for six (6) months from the date of adoption of this
85 resolution, or until the 2020 General Election is concluded, whichever is sooner.



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



Statement of Effect

Adoption of Additional Emergency Amendments to the Election Law

Summary

This resolution adopts an emergency amendment to the Election law to provide that elections shall be held at an Oneida Nation facility, as opposed to in an Oneida Nation facility, to allow the potential for outdoor, drive-through voting to be utilized during the 2020 General Election.

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

Date: June 15, 2020

Analysis by the Legislative Reference Office

This resolution adopts an emergency amendment to the Election law (“the Law”). The purpose of the Law is to govern the procedures for the conduct of orderly elections of the Nation. [1 O.C. 102.1-1]. The emergency amendment to the Law will provide that elections shall be held at an Oneida Nation facility, as opposed to in an Oneida Nation facility, to allow the potential for outdoor, drive-through voting to be utilized during the 2020 General Election. [1 O.C. 102.9-2].

The Legislative Procedures Act (LPA) allows the Oneida Business Committee to take emergency action where it is necessary for the immediate preservation of the public health, safety or general welfare of the reservation population and when enactment or amendment of legislation is required sooner than would be possible under the LPA. [1 O.C. 109.9-5].

The resolution provides various information on the COVID-19 pandemic that the world is now facing. This pandemic has resulted in many countries experiencing the effects of illness and health issues related to COVID-19, as well as vast economic impacts. On March 12, 2020, in accordance with Emergency Management and Homeland Security law, Chairman Tehassi Hill signed a “Declaration of Public Health State of Emergency” regarding COVID-19. [3 O.C. 302.8-1]. This declaration of a Public Health State of Emergency set into place the necessary authority should action need to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. This declaration of a Public Health State of Emergency was extended by the Oneida Business Committee until July 12, 2020, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, and BC-06-10-20-A.

On March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “Safer at Home” declaration which prohibits all public gatherings of any number of people and orders all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed. On April 21, 2020, the COVID-19 Core Decision Making Team issued an “Updated Safer at Home” declaration which allowed for gaming and golf operations to resume. Then on May 19, 2020, a “Safer at Home Declaration, Amendment, Open for Business” declaration was issued which directs that individuals within the Oneida Reservation should continue to stay at home, businesses can re-open under certain safer business practices, and social

distancing should be practiced by all persons. The COVID-19 Core Decision Making Team most recently issued a “*Stay Safer at Home*” declaration on June 10, 2020, which lessened the restrictions of the “*Safer at Home Declaration, Amendment, Open for Business*” while still providing guidance and some restrictions.

The resolution provides that the emergency amendment to this Law is necessary for the preservation of the public health, safety, and general welfare of the Reservation population. The emergency amendment is needed to protect the Reservation population against the public health crisis that is the COVID-19 pandemic. Allowing for a member of the Nation to choose the option of outdoor, drive-through voting during the 2020 General Election will help reduce any unnecessary contact between individuals which could spread COVID-19, while also ensuring that the 2020 General Election can occur without interruption.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of this amendment would be contrary to public interest. The 2020 General Election is tentatively scheduled for July 25, 2020. [1 O.C. 102.12-1]. Therefore, the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the General Election could still occur on July 25, 2020, without violating the Election law.

The emergency amendment to the Law will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendments will remain effective for six (6) months, or until the 2020 General Election concludes, whichever is sooner. The LPA provides the possibility to extend the emergency amendments for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

Conclusion

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



EMERGENCY AMENDMENTS TO ELECTION LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	Provide that elections shall be held at an Oneida Nation facility, as opposed to in an Oneida Nation facility, to allow for outdoor, drive-through voting.
Purpose	To govern the procedures for the conduct of orderly elections of the Nation [1 O.C. 102.1-1]
Affected Entities	Oneida Election Board, Business Committee Support Office, Oneida Business Committee, Oneida Nation Judiciary, Oneida Gaming Commission, Legal Resource Center, Oneida Land Claims Commission, Oneida Land Commission, Oneida Nation Commission on Aging, Oneida Nation School Board, Oneida Trust Enrollment Committee.
Related Legislation	Boards, Committees, and Commissions law, Emergency Management and Homeland Security law.
Public Meeting	A public meeting is not required for emergency legislation [1 O.C. 109.8-1(b) and 109.9-5(a)].
Fiscal Impact	A fiscal impact statement is not required for emergency legislation [1 O.C. 109.9-5(a)].
Expiration of Emergency Amendments	Emergency amendments expire six (6) months after adoption and may be renewed for one additional six (6) month period.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. Background.** The Election law was first adopted on June 19, 1993, and most recently amended on an emergency basis by the Oneida Business Committee on March 17, 2020, and then again on May 13, 2020. The Election law governs the procedures for the conduct of orderly elections of the Nation. [1 O.C. 102.1-1].
- **March 17, 2020 Emergency Amendments.** The Election law was amended on an emergency basis through resolution BC-03-17-20-B in response to the COVID-19 pandemic for the purpose of:
 - Eliminating the caucus from the election process;
 - Requiring an individual to submit an application in order to have his or her name placed on a ballot for an election;
 - Eliminating the requirement for an individual to obtain at least ten (10) signatures of qualified voters when submitting an application to be placed on the ballot;
 - Requiring that all applications be submitted to the Business Committee Support Office by the close of business on April 24, 2020;
 - Eliminating referendums from the election process; and
 - Reducing the number of Oneida Election Board members who are required to sign the election totals on machine counted ballots.
 - **May 13, 2020 Emergency Amendments.** The Election law was amended on an emergency basis through resolution BC-05-13-20-H in response to the COVID-19 pandemic for the purpose of:

- 20 ▪ Allowing the Election Board to cancel the primary election when large gatherings of people
21 present a substantial risk to the health and safety of the Nation's citizens; and
22 ▪ Clarifying that if a primary election is canceled then all eligible candidates shall be placed
23 on the ballot for the General Election.
- 24 **B. COVID-19 Pandemic.** The world is currently facing a pandemic of the coronavirus disease 2019
25 (COVID-19). The COVID-19 outbreak originated in Wuhan, China and has spread to many other
26 countries throughout the world, including the United States. The COVID-19 pandemic has resulted in
27 high rates of infection and mortality, as well as vast economic impacts including effects on the stock
28 market and the closing of all non-essential businesses.
- 29 ▪ *Declaration of a Public Health State of Emergency.*
- 30 ▪ On March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State*
31 *of Emergency*" regarding COVID-19 which declared the Public Health State of Emergency
32 for the Nation until April 12, 2020, and set into place the necessary authority should action
33 need to be taken and allowed the Nation to seek reimbursement of emergency management
34 actions that may result in unexpected expenses.
- 35 ▪ The Public Health State of Emergency was extended until May 12, 2020, by the
36 Oneida Business Committee through the adoption of resolution BC-03-28-20-A
37 titled, "*Extension of March 12th Declaration of Public Health State of*
38 *Emergency.*"
- 39 ▪ The Public Health State of Emergency was then again extended by the Oneida
40 Business Committee until June 11, 2020, through the adoption of resolution BC-
41 05-06-20-A titled, "*Extension of Declaration of Public Health State of Emergency*
42 *Until June 11, 2020.*"
- 43 ▪ The Public Health State of Emergency was further extended until July 12, 2020,
44 by the Oneida Business Committee through the adoption of resolution BC-06-10-
45 20-A titled, "*Extension of Declaration of Public Health State of Emergency Until*
46 *July 12, 2020.*"
- 47 ▪ *Additional Action taken by the Nation in Response to COVID-19.*
- 48 ▪ On March 17, 2020, the Oneida Business Committee adopted emergency amendments to
49 the Emergency Management and Homeland Security law to create and delegate authority
50 to a COVID-19 Core Decision Making Team ("COVID-19 Team"). [3 O.C. 302.10].
- 51 ▪ When a public health emergency has been declared, the COVID-19 Team has the
52 authority to declare exceptions to the Nation's laws, policies, procedures,
53 regulations, or standard operating procedures during the emergency period which
54 will be of immediate impact for the purposes of protecting the health, safety, and
55 general welfare of the Nation's community, members, and employees. [3 O.C.
56 302.10-2].
- 57 ▪ These declarations remain in effect for the duration of the Public Health State of
58 Emergency. [3 O.C. 302.10-3].
- 59 ▪ On March 24, 2020, the Nation's COVID-19 Team issued a "*Safer at Home*" declaration
60 which prohibits all public gatherings of any number of people and orders all individuals
61 present within the Oneida Reservation to stay at home or at their place of residence, with
62 certain exceptions allowed.

- On April 21, 2020, the COVID-19 issued an “*Updated Safer at Home*” declaration which allowed for gaming and golf operations to resume.
 - On May 19, 2020, the COVID-19 Team issued a “*Safer at Home Declaration, Amendment, Open for Business*” which directs that individuals within the Oneida Reservation should continue to stay at home, businesses can re-open under certain safer business practices, and social distancing should be practiced by all persons.
 - On June 10, 2020, the COVID-19 Team issued a “*Stay Safer at Home*” declaration which lessened the restrictions of the “*Safer at Home Declaration, Amendment, Open for Business*” while still providing guidance and some restrictions.
 - On March 27, 2020, the Nation’s COVID-19 Team issued a “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration which suspended the Legislative Procedures Act’s requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period.
 - On April 8, 2020, the Oneida Business Committee adopted resolution BC-04-08-20-C titled, “*Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020,*” which required a great reduction in expenses as a result of zero gaming revenues supporting governmental functions and included initial and on-going layoffs.
- C. 2020 General Election.** The Nation is required to hold a General Election every three (3) years in the month of July. [*Constitution and Bylaws of the Oneida Nation Article III, Section 5; 1 O.C. 102.9-1*].
- Positions on the Ballot for the 2020 General Election.** The 2020 General Election ballot would include the following positions:
 - Oneida Business Committee;
 - One (1) vacancy – Chairperson, three (3) year term.
 - One (1) vacancy – Vice Chairperson, three (3) year term.
 - One (1) vacancy – Treasurer, three (3) year term.
 - One (1) vacancy – Secretary, three (3) year term.
 - Five (5) vacancies – Council Member, three (3) year term.
 - Oneida Election Board;
 - Three (3) vacancies – three (3) year term.
 - Oneida Gaming Commission;
 - One (1) vacancy – five (5) year term.
 - Legal Resource Center;
 - One (1) vacancy – Attorney, four (4) year term.
 - One (1) vacancy – Advocate, four (4) year term.
 - Oneida Land Claims Commission;
 - Two (2) vacancies – three (3) year term.
 - Oneida Land Commission;
 - Two (2) vacancies – three (3) year term.
 - Oneida Nation Commission on Aging;
 - Three (3) vacancies – three (3) year term.
 - Oneida Nation School Board;
 - Three (3) vacancies – Parent, three (3) year term.

- 107 ▪ Oneida Trust Enrollment Committee; and
- 108 ▪ Two (2) vacancies – three (3) year term.
- 109 ▪ Oneida Judiciary.
- 110 ▪ Court of Appeals:
- 111 ▪ One (1) vacancy – Appellate Court Chief Judge, six (6) year term.
- 112 ▪ One (1) vacancy – Appellate Court Judge, six (6) year term.
- 113 ▪ Trial Court:
- 114 ▪ One (1) vacancy – Trial Court Chief Judge, six (6) year term.
- 115 ▪ One (1) vacancy – Trial Court Judge, six (6) year term.
- 116 ▪ Originally, the caucus for the 2020 General Election was scheduled to be held on March 14, 2020,
- 117 with the primary election to be held on May 16, 2020, and the General Election occurring on July
- 118 4, 2020. Upon cancelation of the caucus through the adoption of emergency amendments through
- 119 BC-03-17-20-B, the primary election was rescheduled to May 23, 2020, and the 2020 General
- 120 Election was rescheduled to July 25, 2020. The primary election was then canceled following the
- 121 adoption of emergency amendments through BC-05-13-20-H.
- 122 **D. *Request for Emergency Amendments.*** In response to the COVID-19 pandemic, emergency
- 123 amendments to the Law are being sought by the Oneida Election Board to allow for outdoor, drive-
- 124 through voting to occur by clarifying that an election shall take place *at* an Oneida Nation facility, and
- 125 not *in* an Oneida Nation facility.
- 126

127 **SECTION 3. CONSULTATION AND OUTREACH**

- 128 **A.** Representatives from the following departments or entities participated in the development of this Law
- 129 and legislative analysis:
- 130 ▪ Oneida Law Office; and
- 131 ▪ Oneida Election Board.
- 132 **B.** The following laws were reviewed in the drafting of this analysis:
- 133 ▪ Oneida Nation Constitution and Bylaws;
- 134 ▪ Emergency Management and Homeland Security law; and
- 135 ▪ Boards, Committees, and Commissions law.
- 136

137 **SECTION 4. PROCESS**

- 138 **A.** These amendments are being considered on an emergency basis. The Oneida Business Committee may
- 139 temporarily enact an emergency law “where legislation is necessary for the immediate preservation of
- 140 public health, safety, or general welfare of the Reservation population and enactment or amendment of
- 141 legislation is required sooner than would be possible under this law” [1 O.C. 109.9-5].
- 142 ▪ Emergency amendments are being pursued for the immediate preservation of the public health,
- 143 safety, and general welfare of the Reservation population against the public health crisis that is the
- 144 COVID-19 pandemic. Chairman Tehassi Hill declared a Public Health State of Emergency for the
- 145 Nation on March 12, 2020. Allowing for the possibility of outdoor, drive-through voting to occur
- 146 will help reduce any unnecessary contact between individuals which could spread COVID-19,
- 147 while also ensuring that the 2020 General Election can occur without interruption.
- 148 ▪ Observance of the requirements under the Legislative Procedures Act for the adoption of these
- 149 amendments would be contrary to public interest. The 2020 General Election is tentatively

150 scheduled for July 25, 2020. Therefore, the process and requirements of the Legislative Procedures
151 Act cannot be completed in time to ensure that the General Election could still occur on July 25,
152 2020, without violating the Election law.

- 153 **B.** Emergency amendments typically expire six (6) months after adoption, with one (1) opportunity for a
154 six (6) month extension of the emergency amendments. [1 O.C. 109.9-5(b)]. The resolution for these
155 emergency amendments provides that the amendment will expire in six (6) months or until the 2020
156 General Election is concluded, whichever is sooner.
- 157 **C.** The Legislative Procedures Act does not require a public meeting or fiscal impact statement when
158 considering emergency legislation. [1 O.C. 109.9-5(a)]. However, a public meeting and fiscal impact
159 statement will eventually be required when considering permanent adoption of these amendments.
- 160 **D.** The Legislative Operating Committee decided to pursue these emergency amendments on June 12,
161 2020.
162

163 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 164 **A. *Location of the Election.*** The proposed emergency amendment to the Election law provides that
165 elections shall be held at an Oneida Nation facility(s) as determined by the Election Board. [1 O.C.
166 102.9-2]. Previously, the Election law provided that elections shall be held in an Oneida Nation
167 facility(s) as determined by the Election Board.
- 168 ■ *Effect.* The proposed emergency amendment would provide flexibility for the Oneida Election
169 Board to utilize outdoor, drive-through voting in the parking lot of an Oneida Nation facility.
170 Allowing for the option of outdoor, drive-through voting to occur will help reduce any unnecessary
171 contact between individuals which could spread COVID-19, while also ensuring that the 2020
172 General Election can occur without interruption.
173

174 **SECTION 6. EXISTING LEGISLATION**

- 175 **A. *Related Legislation.*** The following laws of the Nation are related to the emergency amendments to this
176 Law:
- 177 ■ *Boards, Committees, and Commissions law.* The Boards, Committees, and Commission law
178 governs boards, committees, and commissions of the Nation, including the procedures regarding
179 the appointment and election of persons to boards, committees and commissions, creation of
180 bylaws, maintenance of official records, compensation, and other items related to boards,
181 committees and commissions. [1 O.C. 105.1-1].
 - 182 ■ The Boards, Committees, and Commissions law provides that all elected positions shall be
183 nominated at a caucus called by the Oneida Election Board, or petition for ballot placement,
184 in accordance with the Nation's laws and/or policies governing elections, except where an
185 entity's bylaws allow for a vacancy to be filled by appointment. [1 O.C. 105.8-1]. The
186 Boards, Committees, and Commissions law then goes on to provide that all other processes
187 for the election of a member of an entity shall be as directed by the Nation's laws and/or
188 policies governing elections. [1 O.C. 105.8-2].
 - 189 ■ In accordance with the Boards, Committees, and Commissions law, this Law shall govern
190 the election process for the election of a member of an entity.
 - 191 ■ *Emergency Management and Homeland Security law.* The Emergency Management and
192 Homeland Security law provides for the development and execution of plans for the protection of

residents, property, and the environment in an emergency or disaster; and provides for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; and establishes the use of the National Incident Management System; and designates authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

- The Emergency Management and Homeland Security law provides that the Oneida Business Committee shall be responsible for proclaiming or ratifying the existence of an emergency. [3 O.C. 302.8-1]. A public health emergency is defined as the occurrence or imminent threat of an illness or health condition which:

(1) is a quarantinable disease, or is believed to be caused by bioterrorism or a biological agent; and

(2) poses a high probability of any of the following:

(A) a large number of deaths or serious or long-term disability among humans; or

(B) widespread exposure to a biological, chemical, or radiological agent that creates a significant risk of substantial future harm to a large number of people.

[3 O.C. 302.3-1(o)].

- Chairman Tehassi Hill's March 12, 2020, "*Declaration of Public Health State of Emergency*" and the subsequent extensions conform with the requirements of the Emergency Management and Homeland Security law.

SECTION 7. OTHER CONSIDERATIONS

A. *Deadline for Permanent Adoption of Amendments.* The emergency amendments will expire six (6) months after adoption or until the 2020 General Election is concluded, whichever is sooner. The emergency amendments may be renewed for an additional six (6) month period.

- *Conclusion:* The Legislative Operating Committee will need to consider the development and adoption of permanent amendments to this Law within the next six (6) to twelve (12) months.

B. *Consideration of Additional Amendments.* The Oneida Election Board will be actively monitoring the Public Health State of Emergency and will notify the membership of the Nation as soon as possible should the 2020 General Election day be canceled or postponed, or if the polling processes need to be amended to reduce the spread of COVID-19.

- *Conclusion:* The Legislative Operating Committee may have to consider additional amendments to this Law if the 2020 General Election timeframe or procedure will be further impacted by the COVID-19 Public Health State of Emergency.

C. *Fiscal Impact.* A fiscal impact statement is not required for emergency legislation.

- Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1].

Title 1. Government and Finances - Chapter 102**Onayote'a'ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? Kayanl'hsila***People of the Standing Stone how it is we will appoint them the kind of laws we have***ELECTION**

102.1. Purpose and Policy

102.2. Adoption, Amendment, Repeal

102.3. Definitions

102.4. Election Board

102.5. Candidate Eligibility

102.6. Selection of Candidates

102.7. Notice of Polling Places

102.8. Registration of Voters

102.9. Election Process

102.10. Tabulating and Securing Ballots

102.11. Election Outcome and Ties

102.12. Elections

102.13. Oneida Nation Constitution and By-law Amendments

102.1. Purpose and Policy

102.1-1. It is the policy of the Nation that this law shall govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities. 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 duties and responsibilities of the Election Board members and other persons employed by the Oneida Nation in the conduct of elections. It is intended to govern all procedures used in the election process.

102.2. Adoption, Amendment, Repeal

102.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-98-A and amended by resolutions GTC-01-04-10-A, BC-02-25-15-C, GTC-04-23-17-A, ~~BC-03-17-20-B~~, and emergency amended by resolutions BC-03-17-20-B, BC-05-13-20-H, and BC- -.

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. "Alternate" shall mean an individual appointed by the Business Committee to serve on the Election Board during an election and until election results have been certified.

102.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

102.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding holidays of the Nation.

102.3-5. "Campaigning" shall mean all efforts designed to influence members of the Nation to support or reject a particular candidate of the Nation including, without limitation, advertising,

Draft 1 for Emergency OBC Consideration (Redline to Current)

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38 rallying, public speaking, or other communications with members of the Nation.

39 102.3-6. "Candidate" shall mean an applicant for an elected position whose name is placed on the
40 ballot by the Election Board after successful application.

41 102.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose
42 of determining voter eligibility.

43 102.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.

44 102.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political
45 or otherwise, in which a Nation elected official, employee, consultant, appointed or elected,
46 member of any board, committee or commission, or their immediate relatives, friends or
47 associates, or any other person with whom they have contact, that conflicts with any right of the
48 Nation to property, information, or any other right to own and operate its enterprises, free from
49 undisclosed competition or other violation of such rights of the Oneida Nation, or as defined in
50 any law or policy of the Nation.

51 102.3-10. "Election" shall mean every primary and election.

52 102.3-11. "General election" shall mean the election held every three (3) years in July to elect the
53 Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the
54 Business Committee and may include contests for elected boards, committees and commissions
55 positions.

56 102.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of
57 discrepancies, complaints and controversy regarding voter eligibility.

58 102.3-13. "Judiciary" means the judicial system that was established by Oneida General Tribal
59 Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of
60 the Nation.

61 102.3-14. "Lot drawing" shall mean the equal chance method used to select a candidate as the
62 winner of an elected position, in the case of a tie between two (2) or more candidates.

63 102.3-15. "Nation" means the Oneida Nation.

64 102.3-16. "Nation's newspaper" shall mean the Kalihwisaks, or any other newspaper operated by
65 the Nation for the benefit of transmitting news to members of the Nation, which is designated by
66 the Election Board as a source for election related news.

67 102.3-17. "Oneida Police Officer" shall mean an enrolled member of the Oneida Nation who is a
68 police officer on any police force.

69 102.3-18. "Private property" shall mean any lot of land not owned by the Nation, a residential
70 dwelling or a privately owned business within the boundaries of the Reservation.

71 102.3-19. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill
72 Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida
73 Community Health Center, the SEOTS building and all One-Stop locations.

74 102.3-20. "Qualified voter" shall mean an enrolled member of the Nation who is eighteen (18)
75 years of age or older.

76 102.3-21. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating
77 machine.

78 102.3-22. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred
79 and is not tabulated.

80 102.3-23. "Teller" shall mean the election official in charge of collecting and storing of all ballots.

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102.4. Election Board*Section A. Establishment, Composition and Election*

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

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

102.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an Election Board member in any pre-election, election day, or post-election activities while he or she is an applicant or candidate in any election or there is otherwise a conflict of interest.

102.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member who is removed from the Election Board shall be ineligible to serve on the Board for three (3) years from the time he or she is removed from the Election Board.

102.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed to correspond with the pre-election activities and the needs of the Election Board.

102.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

102.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to the Election Board, as recommended by the Election Board, to assist with election day and pre-election activities.

102.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in the By-laws of the Election Board, to preside over the meetings. This selection shall be carried out at the first meeting of the Election Board following an election. The Chairperson shall then ask the Election Board to select a Vice-Chairperson and Secretary.

Section B. Duties of the Election Board

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

- (a) The Election Board shall be in charge of all registration and election procedures; and
- (b) Upon completion of an election, the Election Board shall make a final report on the election results as set out in this law.

Section C. Specific Duties of Officers and Election Board Members

102.4-10. Specific duties of the Chairperson and other Election Board members, in addition to being present at all Election Board meetings and assisting the handicapped through the voting process, are as set out herein:

- (a) Chairperson: Shall preside over meetings of the Election Board; shall select the hearing body for applicants found to be ineligible in accordance with 102.5-6 in the event of an appeal; shall oversee the conduct of the election; shall dismiss the alternates and Trust Enrollment Department personnel when their election day duties are complete; and shall post and report election results.
- (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.
- (c) Secretary: Shall keep a record of the meetings and make them available to the Nation's Secretary, other Election Board members and the public as required in the Open Records and Open Meetings Law.
- (d) Clerks: Shall implement the requirements of identifying and registering all voters and

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determining voter eligibility. Clerks shall work in conjunction with the Trust Enrollment Department personnel in the registration process, and assist the Chairperson as directed in conducting the election. Clerks cannot be currently employed by the Trust Enrollment Department.

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

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

Section D. Compensation Rates

102.4-11. Election Board members are to be compensated at an hourly rate when conducting elections as provided for in the Election Board's bylaws as approved by the Business Committee. The Election Board shall have a budget, approved through the Nation's budgeting process.

102.4-12. The Trust Enrollment Department personnel and Oneida Police Officer(s) shall be compensated at their regular rate of pay out of their respective budgets.

102.5. Candidate Eligibility

Section A. Requirements

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

102.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

(a) be an enrolled member of the Nation, as verified by membership rolls of the Nation.

(b) be a qualified voter on the day of the election.

(c) provide proof of physical residency as required for the position for which they have applied. Proof of residency may be through one (1) or more of the following:

(1) a valid Wisconsin driver's license;

(2) a bill or pay check stub showing name and physical address of the candidate from the prior or current month;

(3) another form of proof that identifies the candidate and that the candidate has physically resided at the address and identifies that address as the primary residence.

102.5-3. No applicant may have a conflict of interest with the position for which they are being considered, provided that any conflict of interest which may be eliminated within thirty (30) calendar days of being elected shall not be considered as a bar to election.

102.5-4. Applications shall be filed by presenting the information to the Nation's Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, by April 24, 2020. No mailed, internal Nation mail delivery, faxed or other delivery method shall be accepted.

102.5-5. The names of the candidates and the positions sought shall be a public record and made available to the public upon the determination of eligibility by the Election Board or the Board's designated agent.

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174 *Section B. Eligibility Review*

175 102.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal.
176 At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall
177 select the hearing body. The hearing shall be held within two (2) business days of receipt of the
178 appeal. The applicant shall be notified by phone of time and place of the hearing. The decision
179 of the hearing body shall be sent via certified mail or hand delivery within two (2) business days
180 of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the
181 Judiciary on an accelerated schedule.

182 102.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to
183 verify eligibility. Any applicant found to be ineligible for a position shall be notified by certified
184 mail return receipt requested. The notice shall provide the following information:

185 (a) Position for which they were considered

186 (b) Qualification of the position and citation of the source. (Copies of source may be
187 attached.)

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

189 (d) That the applicant has two (2) business days from notification to make an appeal.
190 Appeals must be filed at the location designated on the notice by hand delivery. The
191 location designated shall be on the Reservation. No mailed, internal Nation mail, faxed or
192 other delivery method will be accepted.

193

194 *Section C. Campaign Financing*

195 102.5-8. Contributions:

196 (a) Solicitation of Contributions by Candidates.

197 (1) Candidates shall only accept contributions from individuals who are members
198 of the Nation or individuals related by blood or marriage to the candidate.
199 Candidates may not accept contributions from any business, whether sole
200 proprietorship, partnership, corporation, or other business entity.

201 (2) Candidates shall not solicit or accept contributions in any office or
202 business/facility of the Nation.

203 (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the
204 Election Board in an amount specified in a resolution adopted by the Business Committee.

205 102.5-9. Campaign Signs and Campaigning:

206 (a) Placement of campaign signs:

207 (1) Campaign signs shall not be posted or erected on any property of the Nation
208 except for private property with the owner/tenant's permission.

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

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

213 (b) Removal of campaign signs. All campaign signs shall be removed within five (5)
214 business days after an election.

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

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(d) Enforcement. The Zoning Administrator shall cause to be removed any campaign signs that are not in compliance with this law, in accordance with the Zoning and Shoreland Protection Law.

(e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business Committee.

Section D. Candidate Withdrawal

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

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

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

102.5-13. Candidates withdrawing by any method listed herein shall be denied any position from which they have withdrawn regardless of the number of votes cast for that candidate. A written statement shall be considered the only necessary evidence of withdrawal and acceptance of denial of any position withdrawn from.

102.5-14. Candidate Withdrawal After Winning an Election.

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

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

2.6. Selection of Candidates

102.6-1. Any eligible member of the Nation may apply to be placed on a ballot according to the following procedures:

(a) Applicants shall use an official form as designated by this law which may be obtained in the Office of the Nation's Secretary.

(b) The form shall consist of information that satisfies the minimum requirements for eligible candidates, as described in section 102.5-2 of this law.

(c) Applications shall be presented to the Nation's Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to close of business on April 24, 2020. The location to drop-off applications shall be the Business Committee Support Office.

(d) The Nation's Secretary shall forward all applications to the Election Board Chairperson the next business day following the close of submissions.

102.6-2. A person who runs for a position on the Oneida Business Committee, or a position on a judicial court or commission, shall not run for more than one (1) elective office or seat per election.

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102.7. Notice of Polling Places

102.7-1. The Election Board shall post a notice in the prominent locations, 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/facilities.

102.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the election, and shall remain posted until the poll closes on the day of the election.

102.7-3. Except for a Special Election, notice for the election shall be mailed to all Nation members, stating the time and place of the election and a sample of the ballot, no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing.

102.7-4. Notice of the election shall be placed in the Nation's newspaper.

102.8. Registration of Voters*Section A. Requirements*

102.8-1. *Registration of Voters.* All enrolled members of the Nation, who are eighteen (18) years of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the Oneida Nation Constitution.

Section B. Identification of Voters

102.8-2. All voters must present one of the following picture identifications in order to be able to vote:

- (a) Oneida Nation I.D.
- (b) Drivers License.
- (c) Other I.D. with name and photo.

Section C. Registration Procedures

102.8-3. Voters shall physically register, on the day of the election, at the polls.

102.8-4. Trust Enrollment Department personnel shall be responsible for verifying enrollment with the Nation. Conduct of Trust Enrollment Department personnel is governed by the Election Officials 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/Verification of Voter Eligibility

102.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote, the Judges of the Election Officials appointed by the Election Board Chairperson 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/verifiable under the Oneida Nation Constitution, Article III Section 2, to vote in the Nation's elections.

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102.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of the voter shall be written next to a numbered list which corresponds to the numbered and sealed envelope. The voter shall 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. 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.

102.9. 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 Elections shall be set in accordance with 102.12-6.

102.9-2. Elections shall be held ~~in~~at an Oneida Nation facility(s) as determined by the Election Board.

102.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All 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 Judges shall open the polls only after four

(4) members of the Nation verify, through signature on the tape, the ballot box is empty and the ballot counting machine printer tape has a zero (0) total count.

102.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open, and until the counting of ballots is completed, and tentative results posted.

102.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such that there is an area with at least two sides and a back enclosure.

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

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

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

Section B. Ballot Box

102.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and shall be locked until counting at the close of polls. Provided that, with electronic ballot counting, the ballots may be placed within the ballot counting machine as they are received.

Section C. Spoiled Ballots

102.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

102.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials and placed in an envelope marked as "Spoiled Ballots."

102.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15) calendar days following finalization of any challenge of the election, at the Records Management Department.

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Section D. Rejected Ballots

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

(a) Computer rejected ballots shall be reviewed by the Election Officials to verify the authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final computer total, provided that, a new ballot was not received as set out in sections 102.9-10 through 102.9-12.

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

102.10. Tabulating and Securing Ballots*Section A. Machine Counted Ballots*

102.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate from the ballot counting machine copies of the election totals from the votes cast.

102.10-2. At least three (3) Election Board members shall sign the election totals, which shall include the tape signed by the members of the Nation before the polls were opened per section 102.9-3(a).

Section B. Manually Counted Ballots

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

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

102.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and witnessed/monitored by an Oneida Police Officer.

102.10-6. Ballots must be counted by two different Election Officials until two final tallies are equal in back to back counting. Final tallies shall be verified by the Election Judges.

Section C. Securing Ballots

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

102.11. Election Outcome and Ties*Section A. Election Results Announcement*

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

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

402 102.11-2. The Election Board shall post, in the prominent locations, and publish in the Nation's
403 newspaper, the tentative results of an election.

404
405 *Section B. Tie*

406 102.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to
407 determine the outcome of an election, the Election Board shall conduct an automatic recount of
408 the votes for each candidate receiving the same number of votes. Any recount conducted shall be
409 the only recount allowed for the tied candidates.

410 102.11-4. For Business Committee positions, a run-off election between the candidates with the
411 same number of votes shall be held if there remains a tie after the recount. Said run-off election
412 shall be held within twenty one (21) calendar days after the recount. For all other positions, if
413 there remains a tie after the recount, the Election Board shall decide the winner of the tied positions
414 at least two (2) business days after, but no more than five (5) business days after the recount
415 through a lot drawing, which shall be open to the public.

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

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

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

429
430 *Section C. Recount Procedures*

431 102.11-5. A candidate may request the Election Board to complete a recount, provided the margin
432 between the requesting candidate's vote total and vote total for the unofficial winner was within
433 two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is
434 greater. A candidate requests a recount by hand delivering a written request to the office of the
435 Nation's Secretary, or noticed designated agent, within five (5) business days after the election.
436 Requests shall be limited to one (1) request per candidate. The Nation's Secretary shall contact
437 the Election Board Chairperson by the next business day after the request for recounts.

438 102.11-6. The Election Board shall respond by the close of business on the fifth (5th) day after the
439 request regarding the results of the recount. Provided that, no recount request need be honored
440 where there have been two (2) recounts completed as a result of a request either as a recount of the
441 whole election results, or of that sub-section.

442 102.11-7. All recounts shall be conducted manually with, if possible, the original Election

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Officials and Oneida Police Officer present, regardless of the original type of counting process. Manual recounts may, at the discretion of the Election Officials, be of the total election results, or of the challenged sub-section of the election results.

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

102.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election Board Chairperson and an Oneida Police Officer shall witness the recount.

102.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be counted until two (2) final tallies are equal in back to back counting and the total count of ballots reconciles with the total count from the ballot counting machine. Sub-sections of candidates may be recounted in lieu of a full recount.

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

(b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior to using an electronic ballot counting device, it shall be certified as correct either by the maker, lessor of the machine, or Election Board.

Section D. Challenges and Declaration of Results

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

(a) The person challenging the election results shall prove by clear and convincing evidence that the Election Law was violated or an unfair election was conducted, and that the outcome of the election would have been different but for the violation.

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

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

(a) Total number of persons voting.

(b) Total votes cast for each candidate by subsection of the ballot.

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

(d) List of candidates elected and position elected to.

(e) Number of spoiled ballots.

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

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

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102.11-14. Candidates elected to the Business Committee shall resign from any salaried position effective prior to taking a Business Committee oath of office

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

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

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

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

102.12. Elections

Section A. Primary Elections; Business Committee

102.12-1. *When to Hold a Primary Election.* A primary election for Business Committee positions is required to be held on a Saturday at least sixty (60) calendar days prior to the election whenever there are three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-large council member positions.

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

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

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

102.12-2. *Cancellation of a Primary Election.* A primary election for Business Committee positions may be canceled in the following circumstances:

(a) The Election Board shall cancel the primary election if the Business Committee positions did not draw the requisite number of candidates for a primary.

(b) The Election Board may cancel the primary election when large gatherings of people present a substantial risk to the health and safety of the Nation's citizens.

(1) In the event the Election Board cancels the primary election, all candidates that are determined eligible according to section 102.5 and are not made ineligible under section 102.6-2 shall be placed on the ballot for the general election.

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

Section B. Special Elections

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

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

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

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

Section C. Initiation of Special Elections

102.12-9. Special Elections may be initiated by a request or directive of the General Tribal Council or the Oneida Business Committee.

102.12-10. Special Election may be requested by a member of the Nation to the Business Committee or General Tribal Council.

102.12-11. All Special Elections shall follow rules established for all other elections. This includes positions for all Boards, Committees and Commissions.

102.13. Oneida Nation Constitution and By-law Amendments

102.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a petition of qualified voters. The requirements for the Oneida Business Committee's initiation of Constitutional amendments are as provided in the Constitution and as further detailed in the supporting standard operating procedures which the Oneida Business Committee shall adopt. Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by submitting a petition to the Office of the Nation's Secretary which includes the full text of the proposed amendments and signatures that are equal in number to at least ten percent (10%) of all members qualified to vote.

(a) Qualified voters may request a petition form from the Office of the Nation's Secretary.

(b) When a petition form is requested, the Nation's Secretary, or his or her designee, shall direct the Trust Enrollment Department to calculate the number of signatures currently required for a petition submittal, which shall be ten percent (10%) of all members qualified to vote on the date the petition form is requested from the Office of the Nation's Secretary. When the Nation's Secretary receives the calculation from the Trust Enrollment Department, the Nation's Secretary shall provide the requester with the petition form and the number of signatures that are currently required.

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

(d) The Nation's Secretary shall forward submitted petitions to the Trust Enrollment Department for verification of signatures and to the Election Board to provide notice that the petition may need to be placed on an upcoming ballot.

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

102.13-2. The Election Board shall place any proposed amendments to the Oneida Nation Constitution that meet the requirements contained in 102.13-1 on the ballot at the next general election. Provided that, the Oneida Business Committee or General Tribal Council may order a special election be held to consider the proposed amendments. In such circumstances, the Election Board shall place any proposed amendments to the Oneida Nation Constitution on the ballot at the next special election.

102.13-3. The Election Board shall publish any proposed amendments by publishing a sample ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing. Copies of such publications shall be prominently posted in each polling place and at administrative offices of the Nation and shall also be published in official Oneida media outlets, which the Oneida Business Committee shall identify by resolution. For the purposes of this section, Oneida administrative offices means the location where the Oneida Business Committee conducts business.

102.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a true and impartial statement and is written in such a manner that does not create prejudice for or against the proposed amendment.

102.13-5. Pursuant to Article VI, Section 3 of the Oneida Nation Constitution, proposed amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that amendment shall become part of the Constitution and By-laws, and shall abrogate or amend existing provisions of the Constitution and By-laws at the end of thirty (30) days after submission of the final election report.

102.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the amendment receiving the highest affirmation vote prevails.

End.

Adopted - June 19, 1993

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

Presented for Adoption of 1997 Revisions - GTC-7-6-98-A

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

Amended-GTC-01-04-10-A

Amended – BC-02-25-15-C

Amended – GTC-04-23-17-A

Emergency Amended – BC-03-17-20-B

Emergency Amended – BC-05-13-20-H

Emergency Amended – BC- - - -

Title 1. Government and Finances - Chapter 102**Onayote'a·ká· Tho Ni· Yót Tsi' Ayethiyataláko Tsi' Kayanláhsla***People of the Standing Stone how it is we will appoint them the kind of laws we have***ELECTION**

102.1. Purpose and Policy

102.2. Adoption, Amendment, Repeal

102.3. Definitions

102.4. Election Board

102.5. Candidate Eligibility

102.6. Selection of Candidates

102.7. Notice of Polling Places

102.8. Registration of Voters

102.9. Election Process

102.10. Tabulating and Securing Ballots

102.11. Election Outcome and Ties

102.12. Elections

102.13. Oneida Nation Constitution and By-law Amendments

102.1. Purpose and Policy

102.1-1. It is the policy of the Nation that this law shall govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities. 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 duties and responsibilities of the Election Board members and other persons employed by the Oneida Nation in the conduct of elections. It is intended to govern all procedures used in the election process.

102.2. Adoption, Amendment, Repeal

102.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-98-A and amended by resolutions GTC-01-04-10-A, BC-02-25-15-C, GTC-04-23-17-A, and emergency amended by resolutions BC-03-17-20-B, BC-05-13-20-H, and BC-__-__-__.

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. "Alternate" shall mean an individual appointed by the Business Committee to serve on the Election Board during an election and until election results have been certified.

102.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

102.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding holidays of the Nation.

102.3-5. "Campaigning" shall mean all efforts designed to influence members of the Nation to support or reject a particular candidate of the Nation including, without limitation, advertising, rallying, public speaking, or other communications with members of the Nation.

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102.3-6. "Candidate" shall mean an applicant for an elected position whose name is placed on the ballot by the Election Board after successful application.

102.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose of determining voter eligibility.

102.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.

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

102.3-10. "Election" shall mean every primary and election.

102.3-11. "General election" shall mean the election held every three (3) years in July to elect the Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the Business Committee and may include contests for elected boards, committees and commissions positions.

102.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of discrepancies, complaints and controversy regarding voter eligibility.

102.3-13. "Judiciary" means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.

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

102.3-15. "Nation" means the Oneida Nation.

102.3-16. "Nation's newspaper" shall mean the Kalihwisaks, or any other newspaper operated by the Nation for the benefit of transmitting news to members of the Nation, which is designated by the Election Board as a source for election related news.

102.3-17. "Oneida Police Officer" shall mean an enrolled member of the Oneida Nation who is a police officer on any police force.

102.3-18. "Private property" shall mean any lot of land not owned by the Nation, a residential dwelling or a privately owned business within the boundaries of the Reservation.

102.3-19. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida Community Health Center, the SEOTS building and all One-Stop locations.

102.3-20. "Qualified voter" shall mean an enrolled member of the Nation who is eighteen (18) years of age or older.

102.3-21. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating machine.

102.3-22. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred and is not tabulated.

102.3-23. "Teller" shall mean the election official in charge of collecting and storing of all ballots.

102.4. Election Board

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83 *Section A. Establishment, Composition and Election*

84 102.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this
85 law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.

86 102.4-2. The Election Board shall consist of nine (9) elected members. All members shall be
87 elected to terms of three (3) years, not to exceed two (2) consecutive terms.

88 102.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an
89 Election Board member in any pre-election, election day, or post-election activities while he or
90 she is an applicant or candidate in any election or there is otherwise a conflict of interest.

91 102.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member
92 who is removed from the Election Board shall be ineligible to serve on the Board for three (3)
93 years from the time he or she is removed from the Election Board.

94 102.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the
95 Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed
96 to correspond with the pre-election activities and the needs of the Election Board.

97 102.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

98 102.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to
99 the Election Board, as recommended by the Election Board, to assist with election day and pre-
100 election activities.

101 102.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in
102 the By-laws of the Election Board, to preside over the meetings. This selection shall be carried
103 out at the first meeting of the Election Board following an election. The Chairperson shall then
104 ask the Election Board to select a Vice-Chairperson and Secretary.

105

106 *Section B. Duties of the Election Board*

107 102.4-9. The Election Board shall have the following duties, along with other responsibilities listed
108 throughout this law.

- 109 (a) The Election Board shall be in charge of all registration and election procedures; and
110 (b) Upon completion of an election, the Election Board shall make a final report on the
111 election results as set out in this law.

112

113 *Section C. Specific Duties of Officers and Election Board Members*

114 102.4-10. Specific duties of the Chairperson and other Election Board members, in addition to
115 being present at all Election Board meetings and assisting the handicapped through the voting
116 process, are as set out herein:

117 (a) Chairperson: Shall preside over meetings of the Election Board; shall select the hearing
118 body for applicants found to be ineligible in accordance with 102.5-6 in the event of an
119 appeal; shall oversee the conduct of the election; shall dismiss the alternates and Trust
120 Enrollment Department personnel when their election day duties are complete; and shall
121 post and report election results.

122 (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.

123 (c) Secretary: Shall keep a record of the meetings and make them available to the Nation's
124 Secretary, other Election Board members and the public as required in the Open Records
125 and Open Meetings Law.

126 (d) Clerks: Shall implement the requirements of identifying and registering all voters and
127 determining voter eligibility. Clerks shall work in conjunction with the Trust Enrollment

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Department personnel in the registration process, and assist the Chairperson as directed in conducting the election. Clerks cannot be currently employed by the Trust Enrollment Department.

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

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

Section D. Compensation Rates

102.4-11. Election Board members are to be compensated at an hourly rate when conducting elections as provided for in the Election Board's bylaws as approved by the Business Committee.

The Election Board shall have a budget, approved through the Nation's budgeting process.

102.4-12. The Trust Enrollment Department personnel and Oneida Police Officer(s) shall be compensated at their regular rate of pay out of their respective budgets.

102.5. Candidate Eligibility

Section A. Requirements

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

102.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

(a) be an enrolled member of the Nation, as verified by membership rolls of the Nation.

(b) be a qualified voter on the day of the election.

(c) provide proof of physical residency as required for the position for which they have applied. Proof of residency may be through one (1) or more of the following:

(1) a valid Wisconsin driver's license;

(2) a bill or pay check stub showing name and physical address of the candidate from the prior or current month;

(3) another form of proof that identifies the candidate and that the candidate has physically resided at the address and identifies that address as the primary residence.

102.5-3. No applicant may have a conflict of interest with the position for which they are being considered, provided that any conflict of interest which may be eliminated within thirty (30) calendar days of being elected shall not be considered as a bar to election.

102.5-4. Applications shall be filed by presenting the information to the Nation's Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, by April 24, 2020. No mailed, internal Nation mail delivery, faxed or other delivery method shall be accepted.

102.5-5. The names of the candidates and the positions sought shall be a public record and made available to the public upon the determination of eligibility by the Election Board or the Board's designated agent.

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Section B. Eligibility Review

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

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

- (a) Position for which they were considered
- (b) Qualification of the position and citation of the source. (Copies of source may be attached.)
- (c) A brief summary explaining why the applicant was found to be ineligible.
- (d) That the applicant has two (2) business days from notification to make an appeal. Appeals must be filed at the location designated on the notice by hand delivery. The location designated shall be on the Reservation. No mailed, internal Nation mail, faxed or other delivery method will be accepted.

Section C. Campaign Financing

102.5-8. Contributions:

- (a) Solicitation of Contributions by Candidates.
 - (1) Candidates shall only accept contributions from individuals who are members of the Nation or individuals related by blood or marriage to the candidate. Candidates may not accept contributions from any business, whether sole proprietorship, partnership, corporation, or other business entity.
 - (2) Candidates shall not solicit or accept contributions in any office or business/facility of the Nation.
- (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business Committee.

102.5-9. Campaign Signs and Campaigning:

- (a) Placement of campaign signs:
 - (1) Campaign signs shall not be posted or erected on any property of the Nation except for private property with the owner/tenant's permission.
 - (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum of seven (7) such signs may be placed on a building or on a lot.
 - (3) No campaign sign shall project beyond the property line into the public right of way.
- (b) Removal of campaign signs. All campaign signs shall be removed within five (5) business days after an election.
- (c) Employees of the Nation shall not engage in campaigning for offices of the Nation during work hours. The Nation's employees shall be subject to disciplinary action under the personnel policies and procedures for political campaigning during work hours.
- (d) Enforcement. The Zoning Administrator shall cause to be removed any campaign

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signs that are not in compliance with this law, in accordance with the Zoning and Shoreland Protection Law.

(e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business Committee.

Section D. Candidate Withdrawal

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

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

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

102.5-13. Candidates withdrawing by any method listed herein shall be denied any position from which they have withdrawn regardless of the number of votes cast for that candidate. A written statement shall be considered the only necessary evidence of withdrawal and acceptance of denial of any position withdrawn from.

102.5-14. Candidate Withdrawal After Winning an Election.

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

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

2.6. Selection of Candidates

102.6-1. Any eligible member of the Nation may apply to be placed on a ballot according to the following procedures:

(a) Applicants shall use an official form as designated by this law which may be obtained in the Office of the Nation's Secretary.

(b) The form shall consist of information that satisfies the minimum requirements for eligible candidates, as described in section 102.5-2 of this law.

(c) Applications shall be presented to the Nation's Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to close of business on April 24, 2020. The location to drop-off applications shall be the Business Committee Support Office.

(d) The Nation's Secretary shall forward all applications to the Election Board Chairperson the next business day following the close of submissions.

102.6-2. A person who runs for a position on the Oneida Business Committee, or a position on a judicial court or commission, shall not run for more than one (1) elective office or seat per election.

102.7. Notice of Polling Places

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102.7-1. The Election Board shall post a notice in the prominent locations, 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/facilities.

102.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the election, and shall remain posted until the poll closes on the day of the election.

102.7-3. Except for a Special Election, notice for the election shall be mailed to all Nation members, stating the time and place of the election and a sample of the ballot, no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing.

102.7-4. Notice of the election shall be placed in the Nation's newspaper.

102.8. Registration of Voters

Section A. Requirements

102.8-1. *Registration of Voters.* All enrolled members of the Nation, who are eighteen (18) years of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the Oneida Nation Constitution.

Section B. Identification of Voters

102.8-2. All voters must present one of the following picture identifications in order to be able to vote:

- (a) Oneida Nation I.D.
- (b) Drivers License.
- (c) Other I.D. with name and photo.

Section C. Registration Procedures

102.8-3. Voters shall physically register, on the day of the election, at the polls.

102.8-4. Trust Enrollment Department personnel shall be responsible for verifying enrollment with the Nation. Conduct of Trust Enrollment Department personnel is governed by the Election Officials 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/Verification of Voter Eligibility

102.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote, the Judges of the Election Officials appointed by the Election Board Chairperson 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/verifiable under the Oneida Nation Constitution, Article III Section 2, to vote in the Nation's elections.

102.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be

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placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of the voter shall be written next to a numbered list which corresponds to the numbered and sealed envelope. The voter shall 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. 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.

102.9. 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 Elections shall be set in accordance with 102.12-6.

102.9-2. Elections shall be held at an Oneida Nation facility(s) as determined by the Election Board.

102.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All 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 Judges shall open the polls only after four (4) members of the Nation verify, through signature on the tape, the ballot box is empty and the ballot counting machine printer tape has a zero (0) total count.

102.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open, and until the counting of ballots is completed, and tentative results posted.

102.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such that there is an area with at least two sides and a back enclosure.

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

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

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

Section B. Ballot Box

102.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and shall be locked until counting at the close of polls. Provided that, with electronic ballot counting, the ballots may be placed within the ballot counting machine as they are received.

Section C. Spoiled Ballots

102.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

102.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials and placed in an envelope marked as "Spoiled Ballots."

102.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15) calendar days following finalization of any challenge of the election, at the Records Management Department.

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Section D. Rejected Ballots

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

(a) Computer rejected ballots shall be reviewed by the Election Officials to verify the authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final computer total, provided that, a new ballot was not received as set out in sections 102.9-10 through 102.9-12.

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

102.10. Tabulating and Securing Ballots*Section A. Machine Counted Ballots*

102.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate from the ballot counting machine copies of the election totals from the votes cast.

102.10-2. At least three (3) Election Board members shall sign the election totals, which shall include the tape signed by the members of the Nation before the polls were opened per section 102.9-3(a).

Section B. Manually Counted Ballots

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

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

102.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and witnessed/monitored by an Oneida Police Officer.

102.10-6. Ballots must be counted by two different Election Officials until two final tallies are equal in back to back counting. Final tallies shall be verified by the Election Judges.

Section C. Securing Ballots

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

102.11. Election Outcome and Ties*Section A. Election Results Announcement*

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

"The election results posted here are tentative results. Final election results are forwarded

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398 *by the Oneida Election Board to the Oneida Business Committee via a Final Report after*
399 *time has lapsed for recount requests, or challenges or after all recounts or challenges*
400 *have been completed, whichever is longer”*

401 102.11-2. The Election Board shall post, in the prominent locations, and publish in the Nation’s
402 newspaper, the tentative results of an election.

403
404 *Section B. Tie*

405 102.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to
406 determine the outcome of an election, the Election Board shall conduct an automatic recount of
407 the votes for each candidate receiving the same number of votes. Any recount conducted shall be
408 the only recount allowed for the tied candidates.

409 102.11-4. For Business Committee positions, a run-off election between the candidates with the
410 same number of votes shall be held if there remains a tie after the recount. Said run-off election
411 shall be held within twenty one (21) calendar days after the recount. For all other positions, if
412 there remains a tie after the recount, the Election Board shall decide the winner of the tied positions
413 at least two (2) business days after, but no more than five (5) business days after the recount
414 through a lot drawing, which shall be open to the public.

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

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

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

428
429 *Section C. Recount Procedures*

430 102.11-5. A candidate may request the Election Board to complete a recount, provided the margin
431 between the requesting candidate’s vote total and vote total for the unofficial winner was within
432 two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is
433 greater. A candidate requests a recount by hand delivering a written request to the office of the
434 Nation’s Secretary, or noticed designated agent, within five (5) business days after the election.
435 Requests shall be limited to one (1) request per candidate. The Nation’s Secretary shall contact
436 the Election Board Chairperson by the next business day after the request for recounts.

437 102.11-6. The Election Board shall respond by the close of business on the fifth (5th) day after the
438 request regarding the results of the recount. Provided that, no recount request need be honored
439 where there have been two (2) recounts completed as a result of a request either as a recount of the
440 whole election results, or of that sub-section.

441 102.11-7. All recounts shall be conducted manually with, if possible, the original Election
442 Officials and Oneida Police Officer present, regardless of the original type of counting process.

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Manual recounts may, at the discretion of the Election Officials, be of the total election results, or of the challenged sub-section of the election results.

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

102.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election Board Chairperson and an Oneida Police Officer shall witness the recount.

102.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be counted until two (2) final tallies are equal in back to back counting and the total count of ballots reconciles with the total count from the ballot counting machine. Sub-sections of candidates may be recounted in lieu of a full recount.

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

(b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior to using an electronic ballot counting device, it shall be certified as correct either by the maker, lessor of the machine, or Election Board.

Section D. Challenges and Declaration of Results

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

(a) The person challenging the election results shall prove by clear and convincing evidence that the Election Law was violated or an unfair election was conducted, and that the outcome of the election would have been different but for the violation.

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

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

(a) Total number of persons voting.

(b) Total votes cast for each candidate by subsection of the ballot.

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

(d) List of candidates elected and position elected to.

(e) Number of spoiled ballots.

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

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

102.11-14. Candidates elected to the Business Committee shall resign from any salaried position

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effective prior to taking a Business Committee oath of office

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

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

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

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

102.12. Elections

Section A. Primary Elections; Business Committee

102.12-1. *When to Hold a Primary Election.* A primary election for Business Committee positions is required to be held on a Saturday at least sixty (60) calendar days prior to the election whenever there are three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-large council member positions.

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

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

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

102.12-2. *Cancellation of a Primary Election.* A primary election for Business Committee positions may be canceled in the following circumstances:

(a) The Election Board shall cancel the primary election if the Business Committee positions did not draw the requisite number of candidates for a primary.

(b) The Election Board may cancel the primary election when large gatherings of people present a substantial risk to the health and safety of the Nation's citizens.

(1) In the event the Election Board cancels the primary election, all candidates that are determined eligible according to section 102.5 and are not made ineligible under section 102.6-2 shall be placed on the ballot for the general election.

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

Section B. Special Elections

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

102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business

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Committee as recommended by the Election Board or as ordered by the Judiciary in connection with an election challenge.

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

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

Section C. Initiation of Special Elections

102.12-9. Special Elections may be initiated by a request or directive of the General Tribal Council or the Oneida Business Committee.

102.12-10. Special Election may be requested by a member of the Nation to the Business Committee or General Tribal Council.

102.12-11. All Special Elections shall follow rules established for all other elections. This includes positions for all Boards, Committees and Commissions.

102.13. Oneida Nation Constitution and By-law Amendments

102.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a petition of qualified voters. The requirements for the Oneida Business Committee's initiation of Constitutional amendments are as provided in the Constitution and as further detailed in the supporting standard operating procedures which the Oneida Business Committee shall adopt. Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by submitting a petition to the Office of the Nation's Secretary which includes the full text of the proposed amendments and signatures that are equal in number to at least ten percent (10%) of all members qualified to vote.

(a) Qualified voters may request a petition form from the Office of the Nation's Secretary.

(b) When a petition form is requested, the Nation's Secretary, or his or her designee, shall direct the Trust Enrollment Department to calculate the number of signatures currently required for a petition submittal, which shall be ten percent (10%) of all members qualified to vote on the date the petition form is requested from the Office of the Nation's Secretary. When the Nation's Secretary receives the calculation from the Trust Enrollment Department, the Nation's Secretary shall provide the requester with the petition form and the number of signatures that are currently required.

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

(d) The Nation's Secretary shall forward submitted petitions to the Trust Enrollment Department for verification of signatures and to the Election Board to provide notice that the petition may need to be placed on an upcoming ballot.

(e) If the petition is verified by the Trust Enrollment Department to contain signatures from

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at least ten percent (10%) of all qualified voters, the Election Board shall make an official announcement of the proposed amendments to the Oneida Nation Constitution at least sixty (60) days prior to the election at which the proposed amendments are to be voted on.

102.13-2. The Election Board shall place any proposed amendments to the Oneida Nation Constitution that meet the requirements contained in 102.13-1 on the ballot at the next general election. Provided that, the Oneida Business Committee or General Tribal Council may order a special election be held to consider the proposed amendments. In such circumstances, the Election Board shall place any proposed amendments to the Oneida Nation Constitution on the ballot at the next special election.

102.13-3. The Election Board shall publish any proposed amendments by publishing a sample ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing. Copies of such publications shall be prominently posted in each polling place and at administrative offices of the Nation and shall also be published in official Oneida media outlets, which the Oneida Business Committee shall identify by resolution. For the purposes of this section, Oneida administrative offices means the location where the Oneida Business Committee conducts business.

102.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a true and impartial statement and is written in such a manner that does not create prejudice for or against the proposed amendment.

102.13-5. Pursuant to Article VI, Section 3 of the Oneida Nation Constitution, proposed amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that amendment shall become part of the Constitution and By-laws, and shall abrogate or amend existing provisions of the Constitution and By-laws at the end of thirty (30) days after submission of the final election report.

102.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the amendment receiving the highest affirmation vote prevails.

End.

Adopted - June 19, 1993

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

Presented for Adoption of 1997 Revisions - GTC-7-6-98-A

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

Amended-GTC-01-04-10-A

Amended – BC-02-25-15-C

Amended – GTC-04-23-17-A

Emergency Amended – BC-03-17-20-B

Emergency Amended – BC-05-13-20-H

Emergency Amended – BC-__-__-__-__

Oneida Business Committee Agenda Request

Determine next steps regarding ten (10) alternates - Oneida Election Board

1. Meeting Date Requested: 06 / 24 / 20

2. General Information:

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

Agenda Header: Appointments

- ☐ Accept as Information only
☒ Action - please describe:

Determine next steps regarding ten (10) Alternates - Oneida Election Board

3. Supporting Materials

- ☐ Report ☐ Resolution ☐ Contract
☐ Other:

1. 3.
2. 4.

☐ Business Committee signature required

4. Budget Information

- ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Lisa Summers, Secretary

Primary Requestor/Submitter: Brooke Doxtator, Boards, Committees, and Commissions Supervisor
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Name, Title / Dept.

Additional Requestor: Name, Title / Dept.

Oneida Business Committee Agenda Request**6. Cover Memo:**

Describe the purpose, background/history, and action requested:

Ten (10) vacancy(ies) were posted for Oneida Election Board Alternate.

The application deadline was June 12, 2020 and eight (8) application(s) for alternate positions were received for the following applicant(s):

Clarissa Reyes
Kim Reyes
Keenan Skenandore
Terryl Wheelock
Linda Langen
Kalene White
Linda Nockideneh
Kathryn LaRoque

Select action(s) provided below:

(1) accept the selected the applicant(s) and appoint them to terms that will end after the 2020 General Election Results are ratified; OR

(a) reject the selected applicant(s) and oppose the vote**; OR

(2) repost the vacancy(ies) in accordance with § 105.5-5. due to an insufficient number of applicants; OR

(3) request the Secretary to re-notice the vacancy(ies) in accordance with §105.7-1.(c)(2) due to ineligible, unqualified, or under qualified applicants

1) Save a copy of this form for your records.

2) Print this form as a *.pdf OR print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Business Committee Agenda Request

Determine next steps regarding one (1) vacancy(ies) - Oneida ESC Group, LLC - Board of Managers

1. Meeting Date Requested: 06 / 24 / 20

2. General Information:

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

Agenda Header: Appointments

- ☐ Accept as Information only
- ☒ Action - please describe:

Determine next steps regarding one (1) vacancy(ies) - Oneida ESC Group, LLC - Board of Managers

3. Supporting Materials

- ☐ Report ☐ Resolution ☐ Contract
- ☐ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

- ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Lisa Summers, Secretary

Primary Requestor/Submitter: Brooke Doxtator, Boards, Committees, and Commissions Supervisor
Your Name, Title / Dept. or Tribal Member

Additional Requestor:
Name, Title / Dept.

Additional Requestor:
Name, Title / Dept.

Oneida Business Committee Agenda Request**6. Cover Memo:**

Describe the purpose, background/history, and action requested:

One (1) vacancy(ies) was posted for the Oneida ESC Group, LLC - Board of Managers for a term ending June 30, 2023.

The application deadline was June 12, 2020 and one (1) application(s) was received for the following applicant(s):

Leslie Wheelock

Select action(s) provided below:

(1) accept the selected the applicant(s) and appoint to term ending June 30, 2023; OR
(a) reject the selected applicant(s) and oppose the vote**; OR

(2) repost the vacancy(ies) due to an insufficient number of applicants; OR

(3) request the Secretary to re-notice the vacancy(ies) due to ineligible, unqualified, or under qualified applicants

1) Save a copy of this form for your records.

2) Print this form as a *.pdf OR print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Business Committee Agenda Request

Approve the travel request in accordance with § 219.16-1 - Ten (10) individuals - 2020 General Election...

1. Meeting Date Requested: 06 / 24 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☒ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Twylite Moore, Election Board Interim Chairperson

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

MEMORANDUM

To: Oneida Business Committee

**From: Twylite E. Moore, Interim Chair
Oneida Election Board**

Date: June 12, 2020

**Subject: Procedural Exception for Election Board Travel
Milwaukee, Wisconsin - July 24-26, 2020 (two nights)**

On behalf of the Oneida Election Board, I hereby respectfully request approval for travel to the Milwaukee polling site for the 2020 General Election scheduled for Saturday, July 25, 2020.

To be in compliance with the Election Law in regards to the election process, six (6) Election Board Members (including alternates) are required, two (2) Enrollments Department staff will be there to assist in the voter registration process, and two (2) Oneida Police Officers will be there for a total of ten (10).

Costs will include hotel for Friday night (7/24/2020) and Saturday night (7/25/2020), mileage and per diem for all three days (7/24 – 7/26/2020).

Thank you for your time and consideration regarding this matter.

Appoint a representative to the Green Bay Chamber of Commerce
Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 20

2. General Information:

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

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Requesting formal action to appoint a representative to the Green Bay Chamber of Commerce

3. Supporting Materials

☐ Report ☐ Resolution ☐ Contract

☒ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

☒ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Additional Requestor:



Administration
P.O. Box 365
Oneida, WI 54155

To: Oneida Business Committee
From: Louise Cornelius, Gaming General Manager 
Date: June 12, 2020
Subject: Green Bay Chamber of Commerce Term Expiration

With all due respect, I bring to your attention that my appointment as a Board Member to the Green Bay Chamber of Commerce expires August 31, 2020. I've been a board member since December of 2013. I am formally requesting to remove myself from this Board and encourage Oneida Business Committee to consider a new appointee.

I respectfully and honorably plan to resume and devote my attention to my employment contract obligations (Radisson-Gaming Merger, Sports Book Betting, and expansion plans that maybe feasible). None of us anticipated that today, we would be in a recovery mode from the Covid-19 Pandemic effects we have endured within the casino industry today, and the uncertainty it holds for the future.

In closing, I thank the past and present Business Committee's for their confidence in allowing me to utilize my experience, professionalism, and leadership to represent Oneida Nation with the Green Bay Chamber of Commerce.

Thank you for your support and consideration, I look forward to hearing from you soon.



Enter the e-poll results into the record regarding the approved expenditure for unemployment compensation

Business Committee Agenda Request

1. Meeting Date Requested: 06/22/20

2. General Information:

Session: ☒ Open

☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

☐ Contract Document(s)

☐ Legal Review

☐ Resolution

☐ Correspondence

☐ Minutes

☐ Statement of Effect

☐ Fiscal Impact Statement

☐ Report

☐ Travel Documents

☒ Other: e-poll results, request and back-up

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☒ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Summers, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

E-POLL RESULTS: Approve the expenditure for unemployment compensation

TribalSecretary <TribalSecretary@oneidanation.org>

Wed 6/17/2020 4:44 PM

To: TribalSecretary <TribalSecretary@oneidanation.org>; Brandon L. Yellowbird-Stevens <bsteven@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ernest L. Stevens <esteven4@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa M. Summers <lsummer2@oneidanation.org>; Patricia M. King <tking@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>

Cc: Brian A. Doxtator <bdoxtat2@oneidanation.org>; Ralinda R. Ninham-Lamberies <rlamberi@oneidanation.org>; Danelle A. Wilson <dwilson1@oneidanation.org>; Simone A. Ninham <sninham2@oneidanation.org>; BC_Agenda_Requests <BC_Agenda_Requests@oneidanation.org>

 2 attachments (289 KB)

BCAR Approve the expenditure for unemployment compensation.pdf; KM Comment.pdf;

The e-poll to approve the expenditure of \$1,877,441.73 for unemployment compensation for the statement period of 05/01/2020 through 05/31/2020, **has been approved**. As of the deadline, below are the results:

Support: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Per section 5.2.c. of the OBC SOP "Conducting Electronic Voting (E-polls)", attached are copies of any comment by an OBC member made beyond a vote.

*Lisa Liggins, Information Management Specialist
Business Committee Support Office (BCSO)*

From: TribalSecretary <TribalSecretary@oneidanation.org>

Sent: Monday, June 15, 2020 4:07 PM

To: Brandon L. Yellowbird-Stevens <bsteven@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ernest L. Stevens <esteven4@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa M. Summers <lsummer2@oneidanation.org>; Patricia M. King <tking@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>

Cc: TribalSecretary <TribalSecretary@oneidanation.org>; Danelle A. Wilson <dwilson1@oneidanation.org>; Simone A. Ninham <sninham2@oneidanation.org>

Subject: E-POLL REQUEST: Approve the expenditure for unemployment compensation

E-POLL REQUEST

Summary:

The approved purchasing manual requires amounts over the amount of \$500,000 be approved by the Finance Committee. Since the adoption of the Public Health State of

Emergency, the subcommittees of the Oneida Business Committee have canceled their regular scheduled meetings; this action would normally be taken by the Finance Committee, not the Business Committee. The attached invoice indicates that assessment of interest will occur if payment is not received by June 23, 2020..

Justification for E-Poll: The next regularly scheduled OBC Meeting is June 24, 2020.

Requested Action:

Approve the expenditure of \$1,877,441.73 for unemployment compensation for the statement period of 05/01/2020 through 05/31/2020

Deadline for response:

Responses are due no later than **4:30 p.m., TUESDAY, June 16, 2020.**

Voting:

1. Reply with "Support" or "Oppose"

*Lisa Liggins, Information Management Specialist
Business Committee Support Office (BCSO)*

RE: E-POLL REQUEST: Approve the expenditure for unemployment compensation

Kirby W. Metoxen <KMETOX@oneidanation.org>

Mon 6/15/2020 4:14 PM

To: TribalSecretary <TribalSecretary@oneidanation.org>; Brandon L. Yellowbird-Stevens <bsteven@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ernest L. Stevens <esteven4@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Lisa M. Summers <lsummer2@oneidanation.org>; Patricia M. King <tking@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>
Cc: Danelle A. Wilson <dwilson1@oneidanation.org>; Simone A. Ninham <sninham2@oneidanation.org>
Support. Is this out of the PPP funds or any Covid -19 emergency \$'s


Kirby Metoxen

Kirby Metoxen, Councilman

kmetox@oneidanation.org

Work Phone: (920) 869-4441

Fax: (920) 869-4040

 Description: Description:
Description: Oneida
emailSig_logo_tag

The information contained in this e-mail is confidential and privileged. If you are not the intended recipient, please be advised that any use, copying, or dissemination of this information is prohibited. Please destroy this e-mail and immediately notify us of the erroneous transmission.

Oneida Business Committee Agenda Request**1. Meeting Date Requested:** ___ / ___ / ___**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:

Approve the expenditure of \$1,877,441.73 for unemployment compensation for the statement period of 05/01/2020 through 05/31/2020

3. Supporting Materials☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter: Brian A Doxtator, Executive Assistant to the Treasurer
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: _____
Name, Title / Dept.Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request**6. Cover Memo:**

Describe the purpose, background/history, and action requested:

The approved purchasing manual requires amounts over the amount of \$500,000 be approved by the Finance Committee. Since the adoption of the Public Health State of Emergency, the subcommittees of the Oneida Business Committee had canceled their regular scheduled meeting.

The attached invoice indicates that assessment of interest will occur if payment is not received by June 23, 2020. The next regularly scheduled OBC Meeting is June 24, 2020.

Requested Motion:

Approve the expenditure of \$1,877,441.73 for unemployment compensation for the statement period of 05/01/2020 through 05/31/2020

1) Save a copy of this form for your records.

2) Print this form as a *.pdf OR print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

A/P Check Request Form**Business Unit:** 1101061Vendor Number: 103239 (If unknown, please provide SSN or EIN)Vendor Name: DWD UID GA PO Box 7945

* Select Yes or No if the A/P Check is to be mailed using the default address: Yes ☐ No ☐
 If No, please fill out the following:

Check written to: _____ (30)

Address1 _____ (30)

Address2 _____ (30)

City _____ (16) State _____ Zip Code _____ (9)

Amount of check: \$ 1,877,441.73 Date Check Needed: 06/16/2020

* Is the check to be mailed out? Yes ☐ No ☐

If No, please identify the person that will pick up the check (the following must be filled out):

Print full name: _____ Phone Number / Ext: _____

Please attach any original documents/paperwork/invoices, etc., you may have regarding this purchase

Description/Purpose for Check: UC Claims Month of May

Purchase Order #: _____ Invoice #: _____ Invoice Date: _____

	Co.	Fund/Unit	Prt	Account	Sub	
Expense Account(s):	<u>001</u>	<u>- 1101061</u>	<u>- 000</u>	<u>- 709970</u>	<u>- 000</u>	<u>\$ 954,060.37</u>
	<u>001</u>	<u>- 5788001</u>	<u>- 001</u>	<u>- 709970</u>	<u>- 000</u>	<u>\$ 923,381.36</u>
	<u>- - -</u>	<u>- - -</u>	<u>- - -</u>	<u>- - -</u>	<u>- - -</u>	<u>\$ -</u>
	<u>- - -</u>	<u>- - -</u>	<u>- - -</u>	<u>- - -</u>	<u>- - -</u>	<u>\$ -</u>

Special Check Instruction: _____

Person Requesting Check _____ Date _____

Print Your Full Name

Supervisor/Manager's Approval: _____ Date _____

* Approval for hand cut check must be your appropriate Supervisor/Manager

Department of Workforce Development
Unemployment Insurance Division
General Accounting
PO Box 7945
Madison, WI 53707



Payment Remittance Coupon

Pay Online: <https://dwd.wisconsin.gov/uitax/payments>

Pay by Check - Return this coupon with your payment

Account Number: 698002-000-3

Make checks payable to Unemployment Insurance

Coupon Number: 000010117199

ONEIDA TRIBE OF INDIANS OF WISCONSIN
C/O HUMAN RESOURCE DEPT/RECORDS DEPT
PO BOX 365
ONEIDA WI 54155

UCT-14349-1-E (R.09/11/2019)

Detach and Return

Minimum Payment	Due Date	Amount Enclosed
\$1,877,441.73	06/23/2020	



Reimbursable Employer Statement

ONEIDA TRIBE OF INDIANS OF WISCONSIN
Account No.: 698002-000-3
Statement Date: 06/03/2020

Division of Unemployment Insurance
Bureau of Tax and Accounting
PO Box 7945
Madison, WI 53707-7945

Statement Period: 05/01/2020 through 05/31/2020

Previous Balance	Benefit Charges	Adjustments	New Balance
\$750,773.69	\$1,876,262.19	\$(749,594.15)	\$1,877,441.73

Accounting Transaction Details

Description	Charges & (Credits)	(Payment)
Employer Payment		(750,773.69)
Benefit Charges for 05/01/2020 through 05/09/2020	431,087.69	
Benefit Adjustments for 05/01/2020 through 05/09/2020	(743.98)	
Benefit Charges for 05/10/2020 through 05/16/2020	418,225.96	
Benefit Adjustments for 05/10/2020 through 05/16/2020	3,949.43	
Benefit Charges for 05/17/2020 through 05/23/2020	430,331.08	
Benefit Adjustments for 05/17/2020 through 05/23/2020	(1,413.72)	
Benefit Charges for 05/24/2020 through 05/31/2020	596,617.46	
Benefit Adjustments for 05/24/2020 through 05/31/2020	(612.19)	

Please pay \$1,877,441.73 before 06/23/2020 to avoid assessment of interest.

For all statement inquiries, please call or write GENERAL ACCOUNTING, (608) 266-9989 or email
UIReimburseErs@dwd.wisconsin.gov.



Please Read

Interest is assessed on past due reimbursement at 0.75% per month. The interest rate can change annually. Please refer to the Interest Assessment guide at <http://dwd.wisconsin.gov/uitax/interestrate/> for additional information regarding interest rates and calculations.

We charge interest on past-due reimbursement amounts even if you are appealing the benefit charges.

We will assess penalties if you do not:

- ✓ File reports by the quarterly due date
- ✓ File using the correct media

Late fees assessed for failure to file required Quarterly Wage report(s) are the greater of \$100.00 or \$20.00 per employee.

If you paid no wages during the quarter, you must still file a zero payroll contribution tax report. The report can either be filed online if you have online access to your UI account at <http://dwd.wisconsin.gov/uitax> or you can submit the report on paper.

How to Pay

- ✓ Make your check or money order payable to Unemployment Insurance. Include the coupon with any payment to ensure proper posting. Your cancelled check is your receipt. Do not send cash.
- ✓ Send the check or money order in the enclosed envelope with the top portion of this notice.
- ✓ If your address as shown is not correct, please write your correct address on the back of the coupon.
- ✓ You can pay online at <http://dwd.wisconsin.gov/ui/>

Enter the e-poll results into the record regarding the authorized Coronavirus Related Distributions

Business Committee Agenda Request

1. Meeting Date Requested: 06/22/20

2. General Information:

Session: ☒ Open

☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

☐ Contract Document(s)

☐ Legal Review

☐ Resolution

☐ Correspondence

☐ Minutes

☐ Statement of Effect

☐ Fiscal Impact Statement

☐ Report

☐ Travel Documents

☒ Other: e-poll results, request and back up

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☒ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Summers, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

E-POLL RESULTS: Authorize Coronavirus Related Distributions (CRDs) in the Oneida Nation Business Committee 401(k) plans

TribalSecretary <TribalSecretary@oneidanation.org>

Mon 6/15/2020 3:08 PM

To: TribalSecretary <TribalSecretary@oneidanation.org>; Brandon L. Yellowbird-Stevens <bsteven@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ernest L. Stevens <esteven4@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa M. Summers <lsummer2@oneidanation.org>; Patricia M. King <tking@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>

Cc: Joshua C. Cottrell <JCOTTREL@oneidanation.org>; Geraldine R. Danforth <GDANFOR1@oneidanation.org>; BC_Agenda_Requests <BC_Agenda_Requests@oneidanation.org>; Lawrence E. Barton <lbarton@oneidanation.org>

 1 attachments (530 KB)

BCAR Authorize CRDs in the Oneida Nation Business Committee 401k plans.pdf;

E-POLL RESULTS

The e-poll to authorize Coronavirus Related Distributions (CRDs) in the Oneida Nation Business Committee 401(k) plans, **has been approved**. As of the deadline, below are the results:

Support: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Lisa Summers, Jennifer Webster

*Lisa Liggins, Information Management Specialist
Business Committee Support Office (BCSO)*

From: TribalSecretary <TribalSecretary@oneidanation.org>

Sent: Thursday, June 11, 2020 1:32 PM

To: Brandon L. Yellowbird-Stevens <bsteven@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ernest L. Stevens <esteven4@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa M. Summers <lsummer2@oneidanation.org>; Patricia M. King <tking@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>

Cc: TribalSecretary <TribalSecretary@oneidanation.org>; Brian A. Doxtator <bdoxtat2@oneidanation.org>; Jameson J. Wilson <jwilson@oneidanation.org>; Simone A. Ninham <sninham2@oneidanation.org>; Danelle A. Wilson <dwilson1@oneidanation.org>; Jessica L. Wallenfang <JWALLENF@oneidanation.org>; Laura E. Laitinen-Warren <LLAITINE@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Jo A. House <jhouse1@oneidanation.org>

Subject: E-POLL REQUEST: Authorize Coronavirus Related Distributions (CRDs) in the Oneida Nation Business Committee 401(k) plans

E-POLL REQUEST**Summary:**

The Coronavirus Assistance, Relief and Economic Stabilization Act (CARES Act) allows for Coronavirus Related Distributions (CRD) from 401k plans when certain conditions are met. The Oneida Nation Business Committee 401(k) Plan includes regular 401(k) contributions as well as Social Security Replacement Contributions. Authorization is necessary to allow CRDs to be implemented within the Oneida Nation Business Committee 401(k) Plan.

Justification for E-Poll: Action by the BC is needed in order to finalize the authorization; next BC meeting is in two (2) weeks.

Requested Action:

Authorize Coronavirus Related Distributions (CRDs) in the Oneida Nation Business Committee 401(k) plans

Deadline for response:

Responses are due no later than **4:30 p.m., FRIDAY, June 12, 2020.**

Voting:

1. Use the voting button above, if available; OR
2. Reply with "Support" or "Oppose".

Lisa Liggins

Information Management Specialist

Business Committee Support Office (BCSO)

Oneida Business Committee Agenda Request**1. Meeting Date Requested:** 06 / 10 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Additional Requestor:

Additional Requestor:

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Requesting an epoll to authorize Coronavirus Related Distributions (CRDs) in the Oneida Nation Business Committee 401(k) plans.

Similar action was taken to authorize CRDs for the employee 401(k) plans.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Joshua Cottrell
Compensation and Benefits Director
920-490-3629
Email: jcottrel@oneidanation.org



MEMO

TO: COVID Core Decision Team
FROM: Joshua Cottrell, Compensation and Benefits Director
DATE: June 8, 2020
RE: OBC 401k Plan – CARES Act Provisions

The Coronavirus Assistance, Relief and Economic Stabilization Act (CARES Act) allows for Coronavirus Related Distributions (CRD) from 401k plans when certain conditions are met. The Oneida Nation Business Committee 401(k) Plan includes regular 401(k) contributions as well as Social Security Replacement Contributions.

Authorization is necessary to allow CRDs to be implemented within the Oneida Nation Business Committee 401(k) Plan. Similar action was taken with the employee 401k plans who received authorization to allow CRDs in accordance with BC Resolution 04-16-20-A.

Yaw^ko



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CARES Act Summary

Individuals may look to their retirement accounts to ease the financial impact of the coronavirus pandemic. To provide relief, Congress signed the Coronavirus Aid, Relief and Economic Security (CARES) Act into law on March 27, 2020.

What it means for your employees

The CARES Act allows you to extend special coronavirus-related distributions (up to \$100,000) to Qualified Individuals* — in addition to regular hardship distributions and other in-service distributions that may already be in place. The CARES Act also allows plans to increase the amount that Qualified Individuals* may borrow from their accounts — up to the lesser of \$100,000 or 100% of the participant's vested balance. In addition, loan repayment periods may be extended for Qualified Individuals.*

The CARES Act also provides a temporary waiver for Required Minimum Distributions due in 2020.

Coronavirus-related distributions (CRDs)

The *Coronavirus-Related Distribution Request* is available on the Plan Sponsor website. You can request a form by emailing RKDirect@capitalgroup.com or by calling us at (800) 421-6019.

CRD administrative procedures — CRDs may be issued by the plan to Qualified Individuals* in an amount not to exceed \$100,000, less prior CRD amounts from all plans maintained by the employer (and any member of any controlled group which includes the employer) prior to December 31, 2020. The Plan Sponsor may accept the participant's self-certification that the participant is a Qualified Individual* eligible for the requested coronavirus-related distribution.

These distributions will be prorated across all available vested money sources and investment options in the participant's account, except money purchase plan assets, unless you or your TPA instruct otherwise.

The distribution is not subject to the 10% penalty typically assessed for early withdrawals. The taxable amount is subject to 10% federal income tax withholding (plus any applicable state and/or local income tax) unless the participant elects a different withholding amount or elects no withholding.

The entire amount of the coronavirus-related distribution will be reported as taxable income on *IRS Form 1099-R* in the year withdrawn from the plan. Participants are responsible for determining the appropriate reporting of the coronavirus-related distribution on their income tax return and should contact their qualified tax adviser with questions.

CRDs may be repaid (i.e., rolled over) into a plan within three years from the date the distribution was taken.

Coronavirus-related loans (CRLs)

The *Coronavirus-Related Loan Request* and *Coronavirus-Related Loan Suspension Request* are available on the Plan Sponsor website. You can request these forms by emailing RKDirect@capitalgroup.com or by calling us at (800) 421-6019.

New loans — The plan may issue coronavirus-related loans to Qualified Individuals* between March 27, 2020, and September 22, 2020 (180 days following enactment of the CARES Act), at an increased maximum amount that does not exceed the lesser of **1)** \$100,000 minus the difference between the highest outstanding loan balance during the last 12-consecutive-month period and the outstanding loan balance on the date the loan is made; or **2)** 100% of the participant's vested account balance.

Suspension period and repayment of coronavirus-related loans — If a participant who self-certifies as a Qualified Individual* has an outstanding loan from the plan on or after March 27, 2020, and the date of any repayment of such loan occurs during the period between March 27, 2020, and December 31, 2020, the participant may elect to suspend such repayments. Repayment must resume upon the end of the suspension period. The duration of the loan will be appropriately adjusted, but such due date shall not be delayed beyond one year. Subsequent repayments will be appropriately adjusted to reflect the delay and any interest accrued during such delay.

Required Minimum Distributions (RMDs)

The CARES Act also waives RMDs due in 2020. This waiver applies to all participants and beneficiaries, not just Qualified Individuals.* If you have participants who have scheduled RMD payments for 2020, we need to know if any of them would like to cancel their remaining 2020 payment(s). We will reach out to you in the coming weeks for this information. Participants can continue to request one-time RMD payments.

Plan document amendments

The plan does not have to be amended to conform to the plan's operations under the new rules until the end of the 2022 plan year (or such later date as the Treasury Department provides). Please work with your TPA or plan document provider to determine whether an amendment to your plan is necessary.

If you have any questions or require more information, email us at RKDirect@capitalgroup.com or call us at (800) 421-6019.

* A Qualified Individual is someone: **1)** who is diagnosed with the virus SARS-CoV-2 or with coronavirus disease 2019 (COVID-19) by a test approved by the Centers for Disease Control and Prevention; **2)** whose spouse or dependent (as defined in Code section 152) is diagnosed with such virus or disease; or **3)** who experiences adverse financial consequences as a result of being quarantined, being furloughed or laid off or having work hours reduced due to such virus or disease, being unable to work due to lack of child care due to such virus or disease, closing or reducing hours of a business owned or operated by the individual due to such virus or disease, or other factors as determined by the Secretary of the Treasury. The Plan Sponsor may rely on a participant's self-certification for eligibility.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 04-16-20-A

Resolution to Add Coronavirus-Related Distributions to the Nation's 401(k) Plans

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** on March 11, 2020 the World Health Organization declared the COVID-19 virus to be a pandemic; and
- WHEREAS,** on March 13, 2020 the President of the United States proclaimed the COVID-19 outbreak in the United States to be a national emergency; and
- WHEREAS,** the Nation has been required to close governmental and enterprise operations and take other actions that impact the Nation's employees in connection with efforts to slow the spread of the coronavirus; and
- WHEREAS,** the Nation sponsors two tax-qualified retirement plans for the benefit of its employees, known as the Oneida Nation Governmental 401(k) Plan (the "Governmental Plan") and the Oneida Nation Enterprise 401(k) Plan (the "Enterprise Plan"); and
- WHEREAS,** the Coronavirus Assistance, Relief and Economic Stabilization Act (the "CARES Act") was signed into law on March 27, 2020, in response to the coronavirus pandemic currently gripping the United States, and it provides certain relief for 401(k) participants who are impacted by the coronavirus pandemic; and
- WHEREAS,** the Nation wishes to make certain changes to the Governmental Plan and the Enterprise Plan (collectively, the "Plans") to allow eligible employees to request Coronavirus-Related Distributions (CRD) from the Plans as permitted under the CARES Act, effective immediately.

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby authorizes, approves, and directs the implementation of Coronavirus-Related Distributions through the Governmental Plan and the Enterprise Plan, effective as soon as administratively feasible.

BE IT FURTHER RESOLVED, that the CRD option implemented under the Plans shall permit eligible employees to access both employee and vested employer contributions held in their Plan accounts and shall permit employees of the Nation to repay CRDs back to the Plans, all in accordance with the CARES Act and federal regulations or guidance issued under the CARES Act.

BC Resolution 04-16-20-A
Resolution to Add Coronavirus-Related Distributions to the Nation's 401(k) Plans
Page 2 of 2

BE IT FURTHER RESOLVED, that the Chief Financial Officer shall be, and hereby is, authorized and directed to execute any and all documents necessary to implement the CRD option under the Plans and to make any administrative or implementation decisions necessary to effectuate the intention of this Resolution.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 8 members participated in an electronic vote (e-poll) which closed on the 16th day of April, 2020; that the forgoing resolution was duly adopted by a vote of 8 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way. The results of the e-poll will be entered into the record at the next Oneida Business Committee scheduled on April 22, 2020.



Lisa Summers, Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."

