

# Oneida Tribal Judicial System

Onayote ʔ a-ka Tsiʔ Shakotiyaʔ Tolé hte

## ONEIDA TRIBAL JUDICIAL SYSTEM TRIAL COURT

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**Vince DelaRosa,  
Petitioner**

**Docket No: 08-TC-107**

v.

**Date: August 6, 2008**

**Oneida Election Board, and  
Oneida Business Committee,  
Respondents**

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### **Dismissal**

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This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Mary Adams, Jean M. Webster, and Stanley R. Webster, presiding.

### **I Background**

On August 6, 2008 Petitioner, Vince DelaRosa, candidate for the Vice-Chairman of the Oneida Business Committee, filed a Motion for an Emergency Temporary Restraining Order based on two issues:

1. The Oneida Election Board sent out approximately seven-thousand incorrect notifications for the Milwaukee polling site address, which resulted in the disenfranchisement of thousands of Oneida voters. The Oneida Election Law §2.8-3 requires that "Notice for the [Oneida] General Election shall be mailed to all tribal members stating the time and place of the election...no less than ten days prior to the election..." Oneida Election Law §2.8-3, p 2-8.
2. Oneida Election Board sent out the corrected "6811 W. Morgan" General Election Notice June 27, 2008, only eight days before the general election. This was in plain violation of the ten-day notice requirement under §2.8-3 of the Oneida Election Law.

On this same day, August 6, 2008 Respondents filed a Motion to Dismiss Petitioner's Motion based on the failure of the Petitioner to timely file a challenge to the results of the July 5, 2008, election results. Respondents argue according to Bradley W. Graham v. Oneida Election Board

and Oneida Business Committee, 03-TC-327, 8-12-03, challenges to election results must be made within five (5) working days of the election. Furthermore, the Court stated, “Until the General Tribal Council or Oneida Business Committee amends the law for different challenges these sections and the five (5) working days time-line will be used for all the election challenges.”

This court grants Respondent’s Motion to Dismiss in accordance with Rules of Civil Procedure, Rule 14(C), failure of the Petitioner to timely file a challenge to the results of the July 5, 2008, election results.

## **II Decision**

This case is hereby dismissed.