

# Oneida Appeals Commission

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## Trial Court

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Bradley W. Graham,

Petitioner

Docket No. 03-TC-329

v.

Oneida Election Board,

Oneida Business Committee,

Respondents

Date: August 18, 2003

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### Decision

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This case has come before the Oneida Appeals Commission Appellate Court. Judicial Officers Mary Adams, Winnifred Thomas, and Leland Wigg-Ninham, presiding.

#### I Background

The Petitioner, Bradley Graham, is requesting an Injunction, a Temporary Restraining Order, and a recusal for all Oneida Appeals Commissioners. The following details the Petitioner's request:

1. The Injunction is to stop actions of the Oneida Election Board on filing a Final Report to the Oneida Business Committee for the Oneida Special Election of July 26, 2003.
2. The Temporary Restraining Order is to stop the Oneida Business Committee from giving Official Certification of the Oneida Special Election of July 26, 2003, until the Court resolves the alleged violations of the Oneida Election Board.
3. A recusal for all Oneida Appeals Commissioners. The request is for outside judges who are non-related to any of the Oneida Appeals Commissioners.

## II Analysis

The main issue of this case is timeliness. The Oneida Election Board filed a Final Report with the Oneida Business Committee on August 13, 2003. The Oneida Business Committee took action to certify the election results at a regular scheduled meeting on August 13, 2003. The Petitioner filed his complaint on August 14, 2003.

The Petitioner's requests are moot at this time because the events have transpired prior to the original request. According to the Oneida Business Committee minutes, August 13, 2003 page 3 of 9, section VII. New Business;

*B. Request (1.) Leyne Orosco, RE: Certify the 2003 Election Results with the exception of the Oneida Gaming Commission. Motion by Brian Doxtator to approve the Election Results with the Exception of the Oneida Gaming Commission...Seconded by Paul Ninham. Motion carried unanimously.*

In the prior case, Bradley Graham vs. Oneida Business Committee and Oneida Election Board, 8/12/03, 03-TC-327, the issue of timeliness was raised,

*"The Petitioner had five (5) working days to appeal the results of the July 26, 2003 election to the Election Board. The Petitioner's challenge was received by the Oneida appeals Commission on August 6, 2003, eight (8) working days after the election. Therefore the Petitioner failed to meet the requirements of the Oneida Election Law. Until the Oneida 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."*

The Petitioner's request to have outside judges review this case is denied.

## III Decision

This case is hereby dismissed with prejudice.