

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Linda Sue Dallas,
PETITIONER,

v.

CASE NO: 17-TC-049

Oneida Election Board,
Oneida Business Committee,
Oneida Records Management Dept.
RESPONDENTS

**Denial for Temporary Restraining Order, Preliminary Injunction
and Permanent Injunction**

BACKGROUND

The Petitioner requested a temporary restraining order, preliminary injunction, and permanent injunction order enjoining the Respondents: Oneida Election Board, Oneida Business Committee, and Oneida Records Management Department, to cease and desist from the following matters:

- The Oneida Election Board from handling any matters concerning the 2017 Tri Annual Oneida General Elections held on Saturday, July 8, 2017; and
- The Oneida Election Board from forwarding a Final Report to the Nation's Secretary regarding the 2017 Tri Annual Oneida General Elections held on Saturday, July 8, 2017; and
- The Oneida Business Committee from declaring any results, official or otherwise, regarding the 2017 Tri Annual Oneida General Elections held on Saturday, July 8, 2017; and
- The Oneida Business Committee from sending notices regarding when the swearing in of newly elected officials shall take place regarding the 2017 Tri Annual Oneida General Elections; and
- The Oneida Business Committee from swearing in any newly elected officials based upon the 2017 Tri Annual Oneida General Elections results; and
- The Oneida Records Management Department from destroying the ballots from the 2017 Tri Annual Oneida General Elections held on Saturday, July 8, 2017.

ISSUES

Is the Petitioner within the Law to stop the above proceedings so that her Petition can be reviewed, discussed and nullified by the Oneida General Tribal Council?

FINDING OF FACTS

1. The 2017 Oneida Tri-Annual General Election was held on Saturday, July 8, 2017.
2. Any qualified voter could challenge the results of an election by filing a complaint with the Judiciary within 10 calendar days after the election.
3. The Petitioner, Linda Sue Dallas, did not file a complaint to challenge the election results with the Judiciary within 10 calendar days after the election.

PRINCIPLES OF LAW

102.11. Election Outcome and Ties

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.

ANALYSIS

The Law provides an avenue for challenging any election. The Petitioner had 10 calendar days to file with the Judiciary which would have been up to and including July 18, 2017. Instead of following the Election Law for Challenges the Petitioner chose to file a petition with the Oneida General Tribal Council seeking to challenge the election, however filing a petition with the Oneida General Tribal Council is not the appropriate way to challenge as provided by Law. The Law provides any qualified voter challenging the results of an election to file a complaint with the Judiciary within 10 calendar days after the election.

CONCLUSIONS OF LAW

The Petitioner missed the 10 calendar day window for filing a challenge to the July 8, 2017 Tri Annual Oneida General Elections.

ORDER

The request for: temporary restraining order, preliminary injunction, and permanent injunction are denied.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the **General Tribal Council** and Order signed on **8/4/2017** in the matter of *Linda Sue Dallas v Oneida Election Board, Oneida Business Committee, Oneida Records Management Dept. Case #17-TC-049.*

Denice Beans, Chief Trial Court Judge

The Petitioner has the right to appeal within thirty (30) calendar days after the date this order or judgment is signed.