

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 04-28-21-B Emergency Amendments to the Election Law

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, the Election law ("the Law") was adopted by the General Tribal Council on June 19, 1993 for the purpose of governing the procedures for the conduct of orderly elections of the Nation, and was most recently amended by the General Tribal Council through resolution GTC-04-23-17-A; and

WHEREAS, on March 12, 2020, 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 set into place the necessary authority for action to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses; and

WHEREAS, the Nation's Public Health State of Emergency has since been extended until May 12, 2021, through the adoption of the following resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, and BC-03-10-21-D; and

WHEREAS, 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; and

- WHEREAS,** the COVID-19 Core Decision Making Team has issued subsequent declarations modifying the “*Safer at Home*” declaration including the April 21, 2020 “*Updated Safer at Home*” declaration, the May 19, 2020, “*Safer at Home Declaration, Amendment, Open for Business*” declaration, the June 10, 2020, “*Stay Safer at Home*” declaration, and the July 17, 2020, “*Safe Re-Opening Governmental Offices*” declaration; and
- WHEREAS,** the 2021 Special Election has been scheduled for July 10, 2021; and
- WHEREAS,** the Oneida Election Board has requested emergency amendments to the Election law to address the impact of COVID-19 on the 2021 Special Election; and
- WHEREAS,** the proposed emergency amendments to the Law eliminate the caucus from the election process and instead require that an individual submit an application in order to be placed on the ballot; and
- WHEREAS,** the proposed emergency amendments to the Law eliminate the requirement of an individual to obtain no less than ten (10) signatures of qualified voters when submitting a form to be placed on the ballot; and
- WHEREAS,** the proposed emergency amendments to the Law provide that elections shall be held at an Oneida Nation facility(s) as determined by the Oneida Election Board, as opposed to just in an Oneida Nation facility(s); and
- WHEREAS,** the proposed emergency amendments to the Law lower the number of Oneida Election Board members that are required sign the election totals, which includes the tape signed by the members of the Nation before the polls were opened, from six (6) to three (3) members; and
- WHEREAS,** the proposed emergency amendments to the Law provide that referendum questions regarding issues directing affecting the Nation or general membership are to be presented to the Nation’s Secretary, or designated agent, in writing, during normal business hours, Monday through Friday by the deadline established by the Election Board; and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and
- WHEREAS,** emergency adoption of legislation is allowed 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; and

WHEREAS, the emergency adoption of the amendments to the Law are necessary for the preservation of the public health, safety, and general welfare of the Reservation population to protect the Reservation population against the public health crisis that is the COVID-19 pandemic since the elimination of the requirement to hold the caucus while allowing individuals to be placed on the ballot through the submission of an application, in conjunction with the elimination to obtain at least ten (10) signatures from qualified voters, will eliminate any unnecessary contact between individuals which could spread the COVID-19, while also ensuring that the July 2021 Special Election can occur without interruption; and

WHEREAS, observance of the requirements under the Legislative Procedures Act for adoption of these amendments would be contrary to public interest since the caucus for the 2021 Special Election is scheduled for May 8, 2021, and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Special Election could still occur on July 10, 2021, without violating the Law; and

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

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby adopts emergency amendments to the Election Law effective immediately.

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; 9 members were present at a meeting duly called, noticed and held on the 28th day of April, 2021; that the forgoing resolution was duly adopted at such meeting 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.



Lisa Liggins, Secretary
Oneida Business Committee

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