

Oneida Nation

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Oneida, WI 54155

BC Resolution # 07-13-22-E Adoption of an Emergency Amendment 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,** the 2022 Special Election has been scheduled for July 16, 2022; and
- WHEREAS,** the Oneida Election Board has requested emergency amendments to the Election law to address the number of Oneida Election Board members required to sign the election totals of machine counted ballots; and
- WHEREAS,** section 102.10-2 of the Law requires that at least six (6) Oneida Election Board members sign the election totals of machine counted ballots, which shall include the tape signed by the members of the Nation before the polls were opened per section 102.9-3(a); and
- WHEREAS,** the Oneida Election Board has provided that they do not have enough Oneida Election Board members to meet the requirement of section 102.10-2 of the Law; and
- WHEREAS,** the proposed emergency amendment to the Law lowers the number of Oneida Election Board members that are required sign the election totals for machine counted ballots from six (6) to three (3) members; 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 general welfare of the Reservation population to ensure that the July 2022 Special Election can occur without interruption and be held in accordance with the Law; and

WHEREAS, observance of the requirements under the Legislative Procedures Act for adoption of these amendments would be contrary to public interest since the 2022 Special Election is scheduled for July 16, 2022, 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 16, 2022, 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 the emergency amendment 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; 7 members were present at a meeting duly called, noticed and held on the 13th day of July, 2022; that the forgoing resolution was duly adopted at such meeting by a vote of 6 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."