

Oneida Business Committee



Executive Session
10:00 AM Tuesday, December 11, 2018
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
8:30 AM Wednesday, December 12, 2018
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

Meeting agenda is available here: oneida-nsn.gov/government/business-committee/agendas-packets/. Materials for the "General Tribal Council" section of the agenda, if any, are available to enrolled members of the Oneida Nation; to obtain a copy, visit the BC Support Office, 2nd floor, Norbert Hill Center and present a valid Tribal I.D. or go to <https://goo.gl/uLp2jE>. Scheduled times are subject to change.

I. CALL TO ORDER

II. OPENING

- A. Special Recognition for Years of Service**
Sponsor: Geraldine Danforth, Area Manager/Human Resources

III. ADOPT THE AGENDA

IV. MINUTES

- A. Approve the November 28, 2018, regular Business Committee meeting minutes**
Sponsor: Business Committee Support Office on behalf of Lisa Summers, Secretary

V. RESOLUTIONS

- A. Adopt resolution entitled FY 2019-2022 Oneida Nation Tribal Transportation Improvement Plan (TTIP) and FY 2019 TTP Retained Services Agreement (RSA)**
Sponsor: Troy Parr, Division Director/Community & Economic Development
- B. Adopt resolution entitled Updating and Clarifying Access to the Economic Development, Diversification and Community Development Fund**
Sponsor: Trish King, Treasurer

VI. APPOINTMENTS

- A. **Determine next steps regarding one (1) vacancy term ending December 31, 2021 - Oneida Nation Veterans Affairs Committee**
Sponsor: Jennifer Webster, Councilwoman
- B. **Determine next steps regarding one (1) vacancy term ending February 29, 2020 - Oneida Pow-wow Committee**
Sponsor: Ernie Stevens III, Councilman
- C. **Determine next steps regarding one (1) vacancy - Oneida Nation School Board (At-Large)**
Sponsor: Brandon Stevens, Vice-Chairman

VII. STANDING COMMITTEES**A. FINANCE COMMITTEE**

- 1. **Approve the December 3, 2018, regular Finance Committee meeting minutes**
Sponsor: Trish King, Treasurer

B. LEGISLATIVE OPERATING COMMITTEE

- 1. **Accept the November 21, 2018, regular Legislative Operating Committee meeting minutes**
Sponsor: David P. Jordan, Councilman
- 2. **Approve the adoption packet for Election Law Amendments for consideration at the January 21, 2019, special GTC meeting**
Sponsor: David P. Jordan, Councilman

C. QUALITY OF LIFE COMMITTEE

- 1. **Accept the October 11, 2018, regular Quality of Life Committee meeting minutes**
Sponsor: Brandon Stevens, Vice-Chairman

VIII. TRAVEL REPORTS

- A. **Approve travel report - Councilman Ernie Stevens III - Three (3) events - Milwaukee, WI and New York, NY - September 5-7, 2018**
Sponsor: Ernie Stevens III, Councilman
 - 1. **Department of Natural Resources (DNR) Annual Tribal Consultation**
 - 2. **5th Annual Media for Social Impact Summit**
 - 3. **2018 Indian Summer Festival Tribal Leaders Meeting**

- B. **Approve travel report - Councilman Kirby Metoxen - Native American Tourism of Wisconsin (NATOW) Board meeting and Great Lakes Inter-tribal Council, Inc. (GLITC) Board meeting - Wisconsin Dells, WI - November 12-14, 2018**
Sponsor: Kirby Metoxen, Councilman
- C. **Approve travel report - Councilmen David P. Jordan and Kirby Metoxen - New Horizons 2018 Wisconsin Tribal Transportation Conference & Wisconsin Department of Transportation meeting - Milwaukee, WI - November 5-7, 2018**
Sponsor: David P. Jordan, Councilman; Kirby Metoxen, Councilman

IX. TRAVEL REQUESTS

- A. **Approve travel request in accordance with § 219.16-1 - Nine (9) Oneida Nation Veterans Affairs Committee members - 74th Anniversary Ira Hayes Iwo Jima Flag Raising Ceremony - Sacaton, AZ - February 22-24, 2019**
Sponsor: James Martin, Chair/ONVAC
- B. **Approve travel request - Councilwoman Jennifer Webster - Indian Health Care Improvement Fund (IHCIF) - Arlington, VA - February 11-14, 2019**
Sponsor: Jennifer Webster, Councilwoman

X. NEW BUSINESS

- A. **Approve two (2) actions regarding funding for Oneida language classes in area public school districts (item scheduled for 9:00 a.m.)**
Sponsor: George Skenandore, Division Director/Governmental Services
- B. **Post three (3) vacancies for parent/guardian positions - Oneida Nation School Board**
Sponsor: Business Committee Support Office on behalf of Lisa Summers, Secretary
- C. **Re-post one (1) vacancy - Oneida Community Library Board**
Sponsor: Business Committee Support Office on behalf of Lisa Summers, Secretary
- D. **Approve NHC SOP entitled Building Access Control for Norbert Hill Center**
Sponsor: Tehassi Hill, Chairman

XI. REPORTS

- A. **ELECTED BOARDS, COMMITTEES, COMMISSIONS**
 - 1. **Determine next steps regarding the Oneida Land Commission FY-2018 4th quarter report (item not submitted)**
Sponsor: Rae Skenandore, Chair/OLC

XII. GENERAL TRIBAL COUNCIL

- A. Approve three (3) actions regarding the FY-2020 Budget**
Sponsor: Trish King, Treasurer
- B. Defer the notice and materials for the January 21, 2019, tentatively scheduled GTC meeting to the December 14, 2018, special BC meeting for approval**
Sponsor: Business Committee Support Office on behalf of Lisa Summers, Secretary

XIII. EXECUTIVE SESSION**A. REPORTS**

- 1. Accept the Intergovernmental Affairs, Communications, and Self-Governance November 2018 report**
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs
- Excerpt from November 29, 2018: Motion by David P. Jordan to defer the Intergovernmental Affairs, Communications, and Self-Governance November 2018 report to the December 12, 2018, regular Business Committee meeting, seconded by Trish King. Motion carried.*
- 2. Accept the Chief Counsel report**
Sponsor: Jo Anne House, Chief Counsel

B. UNFINISHED BUSINESS

- 1. Accept the update regarding 1940 W Mason St property**
Sponsor: Patrick Pelky, Division Director/Environmental, Health, Safety & Land
- Excerpt from November 29, 2018: Motion by Trish King to direct the Environmental, Health, Safety & Land Division Director to provide an update on the 1940 W. Mason St. property to the identified parties for the December 11, 2018, Business Committee executive session discussion, seconded by Ernie Stevens III. Motion carried.*
- 2. File # ED18-029 - Accept the update**
Sponsor: Troy Parr, Division Director/Community & Economic Development

C. NEW BUSINESS

- 1. Review applications for one (1) vacancy for term ending December 31, 2021 - Oneida Nation Veterans Affairs Committee**
Sponsor: Jennifer Webster, Councilwoman
- 2. Review applications for one (1) vacancy for term ending February 29, 2020 - Oneida Pow-wow Committee**
Sponsor: Ernie Stevens III, Councilman

3. **Review applications for one (1) vacancy - Oneida Nation School Board (At-Large)**
Sponsor: Brandon Stevens, Vice-Chairman
4. **Approve changes and adopt two (2) resolutions regarding the Oneida Governmental 401(k) Plan and Oneida Enterprise 401(k) Plan**
Sponsor: Larry Barton, Chief Financial Officer
5. **Determine next steps regarding reorganization plan**
Sponsor: Daniel Guzman King, Councilman
6. **File # 2018-DR08-03 - Review complaint (item scheduled for 10:00 a.m.)**
Sponsor: Tehassi Hill, Chairman
7. **Adopt resolution regarding Contract Support Costs**
Sponsor: Jennifer Webster, Councilwoman
8. **Enter the e-poll results into the record - Approved Thornberry Creek at Oneida's FY-19 operating budget**
Sponsor: Business Committee Support Office on behalf of Lisa Summers, Secretary

XIV. ADJOURN

Posted on the Oneida Nation's official website, www.oneida-nsn.gov pursuant to the Open Records and Open Meetings law (§ 107.14.)

The meeting packet of the open session materials for this meeting is available by going to the Oneida Nation's official website at: oneida-nsn.gov/government/business-committee/agendas-packets/

For information about this meeting, please call the Business Committee Support Office at (920) 869-4364 or (800) 236-2214

Special Recognition ~~Office of Business~~ Committee Agenda Request

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: Announcement/Recognition

Accept as Information only

Action - please describe:

Presentation of Years of Service Certificates to twenty (21) employees by their immediate supervisor along with the Business Committee.

3. Supporting Materials

Report Resolution Contract

Other:

1. List of employees to be recognized

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:


Geraldine R. Danforth, HRD Area Manager

Primary Requestor:

Maureen Metoxen, Exec Assist

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

HRD coordinates efforts on a quarterly basis, with all supervisors and the Business Committee to recognize employees who have reached the 25+ years milestone. With the assistance from each supervisor, HRD will create the certificate to be presented to the Years of Service recipient.

The number of recipients for 1st quarter 2019 is 71 as compared to an avg. of approximately 20 recipients in past quarters, therefore, we had to break the 1st quarter recipients into 3 groups. The first group will be recognized on December 12, followed by the remainder groups on January 8th and January 22nd.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

YEARS OF SERVICE RECIPIENTS 1ST QUARTER 2019 OCTOBER - DECEMBER

NAME	SUPERVISOR	DOH	YOS	DECEMBER 12TH
METOXEN, IRVIN J	OCCHINO, LANCE J	Oct 1, 1978	40	
SUMMERS, LINDA	METOXEN, BARBARA R	Oct 18, 1978	40	
DANFORTH, DEBRA	HILL, TEHASSI TASI/Danelle Wilson	8/29/1983	35	Moved from 4th Qtr 2018
JORDAN, SCOTT D	SKENANDORE, TONIA H	Oct 7, 1983	35	
STEENO, JOANNE	BLOHOWIAK, CARRIE J	Oct 31, 1988	30	
CORNELIUS, RICHARD D	VIEAU, MYRON O	Nov 11, 1988	30	
CLARK, CARLA J	PELKY, PATRICK J	Nov 14, 1988	30	
LAKE, CHERICE A	ANTONE, DOROTHY A	Dec 1, 1993	25	
SOLECKI, DONALD M	ANTONE, DOROTHY A	Dec 6, 1993	25	
EMERSON, JEFFREY A	ANTONE, DOROTHY A	Dec 13, 1993	25	
MOMMAERTS, JAMES W	ANTONE, DOROTHY A	Dec 28, 1993	25	
DANFORTH, JR, REDMON	BOYLE, JACQUE	Dec 6, 1993	25	
KOPONEN, MELANIE P	BRAATEN, BLAIR A	Oct 11, 1993	25	
LAKE, TRACEY L	BRAATEN, BLAIR A	Oct 17, 1993	25	
HOWARD, STACEY M	BRAATEN, BLAIR A	Dec 27, 1993	25	
DEMUTH, TAMMY	CHRISTENSEN, JUDITH J	Nov 30, 1993	25	
LINSKENS, STEVEN R	CORNELIUS, SYLVIA S	Dec 27, 1993	25	
DICKENSON, KIMBERLY	DANFORTH, SUSAN M	Nov 11, 1993	25	
GALSKE, DONNA J	DANFORTH, SUSAN M	Nov 22, 1993	25	
MOORE, JOYCE R	DANFORTH, SUSAN M	Dec 6, 1993	25	
WILLIAMS, LORI	DANFORTH, SUSAN M	Dec 14, 1993	25	

Oneida Business Committee Agenda Request

Approve the November 28, 2018, regular Business Committee meeting minutes

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approve the November 28, 2018, regular Business Committee meeting minutes

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Submitted by: Lisa Liggins, Info. Mgmt. Spec./BC Support Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

DRAFT**Oneida Business Committee**

Executive Session
8:30 AM Tuesday, November 27, 2018
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
8:30 AM Wednesday, November 28, 2018
BC Conference Room, 2nd floor, Norbert Hill Center

Minutes**EXECUTIVE SESSION**

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Treasurer Trish King, Councilmembers: Daniel Guzman King, David Jordan, Ernest Stevens III, Jennifer Webster;

Not Present: Secretary Lisa Summers, Councilman Kirby Metoxen;

Arrived at: n/a

Others present: Jo Anne House, Larry Barton, Laura Laitinen-Warren, Jacque Boyle, Pat Pelky, Louise Cornelius, Chad Fuss, Jeff Bowman, Nate King, Jeff House, Jacqueline Zalim, Pete King III, Becky Demmith, Kathy Hughes, Mary Shaw, Josh Doxtator, Justin Fox, Jon-Paul Genet, Michele Doxtator, Troy Parr;

REGULAR MEETING

Present: Vice-Chairman Brandon Stevens, Treasurer Trish King, Council members: Daniel Guzman King, David Jordan, Ernest Stevens III;

Not Present: Secretary Lisa Summers, Council members: Kirby Metoxen, Jennifer Webster;

Arrived at: Chairman Tehassi Hill at 9:10 a.m.;

Others present: Jo Anne House, Larry Barton, Lisa Liggins, Clorissa Santiago, Bonnie Pigman, Matt Denny, Melis Arik, Brooke Doxtator;

I. CALL TO ORDER

Meeting called to order by Vice-Chairman Brandon Stevens at 8:33 a.m.

For the record: Chairman Tehassi Hill will be arriving late; he is providing an opening prayer at 8:30 a.m. Secretary Lisa Summers is on medical leave. Councilwoman Jennifer Webster is attending the Bemidji Area Budget Formulations in Green Bay, WI. Councilman Kirby Metoxen is on approved travel to the Region XI American Indian Alaska Training Conference in Albuquerque, NM.

II. OPENING

Opening provided by Councilman Daniel Guzman King.

III. ADOPT THE AGENDA (00:01:26)

Motion by Daniel Guzman King to adopt the agenda with one (1) change [delete item VI.B. Adopt resolution entitled Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions - Definitions and Impact], seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
 Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

DRAFT**IV. OATH OF OFFICE (00:03:07)****A. Oneida Nation Arts Board - Melis Arik**

Sponsor: Business Committee Support Office on behalf of Lisa Summers, Secretary

Oath of office administered by Treasurer Trish King.

V. MINUTES**A. Approve the November 14, 2018, regular Business Committee meeting minutes (00:05:39)**

Sponsor: Business Committee Support Office on behalf of Lisa Summers, Secretary

Motion by Ernie Stevens III to approve the November 14, 2018, regular Business Committee meeting minutes, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

VI. RESOLUTIONS**A. Adopt resolution entitled Oneida Nation Wildland Fire Management Plan (00:06:13)**

Sponsor: Patrick Pelky, Division Director/Environmental, Health, Safety & Land

Motion by David P. Jordan to adopt resolution 11-28-18-A Oneida Nation Wildland Fire Management Plan, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

~~B. Adopt resolution entitled Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact~~

~~Sponsor: Tehassi Hill, Chairman~~

Item deleted at the adoption of the agenda.

C. Adopt resolution entitled Relocating 'Tribal Action Plan – Office' to Under the Supervision of a Direct Report to the Oneida Business Committee (00:06:53)

Sponsor: Daniel Guzman King, Councilman

Motion by Daniel Guzman King to adopt resolution 11-28-18-B Relocating 'Tribal Action Plan – Office' to Under the Supervision of a Direct Report to the Oneida Business Committee, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

DRAFT**VII. STANDING COMMITTEES****A. COMMUNITY DEVELOPMENT PLANNING COMMITTEE**

- 1. Accept the October 4, 2018, regular Community Development Planning Committee meeting minutes (00:09:06)**

Sponsor: Ernie Stevens III, Councilman

Motion by David P. Jordan to accept the October 4, 2018, regular Community Development Planning Committee meeting minutes, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

B. FINANCE COMMITTEE

- 1. Approve the November 19, 2018, regular Finance Committee meeting minutes (00:09:34)**

Sponsor: Trish King, Treasurer

Motion by David P. Jordan to approve the November 19, 2018, regular Finance Committee meeting minutes, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

C. LEGISLATIVE OPERATING COMMITTEE

- 1. Accept the update regarding the progress of the Oneida Personnel Commission (00:09:57)**

Sponsor: David P. Jordan, Councilman

Motion by Trish King to accept the update regarding the progress of the Oneida Personnel Commission, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

- 2. Accept the November 7, 2018, regular Legislative Operating Committee meeting minutes (00:10:55)**

Sponsor: David P. Jordan, Councilman

Motion by Trish King to accept the November 7, 2018, regular Legislative Operating Committee meeting minutes, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

DRAFT**VIII. TRAVEL REPORTS**

- A. Approve travel report - Councilman Daniel Guzman King - National Congress of American Indians 75th Annual Convention & Marketplace - Denver, CO - October 20-27, 2018 (00:11:26)**

Sponsor: Daniel Guzman King, Councilman

Motion by David P. Jordan to approve the travel report from Councilman Daniel Guzman King for the National Congress of American Indians 75th Annual Convention & Marketplace in Denver, CO - October 20-27, 2018, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

- B. Approve travel report - Councilman Daniel Guzman King - EPA Region 5 Tribal Operating Committee meeting - Welch, MN - Nov 13-14, 2018 (00:11:58)**

Sponsor: Daniel Guzman King, Councilman

Motion by David P. Jordan to approve the travel report from Councilman Daniel Guzman King for the EPA Region 5 Tribal Operating Committee meeting in Welch, MN - Nov 13-14, 2018, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

- C. Approve travel report and one (1) additional action - Vice-Chairman Brandon Stevens - Mentoring Our Own Native Students (MOONS) 2018 - Lawrence, KS - September 19-21, 2018 (00:12:26)**

Sponsor: Brandon Stevens, Vice-Chairman

Motion by Daniel Guzman King to approve the travel report from Vice-Chairman Brandon Stevens for the Mentoring Our Own Native Students (MOONS) 2018 in Lawrence, KS - September 19-21, 2018, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

Motion by David P. Jordan to create a sub-team to work on a draft proposal for a Research Center in Oneida., seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

DRAFT**IX. TRAVEL REQUESTS****A. Approve travel request - Vice-Chairman Brandon Stevens - Haskell Fall Board of Regents meeting - Lawrence, KS - December 4-8, 2018 (00:16:50)**

Sponsor: Brandon Stevens, Vice-Chairman

Motion by David P. Jordan to approve the travel request for Vice-Chairman Brandon Stevens to attend the Haskell Fall Board of Regents meeting in Lawrence, KS - December 4-8, 2018, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King
 Abstained: Ernie Stevens III
 Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

Brandon Stevens noted this travel is paid for by the Bureau of Indian Affairs.

B. Enter the e-poll results into the record for the approved travel request for Councilman Daniel Guzman King to attend the EPA Region 5 Tribal Operating Committee meeting in Welch, MN - Nov 13-14, 2018 (00:17:34)

Sponsor: Business Committee Support Office on behalf of Lisa Summers, Secretary

Motion by Ernie Stevens III to enter the e-poll results into the record for the approved travel request for Councilman Daniel Guzman King to attend the EPA Region 5 Tribal Operating Committee meeting in Welch, MN - Nov 13-14, 2018, seconded by David P. Jordan. Motion carried:

Ayes: David P. Jordan, Trish King, Ernie Stevens III
 Abstained: Daniel Guzman King
 Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

Daniel Guzman King noted this travel is paid for by an EPA grant.

X. NEW BUSINESS**A. Approve Michelle Myers, RN BSN to serve on the Wisconsin Council on Immunization Practices on behalf of the Oneida Nation and the Comprehensive Health Division (00:18:42)**

Sponsor: Jennifer Webster, Councilwoman

Motion by David P. Jordan to approve Michelle Myers, RN BSN to serve on the Wisconsin Council on Immunization Practices on behalf of the Oneida Nation and the Comprehensive Health Division, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
 Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

DRAFT**XI. GENERAL TRIBAL COUNCIL****A. Approve the 2019 Annual report book and send to Oneida Printing (00:19:13)**

Sponsor: Business Committee Support Office on behalf of Lisa Summers, Secretary

Motion by Trish King to defer the 2019 Annual report book to the Business Committee's quarterly reports meeting on November 29, 2018, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
 Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

B. Approve the draft GTC minutes packet and send to Oneida Printing (00:20:19)

Sponsor: Business Committee Support Office on behalf of Lisa Summers, Secretary

Motion by Trish King to approve the draft GTC minutes packet and send to Oneida Printing, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
 Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

C. PETITIONER CATHY L. METOXEN - ONEIDA YOUTH LEADERSHIP INSTITUTE**1. Accept the statement of effect (00:21:25)**

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to accept the statement of effect, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
 Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

2. Determine appropriate action regarding the legal review (00:22:13)

Sponsor: Jo Anne House, Chief Counsel

Motion by David P. Jordan to accept the legal review, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
 Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

Motion by Ernie Stevens III to direct the background materials related to the legal review be placed on the members only section of the website on or before December 12, 2018, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
 Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

Motion by Daniel Guzman King to direct the Secretary's Office to schedule a special Work Session to formulate the Business Committee's recommendation, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King
 Abstained: Ernie Stevens III
 Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

DRAFT**XII. EXECUTIVE SESSION****A. REPORTS****1. Accept the Chief Counsel report (00:31:10)**

Sponsor: Jo Anne House, Chief Counsel

Motion by Trish King to accept the Chief Counsel report dated November 27, 2018, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

Motion by David P. Jordan to approve the proposed amendment to the Service Agreement between the Oneida Nation and the Village of Ashwaubenon for a one-year extension and payment, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

2. Accept the Division of Public Works FY-2018 4th quarter executive report (00:32:18)

Sponsor: Jacque Boyle, Division Director/Public Works

Motion by David P. Jordan to accept the Division of Public Works FY-2018 4th quarter executive report, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

3. Accept the Environmental, Health, Safety & Land Division FY-2018 4th quarter report (00:32:39)

Sponsor: Patrick Pelky, Division Director/Environmental, Health, Safety & Land

Motion by Daniel Guzman King to accept the Environmental, Health, Safety & Land Division FY-2018 4th quarter report, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Ernie Stevens III
Abstained: David P. Jordan
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

Motion by Trish King to send the recommended correspondence request to the special Business Committee Work Session, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Ernie Stevens III
Abstained: David P. Jordan
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

Motion by Trish King to direct the Environmental, Health, Safety & Land Division Director to provide an update on the 1940 W. Mason St. property to the identified parties for the December 11, 2018, Business Committee executive session discussion, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Ernie Stevens III
Abstained: David P. Jordan
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

Chairman Tehassi Hill arrived at 9:10 a.m.

DRAFT**4. Defer the Intergovernmental Affairs, Communications, and Self-Governance November 2018 report to the December 12, 2018, regular Business Committee meeting (00:38:32)**

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Motion by David P. Jordan to defer the Intergovernmental Affairs, Communications, and Self-Governance November 2018 report to the December 12, 2018, regular Business Committee meeting, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

5. Accept the Gaming General Manager November 2018 report (00:39:07)

Sponsor: Louise Cornelius, Gaming General Manager

Motion by Ernie Stevens III to accept the Gaming General Manager November 2018 report, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

6. Accept the Bay Bancorporation, Inc. FY-2018 4th quarter executive report (00:39:25)

Sponsor: Jeff Bowman, President/Bay Bank

Motion by Trish King to accept the Bay Bancorporation, Inc. FY-2018 4th quarter executive report, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Tehassi Hill, Kirby Metoxen, Lisa Summers, Jennifer Webster

7. Accept the Oneida ESC Group, LLC. FY-2018 4th quarter executive report (00:39:49); (00:46:48)

Sponsor: Jacquelyn Zalim, Chair/OESC Board of Managers

Chairman Tehassi Hill assumes the responsibilities of the Chair.

Motion by Trish King to accept the Oneida ESC Group, LLC. FY-2018 4th quarter executive report, seconded by David P. Jordan. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

Item XII.A.8. is addressed next.

Motion by Trish King to move the resolution entitled Re-Affirmation of the Independence of Oneida ESC Group, LLC to open session, seconded by Ernie Stevens III. Motion carried:

Ayes: Brandon Stevens, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Daniel Guzman King, Kirby Metoxen, Lisa Summers, Jennifer Webster

Motion by Trish King to adopt resolution 11-28-18-C Re-Affirmation of the Independence of Oneida ESC Group, LLC, seconded by Ernie Stevens III. Motion carried:

Ayes: Brandon Stevens, David P. Jordan, Trish King, Ernie Stevens III
Not Present: Daniel Guzman King, Kirby Metoxen, Lisa Summers, Jennifer Webster

Item XIII. is addressed next.

DRAFT**8. Accept the Oneida Seven Generation Corporation FY-2018 4th quarter executive report (00:40:10)**

Sponsor: Pete King III, Agent/OSGC

Motion by David P. Jordan to accept the Oneida Seven Generation Corporation FY-2018 4th quarter executive report and request the BC liaison to contact Bay Bank, seconded by Brandon Stevens.

Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III

Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

Motion by David P. Jordan to direct the Treasurer to research the identified lease information and forward the information to the Oneida Seven Generations agent by the December 12, 2018, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III

Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

9. Accept the Oneida Airport Hotel Corporation FY-2018 4th quarter executive report (00:41:30)

Sponsor: Robert Barton, President/OAHC

Motion by Trish King to accept the Oneida Airport Hotel Corporation FY-2018 4th quarter executive report, seconded by David P. Jordan. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III

Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

10. Accept the Oneida Golf Enterprise Corporation FY-2018 4th quarter executive report (00:41:49)

Sponsor: Josh Doxtator, Chief Operating Officer/OGEC

Motion by David P. Jordan to accept the Oneida Golf Enterprise Corporation FY-2018 4th quarter executive report, seconded by Daniel Guzman King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III

Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

B. STANDING ITEMS**1. ONEIDA GOLF ENTERPRISE CORPORATION - LADIES PROFESSIONAL GOLF ASSOCIATION****a. Accept the Thornberry Creek LPGA Classic November 2018 report (00:42:14)**

Motion by Daniel Guzman King to accept the Thornberry Creek LPGA Classic November 2018 report, seconded by Brandon Stevens. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III

Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

DRAFT**C. AUDIT COMMITTEE****1. Accept the Audit Committee FY-2018 4th quarter report (00:42:51)**

Sponsor: David P. Jordan, Councilman

Motion by Trish King to accept the Audit Committee FY-2018 4th quarter report, seconded by Daniel Guzman King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
 Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

D. UNFINISHED BUSINESS**1. File # ED18-028 – Determine next steps (00:43:12)**

Sponsor: Ernie Stevens III, Councilman

Motion by Brandon Stevens to accept the information provided regarding File # ED18-028, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
 Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

2. File # ED18-029 - Accept update (00:43:39)

Sponsor: Troy Parr, Division Director/Community & Economic Development

Motion by Ernie Stevens III to accept the update regarding File # ED18-029, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
 Abstained: Brandon Stevens
 Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

Motion by Daniel Guzman King to request the OBC Officers to complete the requested follow up with the Intergovernmental Affairs Director, seconded by Brandon Stevens. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III
 Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

E. NEW BUSINESS**1. Approve forty-nine (49) new enrollments (00:44:34)**

Sponsor: Bobbi Webster, Chair/Oneida Trust Enrollment Committee

Motion by Daniel Guzman King to approve the forty-nine (49) new enrollments, seconded by Ernie Stevens III. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, Trish King, Ernie Stevens III
 Abstained: David P. Jordan
 Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

DRAFT**2. Approve draft memorandum regarding Tribal Action Plan Office (00:44:59)**

Sponsor: Daniel Guzman King, Councilman

Motion by Trish King to approve the updated memorandum regarding Tribal Action Plan Office and to move the correspondence to open session, seconded by David P. Jordan. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,
Ernie Stevens III

Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

Motion by David P. Jordan to recess at 9:20 a.m. until 10:00 a.m., seconded by Brandon Stevens.

Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,
Ernie Stevens III

Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

Chairman called the meeting to order at 9:57 a.m.

Roll call for the record:

*Present: Chairman Tehassi Hill; Vice-Chairman Brandon Stevens; Councilman David P. Jordan;
Treasurer Trish King; Councilman Ernie Stevens III;*

*Not Present: Councilman Daniel Guzman King; Councilman Kirby Metoxen; Secretary Lisa
Summers; Councilwoman Jennifer Webster;*

Additional actions under Item XII.A.7. is addressed next.

XIII. ADJOURN (00:48:13)

Motion by David P. Jordan to adjourn at 9:58 a.m., seconded by Ernie Stevens III. Motion carried:

Ayes: Brandon Stevens, David P. Jordan, Trish King, Ernie Stevens III

Not Present: Daniel Guzman King, Kirby Metoxen, Lisa Summers, Jennifer Webster

Minutes prepared by Lisa Liggins, Information Management Specialist

Minutes approved as presented on _____.

Lisa Summers, Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

Adopt resolution entitled FY 2019-2022 Oneida Nation Tribal Transportation Improvement Plan (TTIP)

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approved the resolution titled 2019-2022 transportation improvement project (TIP) list for the BIA.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: James Petitjean, Community Development Area Manager
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Submitted by: Grace Koehler, Executive Assistant, C&EDD
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The Oneida Nation receives a little over \$1 million annually to fund construction and maintenance on tribally owned roads. The BIA requires a transportation improvement list every year. Attached is the roads that are planned in the next 4 years. The projects are based on the PASER rating system and road are evaluated every year after winter conditions. Housing is also a priority as new roads are being built in Maple Leaf and Ushak Village South.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Name of Tribe **ONEIDA NATION**

Current Year Annual Transportation Allocation **\$ 1,040,760**

Tribal Transportation Improvement Plan													
Priority	BIA Route #	Section	Project Length	Year of Constr	Road Name Location (Start and End Points) Description of Work	All Planning, Prelim Eng., Arch, Env, ROW Activities will be included as TOTAL PE costs per Project		Construction		Construction Engineering		Other	Total
						Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Estimated Cost
1	1309	10	0.6	2019	Poplar Lane Reclaim existing road surface, new bituminous surface	\$ 10,000	BIA/Tribe	\$ 130,000	Tribe	\$ 5,000	BIA/Tribe		\$ 145,000
2	na	10-20	0.9	2019	Johnson Road Reclaim existing road surface, new bituminous surface	\$ 10,000	BIA/Tribe	\$ 100,000	Tribe	\$ 5,000	BIA/Tribe		\$ 115,000
3	NA	NA	NA	2019	Maple Leaf west New Road	\$ 24,000	Tribe	\$ 400,000					\$ 424,000
4	NA	NA	NA	2019	Uskah Village South New Road	\$ 10,000	Tribe	\$ 140,000		\$ 5,000			\$ 155,000
5					Silver Creek Trail	\$ 10,000	Tribe	\$ 90,000					\$ 100,000
6	NA	NA	NA	2019	TTP Road Maintenance Crack Seal, patching for various roadways including street sweep		Tribe/Coop					\$ 71,000	\$ 71,000
7	NA	NA	NA	2019	Transportation Planning (TTP Funds for Planning)		Tribe					\$ 50,883	\$ 50,883
FY19 Totals												\$ 1,060,883	

Priority	BIA Route #	Section	Project Length	Year of Constr	Road Name Location (Start and End Points) Description of Work	All Planning, Prelim Eng., Arch, Env, ROW Activities will be included as TOTAL PE costs per Project		Construction		Construction Engineering		Other	Total
						Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Estimated Cost
1	na	NA	NA	2020	Uskah Village South New Road	\$ 100,000	Tribe	\$ 810,000	Tribe	\$ 25,000	Tribe		\$ 935,000
2	NA	NA	NA	2020	TTP Road Maintenance Creak seal, patching and street sweeping	\$ -	Tribe/Coop	\$ -	Tribe	\$ -	Tribe	\$ 75,000	\$ 75,000
3	NA	NA	NA	2020	Transportation Planning (TTP Funds for Planning		Tribe					\$ 50,883	\$ 50,883
FY20 Total												\$ 1,060,883	

Priority	BIA Route #	Section	Project Length	Year of Constr	Road Name Location (Start and End Points) Description of Work	All Planning, Prelim Eng., Arch, Env, ROW Activities will be included as TOTAL PE costs per Project		Construction		Construction Engineering		Other	Total
						Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Estimated Cost
1	1307	20	0.22	2021	Minoka Hill Drive Mill and overlay	\$ 30,000	Tribe	\$ 150,000	Tribe	\$ 10,000	Tribe		\$ 190,000
2	NA	NA	NA	2021	Sand Hill Circle Mill and Overlay	\$ 15,000	Tribe	\$ 150,000		\$ 15,000		\$ -	\$ 180,000
3	NA	NA	NA	2021	Uskah Village South New Road		Tribe	\$ 231,300					\$ 231,300
4	NA	NA	0.6	2021	Seminary Road - Ranch to CTH E		Tribe	\$ 233,700					\$ 233,700
5	NA	NA	NA	2021	TTP Road Maintenance Crack Seal patching and street sweepign		Tribe/Coop					\$ 75,000	\$ 75,000
6	NA	NA	NA	2021	TTP Planning TTP Funds for planning, Snowplow for DPW		Tribe					\$ 150,883	\$ 150,883
										FY21 Totals			\$ 1,060,883
Priority	BIA Route #	Section	Project Length	Year of Constr	Road Name Location (Start and End Points) Description of Work	All Planning, Prelim Eng., Arch, Env, ROW Activities will be included as TOTAL PE costs per Project		Construction		Construction Engineering		Other	Total
						Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Estimated Cost
1	NA	NA	NA	2022	Seminary Road Reconstruction	\$ 100,000		\$ 605,000					\$ 705,000
2	NA	NA	NA	2022	Trails	\$ 20,000		\$ 100,000		\$ 10,000			\$ 130,000
3	NA	NA	NA	2022	TTP Road Maintenance Crack Seal Patching Street Sweeping							\$ 75,000	\$ 75,000
4	NA	NA	NA	2022	TTP Planning							\$ 150,883	\$ 150,883
												FY22 Totals	\$ 1,060,883

Project Information:	
BIA Route #	List all routes that will be worked on.
Section	List only those sections that will be worked on along with corresponding length
Location	List start and end points of where work will be performed (road names, rivers, end, etc.)
Description of Work	List as much detail as you can including existing road type and work to be performed

Estimated Cost:	Provide dollar amounts that you estimate will be required for each project/phase utilizing new funds from that year only. Prior year money obligated to contract should not be listed here.
------------------------	---

Who/How Work Done: Possible Choices	
BIA	BIA will perform direct service (DS) work for the Tribe as outlined in a Retained Service Agreement (RSA) as approved/signed by the Tribe and BIA. (Self Determination, G2G, and Self Gov Tribes can all elect to receive these services)
638	Self Determination Tribe will enter into a P638 contract with the BIA and either perform work with in-house staff or subcontract work out to consultant/contractor.
Coop	Tribe can receive funding through a P638 contract, G2G, or Self Gov Agreement. Tribe will then enter into a 2-party (Coop) agreement with County, State, Township etc. who will usually serve as the lead agency for the project.
Tribe	Tribe administers program/project through a Self Governance or G2G Agreement.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



BC Resolution # _____

FY 2019-2022 Oneida Nation Tribal Transportation Improvement Plan (TTIP) and FY 2019 TTP Retained Services Agreement (RSA)

1 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
2 recognized by the laws of the United States of America; and
3

4 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
5

6 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
7 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
8

9 **WHEREAS,** the Oneida General Tribal Council desires to provide adequate transportation facilities to
10 meet the needs of the residents of Oneida Nation; and
11

12 **WHEREAS,** the Oneida General Tribal Council has worked to develop the 2019-2022 Oneida Nation
13 Tribal Transportation Improvement Plan, which we are using to request the Bureau of
14 Indian Affairs to incorporate into their Control Schedule Transportation Improvement Plan
15 as a required step to help us receive our "Tribal Shares" funding; and
16

17 **WHEREAS,** the Oneida General Tribal Council agrees with the needs and priorities presented in the
18 2019-2022 Oneida Nation Tribal Transportation Improvement Plan.
19

20 **NOW THEREFORE BE IT RESOLVED,** that the Oneida General Tribal Council supports and adopts the
21 2019-2022 Oneida Nation Tribal Transportation Improvement Plan for the projects listed in the attached
22 CSTIP forms that were developed between us and the BIA for Tribal Shares funding along with
23 corresponding 2019 TTP Retained Services Agreement (RSA).
24

CERTIFICATION

25
26
27 This resolution was duly considered and adopted at a meeting of the Oneida Nation in Oneida, WI, on ____
28 at which a quorum of Council members were in attendance.
29

For: _____ Against: _____ Abstain: _____
Present*: _____ Absent: _____

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Tehassi Hill, Chairman
Oneida Business Committee
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41

Lisa Summers, Secretary
Oneida Business Committee

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



Statement of Effect

FY 2019-2022 Oneida Nation Tribal Transportation Improvement Plan (TTIP) and FY 2019 TTP Retained Services Agreement (RSA)

Summary

This resolution adopts the 2019-2022 Oneida Nation Tribal Transportation Improvement Plan for the projects listed in the Control Schedule Transportation Improvement Plan form attached to the resolution that was developed between the Community Economic Development Division and the Bureau of Indian Affairs for grant funding, along with the corresponding 2019 TTP Retained Services Agreement.

Submitted by: Kristen M. Hooker, Staff Attorney, Legislative Reference Office

Date: December 5, 2018

Analysis by the Legislative Reference Office

The Oneida Nation receives grant funding in excess of one million dollars annually for the construction and maintenance of Tribal owned roads. To receive funding, every year the Nation is required to submit a Tribal Transportation Improvement Plan (“TTIP”) to the Bureau of Indian Affairs (“BIA”) for incorporation into the BIA’s Control Schedule Transportation Improvement Plan. The TTIP is to include a list of planned road projects over the next four (4) years that the Oneida Community Economic Development Division develops based on the PASER rating system it uses to evaluate Tribal road conditions after each winter season.

This resolution sets forth the 2019-2022 TTIP for the road projects listed in the attached Control Schedule Transportation Improvement Plan form that must be submitted to the BIA, along with the 2019 TTP Retained Services Agreement referenced therein, in order to receive funding for 2019. Through resolution BC-01-11-17-A, the Oneida Business Committee adopted a similar 2017-2020 Oneida Nation Tribal Transportation Improvement Plan and corresponding TTP Retained Services Agreement. The funding for these projects is considered budgeted grant funding.

The Nation’s Budget Management and Control law provides that all “revenues and expenditures of the Nation shall be in accordance with the annual budget adopted by the General Tribal Council.” [1 O.C. 121.5-1]. Grant funds are exempt from requirements of the budget contingency plan and any cost containment initiatives because such funding is not reliant on Tribal contributions. [1 O.C. 121.4-3(c)]. Grant funds are to be spent according to any non-negotiable grant requirements and guidelines of the granting agency. [Id].

Conclusion

Adoption of this resolution would not conflict with any of the Nation’s laws. This Statement of Effect did not include a review or analysis of the TTP Retained Services Agreement referenced with the resolution.

Oneida Business Committee Agenda Request

Adopt resolution entitled Updating and Clarifying Access to the Economic Development, Diversification

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

To adopt Resolution entitled: Updating and Clarifying Access to the Economic Development Diversification and Community Development Fund.

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Statement of Effect"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Purpose: To adopt the resolution for pro-rata interest to go back into the fund, which is not currently identified.

Background: At a BC work session on November 20, 2018, it was agreed by the OBC for the pro-rata interest to be put into the Economic Development fund due to Resolution #BC-07-12-17-A states that 5% of funds shall go to Economic Development. As a result, Chief Counsel Jo Anne House created a resolution and a Statement of Effect was created by the Legislative Reference Office.

Requested Action: To adopt Resolution entitled Updating and Clarifying Access to the Economic Development, Diversification and Community Development Fund.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf OR print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



BC Resolution # _____

Updating and Clarifying Access to the Economic Development, Diversification and Community Development Fund

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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 Oneida Business Committee adopted resolution # BC-09-28-16-B, *Assignment of Return on Investment from OTIE to Economic Development and Diversification*, which created a set-aside until an endowment could be created and directed development and adoption of standard operating procedures for the use of the restricted funds; and

WHEREAS, the Treasurer has proposed the development of an economic development corporation, 'Oneida Development Holdings, Inc.,' and identifying the development of the endowment creation resolution, to fulfill the directives of resolution # BC-09-28-16-B; and

WHEREAS, the Oneida Business Committee approved the creation of the Community & Economic Development Division and authorized the transition into finalizing this action; and

WHEREAS, the Oneida Business Committee approved the following Vision and Mission statements for the new division:

Vision: To elevate the Oneida Nation by providing community & economic development practices that nurture and sustain Oneida families to prosperity.

Mission: To strategically implement systems that foster sustainable development and commerce growth that reflect Tsiṽniyukwalihotḷ (our ways) with innovative approaches that enrich the natural, built and business environments; and

WHEREAS, the original resolution adopted in 2016 regarding the OTIE disbursements do not accurately reflect the direction given to the Community & Economic Development Division; and

WHEREAS, OTIE has been reorganized as a subsidiary under the OESC Group, LLC; and

WHEREAS, the Oneida Business Committee desires to update the 2016 resolution to correctly reflect the goals of community development and economic development; and

WHEREAS, the Oneida Business Committee has reviewed the Economic Development, Diversification and Community Development Fund uses and processes in the prior two years and has determined that it is an appropriate time to update the processes and to allow for greater tracking of the amount of the fund and use of the funds.

44 *Allocation of Dividends and Revenues*

45 **NOW THEREFORE BE IT RESOLVED**, that resolutions # BC-09-28-16-B and # BC-07-12-17-A are
46 reaffirmed as to the creation of the Economic Development, Diversification and Community Development
47 Fund and superseded regarding processes for access, tracking amount of the fund and use of the funds.
48

49 **BE IT FURTHER RESOLVED**, that the dividends and revenues from OESC Group, LLC and its subsidiaries
50 shall be allocated to the Economic Development, Diversification and Community Development Fund. The
51 interest income generated by any balance shall not accrue to the Economic Development, Diversification
52 and Community Development Fund.
53

54 *Review and Recommend for Use of Funds*

55 **BE IT FURTHER RESOLVED**, that the Community and Economic Development Division Director shall
56 review every request for use of the fund, determine if the proposed use is consistent with the fund, and
57 provide a written recommendation to the Oneida Business Committee regarding whether to authorize funds
58 to be allocated from the Economic Development, Diversification and Community Development Fund to a
59 specific project identified by a contract number, CIP number, economic development opportunity number
60 or other easily trackable number or designation.
61

62 *Authorization to Use Funds*

63 **BE IT FURTHER RESOLVED**, that the Oneida Business Committee shall be responsible for authorizing
64 use of the Economic Development, Diversification and Community Development Fund by a resolution
65 clearly identifying the amount of funds authorized and purpose of the funds, which may be identified by a
66 contract number, CIP number, economic development opportunity number or other easily trackable number
67 or designation, and the employee responsible for authorizing expenditures of the authorized amount.
68

69 *Tracking Balance and Use of Funds*

70 **BE IT FURTHER RESOLVED**, that the Community and Economic Development Division Director shall be
71 responsible for maintaining a list of authorized uses and amounts annually forwarding that list to the Chief
72 Financial Officer who shall be notify the Committee and Economic Development Division Director of the
73 beginning balance in each fiscal year and authorize access to reports which identify the withdrawals from
74 the fund.
75

76 *Allocation of Funds Once Authorized*

77 **BE IT FURTHER RESOLVED**, that the Chief Financial Officer shall create the necessary accounts to
78 identify the Economic Development, Diversification and Community Development Fund, allocations and
79 withdrawals, including transfer of funds to a contract, CIP project, economic development opportunity or
80 other authorized activity within the appropriate business unit.
81

82 **BE IT FURTHER RESOLVED**, that the Community and Economic Development Division Director shall, on
83 an annual basis, obtain a reconciliation from any party authorized to utilize the funds, which may be
84 conducted in conjunction of an internal audit or assistance from the Accounting Department.
85

86 *Standard Operating Procedures*

87 **BE IT FINALLY RESOLVED**, that the Community and Economic Development Division Director and the
88 Chief Financial Officer shall create necessary standard operating procedures consistent with this resolution.



Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



Statement of Effect

Updating and Clarifying Access to the Economic Development, Diversification and Community Development Fund

Summary

The resolution updates and clarifies access to the Economic Development, Diversification and Community Development Fund.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Date: November 21, 2018

Analysis by the Legislative Reference Office

The Oneida Business Committee has determined that it is an appropriate time to update the processes involved with the Economic Development, Diversification and Community Development Fund and allow for greater tracking of the amount of the fund and use of the funds.

This resolution reaffirms portions of resolutions BC-09-28-16-B and BC-07-12-17-A which create the Economic Development, Diversification and Community Development Fund, but supersedes portions of both resolutions that provide processes for access, tracking amount of the fund, and use of the funds.

This resolution provides details of the Economic Development, Diversification and Community Development Fund regarding:

- The allocation of dividends and revenues;
- The review of requests and recommendations for use of the funds;
- The authorization to use funds;
- The tracking of the balance of the fund and use of the fund;
- How funds shall be allocated once authorized; and
- Development of standard operating procedures.

Conclusion

Adoption of this resolution would not conflict with any of the Nation's laws.

Oneida Business Committee Agenda Request

Determine next steps regarding one (1) vacancy term ending December 31, 2021 - Oneida Nation Veterans Affairs Committee

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Determine next steps regarding one (1) vacancy - Oneida Nation Veterans Affairs Committee.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Brooke Doxtator, Boards, Committees, and Commissions Supervisor
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

One (1) vacancy was posted for the Oneida Nation Veterans Affairs Committee to complete a term ending December 31, 2021.

The application deadline was November 30, 2018 and two (2) applications were received for the following individuals:

Michael Hill
Gerald Cornelius

Request to appoint one (1) applicant, reject the applicants, or to re-post the vacancy.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidation.org

Oneida Business Committee Agenda Request

Determine next steps regarding one (1) vacancy term ending February 29, 2020 - Oneida Pow-wow C

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Determine next steps regarding one (1) vacancy - Oneida Pow-wow Committee

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Brooke Doxtator, Boards, Committees, and Commissions Supervisor
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

One (1) vacancy was posted for the Oneida Pow-wow Committee to complete a term ending February 29, 2020.

The application deadline was November 30, 2018 and four (4) applications were received for the following individuals:

Jodi King
Tina Skenandore
Brian Moreno
Douglas Reed

Request to appoint one (1) applicant, reject the applicants, or to re-post the vacancy.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Business Committee Agenda Request

Determine next steps regarding one (1) vacancy - Oneida Nation School Board (At-Large)

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Determine next steps regarding one (1) community member at-large vacancy - Oneida Nation School Board.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Brooke Doxtator, Boards, Committees, and Commissions Supervisor
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

One (1) vacancy was posted for the Oneida Nation School Board to complete a term ending July 31, 2021.

The application deadline was November 02, 2018 and three (3) applications were received for the following individuals:

Beverly Skenandore
Aaron Manders
Stacey Nieto

Request to appoint one (1) applicant, reject the applicants, or to re-post the vacancy.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidation.org

Approve the December 3, 2018, regular Finance Committee meeting minutes

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Oneida Business Committee approval is required to approve all Finance Committee meeting actions as the FC is a standing committee of the OBC.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org



MEMORANDUM

TO: Finance Committee
CC: Business Committee
FR: Denise Vigue, Executive Assistant
DT: Dec. 4, 2018
RE: E-Poll Results of: FC Meeting Minutes of December 3, 2018

An E-Poll vote of the Finance Committee was conducted to approve the 12/03/18 Finance Committee meeting minutes. The results of the completed E-Poll are as follows:

E-POLL RESULTS:

There was a Majority 4 YES votes from Larry Barton, Patrick Stensloff, Chad Fuss, and Daniel Guzman King to approve the December 3, 2018 Finance Committee Meeting Minutes.

The minutes will be placed on the next Business Committee agenda of 12/12/18 for approval and placed on the next Finance Committee agenda of 12/31/18 to ratify this E-Poll action.

Per the Finance Committee By-Laws Article III-Meetings; Sect: 3-4 Quorum. Four (4) members of the Finance Committee shall constitute a quorum. & Sect: 3-6 Voting. (d) The Finance Committee shall act by a majority of vote of the quorum present at any meeting.



FINANCE COMMITTEE

FC REGULAR MEETING

Dec. 3, 2018 ▪ Time: 9:00 to 9:43 A.M.
BC Executive Conference Room

FC WORK MEETING

Dec. 3, 2018 ▪ Time: 9:45 to 10:45 A.M.
BC Executive Conference Room

REGULAR MEETING MINUTES

FC REGULAR MEETING:

Patricia King, Treasurer/FC Chair
Daniel Guzman King, BC Council Member
Patrick Stensloff, Purchasing Director

Larry Barton, CFO/FC Vice-Chair
Chad Fuss, AGGM-Finance (Gam. Alt.)

EXCUSED: Jennifer Webster, BC Council Member and Shirley Barber, FC Elder Member

OTHERS PRESENT: Carrie Lindsey, Henrietta Cornelius, Sam Vanden Heuvel, Scott Denny, Jaime Metoxen and Denise J. Vigue taking minutes

FC WORK MEETING:

Patricia King, Treasurer/FC Chair
Daniel Guzman King, BC Council Member
Patrick Stensloff, Purchasing Director

Larry Barton, CFO/FC Vice-Chair
Chad Fuss, AGGM-Finance (Gam. Alt.)

EXCUSED: Jennifer Webster, BC Council Member and Shirley Barber, FC Elder Member

OTHERS PRESENT: Denise J. Vigue taking notes

- I. **CALL TO ORDER:** The Regular FC Meeting was called to order by the FC Chair at 9:01 A.M.
- II. **APPROVAL OF AGENDA:** DECEMBER 3, 2018
Motion by Larry Barton to approve the Finance Committee Meeting Agenda of Dec. 3, 2018 with four ADD On requests under New Business #3-6. Seconded by Patrick Stensloff. Motion carried unanimously.
- III. **APPROVAL OF MINUTES:** NOVEMBER 19, 2018 (Approved via E-Poll on 11/20/18):
Motion by Patrick Stensloff to ratify the FC E-Poll action taken on Nov. 20, 2018 approving the Nov. 19, 2018 Finance Committee Meeting Minutes. Seconded by Larry Barton. Motion carried unanimously.
- IV. **TABLED BUSINESS:** None
- V. **CAPITAL EXPENDITURES:** None
- VI. **COMMUNITY FUND:**

REPORT(S):

1. **Community Fund Report for December 2018**
Denise J. Vigue, Finance

Motion by Patrick Stensloff to approve the December 2018 Community Fund Report. Seconded by Daniel Guzman King. Motion carried unanimously.

REQUESTS:

- 1. Enspire 365 Blaze AAU Basketball Team Fees** Amount: \$500.
Requestor: Michelle Reed for daughter, Hailey

Motion by Patrick Stensloff to approve from the Community Fund the Enspire 365 Blaze AAU Basketball Team fees for the daughter of the requestor in the amount of \$500.00. Seconded by Larry Barton. Motion carried unanimously.

- 2. Heard Museum Artists and Trade Fair Fees** Amount: \$500.
Requestor: Cristina Danforth

Motion by Larry Barton to approve from the Community Fund the Heard Museum Artist and Trade Fair booth fees only in the amount of \$300.00. Seconded by Patrick Stensloff. Motion carried unanimously.

- 3. One Wisconsin Volleyball Club Fees** Amount: \$500.
Requestor: Sylvia Cornelius for daughter, Hannah

Motion by Larry Barton to approve from the Community Fund the One Wisconsin Volleyball Club fees for the daughter of the requestor in the amount of \$500.00. Seconded by Patrick Stensloff. Motion carried unanimously.

- 4. De Pere Diggers Volleyball Club Fees** Amount: \$500.
Requestor: Jodi Skenandore for daughter, Hanna

Motion by Larry Barton to approve from the Community Fund the De Pere Diggers Volleyball Club fees for the daughter of the requestor in the amount of \$500.00. Seconded by Patrick Stensloff. Motion carried unanimously.

- 5. Giving Tree Adopt-A-Family Chili Fundraiser** Amount: 5 Cases
Jennifer Falck, LOC/OBC

Motion by Patrick Stensloff to approve from the Community Fund five cases of Coca-Cola products to sell at the Giving Tree Adopt-A-Family Chili Fundraiser. Seconded by Daniel Guzman King. Motion carried unanimously.

VII. NEW BUSINESS:

- 1. HDS Doorways Software Upgrade** Amount: \$81,000.
Dana McLester, Comprehensive Housing

Motion by Larry Barton to defer this request. Seconded by Daniel Guzman King. This motion was withdrawn as representatives arrived.

Scott Denny and Jaime Metoxen were present to discuss this request with the FC. There were questions from the FC about items not in the request including cyber security, approval from MIS this is compatible with our system, final costs as what is in the packet isn't the amount being requested, sole source approval from granting agency, name on license, and the debarment search. Scott relayed the software has been in place about 10 years need updated version to streamline staff processing, he will ensure all information requested is forwarded to the FC.

Motion by Daniel Guzman King to defer this request to the next FC meeting and for the requestor to submit the following: MIS support letter; HDS having cyber security protocols; granting agency approval of sole source; corrected license for software; debarment search; and all associated costs of this request. Seconded by Patrick Stensloff. Motion carried unanimously.

- 2. Henry Schein Inc -OCHC Project #18-006** Amount: \$966,618.20
Paul Witek, Engineering Dept.

Sam Vanden Heuval was present to discuss this project for renovations to the Dental Department area at the Health Center, items discussed included: project being sent for approval early to avoid price increases in Jan; legal review pending, letter needed from granting agency for sole source, and debarment search needed; project slated to take place May 2019.

Motion by Larry Barton to approve the Henry Schein Inc, Purchase Order request for the OCHC Dental Renovation Project #18-006 in the amount of \$966,618.20 provided debarment search information received. Seconded by Chad Fuss. Motion carried unanimously.

- 3. ADD On: FY19 Blanket PO – Cerebral Palsy Center** Amount: \$120,000.
Carrie Lindsey, Consolidated Health Svs-OCHC

This and following three are FY19 Blankets for each of the service providers; this request is sole source as the center is only vendor in area to provide such services. CFO noted that next year please follow deadlines in submitting requests.

Motion by Larry Barton to approve the FY19 Blanket Purchase Order for the Cerebral Palsy Center in the amount of \$120,000.00 Seconded by Patrick Stensloff. Motion carried unanimously.

- 4. ADD On: FY19 Blanket PO – Home Instead Senior Care** Amount: \$50,000.
Carrie Lindsey, Consolidated Health Svs-OCHC

They utilize several vendors for this type of care, this request is for the one vendor least used but still offered to clients.

Motion by Patrick Stensloff. to approve the FY19 Blanket Purchase Order for the Home Instead Senior Care in the amount of \$50,000.00. Seconded by Chad Fuss. Motion carried unanimously.

- 5. ADD On: FY19 Blanket PO – Helping Hands Caregivers** Amount: \$300,000.
Carrie Lindsey, Consolidated Health Svs-OCHC

This vendor provides full services for tribal members in the program; FC noted a debarment search not included in packet and will need that information for all these ADD On submissions.

Motion by Larry Barton to approve the FY19 Blanket Purchase Order for the Helping Hands Caregivers in the amount of \$300,000.00 contingent upon the submission of the debarment search information. Seconded by Patrick Stensloff. Motion carried unanimously.

- 6. ADD On: FY19 Blanket PO – Lamer’s Medical Transport** Amount: \$120,000.
Carrie Lindsey, Consolidated Health Svs-OCHC

This is the only vendor to assist with transport to and from the CP Center; transit cannot offer special medial needs and does not wait for pick-up of clients.

Motion by Chad Fuss to approve the FY19 Blanket Purchase Order for the Lamer’s Medical Transport in the amount of \$120,000.00. Seconded by Daniel Guzman King. Motion carried unanimously.

VIII. EXECUTIVE SESSION: None

IX. FOLLOW UP: None

X. FOR INFORMATION ONLY:

1. Bally (4) Lease Games

David Emerson, Gaming - Slots

Motion by Patrick Stensloff to accept the Bally (4) Lease Games request as Information Only. Seconded by Daniel Guzman King. Motion carried unanimously.

XI. ADJOURN: Motion by Daniel Guzman King to adjourn. Seconded by Larry Barton. Motion carried unanimously. Time: 9:43 A.M.

Minutes taken & transcribed by:
Denise Vigue, Executive Assistant to the CFO
& Finance Committee Contact/Recording Secretary

Finance Committee-E-Poll Minutes Approval Date: December 4, 2018

Oneida Business Committee’s FC Minutes Approval Date: _____

Oneida Business Committee Agenda Request

Accept the November 21, 2018, regular Legislative Operating Committee meeting minutes

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept the November 21, 2018 Legislative Operating Committee meeting minutes.

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
 Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
 November 21, 2018
 9:00 a.m.

Present: David P. Jordan, Jennifer Webster, Kirby Metoxen

Excused: Ernest Stevens III, Daniel Guzman King

Others Present: Kristen Hooker, Brandon Wisneski, Clorissa Santiago, Jennifer Falck, Leyne Orosco, Brooke Doxtator, Bonnie Pigman

**note: Due to an error with the audio equipment this meeting was not recorded.*

I. Call to Order and Approval of the Agenda

David P. Jordan called the November 21, 2018 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to approve the agenda as is; seconded by Kirby Metoxen. Motion carried unanimously.

II. Minutes to be Approved

November 7, 2018 LOC Minutes

Motion by Kirby Metoxen to approve the November 7, 2018 Legislative Operating Committee meeting minutes and forward to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

1. Petition: Dallas – Special Per Capita Payments and/or Options

Motion by Jennifer Webster remove the Petition: Dallas-Special Per Capita Payments and/or Options from the active files list; seconded by Kirby Metoxen. Motion carried unanimously.

2. Petition: Cathy L. Metoxen- Oneida Youth Leadership Institute

Motion by Kirby Metoxen to approve the Petition: Cathy L. Metoxen - Oneida Youth Leadership Institute statement of effect and forward to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

3. Election Law Amendments

Motion by Jennifer Webster to accept the public meeting comments and the public comment review memorandum and defer this item to a work meeting; seconded by Kirby Metoxen. Motion carried unanimously.

IV. New Submissions



1. Recycling and Solid Waste Disposal Amendments

Motion by Jennifer Webster to add the Recycling and Solid Waste Disposal Law amendments to the active files list and assign Jennifer Webster as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

2. Petition: Scott Kosbab – Creating Term Limits Law

Motion by Kirby Metoxen to add the Petition: Scott Kosbab – Creating Term Limits Law to the active files list and assign David P. Jordan as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

3. Petition: Gina D. Powless – Rescinding the Removal Law

Motion by Kirby Metoxen to add the Petition: Gina D. Powless – Rescinding the Removal Law to the active files list and assign Kirby Metoxen as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

V. Additions - None**VI. Administrative Items****1. Oneida Personnel Commission Update**

Motion by Jennifer Webster to accept the Oneida Personnel Commission update and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

VII. Executive Session**VIII. Adjourn**

Motion by Kirby Metoxen to adjourn the November 21, 2018 Legislative Operating Committee meeting at 9:23 a.m.; seconded by Jennifer Webster. Motion carried unanimously.

Oneida Business Committee Agenda Request

Approve the adoption packet for Election Law Amendments for consideration at the January 21, 2019,

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

The LOC approved the Election Law amendments adoption packet on December 5 ,2018.

Requested Action:
 Include the approved adoption packet for Election Law Amendments in the January 21, 2018 GTC special meeting materials, for the General Tribal Council's consideration.

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Adoption Packet- Election Law Amendments"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



TO: General Tribal Council
 FROM: Oneida Business Committee
 DATE: January 21, 2019
 RE: Amendments to the Election Law

Please find the following attached backup documentation for your consideration of the amendments to the Election law:

1. Resolution: Amendments to the Election Law
2. Statement of Effect: Amendments to the Election Law
3. Election Law Amendments Legislative Analysis
4. Election Law Amendments (Redline)
5. Election Law Amendments (Clean)
6. Election Law Amendments Fiscal Impact Statement
7. Election Law Amendments PowerPoint Presentation Slides

Overview

At the November 12, 2017, Special General Tribal Council meeting, the General Tribal Council adopted a motion to *“accept the information presented and for the Oneida Business Committee to take this information and the discussion to identify amendments to the Election Law for presentation to action by the GTC during calendar year 2018.”*

In accordance with General Tribal Council’s directive, the Legislative Operating Committee began developing amendments to the Election law. In the development of these amendments, the Legislative Operating Committee reviewed the Election Board’s bylaws, standard operating procedures, final election reports, Oneida Judiciary decisions, General Tribal Council meeting materials and election laws from other tribal nations. The Legislative Operating Committee also held work meetings with the Election Board, received comments from the Trust Enrollment, and held a public meeting.

At the October 28, 2018, General Tribal Council meeting an Election law update from the Legislative Operating Committee was included on the agenda. This update included a draft of the proposed amendments and notice of the public meeting and comment period for members to provide feedback on the amendments. At this meeting, the General Tribal Council adopted a motion *“to adjourn and forward the remaining items, VI.A. Petitioner Linda Dallas re: Medicare Part B premium payment and VI.B. Update regarding Election law amendments, to the 2019 annual meeting in January.”*

This resolution adopts the proposed amendments to the Election law. The amendments to the Election law will:

- Require the Election Board to ensure election polling equipment and ballots are maintained in a locked and secured area when not in use for an election [1 O.C. 102.4-8(a)];
- Clarify when a member of the Election Board must recuse themselves from election activities [1 O.C. 102.4-3];
- Remove term limits for members of the Election Board [1 O.C. 102.4];
- Clarify the process for submitting referendum questions [1 O.C. 102.7];
- Shorten the timeframe for holding an election [1 O.C. 102.8-2, 102.13-1];
- Clarify candidate eligibility in regard to positions on the Oneida Business Committee and Judiciary [1 O.C. 102.9-5];
- Transfer hearing authority from the Election Board to the Judiciary [1 O.C. 102.9-8];
- Update the process for conducting a caucus [1 O.C. 102.13-1, 102.13-2];
- Require notice of the election and election results to be posted on the Nation's website [1 O.C. 102.14-1, 102.17-2];
- Shorten the voter registration form [1 O.C. 102.15-1];
- Eliminate provisional ballots for voters who do not show a photo ID or are ruled ineligible to vote [1 O.C. 102.15-5];
- Require a public test of the ballot machines prior to an election [1 O.C. 102.16-1];
- Clarify the process for voters who require assistance at the polls [1 O.C. 102.16-4];
- Require the separation of ballots from different polling locations [1 O.C. 102.16-9(a)];
- Update the process for handling spoiled ballots [1 O.C. 102.16-10];
- Reduce the number of Election Board members required to be at each polling site [1 O.C. 102.16-12(a)];
- Update the process for conducting a recount [1 O.C. 102.18];
- Clarify and update additional language throughout the Law.

In accordance with the Legislative Procedures Act, a public meeting on the proposed amendments to the Election law was held on November 8, 2018. Four (4) members of the community attended the public meeting with one (1) person providing oral comments. The public comment period closed on November 16, 2018. The Legislative Operating Committee received two (2) submissions of written comments during the public comment period. All comments public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on November 16, 2018. Any changes made based on those comments have been incorporated into this draft. Additional information regarding the comments received during the public comment period and the Legislative Operating Committee's consideration of those comments can be found at <https://oneida-nsn.gov/government/register/public-meetings/>.

Requested Action

Adopt the Resolution: Amendments to the Election Law.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



GTC Resolution # _____
Amendments to the Election Law

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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 most recently amended by the General Tribal Council through resolution BC-04-23-17-A; and

WHEREAS, the purpose of the Law is to govern the procedures for the conduct of orderly elections of the Nation and provide clearly defined duties and responsibilities of the Election Board members and other persons employed by the Oneida Nation in the conduct of elections; and

WHEREAS, the amendments to this Law require the Election Board to ensure election polling equipment and ballots are maintained in a locked and secured area when not in use for an election; and

WHEREAS, the amendments to the Law clarify when a member of the Election Board must recuse themselves from election activities; and

WHEREAS, the amendments remove term limits for members of the Election Board; and

WHEREAS, the amendments clarify the process for submitting referendum questions; and

WHEREAS, the amendments shorten the timeframe for holding an election; and

WHEREAS, the amendments to this Law clarify candidate eligibility in regard to positions on the Oneida Business Committee and Judiciary; and

WHEREAS, the amendments to this Law transfer hearing authority from the Election Board to the Judiciary; and

WHEREAS, the amendments update the process for conducting a caucus; and

WHEREAS, the amendments require notice of the election and election results to be posted on the Nation's website in addition to prominent locations; and

WHEREAS, the amendments to the Law shorten the voter registration form; and

44 **WHEREAS,** the amendments eliminate provisional ballots for voters who do not show a photo ID or are
45 ruled ineligible to vote; and
46
47 **WHEREAS,** the amendments to the Law require a public test of the voting machines prior to the election;
48 and
49
50 **WHEREAS,** the amendments clarify the process for voters who require assistance at the polls; and
51
52 **WHEREAS,** the amendments require the separation of ballots from different polling locations; and
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54 **WHEREAS,** the amendments to the Law update the process for handling spoiled ballots; and
55
56 **WHEREAS,** the amendments to the Law reduce the number of Election Board members required at
57 each polling site; and
58
59 **WHEREAS,** the amendments update the process for conducting a recount; and
60
61 **WHEREAS,** the amendments to this Law make other minor drafting revisions and updates; and
62
63 **WHEREAS,** a public meeting on the proposed amendments to this Law was held on November 8, 2018,
64 in accordance with the Legislative Procedures Act, and the public comments were
65 reviewed and accepted by the Legislative Operating Committee on November 16, 2018;
66 and
67
68 **NOW THEREFORE BE IT RESOLVED,** that the amendments to the Election law are hereby adopted and
69 shall be effective February 4, 2019.



Statement of Effect
Amendments to the Election Law

Summary

This resolution adopts amendments to the Election law.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Date: December 5, 2018

Analysis by the Legislative Reference Office

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. This resolution adopts amendments to the Election law, which comply with all processes and procedures required by the LPA, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

The Election law was adopted by the Oneida General Tribal Council for the purpose of governing the procedures for the conduct of orderly elections of the Nation, and to provide clearly defined duties and responsibilities of the Election Board members and other persons employed by the Oneida Nation in the conduct of elections. [1 O.C. 102.1-1, 102.1-2].

The amendments to the Election law will:

- Require the Election Board to ensure election polling equipment and ballots are maintained in a locked and secured area when not in use for an election [1 O.C. 102.4-8(a)];
- Clarify when a member of the Election Board must recuse themselves from election activities [1 O.C. 102.4-3];
- Remove term limits for members of the Election Board [1 O.C. 102.4];
- Clarify the process for submitting referendum questions [1 O.C. 102.7];
- Shorten the timeframe for holding an election [1 O.C. 102.8-2, 102.13-1];
- Clarify candidate eligibility in regard to positions on the Oneida Business Committee and Judiciary [1 O.C. 102.9-5];
- Transfer hearing authority from the Election Board to the Judiciary [1 O.C. 102.9-8];
- Update the process for conducting a caucus [1 O.C. 102.13-1, 102.13-2];
- Require notice of the election and election results to be posted on the Nation’s website [1 O.C. 102.14-1, 102.17-2];
- Shorten the voter registration form [1 O.C. 102.15-1];
- Eliminate provisional ballots for voters who do not show a photo ID or are ruled ineligible to vote [1 O.C. 102.15-5];
- Require a public test of the ballot machines prior to an election [1 O.C. 102.16-1];

- Clarify the process for voters who require assistance at the polls [1 O.C. 102.16-4];
- Require the separation of ballots from different polling locations [1 O.C. 102.16-9(a)];
- Update the process for handling spoiled ballots [1 O.C. 102.16-10];
- Reduce the number of Election Board members required to be at each polling site [1 O.C. 102.16-12(a)];
- Update the process for conducting a recount [1 O.C. 102.18];
- Clarify and update additional language throughout the Law.

Additional minor changes are made to the draft to update the language and ensure compliance with drafting style and formatting requirements.

In accordance with the LPA, a public meeting on the proposed amendments to the Election law was held on November 8, 2018. Four (4) members of the community attended the public meeting with one (1) person providing oral comments. The public comment period closed on November 16, 2018. The Legislative Operating Committee received two (2) submissions of written comments during the public comment period. All comments public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on November 16, 2018. Any changes made based on those comments have been incorporated into this draft.

Conclusion

Adoption of this resolution would not conflict with any of the Nation's laws.



AMENDMENTS TO ELECTION LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

REQUESTER: GTC	SPONSOR: Jennifer Webster	DRAFTER: Clorissa N. Santiago	ANALYST: Brandon Wisneski
Intent of the Amendments	To update the Nation's election process to require the Election Board to ensure election polling equipment and ballots are secured and locked; to clarify when a member of the Election Board must recuse themselves from election activities; to remove term limits for members of the Election Board; to clarify the process for submitting referendum questions; to shorten the timeframe for holding an election; to eliminate provisional ballots for voters who do not show a photo ID or are ruled ineligible to vote; to clarify candidate eligibility in regard to positions on the Oneida Business Committee and Judiciary; to transfer hearing authority from the Election Board to the Judiciary; to update the process for conducting a caucus; to require notice of election and election results to be posted on the Nation's website; to shorten the voter registration form; to require a public test of the ballot machines prior to an election; to require separation of ballots between each polling place; to update the process for handling spoiled ballots; to reduce the number of Election Board members required to be at each polling site; to update the process for conducting a recount; and to clarify and update language throughout the law.		
Purpose	The purpose of the Election Law is to govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations <i>[see 102.1-1]</i> .		
Affected Entities	All qualified voters of the Oneida Nation; all elected officials of the Nation; all candidates for elected office; Election Board; Trust Enrollment Department; Oneida Police Department; Oneida Records Management Department; Zoning Department; the Nation's Secretary; and the Business Committee Support Office.		
Affected Legislation	Election Law; Zoning and Shoreland Protection Law; Open Records and Open Meetings Law; Boards, Committees and Commissions Law; Garnishment Law; Per Capita Law.		
Enforcement/Due Process	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 <i>[see 102.19-1]</i> . Candidates deemed ineligible for the ballot by Election Board may appeal to the Judiciary <i>[see 102.9-8]</i> . Election Board members who violate the Election Law may be subject to removal in accordance with the Removal Law, termination of appointment if appointed to fill a vacancy, or sanctions and penalties in accordance with laws of the Nation <i>[see 102.4-12]</i> . A member who is removed from the Election Board shall be ineligible to serve on the Election Board for three (3) years from the time he or she is removed from the Election Board <i>[see 102.4-12(a)(1)]</i> .		
Public Meeting	A public meeting was held on November 8 th , 2018.		
Fiscal Impact	See fiscal impact statement prepared by Finance Dept. in accordance with the Legislative Procedures Act.		

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SECTION 2. LEGISLATIVE DEVELOPMENT

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- 4 A. The Election Law was adopted by General Tribal Council (GTC) in accordance with Article III, Section
- 5 5 of the Constitution. The Election law governs the procedures for the conduct of orderly elections of
- 6 the Nation. The Election Law was most recently amended by GTC on April 23, 2017 to incorporate
- 7 Constitutional Amendments into the law, including lowering the age of qualified voters from twenty-
- 8 one (21) to eighteen (18).
- 9 B. On November 12, 2017, GTC passed a motion to “accept the information presented and for the Oneida
- 10 Business Committee to take this information and the discussion to identify amendments to the Election
- 11 Law for presentation to and action by the General Tribal Council during calendar year 2018.” The
- 12 meeting materials and discussion from this meeting included concerns regarding Election Board,
- 13 recount process, recusal process and security of ballots and ballot machines. In addition to the
- 14 discussion from this meeting, other potential revisions to the law have been identified by the Election
- 15 Board, Trust Enrollment Department, and a review of relevant Judiciary decisions.
- 16 C. As a result of this review, the following amendments to this law have been proposed by the Legislative
- 17 Operating Committee (LOC). The amendments will update the Nation’s election process to require the
- 18 Election Board to ensure election polling equipment and ballots are secured and locked; clarify when a
- 19 member of the Election Board must recuse themselves from election activities, remove term limits for
- 20 members of the Election Board; clarify the process for submitting referendum questions; shorten the
- 21 timeframe for holding an election; eliminate provisional ballots for voters who do not show a photo ID
- 22 or are ruled ineligible to vote; clarify candidate eligibility in regard to positions on the Oneida Business
- 23 Committee and Judiciary; transfer hearing authority from Election Board to the Judiciary; update the
- 24 process for conducting a caucus; require notice of election and election results to be posted on the
- 25 Nation’s website; shorten the voter registration form; require a public test of the ballot machines prior
- 26 to an election; to require separation of ballots between each polling place; update the process for
- 27 handling spoiled ballots; to reduce the number of Election Board members required to be at each polling
- 28 site; to update the process for conducting a recount; and clarify and update language throughout the
- 29 law.
- 30

SECTION 3. CONSULTATION AND OUTREACH

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- 32 A. The Legislative Operating Committee (LOC) held a work meeting with the Election Board on January
- 33 25, 2018 to discuss the board’s ideas for potential amendments. In addition, the LOC reviewed
- 34 suggested amendments submitted by the Trust Enrollment Department.
- 35 B. The following documents were reviewed in the drafting of this analysis: The Nation’s Constitution, the
- 36 Election Board’s bylaws and standard operating procedures, Election Board Final Election Reports,
- 37 relevant Oneida Judiciary decisions, and the November 12, 2017 GTC Meeting minutes and materials.
- 38 C. The following laws were reviewed in the drafting of this analysis: Zoning and Shoreland Protection
- 39 Law, Open Records and Open Meetings Law, and Boards, Committees and Commissions Law. In
- 40 addition, the following Election Laws from other tribes were reviewed: Ho Chunk Election Code,
- 41 Menominee Nation Election Code, Forest County Potawatomi Election Code, and Stockbridge Munsee
- 42 Election Ordinance.
- 43

SECTION 4. PROCESS

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- 45 A. Thus far, this law has followed the process set forth in the Legislative Procedures Act (LPA).
- 46 B. The law was added to the Active Files List on December 6, 2017.
- 47 C. At the time this legislative analysis was developed, the following work meetings were held/scheduled
- 48 regarding the development of this law and legislative analysis:
- 49 ▪ January 25, 2018: Work Meeting with Election Board
- 50 ▪ March 16, 2018: LOC Work Meeting
- 51 ▪ March 19, 2018: LOC Work Meeting

- 52 ▪ March 23, 2018: LOC Work Meeting
- 53 ▪ March 29, 2018: LOC Work Meeting
- 54 ▪ April 2, 2018: LOC Work Meeting
- 55 ▪ April 19, 2018: LOC Work Meeting
- 56 ▪ May 2, 2018: LOC Work Meeting
- 57 ▪ June 20, 2018: LOC Work Meeting
- 58 ▪ July 12, 2018: LOC Work Meeting
- 59 ▪ August 6, 2018: LOC Work Meeting
- 60 ▪ August 28, 2018: LOC Work Meeting
- 61 ▪ September 5, 2018: LOC Work Meeting
- 62 ▪ October 8, 2018: LOC Work Meeting
- 63 ▪ October 17, 2018: LOC Work Meeting
- 64 ▪ November 16, 2018: LOC Work Meeting

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66 **SECTION 5. CONTENTS OF THE LEGISLATION**

67 A. **Election Board.** This section describes the composition and duties of the Election Board. The Election
68 Board consists of nine (9) members elected by the membership. The Election Board is responsible for
69 conducting the elections of the Oneida Nation. The following revisions have been made to the Election
70 Board:

71 ▪ **Term Limits.** This law eliminates term limits for members of the Election Board. Election
72 Board members are elected by the membership. Currently, Election Board members are
73 limited to two consecutive three-year terms. After serving two terms, Board members must sit
74 out a term before they can run again [*see Election Law, 1 O.C. 102.4-2*]. Now, Election Board
75 members may run for as many terms as they wish.

76 ○ **Comparison to other Oneida Boards, Committees and Commissions.** Most other entities
77 of the Nation do not have term limits. For example, other elected entities such as Land
78 Commission, Land Claims Commission, Gaming Commission and Trust Enrollment
79 Committee do not have term limits. Currently, the only other elected board of the Nation
80 with term limits is Oneida Nation Commission on Aging (ONCOA). The Police
81 Commission, an appointed board, has term limit of no more than three consecutive five-
82 year terms.

83 ○ **Comparison to Election Boards of other tribal nations:** Menominee Nation, Potawatomi
84 Nation, Ho Chunk Nation and Stockbridge Munsee have appointed Election Boards which
85 do not have term limits. However, the appointing body has control over who is appointed
86 and for how long.

87 ○ **Advantages and Disadvantages of Term Limits:** Potential advantages of term limits are
88 that they may bring new ideas and fresh perspectives to an elected body and give more
89 individuals an opportunity to participate in public service. Potential disadvantages of term
90 limits are that they deprive voters of the ability to elect the candidate of their choice and
91 that the elected body loses experienced members and institutional knowledge.

92 ▪ **Recusal.** Election Board members must recuse themselves from any pre-election, election day
93 and post-election activities if he or she is a petitioner, applicant or candidate in any election,
94 or if there is otherwise a conflict of interest [*see 102.4-3*].

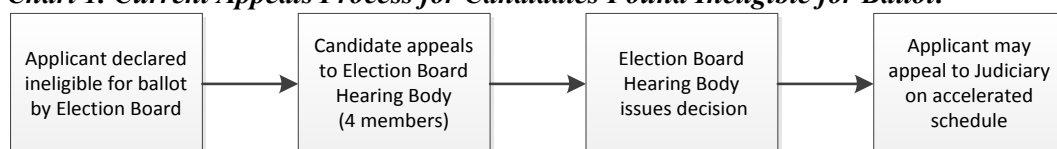
95 ○ **Immediate Family:** A new provision has been added clarifying that Election Board
96 members must recuse themselves if an immediate family member is a petitioner, applicant
97 or candidate. This requirement was previously located in the Election Board's bylaws, but
98 has been added directly into the law to strengthen and clarify this requirement [*see 102.4-*
99 *3(b)*].

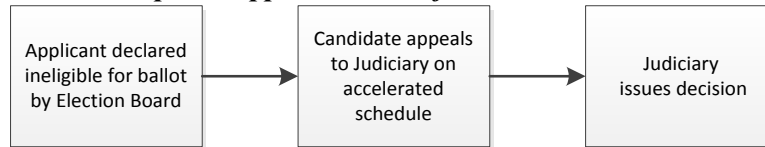
100 ○ **Definition of Immediate Family Members.** An immediate family member is defined as:
101 an individual's father, mother, grandparent, sister, brother, wife, husband, daughter, son,

- 102 father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law,
 103 step-father, step-mother, step-sister, step-brother, step-daughter, step-son and any of these
 104 relations obtained through legal adoption [see 102.3(m)].
- 105 ○ **Recusal for Judiciary.** Recusal provisions for members of the Nation’s Judiciary are
 106 located in the Oneida Tribal Judiciary Canons of Judicial Conduct. The canons state that a
 107 judge shall withdraw from any matter where the judge has or could be perceived to have a
 108 conflict of interest. The canons go on to state that this includes personal, professional, or
 109 fiduciary relationships between the Judge or an immediate family member of the Judge
 110 [see Oneida Tribal Judiciary Canons of Judicial Conduct 8 O.C. 802, Section 2.2].
 - 111 ■ **Securing Ballots and Voting Equipment.** A new provision has been added that requires the
 112 Election Board to ensure that election polling equipment and ballots are maintained in a locked
 113 and secured area when they are not being used for an Election. This is added to clarify that it
 114 is Election Board’s responsibility to secure the equipment, and that failure to do so is a
 115 violation of this law [see 102.4-8(a)].
 - 116 ■ **Standard Operating Procedures.** The Election Board will be required to develop and follow
 117 standard operating procedures (SOPs) regarding election activities and responsibilities. Any
 118 updates to their standard operating procedures must be presented to the Business Committee
 119 as information. For more information regarding the Election Board’s current SOPs, see
 120 Section 9 “Other Considerations” in this analysis. [see 102.4-8(b)].
 - 121 ■ **Enforcement and Removal.** A new provision has been added regarding Enforcement, which
 122 replaces the previous “Removal” section [see 102.4-12]. Election Board members who violate
 123 the Election Law may be subject to:
 - 124 ○ **Removal:** Election Board members who violate the Election Law may be removed in
 125 accordance with the Removal Law. A member who is removed from the Election Board
 126 will be prohibited from serving on the Election Board for three (3) years.
 - 127 ○ **Termination of Appointed Members.** Election Board members who were appointed to fill
 128 vacancies on the board may have their appointments terminated by the Oneida Business
 129 Committee in accordance with the Boards, Committees and Commissions Law.
 - 130 ○ **Sanctions and Penalties.** Election Board members may be subject to sanctions and
 131 penalties in accordance with laws of the Nation regarding sanctions and penalties. The
 132 Legislative Operating Committee (LOC) is currently drafting a Sanctions and Penalties
 133 Law to increase accountability among elected and appointed officials of the Nation, which
 134 will include members of the Election Board. At the time this analysis was drafted, the LOC
 135 intends to present a Sanctions and Penalties Law to GTC for consideration once the draft
 136 is complete and all legislative requirements are met.
- 137 **B. Referendums.** This section describes the process for referendums. Referendum questions may be
 138 submitted by qualified voters at a caucus prior to an election. The following revisions have been
 139 made to the referendum process to ensure a streamlined process: [see 102.7]
- 140 ■ **Standard Form.** A provision has been added requiring the Secretary to provide a standard form
 141 to submit referendum questions.
 - 142 ■ **Yes or No Questions.** In addition, referendum questions must be written in the form of a “yes
 143 or no” question. The intent is to ensure that the questions are written clearly for the voter to
 144 answer.
- 145 **C. Candidate Eligibility.** This section describes the requirements to be a candidate. The following
 146 revisions have been made to this section [see 102.9]:
- 147 ■ **Applications.** This provision clarifies that all candidates, including those nominated at caucus,
 148 must fill out and turn in a completed application packet. Packets will be available in the BC
 149 Support Office. In addition, the Election Board’s current practice is to provide application
 150 packets at the caucus for those that have been nominated. The purpose of requiring the

- 151 application form is to ensure that candidates meet the eligibility requirements for the office
152 they are seeking [see 102.9-4].
- 153 ■ **Proof of Minimum Eligibility Requirements.** Applicants will now be required to attach proof
154 that they meet the requirements for the position they are running for. The Election Board must
155 include a list of the required documents on the application so that applicants are aware of what
156 they need to submit. If an applicant does not submit the required documentation or does not
157 completely fill out the application form, they will be disqualified by the Election Board [see
158 102.9-4(e)]. If an applicant feels they were unfairly disqualified, they can appeal to the
159 Judiciary.
 - 160 ○ *Example:* An example of required documentation is proof of residency for positions that
161 require members to reside in Brown or Outagamie County or copies of degrees and
162 transcripts for positions that require a degree.
 - 163 ■ **Applying for More than One BC or Judiciary Position.** Under the current law, applicants
164 cannot run for more than one Business Committee or Judicial position. For example, an
165 applicant cannot file to run for both BC Chairperson and Councilperson in the same election.
166 However, the current law doesn't state how the Election Board should handle this situation
167 when it occurs. This has led to cases in the Oneida Judiciary, where the Judiciary noted: "the
168 statute is silent as to whether a person has the opportunity to cure any defects and, if so, how
169 much time is afforded to cure such defects. Furthermore, the statute says nothing about
170 disqualifying a candidate from the election entirely who runs for more than one elective office"
171 [see *Metoxen v. Election Board 17-AV-007*]. Therefore, the following new provisions have
172 been added [see 102.9-5]:
 - 173 ○ **Include Restriction in Application Packet & Announce at Caucus.** The restriction on
174 running for multiple BC or Judicial offices will be included in the application packet and
175 read aloud at the caucus, to ensure that all potential candidates are aware before applying
176 [see 102.9-5(a)].
 - 177 ○ **Process If an Applicant Applies For More Than One BC or Judiciary Position:** If an
178 individual applies to run for more than one BC or Judiciary office, the Election Board will
179 only accept the first application that the individual submitted. Any additional applications
180 from that individual for other BC or Judicial offices will be rejected. The BC Support
181 Office will be required to timestamp all applications in the order they are received, and the
182 time stamp will be used to determine which application the individual filed first.
 - 183 ○ Currently, the Election Board reports that they attempt to contact the applicant to determine
184 which office they want to run for. However, the Election Board has not always been able
185 to reach applicants in time for the deadline. The purpose of this new process is to provide
186 clear guidelines to applicants, the Election Board, and the Judiciary. It places responsibility
187 on applicants to follow the law while ensuring that applicants are not disqualified from the
188 ballot entirely.
 - 189 ■ **Transfer of Hearing Authority to Judiciary.** This law removes the Election Board's hearing
190 body authority and transfers it to the Judiciary. In the current law, when an applicant is found
191 ineligible to be on the ballot by the Election Board, they can appeal that decision to a hearing
192 body made up of four (4) members of the Election Board. Instead, applicants will now appeal
193 directly to the Judiciary on an accelerated schedule [see 102.9-8].

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195 **Chart 1. Current Appeals Process for Candidates Found Ineligible for Ballot:**



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200**Chart 2. Proposed Appeals Process for Candidates Found Ineligible for Ballot:**201
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- *Transfer of Hearing Body Authority.* GTC established a Judiciary through the adoption of the Judiciary Law by GTC on January 7, 2013 and the approval of Article V to the Nation's Constitution in 2015. Since that time, several boards, committees and commissions have transferred their hearing authority to the Judiciary, including Environmental Resource Board (ERB) and Land Commission. The intent of transferring the Election Board's hearing authority is to continue consolidating administrative and judicial hearing responsibilities in the Judiciary to increase consistency in the hearing process.

D. Restrictions on Campaigning and Campaign Signs. This section describes the restrictions on campaigning, campaign signs and campaign finance. The following revisions have been made to this section [see 102.11].

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- **No Campaigning in Nation-Owned Buildings.** A new provision has been added stating that individuals cannot campaign in a building owned and operated by the Nation, with the following exceptions:
 - Private property, such as a residential house or apartment, a private business, or land not owned by the tribe.
 - Official election events sanctioned by the Election Board, including candidate forums and debates. For example, an official candidate forum held at the Radisson.
 - A room or space rented by an individual to hold an event.
- **Existing Campaign Restrictions.** The current law already restricts employees from campaigning during work hours. The current law also restricts candidates from campaigning within 280 feet of the voting area during an election.
- **Process for Fines.** Under the current law, the Election Board may issue fines for violating campaign finance or campaign sign restrictions. This law clarifies that any campaign fines must be paid to the Election Board within (90) ninety days after the fine is issued. The Election Board may seek to collect fines through garnishment and per capita process if not paid in 90 days. Fines will be placed into the Nation's general fund [see 102.10-4 and 102.11-4]
- **Types of Campaign Fines:** In addition to fines for campaign finance violations and campaign sign violations, the Election Board may now impose fines for violating restrictions on campaigning within two hundred eighty (280) feet of the voting area during an election and violating the new restriction on campaigning in buildings owned and operated by the Nation [see 102.11-4].
- **Removal of Campaign Signs.** A provision has been revised clarifying that the Zoning Administrator is responsible for removing any campaign signs that are not in compliance with the Election Law or Zoning and Shoreland Protection Law [see 102.11-5].

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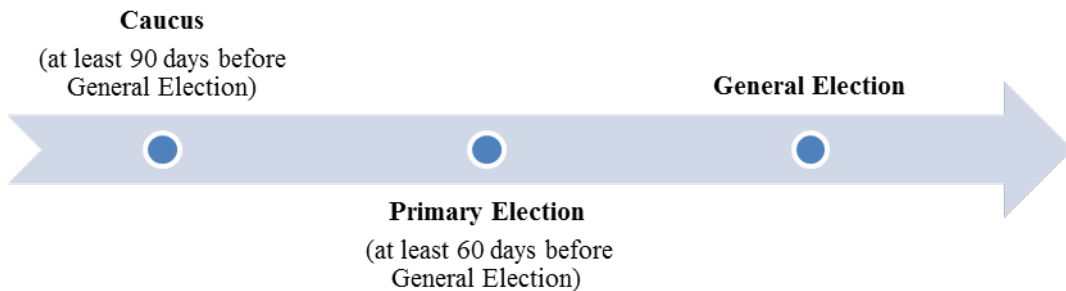
E. Candidate Withdrawal from the Election. This section describes the process for a candidate to withdraw from an election prior to the submission of the ballot, prior to the opening of the polls, after the opening of the polls, or after winning an election [see 102.12].

- **Declining Office After Winning Election.** A provision has been added clarifying that if a candidate declines an office after winning an election and after taking the oath of office, it will be treated as a resignation. If a candidate declines an office after winning but before taking the oath of office, then the next highest vote-getter will be declared the winner [see 102.12-6].

244 **F. Shortening Caucus and Primary Election Timeline.** Changes have been made to the election
245 timelines to potentially shorten the length of the election season:

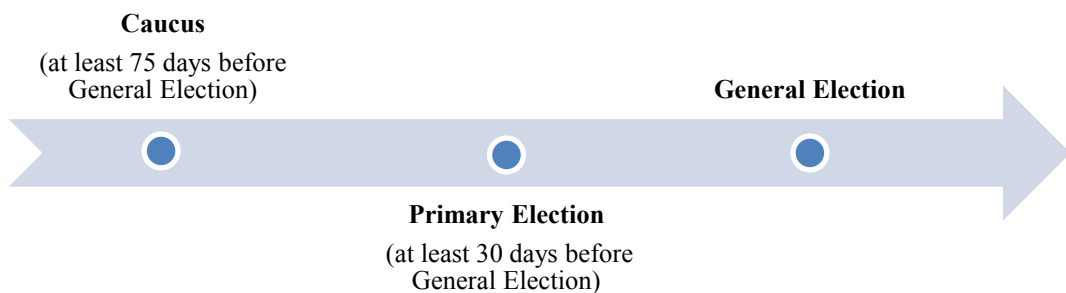
- 246 ▪ *Caucus Timeline.* In the current law, the caucus must be held at least ninety (90) days prior to
247 the general election. Instead, the caucus will now be held at least seventy-five (75) days prior
248 to the general election [see 102.13-1(a)].
- 249 ▪ *Primary Election Timeline.* In the current law, the primary election must be held on a Saturday
250 at least sixty (60) days prior to the general election. Instead, the primary election will now be
251 held on a Saturday at least thirty (30) days prior to the general election [see 102.8-1].
- 252 ○ Note that these deadlines refer to “at least,” or the minimum number of days prior to an
253 election. This means that Election Board may schedule the caucus or primary election more
254 than seventy-five (75) or thirty (30) days before the election.
- 255 ▪ *Effect.* The effect of these changes will potentially:
 - 256 ○ increase the length of time from the caucus to primary election from at least 30 days to at
257 least 45 days;
 - 258 ○ shorten the length of time from the primary election to the general election from at least 60
259 days to at least 30 days;
 - 260 ○ shorten the length of the entire election season from the caucus to the general election from
261 at least 90 days to at least 75 days;

262 **Chart 3. Current Election Timeline:**



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Chart 4. Proposed Election Timeline:



269 **G. Caucus Procedure.** The section describes the caucus process for selection of candidates.

- 271 ▪ *Nominating Candidates by Motion.* More detail has been added to the law to reflect the current
272 caucus process. The law clarifies that each position will be opened and closed for nomination
273 by motion during the caucus: [see 102.13-2]
- 274 ○ *Example:* A motion will be made to open nominations for the BC Chairperson position.
275 Once all nominations have been made for BC Chairperson, nominations will be closed for

- 276 that position. Then, a motion will be made to open nominations for BC Vice Chair position,
 277 and so on. The intent of this provision is to ensure an orderly caucus.
- 278 ○ If a candidate is not present at the caucus, or arrives late and misses the position they
 279 wanted to be nominated for, they can still petition to be on the ballot. A petition to be on
 280 the ballot requires only 10 signatures.
- 281 ■ *Nominating Yourself.* A new provision has been added clarifying that an individual cannot
 282 nominate themselves at the caucus. They must be nominated by someone else. [see 102.13-
 283 2(b)(1)].
- 284 **H. Posting Election Notices & Tentative Results on the Nation’s Website.** A provision has been added
 285 requiring election notices and tentative election results to be posted on the Nation’s website, in
 286 addition to being posted to the prominent locations.
- 287 ■ **The prominent locations include:** the polling places, the Norbert Hill Center, the Oneida
 288 Community Library, the Oneida Community Health Center, the Southeastern Oneida Tribal
 289 Services (SEOTS) building, and all fuel stations operated by the Nation. The prominent
 290 locations have been revised to remove Tsyunhehkwa Retail store, which is now called Oneida
 291 Market and is located within an Oneida One Stop [see 102.3-2(t)].
- 292 ■ **Require Notices to be posted to Website.** Election notices must be posted in the prominent
 293 locations and the Nation’s “official media outlets,” which includes both the Nation’s website
 294 and the Nation’s newspaper [see 102.14 and BC Resolution 03-22-17-B]. Tentative Election
 295 results must be posted to the prominent locations and the Nation’s website [see 102.17-2]. The
 296 purpose of requiring results to be posted on the website is to ensure that tribal members and
 297 candidates receive election results quickly and conveniently.
- 298 **I. Mailing Election Notices.** The current law requires election notices to be mailed to all members of
 299 the Nation. This provision has been changed to require election notices to be mailed only to members
 300 of the Nation who are eligible to vote in the election. This means that the notice will be mailed to
 301 enrolled tribal members age 18 years or older at the time of the election [see 102.14-3].
- 302 **J. Shortened Voter Registration Form at Polling Site.** When voters sign-in at the polls on election
 303 day, they must fill out a voter registration form. This form has been shortened to only require name,
 304 date of birth and enrollment number. The requirement that voters write down their maiden name and
 305 current address has been removed. The intent of shortening this form is to speed up the line for
 306 voters on Election Day. The Election Board reports that name, date of birth and enrollment number
 307 are enough information to identify voters [see 102.15-1].
- 308 **K. Elimination of Provisional Ballots for Voters Ruled Ineligible.** Voters who are ruled ineligible to
 309 vote at the polls by election officials will no longer have the right to cast a ballot or challenge the
 310 decision of the election officials. An example of why a voter would be deemed ineligible to vote is
 311 failure to show a photo ID [see 102.15-5].
- 312 ■ **Current Process.** Currently, if a voter is deemed ineligible, they are still allowed to cast a
 313 ballot. However, the ballot is placed in a sealed envelope and signed by two Election Board
 314 members. The voter is then required to submit an appeal to the Election Board within two (2)
 315 business days in order to challenge the Election Board’s decision. The Election Board then
 316 has five (5) business days to issue a final decision on the voter’s eligibility. The Election Board
 317 will only count the ballot if the board determines the individual was, in fact, eligible to vote.
- 318 **L. Public Test of Ballot Machines.** A new provision has been adding requiring a public test of the
 319 ballot machines prior to each election. The Election Board will conduct this test no more than ten
 320 (10) days prior to election day, and the public test will be noticed in the Nation’s newspaper and
 321 website. The test will be performed by running a group of pre-audited marked ballots through the
 322 machine to ensure that the machine records the correct, predetermined number. The intent of the
 323 public test is to increase voter confidence in the voting equipment [see 102.16-1].
- 324 ■ **Public Tests of Ballot Machines in Wisconsin.** The public test is modeled after public tests
 325 held by Wisconsin municipalities to test their own ballot machines under section 5.84(1) of

- 326 Wisconsin Statutes. Examples of area municipalities that hold public tests of ballot machines
327 include the City of De Pere, City of Green Bay, and Village of Ashwaubenon.
- 328 **M. Voter Assistance.** The Election Law has been clarified to state that a voter with a disability or other
329 impairment can request assistance from a member of the Election Board or any other qualified voter
330 of their choosing. A qualified voter is an enrolled member of the Oneida Nation aged 18 or older.
331 For example, a voter can request assistance from a family member or friend, as long as that person
332 is a qualified voter. The purpose of this revision is to clarify that voters may be assisted by any
333 qualified voter of their choosing, whether they are a member of the Election Board or not [see
334 102.16-4].
- 335 ■ **Qualified Voters Only.** The intent of limiting assistance to qualified voters is to restrict the
336 voting area to qualified voters only, consistent with 102.16-8 of this law, which states that this
337 restriction is in the interest of maintaining security of the ballots and the voting process
- 338 **N. Separation of Milwaukee and Oneida Ballots.** A provision has been added to the law requiring
339 ballots from each polling site to be kept separate. There are currently two polling sites, one in Oneida
340 and one in Milwaukee. During the 2017 general election, the ballots from the manual count in
341 Milwaukee were combined with the machine count in Oneida. During recounts, it was no longer
342 possible to determine if a ballot came from the Milwaukee or Oneida count. By keeping the ballots
343 separate throughout the election process, it will be easier to determine if there were irregularities at
344 one of the polling sites [see 102.16-9(a)].
- 345 **O. Spoiled Ballots Procedure.** The process for spoiled ballots has been revised. Spoiled ballots will
346 now be placed in a locked, sealed container marked “spoiled ballots.” Previously, spoiled ballots
347 were placed in a marked envelope. In addition, the voter will now be required to witness their spoiled
348 ballot being placed into the container. The purpose of these provisions is to increase voter confidence
349 and to ensure that spoiled ballots are handled properly [see 102.16-10].
- 350 **P. Reducing Number of Election Board Members Required at the Polls.** The minimum number of
351 Election Board members required to be present at each polling site on Election day to sign the
352 election totals has been reduced from six (6) members to four (4) members. With the new ballot
353 machines, the Election Board reports that they are able to open and close the polls more efficiently,
354 requiring fewer members to be present. The Election Board also reports that lowering the number
355 of Board members required at each polling place may reduce the need for alternates. The Election
356 Board suggests this may produce a cost savings [see 102.16-12].
- 357 **Q. Recount Process.** Several revisions have been made to the recount process:
- 358 ■ **Extension of Deadline for Recount Requests.** A provision has been added regarding deadlines
359 for a candidate to request a recount. Currently, candidates have five (5) business days after an
360 election to request a recount. If a recount reverses the result of an election, the candidate who
361 lost as a result of the recount will now have one (1) additional business day to request their
362 own recount. This ensures that a candidate impacted by a recount will still have the opportunity
363 to request their own recount [see 102.18-2(a)].
 - 364 ■ **Require Election Board to Complete Recounts within Two (2) Business Days.** Upon
365 receiving a recount request from the Nation’s Secretary, the Election Board will now have two
366 (2) business days to complete a recount instead of five (5) days. The purpose of shortening the
367 deadline is to get recount results out sooner, especially if the recount changes the result of the
368 election and the losing candidate wishes to request their own recount [see 102.18-4].
 - 369 ■ **Recounts Conducted by Hand and by Machine.** Currently, there is a discrepancy in the
370 Election Law regarding whether the Election Board must conduct recounts by hand or by
371 machine. A change has been made that will now require the Election Board to both hand count
372 and machine count the ballots during a recount. The intent of this change is to increase voter
373 confidence in the process and ensure an accurate count [see 102.18-7].
 - 374 ■ **Posting Recount Results.** The Election Board will now be required to post the tentative
375 recount results just like any other election results. The results will be posted in the prominent

376 locations and the Nation's official media outlets within 24 hours of the recount [see 102.18-
377 9]. The intent of this change is to increase transparency of the recount process.

378 **R. *Minor Drafting Changes.*** Minor drafting changes have been made throughout the law, such as
379 changing "judge" to "Election judge" for clarity.
380

381 **SECTION 6. EFFECT ON EXISTING LEGISLATION**

382 **A. *References to Other Laws.*** The following laws of the Nation are referenced in this law. This law does
383 not conflict with any of the referenced laws.

384 ■ *Open Records and Open Meetings Law.* Among the duties of the Election Board Secretary is to
385 keep a record of Election Board meetings and make them available to the Nation's Secretary, other
386 Election Board members, and the public as required by the Open Records and Open Meetings Law
387 [see 102.4-9(c)].

388 ■ *Boards, Committees and Commissions Law.* Stipend rates for Election Board members will be set
389 in accordance with the Boards, Committees and Commissions Law. At the time this analysis was
390 drafted, Election Board members receive \$100 per meeting and \$10 per hour to conduct elections
391 [see 102.4-10].

392 ■ *Personnel Policies and Procedures.* Employees of the Nation are not allowed to campaign during
393 work hours. Employees that violate this provision will be subject to disciplinary action in
394 accordance with the Nation's Personnel Policies and Procedures [see 102.11-1(c)].

395 ■ *Zoning and Shoreline Protection Law.* The Zoning Administrator shall remove any campaign signs
396 that are not in compliance with this law, in accordance with the Zoning and Shoreline Protection
397 Law [see 102.11-3].

398 ■ *Garnishment Law and Per Capita Law.* If a fine issued by the Election Board is not paid by the
399 deadline, the Election Board may seek to collect the money owed through the Nation's garnishment
400 and/or per capita attachment process [see 102.10-4(b)].
401

402 **SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR OBLIGATIONS**

403 **A. *Elimination of Provisional Voting.*** This law eliminates an existing right to challenge the decision of
404 election officials if a voter is deemed ineligible to vote on election day. An example of why a person
405 would be deemed ineligible to vote is failure to show a Photo ID.

406 ■ ***Current Process:*** Under current law, if a voter is deemed ineligible to vote on election day, he or
407 she may still fill out a ballot. This ballot is sealed in a numbered envelope and initialed by two
408 Election Board members. The voter then has two (2) business days to mail a written appeal to
409 Election Board. The Election Board will issue a final decision, and will only count the ballot if it
410 is determined that the voter was, in fact, an eligible voter.

411 ■ ***Proposed Process:*** Under this proposed law, if a voter is deemed ineligible to vote on election day,
412 they cannot fill out a ballot and cannot challenge the decision of the Election officials.

413 ■ ***Provisional Voting in State of Wisconsin.*** The Wisconsin Election Commission reports that for
414 state elections, voters can receive a provisional ballot if they are unable or unwilling to provide
415 proof of identification. Provisional ballots are not counted unless the voter provides the required
416 information to the municipal clerk by 4:00 pm of the Friday following the election.

417 ■ ***Provisional Voting in Other Tribes.*** There are examples of other tribes that allow versions of
418 provisional ballots:

419 ○ *Ho Chunk Nation:* If the eligibility of a voter is questioned, the ballot of that voter will be
420 enclosed in an envelope which will be endorsed with the voter's name, the reason for the
421 challenge, and any refutation of the challenge. The Election Board will make the final
422 determination of the eligibility of the voter and will count the votes of those determined
423 eligible to vote [see *Ho Chunk Election Code 13(j)*].

424 ○ *Forest County Potawatomi:* If the eligibility of a voter is questioned by the Election Board,
425 the ballot of that voter shall be enclosed in an envelope which shall be endorsed with his

426 or her name and the reason for the challenge. Challenges shall be made only on the basis
 427 of eligibility for voting membership in the Tribe as specified in Article VI, Section 5 of the
 428 Constitution of the Forest County Potawatomi Community. The eligibility of all challenged
 429 ballots must be determined by a majority of the Election Board before tallying any votes.
 430 If the voter is determined to be eligible that envelope will be opened and the ballot placed
 431 in the ballot box [see *Forest County Potawatomi Election Code 2.8*].

- 432 ■ **Conclusion:** The LOC should be aware that removing provisional voting eliminates an existing
 433 right of voters of the Nation. Whether to allow provisional voting is a policy decision.
 434

435 SECTION 8. ENFORCEMENT AND ACCOUNTABILITY

- 436 A. *Challenging an Election.* Any qualified voter may challenge the results of an election by filing a
 437 complaint with the Judiciary within ten (10) calendar days after the election [see 102.19-1].
- 438 B. *Challenging Election Board Decision Regarding Candidate Eligibility.* An applicant found to be
 439 ineligible for a nominated or petitioned for position shall have two (2) business days to request a
 440 hearing with the Judiciary to review the eligibility status of the applicant [see 102.9-8].
- 441 C. *Enforcement and Removal.* Election Board members who violate the Election Law may be subject
 442 to removal in accordance with the Removal Law, termination of appointment if appointed to fill a
 443 vacancy, or sanctions and penalties in accordance with laws of the Nation [see 102.4-12].
- 444 D. *Final Report.* The Election Board is required to forward a Final Report to the Nation's Secretary
 445 after time has lapsed for recount requests, or challenges or after all recounts or challenges have
 446 been completed. The Final Report must include the following information: Total number of persons
 447 voting; total votes cast for each candidate by subsection of the ballot; list of any ties and final results
 448 of those ties, including the method of resolution; list of candidates elected and position elected to;
 449 number of spoiled ballots; and cost of the election, including compensation paid to each Election
 450 Board member [see 102.19-2].
 451

452 SECTION 9. OTHER CONSIDERATIONS

- 453 A. *New Ballot Machines.* The Election Board reports that they have purchased two (2) new DS200 ballot
 454 machines. The Election Board reports that these machines include a regular maintenance schedule. For
 455 more information regarding these machines, contact the Election Board.
- 456 B. *Election Board Standard Operating Procedures (SOPs).* The Business Committee Support Office has
 457 worked with the Election Board to place their Standard Operating Procedures (SOPs) on the Nation's
 458 website, so that all members have access to the processes by which an election is conducted. The
 459 Election Board's SOPs include detailed instructions regarding ballots, the ballot box, testing ballot
 460 machines, conducting elections, breaking a tie, conducting recounts and other-election related topics.
 461 The SOPs may be viewed by selecting "Oneida Election Board" at [www.oneida-
 462 nasn.gov/government/boards-committees-and-commissions/elected/](http://www.oneida-nasn.gov/government/boards-committees-and-commissions/elected/)
- 463 ■ **What is an SOP?** SOPs are the detailed, step-by-step instructions for how an entity implements a
 464 law or policy. The intent of an SOP is to ensure consistency in the process. Unlike laws, Election
 465 Board SOPs are developed by the Election Board.
- 466 C. *Sanctions and Penalties Law.* The Legislative Operating Committee (LOC) is currently drafting a
 467 Sanctions and Penalties Law to increase accountability among elected and appointed officials of the
 468 Nation, which will include members of the Election Board. Currently, the only remedy for elected
 469 officials is the Removal Law. However, there may be instances of misconduct that do not rise to the
 470 level of removal. In these cases, other sanctions such as verbal warnings, written warnings, suspension
 471 or fines may be more appropriate. This new law will create a formal complaint process and allow for
 472 corrective actions against officials who violate laws, bylaws and SOPs of the Nation. At the time this
 473 analysis was drafted, the LOC intends to present a Sanctions and Penalties Law to GTC for
 474 consideration once the draft is complete and all legislative requirements are met.
- 475 D. *Update Resolution Setting Fines for Election Violation.* This law states that the Business Committee

476 will pass a resolution specifying fines for violations of campaign finance restrictions [see 102.10-2(a)].
477 The Business Committee passed a resolution setting fines for certain campaign violations in 2014 [see
478 BC-01-22-14-A]. However, this resolution does not include fines for campaign finance violations or for
479 the new restrictions on campaigning within buildings owned and operated by the Nation. In addition,
480 references to specific sections of the law within the resolution may become out of date upon adoption
481 of these amendments.

482 ■ *Recommendation:* The Business Committee should consider amending resolution BC-01-22-14-A
483 to update references to this law and to specify fines for campaign finance violations and
484 campaigning within buildings owned and operated by the Nation.

485 **E. New Forms or Procedures:**

486 ■ *Updated Application:* The Election Board will be required to update the application form to
487 include:

- 488 ○ A list of required documents that applicants must submit to meet minimum eligibility
489 requirements.
- 490 ○ A statement that applicants cannot apply to run for more than one Business Committee or
491 Judiciary position.

492 ■ *Updated Election Board SOPs:* The Election Board will need to update their SOPs to comply with
493 all amendments to this law.

494 ■ *New Referendum Form:* The Nation's Secretary will be required to provide a standard referendum
495 form at the caucus.

496 **F. Fiscal Impact.** Please refer to the fiscal impact statement for any fiscal impacts.

497 ■ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except
498 emergency legislation [see *Legislative Procedures Act 1 O.C. 109.6-1*].

499 ■ A fiscal impact statement shall be submitted by agencies as directed by the Legislative Operating
500 Committee and may be prepared by any agency who may receive funding if the legislation is
501 enacted; who may administer a program if the legislation is enacted; who may have financial
502 information concerning the subject matter of the legislation; or by the Finance Office, upon request
503 of the Legislative Operating Committee [see *Legislative Procedures Act 1 O.C. 109.6-1(a) and*
504 *(b)*].

505
506

Title 1. Government and Finances - Chapter 102

ELECTION

Onayote'a'ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? Kayanl'hsila

People of the Standing Stone how it is we will appoint them the kind of laws we have

102.1. Purpose and Policy	<u>102.12. Candidate Withdrawal from the Election</u>
102.2. Adoption, Amendment, Repeal	<u>102.13. Selection of Candidates</u>
102.3. Definitions	<u>102.14. Notice of Polling Places</u>
102.4. Election Board	<u>102.15. Registration of Voters</u>
102.5. General Election <u>Candidate Eligibility</u>	<u>102.16. Election Process</u>
102.6. <u>Special Election</u>	<u>102.17. Tabulating and Securing Ballots</u>
<u>102.7. Referendums</u>	<u>17. 102.11. Election OutcomeOutcomes and Ties</u>
<u>102.8. Primary Elections for Oneida Business Committee Positions</u>	<u>102.12. Elections</u> <u>18. Recount Procedures</u>
<u>102.9. Candidate Eligibility</u>	<u>102.19. Challenges</u> <u>102.13. Oneida Nation Constitution and By-law</u> <u>Declaration of Results</u>
<u>102.10. Campaign Financing</u>	<u>102.20. Constitutional Amendments</u>
<u>102.11. Campaign Signs and Campaigning</u>	

102.1. Purpose and Policy

102.1-1. Purpose. It is the ~~policy~~purpose of ~~the Nation that~~ this law shall govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. Because of the desire for orderly and easily understood elections, there has not been an allowance made for write-in candidates on ballots.

102.1-2. ~~This law defines the~~ Policy. It is the policy of the Nation to have clearly defined duties and responsibilities of the Election Board members and other persons employed by the Oneida Nation in the conduct of elections. ~~This law~~ This law is intended to govern all procedures used in the election process.

102.2. Adoption, Amendment, Repeal

102.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-98-A and amended by resolutions GTC-01-04-10-A, BC-02-25-15-C ~~and~~, GTC-04-23-17-A, ~~and~~ GTC- - - -

102.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act. ~~Actions of the Election Board regarding amendments to this law and policies adopted regarding implementation of this law are to be presented to the Business Committee who shall then adopt or forward action(s) to the General Tribal Council for adoption.~~

102.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

102.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

102.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

102.3. Definitions

102.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

102.3-2(a) "Administrative offices" means the locations where the Oneida Business Committee conducts business.

(b) "Alternate" shall mean an individual appointed by the Oneida Business Committee to serve on the Election Board during an election and until election results have been certified.

102.3-3(c) "Applicant" shall mean a potential candidate who has not yet been officially

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35 approved for acceptance on a ballot.

36 ~~102.3-4.(d)~~ “Business day” shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m.,
 37 excluding holidays of the Nation.

38 ~~102.3-5.(e)~~ “Campaigning” shall mean all efforts designed to influence members of the
 39 Nation to support or reject a particular candidate of the Nation including, without
 40 limitation, advertising, rallying, public speaking, or other communications with members
 41 of the Nation.

42 ~~102.3-6.(f)~~ “Candidate” shall mean a petitioner or nominee for an elected position whose
 43 name is placed on the ballot by the Election Board after successful application.

44 ~~102.3-7.(g)~~ “Clerk” shall mean ~~the election official~~ an Election Board member who
 45 identifies proper registration for the purpose of determining voter eligibility.

46 ~~102.3-8. “Close of business” shall mean 4:30 p.m. Monday through Friday.~~

47 ~~102.3-9.(h)~~ “Conflict of ~~Interest~~ interest” shall mean any interest, whether it be personal,
 48 financial, political or otherwise, in which a Nation elected official, employee, consultant,
 49 appointed or elected, member of any board, committee or commission, or their immediate
 50 relatives, friends or associates, or any other person with whom they have contact, that
 51 conflicts with any right of the Nation to property, information, or any other right to own
 52 and operate its enterprises, free from undisclosed competition or other violation of such
 53 rights of the Oneida Nation, or as defined in any law or policy of the Nation.

54 ~~102.3-10.(i)~~ “Constitution” means the Constitution and By-laws of the Oneida Nation.

55 (j) “Election” shall mean every primary and election.

56 ~~102.3-11.(k)~~ “Election Judge” shall mean an Election Board member who informs and
 57 advises the Election Board Chairperson of discrepancies, complaints and controversy
 58 regarding voter eligibility.

59 (l) “General election” shall mean the election held every three (3) years in July to elect the
 60 Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the
 61 Oneida Business Committee, and may include ~~contests~~ elections for other elected ~~boards,~~
 62 ~~committees and commissions~~ positions.

63 ~~102.3-12. “Judge” shall mean the election official who informs and advises the Chairperson of~~
 64 ~~discrepancies, complaints and controversy regarding voter eligibility.~~

65 ~~102.3-13.(m)~~ “Immediate family member” means an individual’s father, mother,
 66 grandparent, sister, brother, wife, husband, daughter, son, father-in-law, mother-in-law,
 67 sister-in-law, brother-in-law, daughter-in-law, son-in-law, step-father, step-mother, step-
 68 sister, step-brother, step-daughter, step-son, and any of the these relations attained through
 69 legal adoption.

70 (n) “Judiciary” means the judicial system that was established by Oneida General Tribal
 71 Council resolution GTC-01-07-13-B to administer the judicial authorities and
 72 responsibilities of the Nation.

73 ~~102.3-14.(o)~~ “Lot drawing” shall mean the equal chance method used to select a candidate
 74 as the winner of an elected position, in the case of a tie between two (2) or more candidates.

75 ~~102.3-15.(p)~~ “Nation” means the Oneida Nation.

76 ~~102.3-16. “Nation’s newspaper” shall mean the Kalihwisaks, or any other newspaper operated by~~
 77 ~~the Nation for the benefit of transmitting news to members of the Nation, which is designated by~~
 78 ~~the Election Board as a source for election related news.~~

79 102.3-17.(q) “Official media outlets” means the Oneida Nation’s website and the

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80 Kalihwisaks newspaper as identified by the Oneida Business Committee through resolution
 81 BC-03-22-17-B.

82 (r) “Oneida Police Officer” shall mean an enrolled member of the Oneida Nation who is a
 83 individual employed as a police officer on any police force with the Oneida Police
 84 Department.

85 ~~102.3-18.~~(s) “Private property” shall mean any lot of land not owned by the Nation, a
 86 residential dwelling or a privately owned business within the boundaries of the
 87 Reservation.

88 ~~102.3-19.~~(t) “Prominent locations” shall mean the polling places, main doors of the
 89 Norbert Hill Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail
 90 Store, the Oneida Community Health Center, the South Eastern Oneida Tribal Services
 91 (SEOTS) building, and all One-Stop locations fuel stations operated by the Nation.

92 ~~102.3-20.~~(u) “Qualified voter” shall mean an enrolled member of the Nation who is
 93 eighteen (18) years of age or older as defined in Article III, Section 2 of the Constitution.

94 ~~102.3-21.~~(v) “Rejected Ballotsballots” shall mean those ballots which are rejected by the
 95 vote tabulating machine.

96 ~~102.3-22.~~(w) “Spoiled Ballotballot” shall mean a ballot which contains a voter error or is
 97 otherwise marred and is not tabulated.

98 ~~102.3-23.~~(x) “Teller” shall mean the election officialan Election Board member in charge
 99 of collecting and storing of all ballots.

102.4. Election Board

~~Section A. 102.4-1. Establishment, Composition and Election~~

104 ~~102.4-1.~~ An Election Board is hereby created for the purpose of carrying out the provisions of
 105 this law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.

106 102.4-2. Composition. The Election Board shall consist of nine (9) elected members. All members
 107 shall be elected to terms of three (3) years, ~~not to exceed two (2) consecutive terms.~~

108 102.4-3. Recusal. An Election Board member shall recuse himself ~~or~~ herself from participating as
 109 an Election Board member in any pre-election, election day, or post-election activities ~~while he or~~
 110 ~~she is a petitioner, applicant or candidate in any election or there is otherwise a conflict of~~
 111 ~~interest when:~~

112 (a) he or she is a petitioner, applicant or candidate in any election;

113 (b) a petitioner, applicant, or candidate in any election is an immediate family~~102.4-4. Removal.~~
 114 ~~Removal of members shall be pursuant to the Oneida Removal Law. A member who is removed~~
 115 ~~from the Election Board shall be ineligible to serve on the Board for three (3) years from the time~~
 116 ~~he or she is removed from the Election Board.~~

117 ~~102.4-5.~~ member of the Election Board member; or

118 (c) there is otherwise a conflict of interest.

119 102.4-4. Vacancies. Any vacancy in an unexpired term shall be filled by appointment by the
 120 Oneida Business Committee for the balance of the unexpired term. The filling of a vacancy may
 121 be timed to correspond with the pre-election activities and the needs of the Election Board.

122 102.4-~~65.~~ The Election Board shall identify members who shall serve as tellers, ~~judges~~Election
 123 Judges and clerks in advance of an election.

124 102.4-~~76~~ Election Board Alternates. The Oneida Business Committee may appoint ~~or reappoint~~

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125 a sufficient number of alternates to the Election Board, as recommended by the Election Board, to
 126 assist ~~with~~during an election ~~day~~ and ~~pre-until~~ election ~~activities~~results have been certified.

127 102.4-87. The Election Board shall choose a Chairperson from amongst themselves as set out in
 128 the ~~By-laws~~bylaws of the Election Board, to preside over the meetings. This selection shall be
 129 carried out at the first meeting of the Election Board following an election. The Chairperson shall
 130 then ask the Election Board to select a Vice-Chairperson and a Secretary.

131
 132 ~~Section B-102.4-8. Duties of the Election Board~~

133 ~~102.4-9.~~ The Election Board shall have the following duties, along with other responsibilities
 134 listed throughout this law:

135 (a) The Election Board shall ensure that the election polling equipment and ballots are
 136 maintained in a locked and secured area when not in use for an election;

137 (b) The Election Board shall develop and adhere to standard operating procedures
 138 regarding election activities and responsibilities;

139 (1) The Election Board shall present updated and/or new standard operating
 140 procedures to the Oneida Business Committee who shall then accept the standard
 141 operating procedures as information only.

142 (c) The Election Board shall assist individuals with disabilities through the voting process;

143 (d) The Election Board shall be in charge of all registration and election procedures; and

144 (be) Upon completion of an election, the Election Board shall make a final report on the
 145 election results ~~as set out in this law~~.

146
 147 ~~Section C-102.4-9. Specific Duties of Officers and Election Board Members~~

148 ~~102.4-10. Specific.~~ All Election Board members shall be required to attend all Election Board
 149 meetings. Additional specific duties of the Chairperson and other Election Board members, ~~in~~
 150 ~~addition to being present at all Election Board meetings and assisting~~ include the handicapped
 151 ~~through the voting process, are as set out herein~~ following:

152 (a) ~~Chairperson: Shall.~~ The Chairperson of the Election Board shall conduct the following
 153 duties:

154 (1) preside over meetings of the Election Board; shall select the hearing body for
 155 applicants found to be ineligible in accordance with 102.5-6 in the event of an
 156 appeal; shall

157 (2) oversee the conduct of the election; shall

158 (3) dismiss the alternates and Trust Enrollment Department personnel when their
 159 election day duties are complete; and shall post and report election results.

160 (4) post and report election results.

161 (b) ~~Vice-Chairperson: Shall.~~ The Vice-Chairperson shall preside over all meetings in the
 162 absence of the Chairperson.

163 (c) ~~Secretary: Shall.~~ The Secretary shall keep a record of the meetings and make them
 164 available to the Nation's Secretary, other Election Board members, and the public as
 165 required in the Open Records Nation's laws and Open Meetings Law policies governing
 166 open records and open meetings.

167 (d) ~~Clerks: Shall.~~ The clerks shall implement the requirements of identifying and
 168 registering all voters and determining voter eligibility. Clerks shall work in conjunction
 169 with the Trust Enrollment Department personnel in the registration process, and assist the

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Chairperson as directed in conducting the election. ~~Clerks cannot be currently employed by the Trust Enrollment Department.~~

(1) Clerks shall not be currently employed by the Trust Enrollment Department.

(e) ~~Tellers:—Shall.~~ Tellers shall collect and keep safe all ballots, until the election is complete, as determined by this law. ~~Shall, and shall~~ assist the Chairperson in conducting the election.

(f) ~~Election Judges:—Shall.~~ Election Judges shall inform and advise the Chairperson of all aspects of the election conducted under this law. In case of disputes among Election Board members, or between members of the Nation and Election Board members, or any controversy regarding voter eligibility, the Election Judge(s) shall assist the Chairperson in making a determination. ~~The Judge(s) shall also ensure that all ballots of voters whose eligibility may be in question, remain confidential.~~

Section D. Compensation Rates

~~102.4-11.~~ 102.4-10. Stipend Rates. Election Board members shall receive a stipend in accordance with the Nation's laws, policies, and resolutions governing boards, committees, and commissions. Election Board members are to be compensated at an hourly rate when conducting elections as provided for in the Election Board's bylaws as approved by the Oneida Business Committee. ~~The Election Board shall have a budget, approved through the Nation's budgeting process.~~

~~102.4-12~~ 11. Compensation of other Election Personnel. The Trust Enrollment Department personnel and Oneida Police Officer(s) shall be compensated at their regular rate of pay out of their respective budgets when performing official duties during an election in accordance with this law.

102.4-12. Enforcement. A member of the Election Board found to be in violation of this law may be subject to:

(a) removal pursuant to any laws and/or policies of the Nation's governing removal, if the Election Board member was elected to his or her position;

(1) A member who is removed from the Election Board shall be ineligible to serve on the Election Board for three (3) years from the time he or she is removed from the Election Board.

(b) termination of appointment by the Oneida Business Committee pursuant to any laws and/or policies of the Nation governing boards, committees, and commissions, if the Election Board member was appointed to his or her position by the Oneida Business Committee; and/or

(c) sanctions and penalties pursuant to any laws and/or policies of the Nation governing sanctions and/or penalties.

102.5. General Elections

102.5-1. In accordance with Article III, Section 5 of the Constitution, general elections shall be held in the month of July on a date set by the General Tribal Council.

(a) The General Tribal Council shall set the election date at the January annual meeting, or at the first General Tribal Council meeting held during a given year.

102.6. Special Elections

102.6-1. Initiation of Special Elections. A special election may be initiated by a request or

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215 directive of the General Tribal Council or the Oneida Business Committee.

216 (a) A member of the Nation may make a request for a special election to the Oneida
217 Business Committee or the General Tribal Council.

218 102.6-2. Matters subject to a special election include, but are not limited to, referendum questions,
219 vacancies, and/or petitions. Matters subject to a special election may be placed on the ballot of a
220 general election.

221 102.6-3. A special election shall follow the processes and procedures established for all other
222 elections.

223 102.6-4. The date of a special elections shall be set by the Oneida Business Committee as
224 recommended by the Election Board, or as ordered by the Judiciary in connection with an election
225 challenge.

226 102.6-5. Notice of Special Elections. Notice of a special election shall be posted by the Election
227 Board in the prominent locations, and placed in the Nation's official media outlets not less than
228 ten (10) calendar days prior to the special election.

229 102.6-6. Emergency Cancellation of Special Elections. In the event of an emergency, the Election
230 Board may reschedule the special election, provided that no less than twenty-four (24) hour notice
231 of the rescheduled special election date is given to the voters, by posting notices in the prominent
232 locations.

233 **102.7. Referendums**

234 102.7-1. A qualified voter may submit a referendum question to be included on the ballot for a
235 general or special election for the purpose of soliciting an opinion from the voters of that election
236 on any issue directly affecting the Nation or its general membership.

237 102.7-2. The Nation's Secretary shall develop and make available in the Business Committee
238 Support Office a standard referendum form.

239 102.7-3. A referendum question shall be written in a manner that solicits a "yes" or "no" response.

240 102.7-4. The referendum form shall be presented to the Nation's Secretary at the caucus prior to
241 an election. Once received at a caucus, the referendum question shall be placed on the ballot of the
242 next election.

243 102.7-5. The results of a referendum question in which a majority of the qualified voters who cast
244 votes shall be binding on the Oneida Business Committee to present the issue for action and/or
245 decision at General Tribal Council.

246 **102.8. Primary Elections for Oneida Business Committee Positions**

247 102.8-1. There shall be a primary election for an Oneida Business Committee position whenever
248 there are three (3) or more candidates for any officer position or sixteen (16) or more candidates
249 for the at-large council member positions.

250 (a) The two (2) candidates receiving the highest number of votes cast for each officer
251 position shall be placed on the ballot.

252 (b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large
253 council member positions shall be placed on the ballot.

254 (c) Any position where a tie exists to determine the candidates to be placed on the ballot
255 shall include all candidates where the tie exists.

256 102.8-2. The primary election shall be held on a Saturday at least thirty (30) calendar days prior
257 to the election.

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260 102.8-3. The Election Board shall cancel the primary election if the Oneida Business Committee
 261 positions did not draw the requisite number of candidates for a primary by the petitioning deadline
 262 date.

263 102.8-4. In the event a candidate withdraws or is unable to run for office after being declared a
 264 winner in the primary, the Election Board shall declare the next highest primary vote recipient the
 265 primary winner. This procedure shall be repeated as necessary until the ballot is full or until there
 266 are no available candidates. If the ballot has already been printed, the procedures for notifying the
 267 Oneida public in section 102.12-3 and 102.12-4 shall be followed, including the requirement to
 268 print a notice in the Nation's official media outlets if time lines allow.

269 **102.9. Candidate Eligibility**

270 Section A. Requirements

271 ~~102.5-1. In~~ 102.9-1. All applicants shall meet the minimum eligibility requirements in order to
 272 become a candidate, in addition to any specific requirements and/or exceptions set out in duly
 273 adopted by laws bylaws or other documents, all applicants shall meet the minimum requirements
 274 set out in this section in order to become a candidate.

275 102.5-2. Minimum Eligibility Requirements. In order to be eligible to be a candidate, applicants
 276 shall:

- 277 (a) be an enrolled member of the Nation, as verified by membership rolls of the Nation;
- 278 (b) be a qualified voter on the day of the election; and
- 279 (c) provide proof of physical residency as required for the position for which they have
- 280 been nominated or for which they have petitioned. Proof of residency may be through one
- 281 (1) or more of the following:
- 282 (1) a valid Wisconsin driver's license;
- 283 (2) a bill or pay check stub showing name and physical address of the candidate
- 284 from the prior or current month;
- 285 (3) another form of proof that identifies the candidate and that the candidate has
- 286 physically resided at the address and identifies that address as the primary
- 287 residence.
- 288

289 ~~102.5-3. Conflict of Interest.~~ 102.9-3. Conflict of Interest. No applicant ~~may~~ shall have a conflict of interest with the position
 290 for which they are being considered, provided that any conflict of interest which may be eliminated
 291 within thirty (30) calendar days of being elected shall not be considered as a bar to nomination or
 292 election.

293 ~~102.5-4. Applications and petitions where the for Candidacy. An~~ 102.9-4. Applications and petitions where the for Candidacy. An applicant interested in being
 294 considered as a candidate for a position that was not nominated during at a caucus or will be
 295 petitioning for candidacy shall be filed by presenting the information submit an application for
 296 candidacy to the Nation's Secretary, or designated agent, or the Business Committee Support
 297 Office.

298 (a) The application for candidacy shall be submitted in person during normal business
 299 hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, within five (5) business days after
 300 the caucus.

301 (b) No mailed, internal Nation mail delivery, faxed or other delivery method shall be
 302 accepted.

303 ~~102.5-5(c)~~ 102.9-5(c) The Nation's Secretary or the Business Committee Support Office shall
 304 timestamp when an application for candidacy is received.

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(d) Proof of Minimum Eligibility Requirements. At the time of submission, the application for candidacy shall include attached documentation verifying that the applicant meets the minimum eligibility requirements.

(1) The application for candidacy shall include a list of the required documentation for each office.

(e) An application that is incomplete or does not include attached documentation verifying the applicant meets the minimum eligibility requirements at the time of submission shall be disqualified.

102.9-5. An applicant for a position on the Oneida Business Committee or a position within the Judiciary shall only be eligible to apply for one (1) elective office or position per election.

(a) A statement of the ineligibility of an applicant to apply for more than one (1) elective office or position if applying for a position with the Oneida Business Committee or the Judiciary shall be included in the application materials as well as the notice for the caucus, and read verbally at the start of the caucus.

(b) If an applicant provides an application for candidacy or petition for candidacy for more than one position or office if applying for a position on the Oneida Business Committee or the Judiciary, then the application which was filed first shall be accepted while any other applications shall be disqualified.

(1) The Election Board shall review the timestamps on the applications to determine which application shall be accepted.

102.9-6. The names of the candidates and the positions sought shall be a public record and made available to the public upon the determination of eligibility by the Election Board or the Election Board's ~~designated agent~~designee.

~~Section B~~102.9-7. Eligibility Review

~~102.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal. At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall select the hearing body. The hearing shall be held within two (2) business days of receipt of the appeal. The applicant shall be notified by phone of time and place of the hearing. The decision of the hearing body shall be sent via certified mail or hand delivery within two (2) business days of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the Judiciary on an accelerated schedule.~~

~~102.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to verify eligibility. Any applicant found to be ineligible for a nominated or petitioned for position shall be notified by certified mail return receipt requested. The notice shall provide the following information:~~

~~(a) Position for which they were considered;~~

~~(b) ~~Qualification~~Qualifications of the position and ~~citation~~reference to the source of the source. ~~(qualification requirements. Copies of source may be attached);~~~~

~~(c) A brief summary explaining why the applicant was found to be ineligible; and~~

~~(d) That the applicant has two (2) business days from notification to ~~make an appeal. Appeals must be filed at the location designated~~request a hearing on the notice by hand delivery. The location designatedineligibility determination with the Judiciary.~~

102.9-8. Request for a Hearing on Ineligibility. An applicant found to be ineligible for a nominated or petitioned for position shall have two (2) business days to request a hearing with the

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Judiciary to review the eligibility status of the applicant. The Judiciary shall hear and decide a request for a hearing on ineligibility within two (2) business days after the request is filed. Any appeal to the appellate body of the Judiciary shall be ~~on the Reservation. No mailed, internal Nation mail, faxed or other delivery method will be accepted~~ 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.

~~Section C-~~ **102.10. Campaign Financing**

~~102.5-8.~~ **Contributions:**

~~(a) Solicitation of Contributions by Candidates.~~

~~(10-1) Candidates.~~ A candidate shall only accept contributions from individuals who are members of the Nation or individuals related by blood or marriage to the candidate. ~~Candidates may~~ **102.10-2. A candidate shall** not accept contributions from any business, whether sole proprietorship, partnership, corporation, or other business entity.

~~(2) Candidates~~ **102.10-3. A candidate** shall not solicit or accept contributions in any office ~~or~~ business ~~and/or~~ facility of the Nation.

~~(b) Fines. Violation~~ **102.10-4. Violations of Campaign Financing Restrictions.** A violation of the ~~contribution~~ **campaign financing** restrictions shall result in a fine ~~imposed by the~~.

~~(a) The~~ Election Board shall impose the fine in an amount specified in a resolution adopted by the ~~Oneida~~ Business Committee.

~~(b) Fines shall be paid to the Election Board within ninety (90) days after the fine is issued. If the fine is not paid by this deadline, the Election Board may seek to collect the money owed through the Nation's garnishment and/or per capita attachment process.~~

~~(c) Money received from fines shall be deposited into the General Fund.~~

~~102.5-9~~ **11. Campaign Signs and Campaigning:**

~~102.11-1.~~ **Restrictions on Campaigning.** The following restrictions on campaigning apply to all candidates:

~~(a) No campaigning of any type shall be conducted within two hundred and eighty (280) feet of the voting area during an election, excluding private property.~~

~~(b) No campaigning of any type shall be conducted within a building that is owned and operated by the Nation.~~

~~(1) Exception. An exception to the prohibition against campaigning in a building owned and operated by the Nation shall be made for:~~

~~(A) private property;~~

~~(B) an official election event sanctioned by the Election Board including, but not limited to, a candidate debate or forum; or~~

~~(C) an event held in a room and/or space rented by an individual.~~

~~(c) Employees of the Nation shall not engage in campaigning for offices of the Nation during work hours. (a)~~

~~(1) Enforcement. The Nation's employees shall be subject to disciplinary action under the Nation's laws and policies governing employment for political campaigning during work hours.~~

~~102.11-2.~~ **Placement of Campaign Signs.** Placement of campaign signs shall be pursuant to the following restrictions:

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395 (1a) Campaign signs shall not be posted or erected on any property of the Nation except
 396 for private property with the owner ~~or~~ tenant's permission.

397 (2b) No campaign sign shall exceed sixteen (16) square feet in area. A maximum of seven
 398 (7) such signs may be placed on a building or on a lot.

399 (3c) No campaign sign shall project beyond the property line into the public right of way.

400 ~~(b) Removal of campaign signs. 102.11-3. All campaign signs shall be removed within five (5)~~
 401 ~~business days after an election.~~

402 ~~(c) Employees of the Nation shall not engage in campaigning for offices of the Nation~~
 403 ~~during work hours. The Nation's employees shall be subject to disciplinary action under~~
 404 ~~the personnel policies and procedures for political campaigning during work hours.~~

405 ~~(d) Enforcement of Sign Placement.~~ The Zoning Administrator shall ~~cause to be removed~~ **remove**
 406 any campaign signs that are not in compliance with this law, in accordance with the ~~Zoning and~~
 407 ~~Shoreland Protection Law~~ **Nation's laws and policies governing zoning.** ~~The Zoning Administrator~~
 408 ~~shall notify the Election Board of campaign sign violations.~~

409 ~~(e) Fines. Violation of the 102.11-4. Violations of Campaign Restrictions. A violation of a~~
 410 ~~restriction on campaigning, or~~ campaign sign restrictions shall result in a fine ~~imposed by the~~ .

411 (a) ~~The~~ Election Board ~~shall impose the fine~~ in an amount specified in a resolution adopted
 412 by the Oneida Business Committee.

413 *Section D. Candidate Withdrawal*

414 ~~102.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by~~
 415 ~~the candidate prior to submission of the ballot for printing to any Election Board member,~~
 416 ~~excluding alternates.~~

417 ~~102.5-11 After printing of the ballot, any candidate may withdraw his or her name from the~~
 418 ~~election by submitting in writing a statement indicating they are withdrawing from the election~~
 419 ~~prior to the opening of the polls to any Election Board member, excluding alternates. This~~
 420 ~~statement shall be posted alongside any sample ballot printed prior to the election in the newspaper~~
 421 ~~or any posting at the polling places.~~

422 ~~102.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the~~
 423 ~~Election Board members in charge of the polling place, to be removed from the ballot. The written~~
 424 ~~statement shall be posted next to any posted sample ballot.~~

425 ~~(b) Fines shall be paid to the Election Board within ninety (90) days after the fine is issued.~~
 426 ~~If the fine is not paid by this deadline, the Election Board may seek to collect the money~~
 427 ~~owed through the Nation's garnishment and/or per capita attachment process.~~

428 ~~(c) Money received from fines shall be deposited into the General Fund.~~

429 ~~102.11-5. Removal of Campaign Signs. All campaign signs shall be removed within five (5)~~
 430 ~~business days after an election.~~

431 ~~102.5-13. Candidates~~ **12. Candidate Withdrawal from the Election**

432 ~~102.12-1. A candidate may withdraw from the election at any time. A candidate~~ withdrawing by
 433 any method listed ~~herein~~ **within this section** shall be denied any position from which they have
 434 withdrawn regardless of the number of votes cast for that candidate. A written statement shall be
 435 considered the only necessary evidence of withdrawal and acceptance of denial of any position
 436 withdrawn from.

437 ~~102.12-2. Withdrawal Prior to Submission of the Ballot. A candidate may withdraw his or her~~

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4 40 name from a ballot prior to submission of the ballot for printing if the withdrawal is submitted in
 4 41 writing by the candidate to any Election Board member, excluding alternates.

4 42 102.12-3. *Withdrawal Prior to the Opening of the Polls.* After the ballot is printed, a candidate
 4 43 may withdraw his or her name from the election prior to the opening of the polls by submitting in
 4 44 writing a statement indicating they are withdrawing from the election to any Election Board
 4 45 member, excluding alternates.

4 46 (a) This written withdrawal statement shall be posted alongside any sample ballot printed
 4 47 prior to the election in the official media outlets of the Nation or any posting at the polling
 4 48 places.

4 49 102.12-4. *Withdrawal After Opening of the Polls.* A candidate may withdraw after the opening
 4 50 of the polls by submitting a request to be removed from the ballot, in writing, to the Election Board
 4 51 members in charge of the polling place.

4 52 (a) The written withdrawal statement shall be posted next to any posted sample ballot.

4 53 102.12-5-14. *Candidate Withdrawal After Winning an Election but Before the Oath is Taken.*

4 54 (a) In the event a candidate declines an office after winning an election, the Election Board
 4 55 shall declare the next highest vote recipient the winner. This procedure shall be repeated
 4 56 as necessary until a winner is declared.

4 57 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a
 4 58 Special Election special election shall be held.

4 59 102.12-6.

4 60 2.6. Selection of Candidates

4 61 Section A *Candidate Withdrawal After Taking an Oath of Office.* In the event a candidate declines
 4 62 an office after winning an election and taking an oath of office, the withdrawal shall be treated as
 4 63 a resignation of an official.

4 65 102.13. Selection of Candidates

4 66 102.13-1. *Setting of a Caucus*

4 67 ~~102.6-1.~~ The Election Board shall be responsible for calling a caucus before any election is held.

4 68 (a) The caucus for the general election shall be held at least ~~ninety (90)~~ seventy-five (75)
 4 69 calendar days prior to the election date. ~~Caucuses~~

4 70 (b) A caucus for ~~other elections~~ a special election shall be held at least forty-five (45)
 4 71 calendar days prior to the election date.

4 72 (c) In a general election year, caucuses shall be combined so that candidates for the Oneida
 4 73 Business Committee and other elected ~~boards, committees and commissions~~ positions are
 4 74 nominated at the same caucus.

4 75 ~~102.6-2.~~ 102.13-2. *Caucus Procedures.* The procedures for ~~the~~ a caucus shall be as follows:

4 76 ~~(a) Candidates~~ (a) Each position shall be opened and closed for nominations by motion
 4 77 during the caucus. A nomination for a position shall only be accepted when a position is
 4 78 open for nominations.

4 79 (1) Once nominations are closed for a particular position, an applicant may petition
 4 80 to be on the ballot for that position.

4 81 (b) Once a position is opened for nominations a candidate shall be nominated for a position
 4 82 from the floor.

4 83 ~~(b) Candidates~~ (1) An individual shall not nominate himself or herself for a position
 4 84 during the caucus.

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~~(c)~~ A candidate present at the caucus ~~will~~shall accept ~~or~~ decline ~~their~~his or her nomination at the caucus. ~~Candidates~~A candidate nominated at the caucus, but not present at the caucus to accept the nomination, shall be required to follow the petition process.

~~(e)~~ (d) Nominations shall consist of the following positions:

(1) Oneida Business Committee Chairperson~~;~~

(2) Oneida Business Committee Vice-Chairperson~~;~~

(3) Oneida Business Committee Treasurer~~;~~

(4) Oneida Business Committee Secretary~~;~~

(5) Oneida Business Committee Council Member~~;~~ and

(6) Any other elected positions as required by ~~by laws or creating documents of a board, committee, or commission~~bylaws, resolution, or law of the Nation.

~~Section B102.13-3.~~ Petition

~~102.6-3.~~ for Candidacy. Any eligible member of the Nation may petition to be placed on a ballot ~~according to the following procedures~~for an election. The procedure for a petition for candidacy shall be as follows:

~~(a)~~ Each petitioner~~;~~ not nominated at caucus~~;~~ shall file a petition ~~containing endorsee's original signatures; photocopies shall not be accepted.~~

~~(b)~~ Petitioners for candidacy. A petitioner shall use an official petition form ~~as designated by this law and application for candidacy~~ which may be obtained in the Business Committee Support Office ~~of the Nation's Secretary~~ or from the mailing for that caucus.

(b) A petitioner shall obtain at least ten (10) signatures of qualified voters on the petition form. The petition form shall contain the original signatures of the qualified voters. Photocopies of signatures shall not be accepted.

~~(c)~~ The petition form shall consist of each ~~endorsee's~~qualified voter's:

(1) printed name and address;

(2) date of birth;

(3) ~~Oneida Nation Enrollment Number~~enrollment number; and

(4) signature.

~~(d)~~ Petitioners shall obtain not less than ten (10) signatures of qualified voters as defined under this law.

~~(e)~~ (d) Petitions shall be presented to the Nation's Secretary~~;~~ or ~~designated agent,~~the Business Committee Support Office during normal business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday, but no later than ~~prior to close of business~~ five (5) business days after the caucus. ~~The location to drop-off petitions shall be identified in the mailing identifying the caucus date.~~

~~(f)~~ The Nation's Secretary shall forward all petitions to the Election Board Chairperson the next business day following the close of petition submissions.

~~(g)~~ The Election Board shall ~~have~~forward the petitions to the Trust Enrollment Department ~~verify for verification that~~ all ~~signatures contained~~individuals who provided a signature on the petition ~~are a qualified voter of the Nation.~~

~~102.6-4.~~ A person who runs for a position on the Oneida Business Committee, or a position on a judicial court or commission, shall not run for more than one (1) elective office or seat per election.

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§ 30

102.714. Notice of Polling Places

§ 31 ~~102.714-1.~~ The Election Board shall post a notice of the election in the prominent locations and
 § 32 on the official media outlets, stating the location of the polling places and the time the polls will
 § 33 be open. This notice shall also be posted in an easily visible position, close to the entrance of the
 § 34 Nation's businesses/ and/or facilities.

§ 35 ~~102.714-2.~~ Polling Notice of the election and polling information shall be posted no less than ten
 § 36 (10) calendar days prior to the election, and shall remain posted until the poll closes on the day of
 § 37 the election.

§ 38 ~~102.714-3.~~ Except for a Special Election special election, notice for the election shall be mailed to
 § 39 all members of the Nation members eligible to vote in the election, stating the time and place of
 § 40 the election and a sample of the ballot, no less than ten (10) calendar days prior to the election,
 § 41 through a mass mailing. ~~The Trust Enrollment Department shall be notified, by the Election Board~~
 § 42 ~~Chairperson, no less than twenty (20) calendar days prior to the requested mailing.~~

§ 43

§ 44 ~~102.7-4. Notice of the election shall be placed in the Nation's newspaper.~~

§ 45

102.815. Registration of Voters*Section A. Requirements*

§ 46 ~~102.815-1. Voter Registration of Voters. All enrolled members of the Nation, who are eighteen~~
 § 47 ~~(18) years of age or over, are qualified. Qualified voters of such shall physically register on the~~
 § 48 ~~day of the election(s) as defined in Article III, Section at the polls by signing his or her name on~~
 § 49 ~~an official Voter Registration Form containing the following information:~~

§ 50 (a) name;

§ 51 (b) date of birth; and

§ 52 (c) enrollment number.

§ 53 ~~102.15-2 of the Oneida Nation Constitution.~~

§ 54

Section B. Identification of Voters

§ 55 ~~102.8-2.~~ All qualified voters ~~must~~ shall present one of the following picture identifications in order
 § 56 to be able to vote:

§ 57 (a) Oneida Nation I.D. identification card;

§ 58 (b) Drivers License. Driver's license; or

§ 59 (c) Other I.D. with identification card that contains a name and photo photograph.

§ 60

Section C. Registration Procedures

§ 61 ~~102.8-3. Voters shall physically register, on the day of the election, at the polls.~~

§ 62 ~~102.8-4. 102.15-3.~~ Trust Enrollment Department personnel shall be responsible for verifying
 § 63 enrollment with the Nation. Conduct ~~The conduct~~ of Trust Enrollment Department personnel is
 § 64 governed by the Election Officials Board members during the voting period.

§ 65 ~~102.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration~~
 § 66 ~~Form containing the voter's following information:~~

§ 67 (a) name and maiden name (if any);

§ 68 (b) current address;

§ 69 (c) date of birth; and

§ 70

~~(d) enrollment number.~~

~~Section D. Qualification~~ 15-4. Verification of Voter Eligibility

~~102.8-6.~~ Should a question or dispute arise as to the eligibility of ~~a voter~~ an individual being qualified to vote, ~~the Judges of the Election Officials appointed by the~~ an Election Board ~~Chairperson~~ member serving as an Election Judge shall meet with the Trust Enrollment Department personnel who are registering voters, to decide the voting member's eligibility currently being questioned, and shall make such decisions from the facts available, whether the applicant is, in fact, ~~qualified~~ and verifiable under ~~the Oneida Nation Constitution,~~ Article III Section 2, of the Constitution to vote in the Nation's elections.

~~102.8-7~~ 15-5. Any voter denied eligibility shall not be allowed to vote in the election.

102.16. Election Process

~~provided~~ 102.16-1. Public Test of Ballot Machines. No more than ten (10) days prior to an election, the Election Board shall publicly test the ballot machines to ensure that the ballot machine correctly counts the votes cast for all offices and on all measures.

(a) Notice of the public test of the ballot machines shall be placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of the voter posted in the Nation's official media outlets at least ten (10) days prior to the public test.

(b) All ballot machines shall be written next to a numbered list which corresponds to the numbered and sealed envelope. The voter shall tested during the public test, no matter what polling location the ballot machines will ultimately be required to mail a written appeal to the Election Board at P.O. Box 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they desire to challenge the decision made by the Election Officials used for.

(c) The Election Board shall make a final decision, within five (5) business days of receiving the appeal and shall report this decision in the final report sent to the Oneida Business Committee conduct the test by processing a pre-audited group of marked ballots to ensure the machine properly records the predetermined number of votes on the test ballots.

~~102.9~~ 16-2. Election Process

~~Section A. Polling Places and Times~~

~~102.9-1.~~ In accordance with Article III, Section 5 of the Oneida Nation Constitution, elections shall be held in the month of July on a date set by the General Tribal Council. The General Tribal Council shall set the election date at the January annual meeting, or at the first GTC meeting held during a given year. ~~Special~~ Location. Elections shall be set in accordance with 102.12-6.

~~102.9-2.~~ Elections shall be held in an Oneida facilities of the Nation facility(s) as determined by the Election Board.

~~102.9~~ 16-3. Polling Time. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All qualified voters in line to vote at 7:00 p.m. shall be allowed to vote.

(a) If a ballot counting machine is used, the ballot counting machine shall be prepared prior to 7:00 a.m. on the day of the election. The Election Judges shall open the polls only after four (4) members of the Nation verify, through signature on the tape, the ballot box is empty and the ballot counting machine printer tape has a zero (0) total count.

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~~102.9-4~~102.16-4. Voter Assistance. A voter who requires assistance to complete the voting process, due to a disability or impairment, may request assistance from a member of the Election Board or from another qualified voter.

102.16-5. At least one (1) Oneida Police Officer shall be present during the time the polls are open, and until the counting of ballots is completed, and tentative results are posted.

~~102.9-5~~16-6. The Election Board shall provide a voting area sufficiently isolated for each qualified voter, such that there is an area with at least two (2) sides and a back enclosure.

~~102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of the voting area, excluding private property.~~

~~102.9~~16-7. No one causing a disturbance shall be allowed in the voting area.

~~102.9~~16-8. Election Board members may restrict the voting area to qualified voters only. This restriction is in the interest of maintaining security of the ballots and voting process.

~~Section B~~102.16-9. Ballot Box

~~102.9-9.~~ All ballots ~~being votes used to vote,~~ shall be placed in a receptacle clearly marked "Ballot Box" ~~and,~~ except for those ballots spoiled or rejected. The ballot box shall be locked until counting at the close of polls. ~~Provided that, with~~With electronic ballot counting, the ballots may be placed within the ballot counting machine as they are received.

~~Section C~~(a) Ballots received from each polling location shall remain separate.

102.16-10. Spoiled Ballots

~~102.9-10.~~ If a voter spoils his ~~/or~~ her ballot, he ~~/or~~ she shall be given a new ballot.

~~102.9-11~~(a) The spoiled ballot shall be marked "VOIDvoid" and initialed by two (2) Election ~~Officials~~Board members and placed in ~~an envelope~~ locked sealed container marked as "Spoiled Ballots." The voter who spoiled his or her ballot shall witness the spoiled ballot be marked as "void" and placed into the locked sealed container.

~~102.9-12~~(b) The Spoiled Ballot ~~envelopes~~locked sealed containers shall be retained and secured for no less than fifteen (15) calendar days following finalization of any challenge of the election, at the Records Management Department.

~~Section D~~102.16-11. Rejected Ballots

~~102.9-13.~~ Rejected Ballots are to be placed in a specially marked container and sealed.

(a) Computer rejected ballots shall be reviewed by the Election ~~Officials~~Board members to verify the authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final computer total, provided that, a new ballot was not received as set out in ~~sections~~section ~~102.9~~16-10 through 102.9-12governing spoiled ballots.

(b) Ballots rejected, either during the computer process or during a manual counting, shall be reviewed by the Election ~~Officials~~Board members to verify that they are authentic. If the Election ~~Officials~~Board members determine that the ballot is not an official ballot, or that it is an illegal ballot, the ballot shall be designated "void," and placed in a sealed container marked "Void Ballots."

~~102.10. Tabulating and Securing Ballots~~

~~Section A~~16-12. Machine Counted Ballots

~~102.10-1.~~ When ballots are counted by machine, ~~at the close of polls the~~Election Judges shall

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generate from the ballot counting machine copies of the election totals from the votes cast at the close of the polls.

~~102.10-2(a)~~ At least ~~six (6)~~four (4) Election Board members shall sign the election totals, which shall include the tape signed by the members of the Nation before the polls were opened per section 102.~~9~~16-3(a).

~~Section B~~102.16-13. Manually Counted Ballots

~~102.10-3.~~ When ballots are manually counted, ~~at the close of polls the~~Election Judges shall unlock the ballot box and remove the ballots at the close of the polls.

~~102.10-4(a)~~ If the ballots need to be counted at a location other than the polling site, the ballots shall be secured in a sealed container for transportation to the ballot counting location. The sealed ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election ~~Officials~~Board members for counting ~~and~~ tallying of ballots.

~~102.10-5(b)~~ The sealed ballots shall be opened at the time of counting by the Election ~~Officials~~Board members and witnessed ~~and~~ monitored by an Oneida Police Officer.

~~102.10-6(c)~~ Ballots must be counted by two (2) different Election ~~Officials~~Board members until two (2) final tallies are equal in back to back counting. Final tallies shall be verified by the Election Judges.

~~Section C~~102.16-14. Securing Ballots

~~102.10-7.~~ The Election Judges shall place together all ballots counted and secure them together so that they cannot be untied or tampered with without breaking the seal. The secured ballots, and the election totals with the signed tape, if applicable, shall then be secured by the Election Judges in a sealed container in such a manner that the container cannot be opened without breaking the seals or locks, or destroying the container. The Oneida Police Officer shall then deliver, on the day of the election, the sealed container to the Oneida Police Department for retention. The Oneida Police Officer shall then deliver the sealed container to the Records Management Department for ~~retaining~~retention on the next business day.

~~102.11~~17. Election Outcome and Ties

~~Section A~~102.17-1. Election Results Announcement

~~102.11-1.~~ The tentative results of an election shall be announced and posted by the Election Board within twenty-four (24) hours after the closing of the polls. Notices of election results shall contain the following statement:

_"The election results posted here are tentative results. Final election results are forwarded by the Oneida Election Board to the Oneida Business Committee via a Final Report after time has lapsed for recount requests, or challenges or after all ~~recounts~~ or challenges have been completed, whichever is longer"

~~102.11-2.~~ The Election Board shall post the tentative results of the election in the prominent locations, and publish ~~in the tentative results on~~ the Nation's ~~newspaper, the tentative results of an~~ election website.

~~Section B.~~Tie

~~102.11-3.~~ Tie. In the event of a tie for any office, and where the breaking of a tie is necessary to determine the outcome of an election, the Election Board shall conduct an automatic recount of

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710 the votes for each candidate receiving the same number of votes. Any recount conducted shall be
711 the only recount allowed for the tied candidates.

712 ~~102.11-4. For~~ 17-4. *Ties of an Oneida Business Committee Position.* For Oneida Business
713 Committee positions, a run-off election between the candidates with the same number of votes
714 shall be held if there remains a tie after the recount. Said run-off election shall be held within
715 twenty one (21) calendar days after the recount.

716 102.17-5. *Ties of Other Elected Positions.* For all ~~other~~ elected positions other than the Oneida
717 Business Committee, if there remains a tie after the recount, the Election Board shall decide the
718 winner of the tied positions at least two (2) business days after, but no more than five (5) business
719 days after the recount through a lot drawing, which shall be open to the public.

720 (a) The Election Board shall notify each of the tied candidates and the public of the date,
721 time, and place of the drawing at least one (1) business day before the drawing. Notice to
722 the tied candidates shall be in writing. Notice to the public shall be posted by the Election
723 Board in the prominent locations.

724 (b) On the date and at the time and place the drawing was noticed, the Election Board
725 Chairperson shall clearly write the name of each tied candidate on separate pieces of paper
726 in front of any witnesses present. The pieces of paper shall be the same, or approximately
727 the same, color, size, and type. The papers shall be folded in half and placed in a container
728 selected by the Election Board Chairperson.

729 (c) The Election Board Chairperson shall designate an uninterested party to draw a name
730 from the container. The candidate whose name is drawn from the container first shall be
731 declared the winner. An Election Board member other than the Chairperson shall remove
732 the remaining pieces of paper from the container and show them to the witnesses present.

733

734 ~~Section~~ **102.18. Recount Procedures**

735 ~~102.11-5.18-1. *Eligibility for a Recount.*~~ A candidate may request the Election Board to complete
736 a recount, provided the margin between the requesting candidate's vote total and vote total for the
737 unofficial winner was within two percent (2%) of the total votes for the office being sought or
738 twenty (20) votes, whichever is greater.

739 102.18-2. *Requesting a Recount.* A candidate ~~requests~~ may request a recount by hand delivering
740 a written request to the office of the Nation's Secretary; or ~~noticed-designated agent~~ the Business
741 Committee Support Office, within five (5) business days after the election.

742 (a) Requests shall be limited to one (1) request per candidate. _

743 (b) The five (5) business day deadline for submitting a request for a recount may be
744 extended for one (1) business day after the tentative results of a recount are announced, for
745 a candidate who has not yet utilized his or her one (1) recount request, and who is directly
746 impacted by a recount of the results which lead to a reversal in the results of the election.

747 102.18-3. The Nation's Secretary shall contact the Election Board Chairperson by the next
748 business day after the request for recounts.

749 ~~102.11-6.18-4.~~ The Election Board shall ~~respond by~~ conduct the ~~close of~~ requested recount within
750 two (2) business ~~on the fifth (5th) day~~ days after receiving the request ~~regarding the results of the~~
751 ~~recount. Provided that, no recount request need be honored where there have been two (2) recounts~~
752 ~~completed as a result of a request either as a recount of the whole election results, or of that sub-~~
753 ~~section.~~ from the Nation's Secretary.

754 ~~102.11-7. All~~ (a) The Election Board shall not honor a recount request where there have

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755 ~~been two (2) recounts shall be conducted manually with, if possible, the original Election~~
 756 ~~Officials and Oneida Police Officer present, regardless~~ completed as a result of the original
 757 ~~type:~~

758 (1) a request for a recount of counting process. Manual recounts may, at the
 759 discretion of the Election Officials, be of the total the whole election results; ~~or of~~
 760 the challenged

761 (2) a request of a recount of a sub-section of the election results.

762 ~~102.11-8. The~~ 18-5. An Oneida Police Officer shall be responsible for picking up the locked,
 763 sealed container with the ballots from the Records Management Department and transporting it to
 764 the ballot recounting location.

765 ~~102.11-9~~ 18-6. A recount shall be conducted by a quorum of the Election Board, including at least
 766 three (3) of the ~~original Election Officials.~~ Election Board members originally present during the
 767 election to count the ballots or review the election totals from the ballot machine. The locked,
 768 sealed ballots shall be opened by the Election Board Chairperson and an Oneida Police Officer
 769 shall witness the recount.

770 ~~102.11-10. Recounting of ballots may be performed manually or by computer.~~ 18-7. All recounts
 771 shall be conducted both manually and by machine count with, if possible, the original Election
 772 Board members and Oneida Police Officer present. Recounts may, at the discretion of the Election
 773 Board members, be of the total election results, or of the challenged sub-section of the election
 774 results.

775 102.18-8. All ballots shall be counted until two (2) final tallies are equal in back to back counting
 776 and the total count of ballots reconciles with the total count from the ballot counting machine.
 777 Sub-sections of candidates may be recounted in lieu of a full recount.

778 (a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be
 779 counted twice by different persons and certified by the Election Judges.

780 (b) Computer counted ballots shall be recounted twice and certified by the Election Judges.
 781 ~~Prior to using~~ The Election Board shall certify that an electronic ballot counting device, ~~it~~
 782 ~~shall be certified as correct~~ is in good working order and can accurately count ballots prior
 783 to using the device in a recount. The certification of the electronic ballot counting device
 784 shall come from either by the maker, of the machine, the lessor of the machine, or the
 785 Election Board.

786
 787 ~~Section D~~ 102.18-9. The Election Board shall post tentative results of the recount within twenty-
 788 four (24) hours of the recount being completed. The Election Board shall post the tentative results
 789 in the prominent locations, and publish on the Nation's website.

791 **102.19. Challenges and Declaration of Results**

792 ~~102.11-11~~ 19-1. Challenges. Any qualified voter may challenge the results of an election by filing
 793 a complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall
 794 hear and decide a challenge to any election within two (2) business days after the challenge is filed.
 795 Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after
 796 the issuance of the lower body's decision and decided within two (2) business days after the appeal
 797 is filed.

798 (a) The person challenging the election results shall prove by clear and convincing
 799 evidence that the Election Law was violated or an unfair election was conducted, and that

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the outcome of the election would have been different but for the violation.

(b) If the Judiciary invalidates the election results, a ~~Special Election~~special election shall be ordered by the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon as ~~the Election Law~~this law allows for a ~~Special Election~~special election.

~~102.11-12~~19-2. *The Final Report.* The Election Board shall forward a Final Report to the Nation's Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer. The Final Report shall consist of the following information:

(a) Total number of persons voting-;

(b) Total votes cast for each candidate by subsection of the ballot-;

(c) List of any ties and final results of those ties, including the method of resolution-;

(d) List of candidates elected and position elected to-;

(e) Number of spoiled ballots-; and

(f) Cost of the election, including the compensation paid to each Election Board member.

~~102.11-13~~19-3. *Declaration of Results.* The Business Committee shall declare the official results of the election and send notices regarding when the swearing in of newly elected officials shall take place within ten (10) business days after receipt of the Final Report.

~~102.11-14. Candidates~~19-4. A candidate elected to the Oneida Business Committee shall resign from any salaried position effective prior to taking ~~a~~an Oneida Business Committee oath of office

~~102.11-15~~19-5. Except in the event of an emergency, as determined by the Oneida Business Committee, a newly elected ~~officials~~official shall be sworn into office no later than thirty (30) calendar days after the official results of an election are declared by the Oneida Business Committee.

(a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat shall be considered vacant and the Election Board shall declare the next highest vote recipient the winner. This procedure shall be repeated as necessary until a winner is declared.

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a ~~Special Election~~special election shall be held.

~~102.11-16~~19-6. The Election Board shall send notice to the Records Management Department to destroy the ballots thirty (30) calendar days after the election or after the final declaration of official election results occurs, whichever is longer.

~~102.12. Elections~~20. **Constitutional Amendments**

~~Section A. Primary Elections; Business Committee~~

~~102.12-1. When a primary is required under 102.12-2, it shall be held on a Saturday at least sixty (60) calendar days prior to the election.~~

~~102.12-2. There shall be a primary election for Business Committee positions whenever there are three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-large council member positions.~~

~~(a) The two (2) candidates receiving the highest number of votes cast for each officer position shall be placed on the ballot.~~

~~(b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large council member positions shall be placed on the ballot.~~

~~(c) Any position where a tie exists to determine the candidates to be placed on the ballot shall include all candidates where the tie exists.~~

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§ 45 ~~102.12-3. The Election Board shall cancel the primary election if the Business Committee~~
 § 46 ~~positions did not draw the requisite number of candidates for a primary by the petitioning deadline~~
 § 47 ~~set for the primary.~~

§ 48 ~~102.12-4. In the event a candidate withdraws or is unable to run for office after being declared a~~
 § 49 ~~winner in the primary, the Election Board shall declare the next highest primary vote recipient the~~
 § 50 ~~primary winner. This procedure shall be repeated as necessary until the ballot is full or until there~~
 § 51 ~~are no available candidates. If the ballot has already been printed, the procedures for notifying the~~
 § 52 ~~Oneida public in section 102.5-11 and 102.5-12 shall be followed, including the requirement to~~
 § 53 ~~print a notice in the Nation's newspaper if time lines allow.~~

§ 54
 § 55 *Section B. Special Elections*

§ 56 ~~102.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as~~
 § 57 ~~defined in this law, may be placed on the same ballot as the subject matter of an election.~~

§ 58 ~~102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business~~
 § 59 ~~Committee as recommended by the Election Board or as ordered by the Judiciary in connection~~
 § 60 ~~with an election challenge.~~

§ 61 ~~102.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent~~
 § 62 ~~locations, and placed in the Nation's newspaper not less than ten (10) calendar days prior to the~~
 § 63 ~~Special Election.~~

§ 64 ~~102.12-8. In the event of an emergency, the Election Board may reschedule the election, provided~~
 § 65 ~~that no less than twenty four (24) hours notice of the rescheduled election date is given to the~~
 § 66 ~~voters, by posting notices in the prominent locations.~~

§ 67
 § 68 *Section C. Referendums*

§ 69 ~~102.12-9. Registered voters may indicate opinions on any development, law or resolution,~~
 § 70 ~~proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a special~~
 § 71 ~~referendum election.~~

§ 72 ~~(a) Referendum elections in which a majority of the qualified voters who cast votes shall~~
 § 73 ~~be binding on the Business Committee to present the issue for action/decision at General~~
 § 74 ~~Tribal Council.~~

§ 75 ~~(b) Referendum requests may appear on the next called for election.~~

§ 76 ~~(c) Referendum questions are to be presented to the Nation's Secretary, in writing, at the~~
 § 77 ~~caucus prior to election, regarding issues directly affecting the Nation or general~~
 § 78 ~~membership.~~

§ 79
 § 80 *Section D. Initiation of Special Elections*

§ 81 ~~102.12-10. Special Elections may be initiated by a request or directive of the General Tribal~~
 § 82 ~~Council or the Oneida Business Committee.~~

§ 83 ~~102.12-11. Special Election may be requested by a member of the Nation to the Business~~
 § 84 ~~Committee or General Tribal Council.~~

§ 85 ~~102.12-12. All Special Elections shall follow rules established for all other elections. This includes~~
 § 86 ~~positions for all Boards, Committees and Commissions.~~

§ 87
 § 88 **~~102.13. Oneida Nation Constitution and By-law Amendments~~**

§ 89 ~~102.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida~~

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§ 90 ~~Nation Constitution and By laws~~ may be initiated by the Oneida Business Committee or a petition
 § 91 of qualified voters.

§ 92 102.20-2. Constitutional Amendments by the Oneida Business Committee. The requirements for
 § 93 the Oneida Business Committee's initiation of ~~Constitutional~~ amendments to the Constitution are
 § 94 as provided in the Constitution ~~and as~~ Additional requirements for constitutional amendments by
 § 95 the Oneida Business Committee shall be further detailed in the supporting standard operating
 § 96 procedures which the Oneida Business Committee shall adopt.

§ 97 102.20-3. Constitutional Amendments by a Petition of Qualified Voters. Qualified voters may
 § 98 petition to amend the ~~Oneida Nation Constitution and By laws~~ by submitting a petition to ~~the~~
 § 99 ~~Office of~~ the Nation's Secretary which includes the full text of the proposed amendments and
 § 100 signatures that are equal in number to at least ten percent (10%) of all members qualified to vote.

§ 101 (a) Qualified voters may request a petition form from the ~~Office of the~~ Nation's Secretary
 § 102 or the Business Committee Support Office.

§ 103 (b) ~~When~~ Upon the request of a petition form ~~is requested~~, the Nation's Secretary, or his or
 § 104 her designee, shall ~~direct~~ inform the Trust Enrollment Department ~~to that a petition form has~~
 § 105 been requested and a calculation of the signatures currently required for a petition submittal
 § 106 is needed. The Trust Enrollment Department shall then calculate the number of signatures
 § 107 currently required for a petition submittal, which shall be ten percent (10%) of all members
 § 108 qualified to vote on the date the petition form is requested from the Nation's Secretary or
 § 109 the Business Committee Support Office of, and provide this information to the Nation's
 § 110 Secretary. When the Nation's Secretary receives the calculation from the Trust Enrollment
 § 111 Department, the Nation's Secretary shall provide the requester with the petition form and
 § 112 the number of signatures that are currently required.

§ 113 (c) Such petitions shall be circulated with all supporting materials and submitted a
 § 114 minimum of ninety (90) days prior to the election at which the proposed amendment is to
 § 115 be voted upon. If a petition includes supporting materials in addition to the petition form,
 § 116 each qualified voter signing the petition shall also acknowledge that the supporting
 § 117 materials were available for review at the time he or she signed the petition by initialing
 § 118 where required on the petition form.

§ 119 (d) The Nation's Secretary shall forward submitted petitions to the Trust Enrollment
 § 120 Department for verification ~~of signatures and to that all individuals who provided a~~
 § 121 signature on the petition are qualified voters of the Nation and to notify the Election Board
 § 122 to provide notice that the petition may need to be placed on an upcoming ballot.

§ 123 (e) If the petition is verified by the Trust Enrollment Department to contain signatures from
 § 124 at least ten percent (10%) of all qualified voters, the Election Board shall make an official
 § 125 announcement of the proposed amendments to the Oneida Nation Constitution at least sixty
 § 126 (60) days prior to the election at which the proposed amendments are to be voted on.

§ 127 102.13-220-4. The Election Board shall place any proposed amendments to the Oneida Nation
 § 128 Constitution that meet the requirements ~~contained in 102.13-1~~ of this law on the ballot at the next
 § 129 general election. Provided that, the Oneida Business Committee or General Tribal Council may
 § 130 order a special election be held to consider the proposed amendments. In such circumstances, the
 § 131 Election Board shall place any proposed amendments to the Oneida Nation Constitution on the
 § 132 ballot at the next special election.

§ 133 102.13-320-5. The Election Board shall publish any proposed amendments to the Constitution by
 § 134 publishing a sample ballot no less than ten (10) calendar days prior to the election, through a mass

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935 mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson,
 936 no less than twenty (20) calendar days prior to the requested mailing. Copies of such publications
 937 shall be prominently posted in each polling place ~~and~~ at administrative offices of the Nation, and
 938 shall also be published in the official ~~Oneida~~ media outlets, ~~which the Oneida Business Committee~~
 939 ~~shall identify by resolution. For the purposes of this section, Oneida administrative offices means~~
 940 ~~the location where the Oneida Business Committee conducts business.~~

941 102. ~~13-4~~20-6. The Election Board shall ensure that the ballot contains a statement of the purpose
 942 of the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall
 943 ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a
 944 true and impartial statement and is written in such a manner that does not create prejudice for or
 945 against the proposed amendment.

946 102. ~~13-5~~20-7. Pursuant to Article VI, Section 3 of the ~~Oneida Nation~~ Constitution, proposed
 947 amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that
 948 amendment shall become part of the Constitution ~~and By laws~~, and shall abrogate or amend
 949 existing provisions of the Constitution ~~and By laws~~ at the end of thirty (30) days after- submission
 950 of the final election report.

951 102. ~~13-6~~20-8. If two (2) or more amendments approved by the voters at the same election conflict,
 952 the amendment receiving the highest affirmation vote prevails.

953
 954
 955 *End.*

-
- 956
 958 Adopted - June 19, 1993
 959 Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)
 960 Presented for Adoption of 1997 Revisions - GTC-~~707~~-6-98-A
 961 Amended- October 11, 2008 (General Tribal Council Meeting)
 962 Amended-GTC-01-04-10-A
 963 Amended – BC-02-25-15-C
 964 Amended – GTC-04-23-17-A
 965 Amended – GTC- - - -

Title 1. Government and Finances - Chapter 102

ELECTION

Onayote'a'ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? Kayanl'hsla

People of the Standing Stone how it is we will appoint them the kind of laws we have

- | | |
|--|--|
| 102.1. Purpose and Policy | 102.11. Campaign Signs and Campaigning |
| 102.2. Adoption, Amendment, Repeal | 102.12. Candidate Withdrawal from the Election |
| 102.3. Definitions | 102.13. Selection of Candidates |
| 102.4. Election Board | 102.14. Notice of Polling Places |
| 102.5. General Election | 102.15. Registration of Voters |
| 102.6. Special Election | 102.16. Election Process |
| 102.7. Referendums | 102.17. Election Outcomes and Ties |
| 102.8. Primary Elections for Oneida Business Committee Positions | 102.18. Recount Procedures |
| 102.9. Candidate Eligibility | 102.19. Challenges and Declaration of Results |
| 102.10. Campaign Financing | 102.20. Constitutional Amendments |
-

1 **102.1. Purpose and Policy**

2 102.1-1. *Purpose.* It is the purpose of this law to govern the procedures for the conduct of orderly
3 elections of the Nation, including pre-election activities such as caucuses and nominations.
4 Because of the desire for orderly and easily understood elections, there has not been an allowance
5 made for write-in candidates on ballots.

6 102.1-2. *Policy.* It is the policy of the Nation to have clearly defined duties and responsibilities
7 of the Election Board members and other persons employed by the Oneida Nation in the conduct
8 of elections. This law is intended to govern all procedures used in the election process.
9

10 **102.2. Adoption, Amendment, Repeal**

11 102.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-
12 98-A and amended by resolutions GTC-01-04-10-A, BC-02-25-15-C, GTC-04-23-17-A, and
13 GTC-__-__-__-__

14 102.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to
15 the procedures set out in the Legislative Procedures Act.

16 102.2-3. Should a provision of this law or the application thereof to any person or circumstances
17 be held as invalid, such invalidity shall not affect other provisions of this law which are considered
18 to have legal force without the invalid portions.

19 102.2-4. In the event of a conflict between a provision of this law and a provision of another law,
20 the provisions of this law shall control.

21 102.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.
22

23 **102.3. Definitions**

24 102.3-1. This section shall govern the definitions of words and phrases used within this law. All
25 words not defined herein shall be used in their ordinary and everyday sense.

26 (a) "Administrative offices" means the locations where the Oneida Business Committee
27 conducts business.

28 (b) "Alternate" shall mean an individual appointed by the Oneida Business Committee to
29 serve on the Election Board during an election and until election results have been certified.

30 (c) "Applicant" shall mean a potential candidate who has not yet been officially approved
31 for acceptance on a ballot.

32 (d) "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding
33 holidays of the Nation.

34 (e) "Campaigning" shall mean all efforts designed to influence members of the Nation to
35 support or reject a particular candidate of the Nation including, without limitation,

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- 36 advertising, rallying, public speaking, or other communications with members of the
37 Nation.
- 38 (f) “Candidate” shall mean a petitioner or nominee for an elected position whose name is
39 placed on the ballot by the Election Board after successful application.
- 40 (g) “Clerk” shall mean an Election Board member who identifies proper registration for
41 the purpose of determining voter eligibility.
- 42 (h) “Conflict of interest” shall mean any interest, whether it be personal, financial, political
43 or otherwise, in which a Nation elected official, employee, consultant, appointed or elected,
44 member of any board, committee or commission, or their immediate relatives, friends or
45 associates, or any other person with whom they have contact, that conflicts with any right
46 of the Nation to property, information, or any other right to own and operate its enterprises,
47 free from undisclosed competition or other violation of such rights of the Oneida Nation,
48 or as defined in any law or policy of the Nation.
- 49 (i) “Constitution” means the Constitution and By-laws of the Oneida Nation.
- 50 (j) “Election” shall mean every primary and election.
- 51 (k) “Election Judge” shall mean an Election Board member who informs and advises the
52 Election Board Chairperson of discrepancies, complaints and controversy regarding voter
53 eligibility.
- 54 (l) “General election” shall mean the election held every three (3) years in July to elect the
55 Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the
56 Oneida Business Committee, and may include elections for other elected positions.
- 57 (m) “Immediate family member” means an individual’s father, mother, grandparent, sister,
58 brother, wife, husband, daughter, son, father-in-law, mother-in-law, sister-in-law, brother-
59 in-law, daughter-in-law, son-in-law, step-father, step-mother, step-sister, step-brother,
60 step-daughter, step-son, and any of the these relations attained through legal adoption.
- 61 (n) “Judiciary” means the judicial system that was established by Oneida General Tribal
62 Council resolution GTC-01-07-13-B to administer the judicial authorities and
63 responsibilities of the Nation.
- 64 (o) “Lot drawing” shall mean the equal chance method used to select a candidate as the
65 winner of an elected position, in the case of a tie between two (2) or more candidates.
- 66 (p) “Nation” means the Oneida Nation.
- 67 (q) “Official media outlets” means the Oneida Nation’s website and the Kalihwisaks
68 newspaper as identified by the Oneida Business Committee through resolution BC-03-22-
69 17-B.
- 70 (r) “Oneida Police Officer” shall mean an individual employed as a police officer with the
71 Oneida Police Department.
- 72 (s) “Private property” shall mean any lot of land not owned by the Nation, a residential
73 dwelling or a privately owned business within the boundaries of the Reservation.
- 74 (t) “Prominent locations” shall mean the polling places, main doors of the Norbert Hill
75 Center, main doors of the Oneida Community Library, the Oneida Community Health
76 Center, the South Eastern Oneida Tribal Services (SEOTS) building, and all fuel stations
77 operated by the Nation.
- 78 (u) “Qualified voter” shall mean an enrolled member of the Nation who is eighteen (18)
79 years of age or older as defined in Article III, Section 2 of the Constitution.
- 80 (v) “Rejected ballots” shall mean those ballots which are rejected by the vote tabulating

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81 machine.

82 (w) "Spoiled ballot" shall mean a ballot which contains a voter error or is otherwise marred
83 and is not tabulated.

84 (x) "Teller" shall mean an Election Board member in charge of collecting and storing of
85 all ballots.

86

87 **102.4. Election Board**

88 102.4-1. *Establishment.* An Election Board is hereby created for the purpose of carrying out the
89 provisions of this law and Article III, Sections 2 and 3 of the Constitution.

90 102.4-2. *Composition.* The Election Board shall consist of nine (9) elected members. All members
91 shall be elected to terms of three (3) years.

92 102.4-3. *Recusal.* An Election Board member shall recuse himself or herself from participating as
93 an Election Board member in any pre-election, election day, or post-election activities when:

94 (a) he or she is a petitioner, applicant or candidate in any election;

95 (b) a petitioner, applicant, or candidate in any election is an immediate family member of
96 the Election Board member; or

97 (c) there is otherwise a conflict of interest.

98 102.4-4. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the
99 Oneida Business Committee for the balance of the unexpired term. The filling of a vacancy may
100 be timed to correspond with the pre-election activities and the needs of the Election Board.

101 102.4-5. The Election Board shall identify members who shall serve as tellers, Election Judges
102 and clerks in advance of an election.

103 102.4-6 *Election Board Alternates.* The Oneida Business Committee may appoint a sufficient
104 number of alternates to the Election Board, as recommended by the Election Board, to assist during
105 an election and until election results have been certified.

106 102.4-7. The Election Board shall choose a Chairperson from amongst themselves as set out in
107 the bylaws of the Election Board, to preside over the meetings. This selection shall be carried out
108 at the first meeting of the Election Board following an election. The Chairperson shall then ask
109 the Election Board to select a Vice-Chairperson and a Secretary.

110 102.4-8. *Duties of the Election Board.* The Election Board shall have the following duties, along
111 with other responsibilities listed throughout this law:

112 (a) The Election Board shall ensure that the election polling equipment and ballots are
113 maintained in a locked and secured area when not in use for an election;

114 (b) The Election Board shall develop and adhere to standard operating procedures
115 regarding election activities and responsibilities;

116 (1) The Election Board shall present updated and/or new standard operating
117 procedures to the Oneida Business Committee who shall then accept the standard
118 operating procedures as information only.

119 (c) The Election Board shall assist individuals with disabilities through the voting process;

120 (d) The Election Board shall be in charge of all registration and election procedures; and

121 (e) Upon completion of an election, the Election Board shall make a final report on the
122 election results.

123 102.4-9. *Specific Duties of Officers and Election Board Members.* All Election Board members
124 shall be required to attend all Election Board meetings. Additional specific duties of the
125 Chairperson and other Election Board members include the following:

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- 126 (a) *Chairperson*. The Chairperson of the Election Board shall conduct the following duties:
 127 (1) preside over meetings of the Election Board;
 128 (2) oversee the conduct of the election;
 129 (3) dismiss the alternates and Trust Enrollment Department personnel when their
 130 election day duties are complete; and
 131 (4) post and report election results.
- 132 (b) *Vice-Chairperson*. The Vice-Chairperson shall preside over all meetings in the absence
 133 of the Chairperson.
- 134 (c) *Secretary*. The Secretary shall keep a record of the meetings and make them available
 135 to the Nation's Secretary, other Election Board members, and the public as required in the
 136 Nation's laws and policies governing open records and open meetings.
- 137 (d) *Clerks*. The clerks shall implement the requirements of identifying and registering all
 138 voters and determining voter eligibility. Clerks shall work in conjunction with the Trust
 139 Enrollment Department personnel in the registration process, and assist the Chairperson as
 140 directed in conducting the election.
 141 (1) Clerks shall not be currently employed by the Trust Enrollment Department.
- 142 (e) *Tellers*. Tellers shall collect and keep safe all ballots until the election is complete, as
 143 determined by this law, and shall assist the Chairperson in conducting the election.
- 144 (f) *Election Judges*. Election Judges shall inform and advise the Chairperson of all aspects
 145 of the election conducted under this law. In case of disputes among Election Board
 146 members, or between members of the Nation and Election Board members, or any
 147 controversy regarding voter eligibility, the Election Judge(s) shall assist the Chairperson
 148 in making a determination.
- 149 102.4-10. *Stipend Rates*. Election Board members shall receive a stipend in accordance with the
 150 Nation's laws, policies, and resolutions governing boards, committees, and commissions. Election
 151 Board members are to be compensated at an hourly rate when conducting elections as provided
 152 for in the Election Board's bylaws as approved by the Oneida Business Committee.
- 153 102.4-11. *Compensation of other Election Personnel*. The Trust Enrollment Department
 154 personnel and Oneida Police Officer(s) shall be compensated at their regular rate of pay out of
 155 their respective budgets when performing official duties during an election in accordance with this
 156 law.
- 157 102.4-12. *Enforcement*. A member of the Election Board found to be in violation of this law may
 158 be subject to:
 159 (a) removal pursuant to any laws and/or policies of the Nation's governing removal, if the
 160 Election Board member was elected to his or her position;
 161 (1) A member who is removed from the Election Board shall be ineligible to serve
 162 on the Election Board for three (3) years from the time he or she is removed from
 163 the Election Board.
- 164 (b) termination of appointment by the Oneida Business Committee pursuant to any laws
 165 and/or policies of the Nation governing boards, committees, and commissions, if the
 166 Election Board member was appointed to his or her position by the Oneida Business
 167 Committee; and/or
 168 (c) sanctions and penalties pursuant to any laws and/or policies of the Nation governing
 169 sanctions and/or penalties.
- 170

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171 **102.5. General Elections**

172 102.5-1. In accordance with Article III, Section 5 of the Constitution, general elections shall be
173 held in the month of July on a date set by the General Tribal Council.

174 (a) The General Tribal Council shall set the election date at the January annual meeting,
175 or at the first General Tribal Council meeting held during a given year.

176

177 **102.6. Special Elections**

178 102.6-1. *Initiation of Special Elections.* A special election may be initiated by a request or
179 directive of the General Tribal Council or the Oneida Business Committee.

180 (a) A member of the Nation may make a request for a special election to the Oneida
181 Business Committee or the General Tribal Council.

182 102.6-2. Matters subject to a special election include, but are not limited to, referendum questions,
183 vacancies, and/or petitions. Matters subject to a special election may be placed on the ballot of a
184 general election.

185 102.6-3. A special election shall follow the processes and procedures established for all other
186 elections.

187 102.6-4. The date of a special elections shall be set by the Oneida Business Committee as
188 recommended by the Election Board, or as ordered by the Judiciary in connection with an election
189 challenge.

190 102.6-5. *Notice of Special Elections.* Notice of a special election shall be posted by the Election
191 Board in the prominent locations, and placed in the Nation's official media outlets not less than
192 ten (10) calendar days prior to the special election.

193 102.6-6. *Emergency Cancellation of Special Elections.* In the event of an emergency, the Election
194 Board may reschedule the special election, provided that no less than twenty-four (24) hour notice
195 of the rescheduled special election date is given to the voters, by posting notices in the prominent
196 locations.

197

198 **102.7. Referendums**

199 102.7-1. A qualified voter may submit a referendum question to be included on the ballot for a
200 general or special election for the purpose of soliciting an opinion from the voters of that election
201 on any issue directly affecting the Nation or its general membership.

202 102.7-2. The Nation's Secretary shall develop and make available in the Business Committee
203 Support Office a standard referendum form.

204 102.7-3. A referendum question shall be written in a manner that solicits a "yes" or "no" response.

205 102.7-4. The referendum form shall be presented to the Nation's Secretary at the caucus prior to
206 an election. Once received at a caucus, the referendum question shall be placed on the ballot of the
207 next election.

208 102.7-5. The results of a referendum question in which a majority of the qualified voters who cast
209 votes shall be binding on the Oneida Business Committee to present the issue for action and/or
210 decision at General Tribal Council.

211

212 **102.8. Primary Elections for Oneida Business Committee Positions**

213 102.8-1. There shall be a primary election for an Oneida Business Committee position whenever
214 there are three (3) or more candidates for any officer position or sixteen (16) or more candidates
215 for the at-large council member positions.

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216 (a) The two (2) candidates receiving the highest number of votes cast for each officer
217 position shall be placed on the ballot.

218 (b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large
219 council member positions shall be placed on the ballot.

220 (c) Any position where a tie exists to determine the candidates to be placed on the ballot
221 shall include all candidates where the tie exists.

222 102.8-2. The primary election shall be held on a Saturday at least thirty (30) calendar days prior
223 to the election.

224 102.8-3. The Election Board shall cancel the primary election if the Oneida Business Committee
225 positions did not draw the requisite number of candidates for a primary by the petitioning deadline
226 date.

227 102.8-4. In the event a candidate withdraws or is unable to run for office after being declared a
228 winner in the primary, the Election Board shall declare the next highest primary vote recipient the
229 primary winner. This procedure shall be repeated as necessary until the ballot is full or until there
230 are no available candidates. If the ballot has already been printed, the procedures for notifying the
231 Oneida public in section 102.12-3 and 102.12-4 shall be followed, including the requirement to
232 print a notice in the Nation's official media outlets if time lines allow.

233

234 **102.9. Candidate Eligibility**

235 102.9-1. All applicants shall meet the minimum eligibility requirements in order to become a
236 candidate, in addition to any specific requirements and/or exceptions set out in duly adopted
237 bylaws or other documents.

238 102.9-2. *Minimum Eligibility Requirements.* In order to be eligible to be a candidate, applicants
239 shall:

240 (a) be an enrolled member of the Nation, as verified by membership rolls of the Nation;

241 (b) be a qualified voter on the day of the election; and

242 (c) provide proof of physical residency as required for the position for which they have
243 been nominated or for which they have petitioned. Proof of residency may be through one

244 (1) or more of the following:

245 (1) a valid Wisconsin driver's license;

246 (2) a bill or pay check stub showing name and physical address of the candidate
247 from the prior or current month;

248 (3) another form of proof that identifies the candidate and that the candidate has
249 physically resided at the address and identifies that address as the primary
250 residence.

251 102.9-3. *Conflict of Interest.* No applicant shall have a conflict of interest with the position for
252 which they are being considered, provided that any conflict of interest which may be eliminated
253 within thirty (30) calendar days of being elected shall not be considered as a bar to nomination or
254 election.

255 102.9-4. *Applications for Candidacy.* An applicant interested in being considered as a candidate
256 for a position that was nominated at a caucus or will be petitioning for candidacy shall submit an
257 application for candidacy to the Nation's Secretary or the Business Committee Support Office.

258 (a) The application for candidacy shall be submitted in person during normal business
259 hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, within five (5) business days after
260 the caucus.

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261 (b) No mailed, internal Nation mail delivery, faxed or other delivery method shall be
262 accepted.

263 (c) The Nation's Secretary or the Business Committee Support Office shall timestamp
264 when an application for candidacy is received.

265 (d) *Proof of Minimum Eligibility Requirements.* At the time of submission, the application
266 for candidacy shall include attached documentation verifying that the applicant meets the
267 minimum eligibility requirements.

268 (1) The application for candidacy shall include a list of the required documentation
269 for each office.

270 (e) An application that is incomplete or does not include attached documentation verifying
271 the applicant meets the minimum eligibility requirements at the time of submission shall
272 be disqualified.

273 102.9-5. An applicant for a position on the Oneida Business Committee or a position within the
274 Judiciary shall only be eligible to apply for one (1) elective office or position per election.

275 (a) A statement of the ineligibility of an applicant to apply for more than one (1) elective
276 office or position if applying for a position with the Oneida Business Committee or the
277 Judiciary shall be included in the application materials as well as the notice for the caucus,
278 and read verbally at the start of the caucus.

279 (b) If an applicant provides an application for candidacy or petition for candidacy for more
280 than one position or office if applying for a position on the Oneida Business Committee or
281 the Judiciary, then the application which was filed first shall be accepted while any other
282 applications shall be disqualified.

283 (1) The Election Board shall review the timestamps on the applications to
284 determine which application shall be accepted.

285 102.9-6. The names of the candidates and the positions sought shall be a public record and made
286 available to the public upon the determination of eligibility by the Election Board or the Election
287 Board's designee.

288 102.9-7. *Eligibility Review.* The Election Board shall be responsible for reviewing the
289 qualifications of applicants to verify eligibility. Any applicant found to be ineligible for a
290 nominated or petitioned for position shall be notified by certified mail return receipt requested.

291 The notice shall provide the following information:

292 (a) Position for which they were considered;

293 (b) Qualifications of the position and reference to the source of the qualification
294 requirements. Copies of source may be attached;

295 (c) A brief summary explaining why the applicant was found to be ineligible; and

296 (d) That the applicant has two (2) business days from notification to request a hearing on
297 the ineligibility determination with the Judiciary.

298 102.9-8. *Request for a Hearing on Ineligibility.* An applicant found to be ineligible for a
299 nominated or petitioned for position shall have two (2) business days to request a hearing with the
300 Judiciary to review the eligibility status of the applicant. The Judiciary shall hear and decide a
301 request for a hearing on ineligibility within two (2) business days after the request is filed. Any
302 appeal to the appellate body of the Judiciary shall be filed within one (1) business day after the
303 issuance of the lower body's decision and decided within two (2) business days after the appeal is
304 filed.

305

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306 **102.10. Campaign Financing**

307 102.10-1. A candidate shall only accept contributions from individuals who are members of the
308 Nation or individuals related by blood or marriage to the candidate.

309 102.10-2. A candidate shall not accept contributions from any business, whether sole
310 proprietorship, partnership, corporation, or other business entity.

311 102.10-3. A candidate shall not solicit or accept contributions in any office, business and/or
312 facility of the Nation.

313 102.10-4. *Violations of Campaign Financing Restrictions.* A violation of the campaign financing
314 restrictions shall result in a fine.

315 (a) The Election Board shall impose the fine in an amount specified in a resolution adopted
316 by the Oneida Business Committee.

317 (b) Fines shall be paid to the Election Board within ninety (90) days after the fine is issued.
318 If the fine is not paid by this deadline, the Election Board may seek to collect the money
319 owed through the Nation's garnishment and/or per capita attachment process.

320 (c) Money received from fines shall be deposited into the General Fund.

321

322 **102.11. Campaign Signs and Campaigning**

323 102.11-1. *Restrictions on Campaigning.* The following restrictions on campaigning apply to all
324 candidates:

325 (a) No campaigning of any type shall be conducted within two hundred and eighty (280)
326 feet of the voting area during an election, excluding private property.

327 (b) No campaigning of any type shall be conducted within a building that is owned and
328 operated by the Nation.

329 (1) *Exception.* An exception to the prohibition against campaigning in a building
330 owned and operated by the Nation shall be made for:

331 (A) private property;

332 (B) an official election event sanctioned by the Election Board including,
333 but not limited to, a candidate debate or forum; or

334 (C) an event held in a room and/or space rented by an individual.

335 (c) Employees of the Nation shall not engage in campaigning for offices of the Nation
336 during work hours.

337 (1) *Enforcement.* The Nation's employees shall be subject to disciplinary action
338 under the Nation's laws and policies governing employment for political
339 campaigning during work hours.

340 102.11-2. *Placement of Campaign Signs.* Placement of campaign signs shall be pursuant to the
341 following restrictions:

342 (a) Campaign signs shall not be posted or erected on any property of the Nation except for
343 private property with the owner or tenant's permission.

344 (b) No campaign sign shall exceed sixteen (16) square feet in area. A maximum of seven
345 (7) such signs may be placed on a building or on a lot.

346 (c) No campaign sign shall project beyond the property line into the public right of way.

347 102.11-3. *Enforcement of Sign Placement.* The Zoning Administrator shall remove any campaign
348 signs that are not in compliance with this law, in accordance with the Nation's laws and policies
349 governing zoning. The Zoning Administrator shall notify the Election Board of campaign sign
350 violations.

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351 102.11-4. *Violations of Campaign Restrictions.* A violation of a restriction on campaigning, or
352 campaign sign restrictions shall result in a fine.

353 (a) The Election Board shall impose the fine in an amount specified in a resolution adopted
354 by the Oneida Business Committee.

355 (b) Fines shall be paid to the Election Board within ninety (90) days after the fine is issued.
356 If the fine is not paid by this deadline, the Election Board may seek to collect the money
357 owed through the Nation's garnishment and/or per capita attachment process.

358 (c) Money received from fines shall be deposited into the General Fund.

359 102.11-5. *Removal of Campaign Signs.* All campaign signs shall be removed within five (5)
360 business days after an election.

361

362 **102.12. Candidate Withdrawal from the Election**

363 102.12-1. A candidate may withdraw from the election at any time. A candidate withdrawing by
364 any method listed within this section shall be denied any position from which they have withdrawn
365 regardless of the number of votes cast for that candidate. A written statement shall be considered
366 the only necessary evidence of withdrawal and acceptance of denial of any position withdrawn
367 from.

368 102.12-2. *Withdrawal Prior to Submission of the Ballot.* A candidate may withdraw his or her
369 name from a ballot prior to submission of the ballot for printing if the withdrawal is submitted in
370 writing by the candidate to any Election Board member, excluding alternates.

371 102.12-3. *Withdrawal Prior to the Opening of the Polls.* After the ballot is printed, a candidate
372 may withdraw his or her name from the election prior to the opening of the polls by submitting in
373 writing a statement indicating they are withdrawing from the election to any Election Board
374 member, excluding alternates.

375 (a) This written withdrawal statement shall be posted alongside any sample ballot printed
376 prior to the election in the official media outlets of the Nation or any posting at the polling
377 places.

378 102.12-4. *Withdrawal After Opening of the Polls.* A candidate may withdraw after the opening
379 of the polls by submitting a request to be removed from the ballot, in writing, to the Election Board
380 members in charge of the polling place.

381 (a) The written withdrawal statement shall be posted next to any posted sample ballot.

382 102.12-5. *Candidate Withdrawal After Winning an Election but Before the Oath is Taken.*

383 (a) In the event a candidate declines an office after winning an election, the Election Board
384 shall declare the next highest vote recipient the winner. This procedure shall be repeated
385 as necessary until a winner is declared.

386 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a
387 special election shall be held.

388 102.12-6. *Candidate Withdrawal After Taking an Oath of Office.* In the event a candidate declines
389 an office after winning an election and taking an oath of office, the withdrawal shall be treated as
390 a resignation of an official.

391

392 **102.13. Selection of Candidates**

393 102.13-1. *Setting of a Caucus.* The Election Board shall be responsible for calling a caucus before
394 any election is held.

395 (a) The caucus for the general election shall be held at least seventy-five (75) calendar

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- 396 days prior to the election date.
- 397 (b) A caucus for a special election shall be held at least forty-five (45) calendar days prior
- 398 to the election date.
- 399 (c) In a general election year, caucuses shall be combined so that candidates for the Oneida
- 400 Business Committee and other elected positions are nominated at the same caucus.
- 401 102.13-2. *Caucus Procedures.* The procedures for a caucus shall be as follows:
- 402 (a) Each position shall be opened and closed for nominations by motion during the caucus.
- 403 A nomination for a position shall only be accepted when a position is open for nominations.
- 404 (1) Once nominations are closed for a particular position, an applicant may petition
- 405 to be on the ballot for that position.
- 406 (b) Once a position is opened for nominations a candidate shall be nominated for a position
- 407 from the floor.
- 408 (1) An individual shall not nominate himself or herself for a position during the
- 409 caucus.
- 410 (c) A candidate present at the caucus shall accept or decline his or her nomination at the
- 411 caucus. A candidate nominated at the caucus, but not present at the caucus to accept the
- 412 nomination, shall be required to follow the petition process.
- 413 (d) Nominations shall consist of the following positions:
- 414 (1) Oneida Business Committee Chairperson;
- 415 (2) Oneida Business Committee Vice-Chairperson;
- 416 (3) Oneida Business Committee Treasurer;
- 417 (4) Oneida Business Committee Secretary;
- 418 (5) Oneida Business Committee Council Member; and
- 419 (6) Any other elected positions as required by bylaws, resolution, or law of the
- 420 Nation.
- 421 102.13-3. *Petition for Candidacy.* Any eligible member of the Nation may petition to be placed
- 422 on a ballot for an election. The procedure for a petition for candidacy shall be as follows:
- 423 (a) Each petitioner not nominated at caucus shall file a petition for candidacy. A
- 424 petitioner shall use an official petition form and application for candidacy which may
- 425 be obtained in the Business Committee Support Office or from the mailing for that
- 426 caucus.
- 427 (b) A petitioner shall obtain at least ten (10) signatures of qualified voters on the
- 428 petition form. The petition form shall contain the original signatures of the qualified
- 429 voters. Photocopies of signatures shall not be accepted.
- 430 (c) The petition form shall consist of each qualified voter's:
- 431 (1) printed name and address;
- 432 (2) date of birth;
- 433 (3) enrollment number; and
- 434 (4) signature.
- 435 (d) Petitions shall be presented to the Nation's Secretary or the Business Committee
- 436 Support Office during normal business hours, 8:00 a.m. to 4:30 p.m. Monday through
- 437 Friday, but no later than five (5) business days after the caucus. The location to drop-
- 438 off petitions shall be identified in the mailing identifying the caucus date.
- 439 (e) The Nation's Secretary shall forward all petitions to the Election Board Chairperson
- 440 the next business day following the close of petition submissions.

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441 (f) The Election Board shall forward the petitions to the Trust Enrollment Department
442 for verification that all individuals who provided a signature on the petition are a
443 qualified voter of the Nation.
444

445 **102.14. Notice of Polling Places**

446 102.14-1. The Election Board shall post a notice of the election in the prominent locations and on
447 the official media outlets, stating the location of the polling places and the time the polls will be
448 open. This notice shall also be posted in an easily visible position, close to the entrance of the
449 Nation's businesses and/or facilities.

450 102.14-2. Notice of the election and polling information shall be posted no less than ten (10)
451 calendar days prior to the election, and shall remain posted until the poll closes on the day of the
452 election.

453 102.14-3. Except for a special election, notice for the election shall be mailed to all members of
454 the Nation eligible to vote in the election, stating the time and place of the election and a sample
455 of the ballot, no less than ten (10) calendar days prior to the election, through a mass mailing. The
456 Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than
457 twenty (20) calendar days prior to the requested mailing.
458

459 **102.15. Registration of Voters**

460 102.15-1. *Voter Registration*. Qualified voters shall physically register on the day of the election
461 at the polls by signing his or her name on an official Voter Registration Form containing the
462 following information:

- 463 (a) name;
- 464 (b) date of birth; and
- 465 (c) enrollment number.

466 102.15-2. *Identification of Voters*. All qualified voters shall present one of the following picture
467 identifications in order to be able to vote:

- 468 (a) Oneida Nation identification card;
- 469 (b) Driver's license; or
- 470 (c) Other identification card that contains a name and photograph.

471 102.15-3. Trust Enrollment Department personnel shall be responsible for verifying enrollment
472 with the Nation. The conduct of Trust Enrollment Department personnel is governed by the
473 Election Board members during the voting period.

474 102.15-4. *Verification of Voter Eligibility*. Should a question or dispute arise as to the eligibility
475 of an individual being qualified to vote, an Election Board member serving as an Election Judge
476 shall meet with the Trust Enrollment Department personnel who are registering voters, to decide
477 the voting member's eligibility currently being questioned, and shall make such decisions from
478 the facts available, whether the applicant is, in fact qualified and verifiable under Article III Section
479 2 of the Constitution to vote in the Nation's elections.

480 102.15-5. Any voter denied eligibility shall not be allowed to vote in the election.
481

482 **102.16. Election Process**

483 102.16-1. *Public Test of Ballot Machines*. No more than ten (10) days prior to an election, the
484 Election Board shall publicly test the ballot machines to ensure that the ballot machine correctly
485 counts the votes cast for all offices and on all measures.

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486 (a) Notice of the public test of the ballot machines shall be posted in the Nation's official
487 media outlets at least ten (10) days prior to the public test.

488 (b) All ballot machines shall be tested during the public test, no matter what polling
489 location the ballot machines will ultimately be used for.

490 (c) The Election Board shall conduct the test by processing a pre-audited group of marked
491 ballots to ensure the machine properly records the predetermined number of votes on the
492 test ballots.

493 102.16-2. *Polling Location.* Elections shall be held in facilities of the Nation as determined by
494 the Election Board.

495 102.16-3. *Polling Time.* Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m.
496 All qualified voters in line to vote at 7:00 p.m. shall be allowed to vote.

497 (a) If a ballot counting machine is used, the ballot counting machine shall be prepared
498 prior to 7:00 a.m. on the day of the election. The Election Judges shall open the polls only
499 after four (4) members of the Nation verify, through signature on the tape, the ballot box
500 is empty and the ballot counting machine printer tape has a zero (0) total count.

501 102.16-4. *Voter Assistance.* A voter who requires assistance to complete the voting process, due
502 to a disability or impairment, may request assistance from a member of the Election Board or from
503 another qualified voter.

504 102.16-5. At least one (1) Oneida Police Officer shall be present during the time the polls are
505 open, and until the counting of ballots is completed, and tentative results are posted.

506 102.16-6. The Election Board shall provide a voting area sufficiently isolated for each qualified
507 voter, such that there is an area with at least two (2) sides and a back enclosure.

508 102.16-7. No one causing a disturbance shall be allowed in the voting area.

509 102.16-8. Election Board members may restrict the voting area to qualified voters only. This
510 restriction is in the interest of maintaining security of the ballots and voting process.

511 102.16-9. *Ballot Box.* All ballots used to vote, shall be placed in a receptacle clearly marked
512 "Ballot Box," except for those ballots spoiled or rejected. The ballot box shall be locked until
513 counting at the close of polls. With electronic ballot counting, the ballots may be placed within
514 the ballot counting machine as they are received.

515 (a) Ballots received from each polling location shall remain separate.

516 102.16-10. *Spoiled Ballots.* If a voter spoils his or her ballot, he or she shall be given a new ballot.

517 (a) The spoiled ballot shall be marked "void" and initialed by two (2) Election Board
518 members and placed in a locked sealed container marked as "Spoiled Ballots." The voter
519 who spoiled his or her ballot shall witness the spoiled ballot be marked as "void" and placed
520 into the locked sealed container.

521 (b) The Spoiled Ballot locked sealed containers shall be retained and secured for no less
522 than fifteen (15) calendar days following finalization of any challenge of the election, at
523 the Records Management Department.

524 102.16-11. *Rejected Ballots.* Rejected Ballots are to be placed in a specially marked container
525 and sealed.

526 (a) Computer rejected ballots shall be reviewed by the Election Board members to verify
527 the authenticity of the ballot. Ballots rejected because of mutilation shall be added to the
528 final computer total, provided that, a new ballot was not received as set out in section
529 102.16-10 governing spoiled ballots.

530 (b) Ballots rejected, either during the computer process or during a manual counting, shall

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531 be reviewed by the Election Board members to verify that they are authentic. If the
532 Election Board members determine that the ballot is not an official ballot, or that it is an
533 illegal ballot, the ballot shall be designated “void” and placed in a sealed container marked
534 “Void Ballots.”

535 102.16-12. *Machine Counted Ballots.* When ballots are counted by machine, the Election Judges
536 shall generate from the ballot counting machine copies of the election totals from the votes cast at
537 the close of the polls.

538 (a) At least four (4) Election Board members shall sign the election totals, which shall
539 include the tape signed by the members of the Nation before the polls were opened per
540 section 102.16-3(a).

541 102.16-13. *Manually Counted Ballots.* When ballots are manually counted, the Election Judges
542 shall unlock the ballot box and remove the ballots at the close of the polls.

543 (a) If the ballots need to be counted at a location other than the polling site, the ballots
544 shall be secured in a sealed container for transportation to the ballot counting location. The
545 sealed ballots shall be transported by an Oneida Police Officer with at least three (3) of the
546 Election Board members for counting and tallying of ballots.

547 (b) The sealed ballots shall be opened at the time of counting by the Election Board
548 members and witnessed and monitored by an Oneida Police Officer.

549 (c) Ballots must be counted by two (2) different Election Board members until two (2)
550 final tallies are equal in back to back counting. Final tallies shall be verified by the Election
551 Judges.

552 102.16-14. *Securing Ballots.* The Election Judges shall place together all ballots counted and
553 secure them together so that they cannot be untied or tampered with without breaking the seal.
554 The secured ballots, and the election totals with the signed tape, if applicable, shall then be secured
555 by the Election Judges in a sealed container in such a manner that the container cannot be opened
556 without breaking the seals or locks, or destroying the container. The Oneida Police Officer shall
557 then deliver, on the day of the election, the sealed container to the Oneida Police Department for
558 retention. The Oneida Police Officer shall then deliver the sealed container to the Records
559 Management Department for retention on the next business day.

560

561 **102.17. Election Outcome and Ties**

562 102.17-1. *Election Results Announcement.* The tentative results of an election shall be announced
563 and posted by the Election Board within twenty-four (24) hours after the closing of the polls.
564 Notices of election results shall contain the following statement: "The election results posted here
565 are tentative results. Final election results are forwarded by the Oneida Election Board to the
566 Oneida Business Committee via a Final Report after time has lapsed for recount requests, or
567 challenges or after all recounts or challenges have been completed, whichever is longer"

568 102.17-2. The Election Board shall post the tentative results of the election in the prominent
569 locations, and publish the tentative results on the Nation’s website.

570 102.17-3. *Tie.* In the event of a tie for any office, and where the breaking of a tie is necessary to
571 determine the outcome of an election, the Election Board shall conduct an automatic recount of
572 the votes for each candidate receiving the same number of votes. Any recount conducted shall be
573 the only recount allowed for the tied candidates.

574 102.17-4. *Ties of an Oneida Business Committee Position.* For Oneida Business Committee
575 positions, a run-off election between the candidates with the same number of votes shall be held if

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2019 01 21

576 there remains a tie after the recount. Said run-off election shall be held within twenty one (21)
577 calendar days after the recount.

578 102.17-5. *Ties of Other Elected Positions.* For all elected positions other than the Oneida Business
579 Committee, if there remains a tie after the recount, the Election Board shall decide the winner of
580 the tied positions at least two (2) business days after, but no more than five (5) business days after
581 the recount through a lot drawing, which shall be open to the public.

582 (a) The Election Board shall notify each of the tied candidates and the public of the date,
583 time, and place of the drawing at least one (1) business day before the drawing. Notice to
584 the tied candidates shall be in writing. Notice to the public shall be posted by the Election
585 Board in the prominent locations.

586 (b) On the date and at the time and place the drawing was noticed, the Election Board
587 Chairperson shall clearly write the name of each tied candidate on separate pieces of paper
588 in front of any witnesses present. The pieces of paper shall be the same, or approximately
589 the same, color, size, and type. The papers shall be folded in half and placed in a container
590 selected by the Election Board Chairperson.

591 (c) The Election Board Chairperson shall designate an uninterested party to draw a name
592 from the container. The candidate whose name is drawn from the container first shall be
593 declared the winner. An Election Board member other than the Chairperson shall remove
594 the remaining pieces of paper from the container and show them to the witnesses present.

595

596 **102.18. Recount Procedures**

597 102.18-1. *Eligibility for a Recount.* A candidate may request the Election Board to complete a
598 recount, provided the margin between the requesting candidate's vote total and vote total for the
599 unofficial winner was within two percent (2%) of the total votes for the office being sought or
600 twenty (20) votes, whichever is greater.

601 102.18-2. *Requesting a Recount.* A candidate may request a recount by hand delivering a written
602 request to the office of the Nation's Secretary or the Business Committee Support Office, within
603 five (5) business days after the election.

604 (a) Requests shall be limited to one (1) request per candidate.

605 (b) The five (5) business day deadline for submitting a request for a recount may be
606 extended for one (1) business day after the tentative results of a recount are announced, for
607 a candidate who has not yet utilized his or her one (1) recount request, and who is directly
608 impacted by a recount of the results which lead to a reversal in the results of the election.

609 102.18-3. The Nation's Secretary shall contact the Election Board Chairperson by the next
610 business day after the request for recounts.

611 102.18-4. The Election Board shall conduct the requested recount within two (2) business days
612 after receiving the request from the Nation's Secretary.

613 (a) The Election Board shall not honor a recount request where there have been two (2)
614 recounts completed as a result of:

615 (1) a request for a recount of the whole election results; or

616 (2) a request of a recount of a sub-section of the election results.

617 102.18-5. An Oneida Police Officer shall be responsible for picking up the locked, sealed
618 container with the ballots from the Records Management Department and transporting it to the
619 ballot recounting location.

620 102.18-6. A recount shall be conducted by a quorum of the Election Board, including at least three

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2019 01 21

621 (3) of the Election Board members originally present during the election to count the ballots or
622 review the election totals from the ballot machine. The locked, sealed ballots shall be opened by
623 the Election Board Chairperson and an Oneida Police Officer shall witness the recount.

624 102.18-7. All recounts shall be conducted both manually and by machine count with, if possible,
625 the original Election Board members and Oneida Police Officer present. Recounts may, at the
626 discretion of the Election Board members, be of the total election results, or of the challenged sub-
627 section of the election results.

628 102.18-8. All ballots shall be counted until two (2) final tallies are equal in back to back counting
629 and the total count of ballots reconciles with the total count from the ballot counting machine.
630 Sub-sections of candidates may be recounted in lieu of a full recount.

631 (a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be
632 counted twice by different persons and certified by the Election Judges.

633 (b) Computer counted ballots shall be recounted twice and certified by the Election Judges.
634 The Election Board shall certify that an electronic ballot counting device is in good
635 working order and can accurately count ballots prior to using the device in a recount, The
636 certification of the electronic ballot counting device shall come from either by the maker
637 of the machine, the lessor of the machine, or the Election Board.

638 102.18-9. The Election Board shall post tentative results of the recount within twenty-four (24)
639 hours of the recount being completed. The Election Board shall post the tentative results in the
640 prominent locations, and publish on the Nation's website.

641
642 **102.19. Challenges and Declaration of Results**

643 102.19-1. *Challenges.* Any qualified voter may challenge the results of an election by filing a
644 complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall
645 hear and decide a challenge to any election within two (2) business days after the challenge is filed.
646 Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after
647 the issuance of the lower body's decision and decided within two (2) business days after the appeal
648 is filed.

649 (a) The person challenging the election results shall prove by clear and convincing
650 evidence that the Election Law was violated or an unfair election was conducted, and that
651 the outcome of the election would have been different but for the violation.

652 (b) If the Judiciary invalidates the election results, a special election shall be ordered by
653 the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon
654 as this law allows for a special election.

655 102.19-2. *The Final Report.* The Election Board shall forward a Final Report to the Nation's
656 Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges
657 have been completed, whichever is longer. The Final Report shall consist of the following
658 information:

659 (a) Total number of persons voting;

660 (b) Total votes cast for each candidate by subsection of the ballot;

661 (c) List of any ties and final results of those ties, including the method of resolution;

662 (d) List of candidates elected and position elected to;

663 (e) Number of spoiled ballots; and

664 (f) Cost of the election, including the compensation paid to each Election Board member.

665 102.19-3. *Declaration of Results.* The Business Committee shall declare the official results of the

Draft 2 for GTC Consideration

2019 01 21

666 election and send notices regarding when the swearing in of newly elected officials shall take place
667 within ten (10) business days after receipt of the Final Report.

668 102.19-4. A candidate elected to the Oneida Business Committee shall resign from any salaried
669 position effective prior to taking an Oneida Business Committee oath of office

670 102.19-5. Except in the event of an emergency, as determined by the Oneida Business Committee,
671 a newly elected official shall be sworn into office no later than thirty (30) calendar days after the
672 official results of an election are declared by the Oneida Business Committee.

673 (a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat shall
674 be considered vacant and the Election Board shall declare the next highest vote recipient
675 the winner. This procedure shall be repeated as necessary until a winner is declared.

676 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a
677 special election shall be held.

678 102.19-6. The Election Board shall send notice to the Records Management Department to destroy
679 the ballots thirty (30) calendar days after the election or after the final declaration of official
680 election results occurs, whichever is longer.

681

682 **102.20. Constitutional Amendments**

683 102.20-1. Pursuant to Article VI of the Constitution, amendments to the Constitution may be
684 initiated by the Oneida Business Committee or a petition of qualified voters.

685 102.20-2. *Constitutional Amendments by the Oneida Business Committee.* The requirements for
686 the Oneida Business Committee's initiation of amendments to the Constitution are as provided in
687 the Constitution. Additional requirements for constitutional amendments by the Oneida Business
688 Committee shall be further detailed in the supporting standard operating procedures which the
689 Oneida Business Committee shall adopt.

690 102.20-3. *Constitutional Amendments by a Petition of Qualified Voters.* Qualified voters may
691 petition to amend the Constitution by submitting a petition to the Nation's Secretary which
692 includes the full text of the proposed amendments and signatures that are equal in number to at
693 least ten percent (10%) of all members qualified to vote.

694 (a) Qualified voters may request a petition form from the Nation's Secretary or the
695 Business Committee Support Office.

696 (b) Upon the request of a petition form, the Nation's Secretary, or his or her designee, shall
697 inform the Trust Enrollment Department that a petition form has been requested and a
698 calculation of the signatures currently required for a petition submittal is needed. The Trust
699 Enrollment Department shall then calculate the number of signatures currently required for
700 a petition submittal, which shall be ten percent (10%) of all members qualified to vote on
701 the date the petition form is requested from the Nation's Secretary or the Business
702 Committee Support Office, and provide this information to the Nation's Secretary. When
703 the Nation's Secretary receives the calculation from the Trust Enrollment Department, the
704 Nation's Secretary shall provide the requester with the petition form and the number of
705 signatures that are currently required.

706 (c) Such petitions shall be circulated with all supporting materials and submitted a
707 minimum of ninety (90) days prior to the election at which the proposed amendment is to
708 be voted upon. If a petition includes supporting materials in addition to the petition form,
709 each qualified voter signing the petition shall also acknowledge that the supporting
710 materials were available for review at the time he or she signed the petition by initialing

711 where required on the petition form.
712 (d) The Nation’s Secretary shall forward submitted petitions to the Trust Enrollment
713 Department for verification that all individuals who provided a signature on the petition
714 are qualified voters of the Nation and to notify the Election Board to provide notice that
715 the petition may need to be placed on an upcoming ballot.

716 (e) If the petition is verified by the Trust Enrollment Department to contain signatures from
717 at least ten percent (10%) of all qualified voters, the Election Board shall make an official
718 announcement of the proposed amendments to the Oneida Nation Constitution at least sixty
719 (60) days prior to the election at which the proposed amendments are to be voted on.

720 102.20-4. The Election Board shall place any proposed amendments to the Oneida Nation
721 Constitution that meet the requirements of this law on the ballot at the next general election.
722 Provided that, the Oneida Business Committee or General Tribal Council may order a special
723 election be held to consider the proposed amendments. In such circumstances, the Election Board
724 shall place any proposed amendments to the Oneida Nation Constitution on the ballot at the next
725 special election.

726 102.20-5. The Election Board shall publish any proposed amendments to the Constitution by
727 publishing a sample ballot no less than ten (10) calendar days prior to the election, through a mass
728 mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson,
729 no less than twenty (20) calendar days prior to the requested mailing. Copies of such publications
730 shall be prominently posted in each polling place, at administrative offices of the Nation, and shall
731 also be published in the official media outlets.

732 102.20-6. The Election Board shall ensure that the ballot contains a statement of the purpose of
733 the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall
734 ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a
735 true and impartial statement and is written in such a manner that does not create prejudice for or
736 against the proposed amendment.

737 102.20-7. Pursuant to Article VI, Section 3 of the Constitution, proposed amendments that are
738 approved by sixty-five percent (65%) of the qualified voters that vote on that amendment shall
739 become part of the Constitution, and shall abrogate or amend existing provisions of the
740 Constitution at the end of thirty (30) days after submission of the final election report.

741 102.20-8. If two (2) or more amendments approved by the voters at the same election conflict, the
742 amendment receiving the highest affirmation vote prevails.

743
744
745 *End.*

746
748 Adopted - June 19, 1993
749 Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)
750 Presented for Adoption of 1997 Revisions - GTC-07-6-98-A
751 Amended- October 11, 2008 (General Tribal Council Meeting)
752 Amended-GTC-01-04-10-A
753 Amended – BC-02-25-15-C
754 Amended – GTC-04-23-17-A
755 Amended – GTC-__-__-__-

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

DATE: December 3, 2018

TO: Larry Barton, Chief Financial Officer
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer

FROM: Rae Skenandore, Financial/Management Analyst

RE: **Fiscal Impact of the Amendments to the Election Law**

I. Estimated Fiscal Impact Summary

Law: Amendments to the Election Law	Draft 2
Implementing Agency	Election Board and Judiciary
Estimated time to comply	2020 Elections
Estimated Impact	Current Fiscal Year
Total Estimated Fiscal Impact	\$2,550 - \$2,985

II. Background

Legislative History

The Election Ordinance was approved by the Oneida Business Committee on April 16, 1984 and adopted by the General Tribal Council on April 30th, 1984 (GTC 4-30-84-B). The law was amended by BC 6-12-91-A, by GTC in 1993, GTC 07-06-98-A, GTC-01-04-10-A, BC-02-25-15-C and GTC-04-23-17-A. A public meeting was held on November 8th, 2018.

Summary of Content

A summary of the amendments is as follows;

- Term limits are eliminated
- A recusal requirement has been moved from the bylaws to the law. Election Board members must recuse themselves if an immediate family member is a petitioner, applicant or candidate. A definition of an immediate family member is added. The Judiciary recusal requirement was removed as it is located in the Judiciary Canons.
- A new provision was added to ensure secure ballots and voting equipment.
- Elected election board members may be removed per the removal law.
- Appointed members may be terminated by the Oneida Business Committee.

- Sanctions and penalties may apply per Tribal Law.
- Referendum questions and process are clarified, including the use of a standardized form and formatting a question as a yes or no question.
- Candidate eligibility requirements have been revised to require complete application packets be turned in, proof of eligibility requirements, and the process to be used if an individual applies for more than one Oneida Business Committee or Judiciary position.
- All hearing authority has been transferred to the Oneida Nation Judiciary.
- Exceptions were added to the requirement of “No Campaigning in Nation-Owned Buildings”. Private property, rented space or officially sanctioned events.
- Timelines have been shortened from 90 to 75 days.
- Election notifications must be sent to all eligible voters.
- A noticed public test of the voting machines will be required.
- Any qualified voter may provide voter assistance
- Polling site ballots must be maintained separately and securely.
- Board members required at polling sites has been reduced from 6 to 4.
- Several revisions have been made to the recount process.
 - If a recount reverses the results, the candidate will have one additional business to request another recount.
 - Recount timelines have been reduced from five days to two days.
 - Recounts must be done both by hand and machine.
 - Recount results must be posted within 24 hours.

III. Methodology and Assumptions

A “Fiscal Impact Statement” means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the petition after implementation.

Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the Law or amendments.

The analysis was completed based on the information provided as of the date of this memo.

IV. Executive Summary of Findings

According to the Election Board, areas that will require additional costs are an increase in stipend costs due to additional responsibilities, supplies, documentation, and printing costs. The Election Board anticipates that they will be able to implement the amendments in 2020.

V. Financial Impact

The total financial impact of implementing the amendments is a range estimated at approximately \$2,550 - \$2,985.

VI. Recommendation

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has sufficient information to render a decision.

Election Law Amendments

Presentation to GTC by:
Legislative Operating Committee

January 21, 2019

Background

- At 11/12/2017 Special GTC Meeting, motion by Dylan Benton to “accept the information presented and for the Oneida Business Committee to take this information and the discussion to identify amendments to the Election Law for presentation to and action by the GTC During calendar year 2018.”
- At 10/28/18 Special GTC Meeting, motion by Diane Quella to “adjourn and forward the remaining items... Update regarding Election Law amendments, to the 2019 Annual meeting in January.”

Development

- Research
- Work Meetings
- Public Outreach



Proposed Amendments

- Require the Election Board to ensure election polling equipment and ballots are maintained in a locked and secured area when not in use for an election
- Clarify when a member of the Election Board must recuse themselves from election activities
- Remove term limits for members of the Election Board

Proposed Amendments

- Clarify the process for submitting referendum questions
- Shorten the timeframe for holding an election
- Clarify candidate eligibility in regard to positions on the Oneida Business Committee and Judiciary

Proposed Amendments

- Transfer hearing authority from the Election Board to the Judiciary
- Update the process for conducting a caucus
- Require notice of the election and election results to be posted on the Nation's website
- Shorten the voter registration form

Proposed Amendments

- Eliminate provisional ballots for voters who do not show a photo ID or are ruled ineligible to vote
- Require a public test of the ballot machines prior to an election
- Clarify the process for voters who require assistance at the polls
- Require the separation of ballots from different polling locations

Proposed Amendments

- Update the process for handling spoiled ballots
- Reduce the number of Election Board members required to be at each polling site
- Update the process for conducting a recount
- Clarify and update additional language throughout the Law.

Additional Updates

- Election Board New Ballot Machines
- Election Board Standard Operating Procedures (SOPs) posted to Nation's website
- Sanctions and Penalties Law



Requested Action

- Motion to adopt the Election Law Amendments Resolution

Yaw^ko

Oneida Business Committee Agenda Request

Accept the October 11, 2018, regular Quality of Life Committee meeting minutes

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to accept the October 11, 2018, Quality of Life (QOL) Committee meeting minutes.

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Ernest Stevens III, Councilmember
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Cathy Bachhuber, Executive Assistant
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



Quality of Life Committee

Meeting Minutes for October 11, 2018

Present: Brandon Stevens, Tehassi Hill, Ernest Stevens III

Others Present: Latsiklanunha Hill, Dr. Vir, Mari Kriescher, Jacqueline Smith, Katie Hess-BBBS-Executive Director, Karen Marsh-BBBS-Program Specialist, Jed Summers-Recreation, Laura Laitinen-Warren, Priscilla Belisle, Fawn Billie, Cathy Bachhuber

I. Call to Order and Roll Call

Meeting called to order by Brandon Stevens at 8:45 a.m. with Tehassi Hill and Ernest Stevens III present.

II. Approval of the agenda

Motion by Tehassi Hill to approve the agenda, seconded by Ernest Stevens III. Motion carried unanimously.

III. Approval of Meeting Minutes

A. September 13, 2018, Quality of Life meeting minutes

Motion by Tehassi Hill to approve the minutes, seconded by Ernest Stevens III. Motion carried unanimously.

IV. Unfinished Business

V. New Business

A. Big Brothers Big Sisters of Northeastern Wisconsin (BBBS) MOU– Ernie Stevens III

Motion by Ernest Stevens III to send to a work meeting within next 30 days to start work on establishing a Memorandum of Understanding with BBBS and to send a request to the Governmental Services Division Director to establish a contact person to work with BBBS, seconded Tehassi Hill. Motion carried unanimously.

VI. Reports

A. Oneida Wellness Council Quarterly Report – Tina Jorgensen

Motion by Tehassi Hill to accept the update, seconded by Ernest Stevens. Motion carried unanimously.

B. Tribal Action Plan

Motion to by Ernest Stevens III to accept the Tribal Action Plan Update memo as FYI, seconded by Tehassi Hill. Motion carried unanimously.



VII. Additions

VIII. Adjourn

Motion by Tehassi Hill to adjourn at 10:04 a.m., seconded by Ernest Stevens III. Motion carried unanimously.

Oneida Business Committee Agenda Request

Approve travel report - Councilman Ernie Stevens III - Three (3) events - Milwaukee, WI and New York

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to approve Councilman Stevens' travel report from September 5, 2018 to September 7, 2018 for attending the DNR Tribal Consultation in Milwaukee, WI, 5th Annual Media for Social Impact Summit at the United Nations in New York, NY, and the Indian Summer Opening Ceremonies and tribal leaders reception in Milwaukee, WI.

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Cathy Bachhuber, Executive Assistant
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Ernest L. Stevens III

Travel Event: DNR Tribal Consultation, Milwaukee, WI - 5th Annual Media for Social Impact Summit at the United Nations, New York, NY - Indian Summer Opening Ceremonies, Milwaukee, WI

Travel Location: Milwaukee, WI - New York, NY - Milwaukee, WI

Departure Date: 09/05/2018 **Return Date:** 09/07/2018

Projected Cost: 1631.34 **Actual Cost:** 1330.88

Date Travel was Approved by OBC: 08/27/2018

Narrative/Background:

Wed. Sept 5

I attended the WI DNR Consultation in Milwaukee, WI, alongside a few of the other WI tribes including Menominee, Mole Lake, Lac Du Flambeau, and Stockbridge-Munsee. The discussion was following up to the CWD emergency rules issue, which eventually was not passed, as well as, dam remediation/demo, water issues, and overall improving tribes-DNR communications. I had a follow up conversation with Asst. Secretary Ed Eberle and we are devising a plan to improve how tribes can communicate with the DNR and vice versa. Through existing DNR relationships, we plan to simply focus on the technical side of our organizations and build on that for the intergovernmental aspect.

Thursday-Fri

Immediately following the Consultation I travelled to NYC for the Thursday event. This event was located at the United Nations, titled Media for Social Impact, and how organizations and governments can use media and communications to improve their communities and the world.

Item(s) Requiring Attention:

Travel report approval.

Requested Action:

Motion to approve Councilman Stevens' travel report from September 5, 2018 to September 7, 2018 for attending the DNR Tribal Consultation in Milwaukee, WI, 5th Annual Media for Social Impact Summit at the United Nations in New York, NY, and the Indian Summer Opening Ceremonies and tribal leaders reception in Milwaukee, WI.

Approve travel report **Oneida Business Committee Agenda Request** Tourism of Wisconsin (NATOW)

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: Travel Report

Accept as Information only

Action - please describe:

To accept the travel report for NATOW Board of Directors meeting 11-13-18 & GLITC Board Meeting 11-14-18.

3. Supporting Materials

Report Resolution Contract

Other:

1. [Empty text box]

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Kirby Metoxen, Councilmember

Primary Requestor/Submitter: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Kirby Metoxen

Travel Event: NATOW Meeting on 11-13-18 & GLITC Annual Meeting on 11-14-18

Travel Location: Wisconsin Dells, WI

Departure Date: 11/12/2018 Return Date: 01/14/2018

Projected Cost: \$249.54 Actual Cost: \$152.50

Date Travel was Approved by OBC: 10/24/2018

Narrative/Background:

Councilman Kirby Metoxen is the representative for Oneida Nation on the NATOW (Native American Tourism of Wisconsin) Board.

NATOW had a Board of Directors Meeting on November 13th, 2018. The NATOW Board reviewed ad sales and contract for design and production for the Native American Wisconsin Guide draft. Important dates were presented by the contractor to include December 1, 2018 for deadline. NATOW would like to have a defined map and coupons included as well.

Jeff Anderson provided report on his Wisconsin Department of Tourism activities. He discussed tribal tourism assessments, customer service trainings and bundle up campaign. He mentioned the Wisconsin Department of Tourism's large marketing campaigns, including the fall color campaign and winter market campaign.

John Breuinger, President of Woodland Indian Art Show & Market submitted a written report. The WIA Board is very interested on the Northern Woodland Indian Art Show at Bad River in conjunction with the Annual NATOW Conference in 2019. WIA, Inc has been awarded a three-year grant for administration support for 2019, 2020 and 2021. The Northern Woodland Indian Art Show will be held in Oneida, WI on May 24, 25 and 26, 2019. The theme for the art show will be Native Women.

Lastly, NATOW will be sending a proposal to GLITC for the state to consider an 100,000 increase of the FY21-22 budget for marketing.

Kirby was unable to attend the GLITC Board Meeting on November 14th, 2018 due to quorum needed for Oneida Business Committee Meeting on that same day.

Item(s) Requiring Attention:

Travel and lodging.

Requested Action:

Motion to approve travel report for the NATOW Meeting on 11-13-18 & GLITC Annual Meeting on 11-14-18.

Approve travel report **Oneida Business Committee Agenda Request** - New Horizons 2018 Wisconsin

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: Travel Report

Accept as Information only

Action - please describe:

To accept the travel report for Inter-Tribal Transportation Meeting and The Wisconsin Tribal Transportation Conference November 5th-7th, 2018.

3. Supporting Materials

Report Resolution Contract

Other:

1. [Empty text box]

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Kirby Metoxen, Councilmember

Primary Requestor/Submitter: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: David Jordan, Council Member, OBC
Name, Title / Dept.

Additional Requestor: Rosa Laster, Executive Assistant, OBC
Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for:	David P. Jordan	Kirby Metoxen
	Rosa Laster	
Travel Event:	Inter-Tribal Transportation Meeting & The Wisconsin Tribal Transportation Conference	
Travel Location:	Milwaukee, WI	
Departure Date:	11/05/2018	Return Date: 11/07/2018
	KM- \$406.52	KM- \$58.00
	RL-\$406.52	RL-\$58.00
Projected Cost:	DJ-\$540.74	Actual Cost: DJ-118.79
Date Travel was Approved by OBC:	10/24/2018	

Narrative/Background:

Councilman Kirby Metoxen, Councilman David Jordan and Rosa Laster attended the Inter-Tribal Transportation Meeting & The Wisconsin Tribal Transportation Conference November 5- 7th, 2018 in Milwaukee, WI.

Inter-Tribal Transportation Meeting Report, November 5, 2018

ITTF Chairwomen will hold Inter-Tribal Task Force meetings in Tribal communities to encourage participating and ensure all Tribes have a voice on the WisDOT Inter-Tribal Task Force. She shared that we have a direct link with WisDOT and we don't want to miss opportunities.

Review ITTF 2018 Annual Report: American Indian Chamber of Commerce of Wisconsin / First American Capital Corporation, provided an overview of the Native American Disadvantaged Business Enterprise webinars and the updated online directory, noting the updated directory will be unveiled at the Wisconsin Tribal Transportation Conference (WTTC). Reports for the trainings held will be uploaded to the ITTF website as well.

Shared Resources Work Team held cultural awareness trainings this past year. Comments on the training were good, and it was noted that the training should be taken on the road, so all state departments could participate.

An update was provided on the Partnership and Policy Work Team and was noted that

all Tribes have approved the updated Partnership Agreement. A signing date needs to be set for this event.

Discussion date and location for 2019 Wisconsin Tribal Transportation Conference: Organizers reached out to the Radisson Hotel and Conference Center in Oneida. It was suggested to move the conference to a week earlier to avoid elections. The Radisson has October 29 and October 30, 2019 open. Oneida is familiar with layout and need for the conference.

Wisconsin Tribal Transportation Conference Report, November 6-7, 2018

The conference included important Tribal, Local, State and Federal updates, upcoming construction project updates and networking opportunities. During the conference we attended many sessions and the following are some of the highlights:

Tribal Law and Government Session: We learned about tribal government and structures and how to navigate through unique tribal governments to effectively develop partnerships and manage projects in best case scenarios. The presentation evaluated different tribal models and identified key factors that distinguished tribal governments from other governments to help prepare officials to work with tribes.

25 CFR 169 Federal Regulations, Right of Ways: We learned about the latest guidance and interpretation of the new BIA Right-of-Way Regulations. This included completing the applications, survey, and process of submitting an application to the BIA jurisdiction office.

Nibi: Everything You Want to Know About the Culture Significance of Water But Didn't Want to Ask!: This workshop examined the unique perspective to understand why Nibi (Water) is so important to tribal people. This information is helpful in consultation efforts, developing aesthetic designs for projects near water, and recognizing why a project near water might be more than an environment issue.

Introduction to Federal Indian Law: This presentation was the basic foundation of the body of Federal Indian Law and how it has morphed and shaped modern government-to-government relationship. We explored founding Supreme Court cases, policy shifts and all understandings of the political status of tribes.

Lastly, we would like to say congratulations to our very own Daniel Webster who received the 2018 WI Tribal Transportation Excellence Award at the conference for his contributions in building and enhancing partnerships between WisDot and WI tribal communities.



Item(s) Requiring Attention:
Travel and Lodging

Requested Action:
Motion to approve travel report for the Inter-Tribal Transportation Meeting & The Wisconsin Tribal Transportation Conference November 5th-7th, 2018.

Oneida Business Committee Agenda Request

Approve travel request in accordance with § 219.16-1 - Nine (9) Oneida Nation Veterans Affairs Com

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Per Travel Policy more than 3 requesting to attend needs Business Committee approval.

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: James Martin - Chairman
Your Name, Title / Dept. or Tribal Member

Additional Requestor: John Breuninger - Secretary
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Purpose: Attend Military Parade and Color Guard ceremonies

Background: ONVAC has attended many of the Ira Hays, Iwo Jima Flag Raising ceremonies.

Action Requested: Approval for Procedural acception.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Nation
Oneida Veteran Affairs Committee
134 Riverdale Dr.
Oneida, WI 54155



James Martin –Chairman
Gerald Cornelius – Vice Chairman
John L. Breuninger - Secretary
Arthur Cornelius
Floyd J. Hill
Kenneth House
Benjamin Skenandore
Dale Webster
Carol Silva

Kerry Metoxen – Veterans Director
Jennifer Webster – Liaison

MEMO TO: Oneida Business Committee

FROM: James Martin, Chairman

DATE: 12 December 2018

SUBJ: Procedural Exception: Request for Color Guard

Purpose of travel: The ONVAC is requesting a procedural exception for nine ONVAC members to travel to Sacaton, Az for the 74th Anniversary Ira Hayes Iwo Jima Flag Raising Ceremony, February 22-24, 2019.

ONVAC has remained within its budget, and this travel is included within our 2019 budget request.

Cost for travel:

Hotel: 2 nights at \$169.00 times 9 rooms at a cost of \$3,042
Per Diem: 2 days at \$94.00 times 9 members at a cost of \$1,692.00
Airline: \$593 times 9 at a cost of \$5,337
Van: Estimate \$500.00

Total Request: \$10,571

We thank you for your consideration to support the Veterans travel request.

Approve travel request for Councilwoman Jennifer Webster, Indian Health Care Improvement Fund (IHCIF) **Oneida Business Committee Travel Request**

1. **OBC Meeting Date Requested:** 12 / 12 / 18 e-poll requested

2. General Information:

Event Name: Indian Health Care Improvement Fund (IHCIF)

Event Location: Arlington, VA Attendee(s): Jennifer Webster

Departure Date: Feb 11, 2019 Attendee(s):

Return Date: Feb 14, 2019 Attendee(s):

3. Budget Information:

Funds available in individual travel budget(s)

Unbudgeted

Grant Funded or Reimbursed

Cost Estimate: \$1909.00

4. Justification:

Describe the justification of this Travel Request:

Councilwoman Webster is the liaison to Indian Health Services and is being requested to attend the IHCIF work group meeting.

I have been selected to serve as an alternate on behalf of the Bemidji Area on the Indian Health Care Improvement Fund (IHCIF) work group.

The purpose of this travel is for the work group to continue to review the existing IHCIF formula and recommend changes for future use. This is an important component for the Bemidji area as we are currently the lowest funded region, with our level of need funding at approximately 47%. Bemidji area's goals are to increase the percentage in our area by advocating for change in the funding formula.

*NOTE: Indian Health Care Improvement Fund pays for travel expenses.

Requested Action:

To approve the travel for Councilwoman Webster to travel to Arlington, VA for IHCIF Feb. 11-14, 2019

5. Submission

Sponsor: Jennifer Webster, Councilmember

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidation.org

ONEIDA NATION
TRAVEL AUTHORIZATION REQUEST

General Travel Information

Name of Traveler	Jennifer Webster		
Please list name as it appears on Travelers Driver's License or WI State ID			
	Employee #	██████████	Date of Birth
		██████████	██████████
Destination	Arlington, VA		
Departure date	Feb. 11, 2019	Return date	Feb. 14, 2019
Purpose of travel	Indian Health Care Improvement Fund (IHCIF)		
Charged GL Account	001-4272000-009-701000-000		

GSA Rate Information for the destination

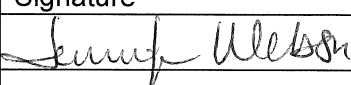
Per Diem rate per day	\$ 76.00	Lodging rate per day	\$ 181.00
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Cost Estimate Information

Description	Rate	Factor	Days/ Miles	Total
Per Diem initial travel date	\$ 76	0.75	1	\$ 57.00
Per Diem full day at destination	\$ 76	1.00	2	\$ 152.00
Per Diem return travel date	\$ 76.00	0.75	1	\$ 57.00
Subtract included meals				\$
Lodging including room rate plus taxes	\$ 181		3	\$ 543
Airfare	\$800			\$ 800.00
Private Car Mileage	\$			\$ 0.00
Taxi or car rental	\$50			\$ 50.00
Luggage Fees	\$50			\$ 50.00
Registration – accept VISA? Yes / No	\$			\$ 0.00
Allowable price adjustment If travel arrangements exceed the <u>Total Cost Estimate</u> re-approval is required				\$ 200.00
Total Cost Estimate				\$ 1,909.00

I understand this advance will be deducted from my claim for reimbursement of actual travel expenses. I also understand that if this advance is not cleared within 10 calendar days after my travel return date, I shall be held responsible for the full amount advanced and that I may be reprimanded in accordance with the Personal Policies and Procedures for my failure to clear this matter within the time so allotted. Further, in the event that the advance payment is not cleared within 10 calendar days of my return, and I have not filed a formal written dispute as to the amount due, by signing below, I am hereby making a knowing and voluntary wage deduction for the entire amount outstanding.

Signatures / Approvals

	Signature	Date	Contact Phone #
Traveler		12-7-18	
Program Director			Not needed
General Manager			Not needed

Jennifer A. Webster

Subject: IHCIF Workgroup Meeting
Location: Crystal City/Arlington, VA; Conf Call 855-447-5646; Conf ID 2824794
Start: Tue 2/12/2019 8:00 AM
End: Wed 2/13/2019 4:00 PM
Show Time As: Tentative
Recurrence: (none)
Organizer: Church, Ann M. (IHS/HQ)

Indian Health Care Improvement Fund Workgroup Members:

The third in-person Indian Health Care Improvement Fund (IHCIF) Workgroup meeting will be held in the Arlington/Crystal City, VA, area on February 12-13, 2019. We anticipate **two full days** for this workgroup meeting. Since this meeting will occur directly before the IHS National Tribal Budget Formulation Work Session (February 14-15, 2019), our IHCIF Workgroup meeting is being arranged for the same venue. We'll have the details on the venue and hotel logistics in the coming weeks. Updates will also be posted to the IHS Event Calendar at:

<https://www.ihs.gov/ihscalendar/>

Thanks!

Oneida Business Committee Agenda Request

Approve two (2) actions regarding funding for Oneida language classes in area public school districts

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

1) Motion to approve tribal funding in the FY2020 budget for 2 existing public school districts that employ Oneida language teachers to teach Oneida language classes.

2) Motion to identify sustainable funding to maintain current class offerings and to expand Oneida language classes in other school districts in FY2020 and into the future.

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Hill-Kelley, Area Manager, Education and Training
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Joann Ninham, Youth Enrichment Services (YES) Director
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Please see attached information for Pulaski and Seymour Public Schools.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org



PCSD Oneida Language Program

December 2018

GOALS FOR THE ONEIDA LANGUAGE PROGRAM

- Create more functional and fluent speakers of the Oneida Language of all ages
- Understand how the language functions
- Learn the key pronoun pattern system
- Promote the use of language in school and in the Oneida Community
- Achieve language acquisition and understanding with 3-5 years
- Build a solid cultural and educational foundation for language speakers



Action Requested

- 1** Continued collaboration on the Oneida Language that benefits both the Oneida Nation and Pulaski Community Schools.
- 2** Continued communication among PCSD and tribal leaders to best serve our students.
- 3** Financial commitment and support for the 146 students in our district.



Student Enrollment



2018-19	Oneida I: 11 Oneida II: 7 Oneida III: 3 Oneida IV: 3 Total of 24 students	Total of 9 to 11 students	Total of 5 students
2019-20	Oneida I: 5 Oneida II: 12 Oneida III: 7 Oneida IV: 3 Total of 27 students	Total of 18 students	Total of 10 students



Current Programming



Friday Language Class during lunch recess
(throughout the year between 30-60 minutes a week)



Oneida Language and Culture Extended Learning Time
(throughout the year between 30-60 minutes a week)



Oneida I, II, III, and IV offered daily
(includes native/non-native students in grades 8-12)



Three Oneida Tribal Members



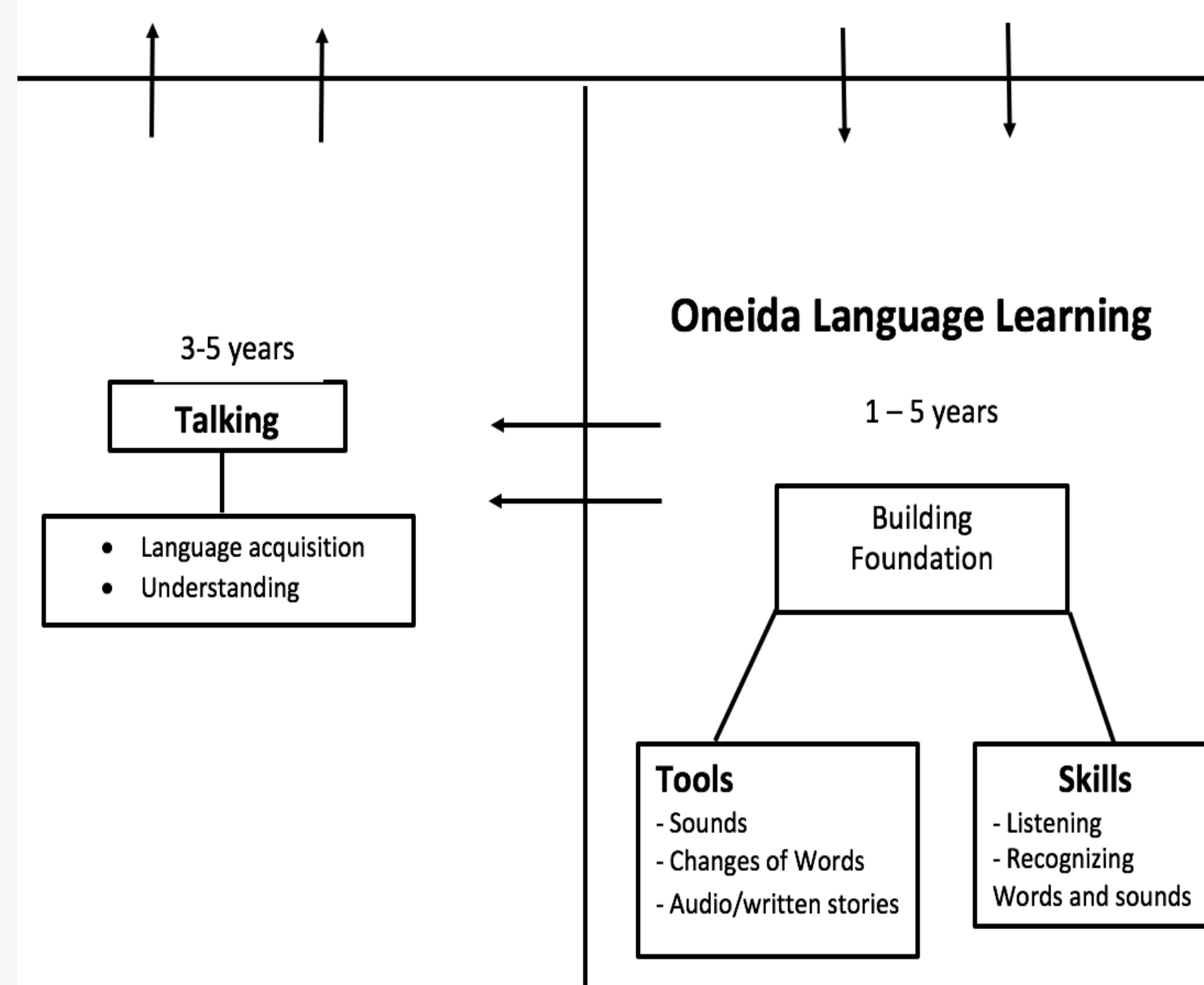
Curriculum Overview

Oneida Language Revitalization Program Curriculum is based on Language Acquisition, with the *common goal* of language functionality and fluency, which focuses heavily on pronouns, stems, and word changes and therefore, provides a solid foundation that engages the student to connect and correctly identify how the language functions and how it is arranged

Oneida Language Learning Plan

Fluency

Lifelong of learning



Linguistic Approach and Model



Funding

With an increased need for language, there will be a need for more funding. Funding comes from 4 sources: Oneida tribe, State of Wisconsin, PCSD and United States Federal funding.

Current Funding:



\$17,000



\$25,494



\$39,923



\$15,000



Yawwako!



TO: Oneida Nation Business Committee
FROM: Bec Kurzynske, Superintendent of Schools
Nicole Borley, Director of Student Services
Jennifer Hill-Kelley, Area Manager - Education and Training
DATE: November 20, 2018
RE: Pulaski Community School District Oneida Language Program Request for Support

The *Oneida Language*, the language of the On[^]yote?a·ká· which is also known as the people of the standing stone has been a priority for the Oneida Nation and the Pulaski Community School District (PCSD). Over the past five school years, students have been exposed to this curriculum through both a classroom course and a lunchtime language group that focused on culture and language. This past year, the PCSD has continued to offer credit for the language levels of Oneida I, II, III and IV at the high school. With 146 Native American students in the PCSD, our current Title VI Native American Program initiative revolves around many of the language activities that are offered at Pulaski High School, Pulaski Community Middle School, and at Hillcrest Elementary School.

The PCSD will continue to provide students with innovative instruction while delivering the Oneida Language. This innovative instruction will continue to include the use of technology, technological applications, iPads, classroom blogs, one-on-one oral conversations, Elder Speakers, Oneida community resources, voice recording apps and other teaching methods including class participation, explaining, recitation, memorization, and collaboration. We are helping to create fluent speakers of the Oneida Language for years to come. These are high priority needs for the Oneida Nation. Innovative instruction and curriculum components in the Oneida Language classes will continue to be very successful if there is continued funding.

The current funds are used to provide instruction for the Oneida Language Courses (Oneida I, Oneida II, Oneida III and Oneida IV) at Pulaski High School, an Oneida Language Course offered at Pulaski Middle School, and an afternoon language program for students at Hillcrest Elementary School. This year the district was informed that there was a reduction in the American Indian Language Revitalization Grant from the Wisconsin Department of Public Instruction. For the 2018-2019 school year, the school district is funding the shortfall of the program which totals \$40,000. With the reduction of funds from the grant along with the end of the three year commitment by the Oneida Nation, PCSD is searching for ways to fund this valuable program for the 2019-2020 school year. There is a substantial funding gap in our resources totaling \$54,000 for the 2019-2020 school year.

The creation and sustainability of language programs are very beneficial to Native American students, families and the community as a whole. Often times, when a student studies and learns another language, they begin to advance in their other academic areas. Exposure to another language can help to increase academic scores and grades for students enrolled in a world language course. Further, continued Oneida Language instruction is greatly needed within the PCSD to help provide the Native American students with a background in Native American culture and identity. This class fosters students' sense of place and belonging in our ever-changing world, while strengthening their sense of identity. Through the use of

research-based strategies and well developed curriculum based on language-acquisition, we will create well-rounded individuals that are culturally rooted in traditional values. The PCSD aims to sustain the Oneida Language Program. The program will continue to provide opportunities for our students to acquire, understand, speak, read, and write the Oneida Language, which supports the development of fluent speakers of the Oneida Language. By providing this language and cultural education in conjunction with our current graduation requirements, we are creating individuals that are prepared to succeed in the world.

Our supporting materials include: an infographic that outlines our programming, supports and funding; a brochure of our Native American Education Program for the Pulaski Community School District; the Green Bay Press Gazette article about the programming; and our previous three year contract with the Oneida Nation. During our presentation, we will include student testimonials through short videos that share the importance of the Oneida Language Programming for our students.

We would like to propose that the Oneida Nation and the PCSD continue to work in a collaborative effort to support the Oneida Language Programming with a renewable three year grant commitment. Within the renewable grant commitment, PCSD requests that the Oneida Nation financially support the full-time Oneida Language Teaching Position at \$54,000 with an annual increase of 3% CPI for salary/wage increase which will fund the shortfall between the cost of the position and current levels of Wisconsin Department of Public Instruction, Federal Title VI, and PCSD funding.



Oneida Nation
 Oneida Business Committee
 PO Box 365 • Oneida, WI 54155-0365
 oneida-nsn.gov



November 9, 2016

Rebecca Kurzynske, Superintendent
 Pulaski Community School District
 Pulaski, WI 54162

This grant agreement is made this 9th day of November, 2016, by and between the Oneida Nation and Pulaski School District.

We are pleased to provide a grant to fund, in conjunction with the Wisconsin Department of Public Instruction language revitalization grant and Pulaski Community School District funds, a full-time Oneida Language teaching position for the Oneida Language Program. The Language Program is currently offered to K-12 students within the school district. Presently, the position is split into two (2) separate job duties: Title VII Native American Liaison and Oneida Language Teacher. The positions are currently held by Rosa Yekuhsiyo Francour.

The need for a full-time instructor for the Oneida Language is evident as the District continues to increase the number of higher level Oneida Language speakers. The District will incorporate an Oneida III class to the current Oneida I and II. As a result, there is a need for more language instructional time and to split the two (2) job duties into two (2) positions with Ms. Francour to be the full-time Oneida Language instructor. However, as the District gains a part time employee in the Title VII capacity, it will experience a shortfall of 28%, approximately \$15,000, to fund the Oneida Language instructor.

Funding structure is based on allocations from Title VII federal grant, Wisconsin Department of Public Instruction language revitalization grant, district general fund and this Oneida Nation grant. The Oneida Business Committee believes that funding this position will serve our community and the surrounding community by providing this shortfall funding. The Oneida Nation will fund the shortfall to fully create a full-time Oneida Language Teaching Position. Specifically, the Oneida Nation will provide \$15,000 each school year for 3 years with a 3% CPI salary/wage increase each year for an Oneida Language Teaching Position and allowing the District to be the fiscal agent of the funds for salary distribution. The District will provide documentation identifying the salary and benefits as well as funding sources for the Oneida Language instructor by December 31 each year. Distribution of the 28% of the salary for the full-time Oneida Language Teaching Position will occur on or near October 1 of each fiscal year of the Nation and the 3% CPI salary wage increase will be transferred upon receipt of notice and amount of increase of wages, not to exceed 3% CPI, occurring within the District. This grant shall begin in Fiscal Year 2017 and continue through Fiscal Year 2020 unless the Oneida Language Classes are discontinued during the grant period. Pulaski Community School District

November 9, 2016
Page 2

will notify the Oneida Business Committee of any significant funding changes that would impact its ability to carry out the Oneida Language program. Grants for subsequent years may be requested and considered.

If these grant terms are acceptable, please sign and return this document to Lisa Summers, Tribal Secretary, P.O. Box 365, Oneida, WI, 54155 and we will process the grant funding.

ONEIDA NATION

PULASKI SCHOOL

Justin Dorfath
Date: 11/9/16

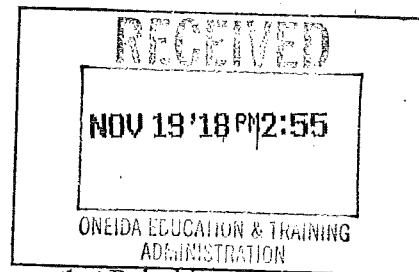
Bec Kurzynske
Date: 11/9/16



Tony Evers, PhD, State Superintendent

November 15, 2018

Bec Kurzynske, District Administrator
Pulaski Community School District
143 West Green Bay Street
Pulaski, WI 54162



Dear Ms. Kurzynske:

In September you received a letter from State Superintendent Tony Evers informing you that Pulaski Community School District's request for funding under the American Indian Language Revitalization Grant had been approved pending revisions. The revisions you submitted have been approved. Enclosed, please find a grant award document in the amount of \$17,000 for the period of July 1, 2018, through June 30, 2019.

The project must operate according to all conditions stated in the application and the grant award document. If you have any questions regarding this project or wish to make any changes to your project, please contact David O'Connor, American Indian Studies Program Consultant, at (608) 267-2283 or david.oconnor@dpi.wi.gov. Questions regarding financial claims should be directed to Toni Rossmiller, School Management Services Team, at (608) 266-2428 or tonja.rossmiller@dpi.wi.gov.

Sincerely,

Tamara A. Maxwell, Director
Content and Learning Team

TAM:do

Enclosure

c: Jennifer Hill-Kelley, Oneida Education Area Manager
Oneida Education Department

Tracey Williams, Director
Oneida Language Revialization Program

Nicole Borley, Director of School Services
Pulaski Community School District



*Seymour Community School District
Administration/Board of Education
10 Circle Drive
Seymour, WI 54165*

**American Indian Language Revitalization
Seymour High School Statistics
November 20, 2018**

Financial – Grant Information

2016-17

Applied for \$35,794, received \$27,500

2017-18

Applied for \$35,452, received \$21,500

2018-19

Applied for \$28,400, received \$19,000

Student Enrollment in Courses Offered

2016-17 school year

Oneida Language and Culture 1 = 19 students

Oneida Language and Culture 2 = 14 students

2017-18

Oneida Language and Culture 1 = 15 students

Oneida Language and Culture 2 = 9 students

Oneida Language and Culture 3 = 4 students

2018-19

Oneida Language and Culture 1 = 24 students

Oneida Language and Culture 2 = 9 students

Oneida Language and Culture 3 = 7 students

We will be adding Oneida Language and Culture 4 to our course options for next school year. This school year we have added a short introduction to the Oneida Language and Culture in each of our middle schools. As we project enrollment over the course of the upcoming year, conservatively, we estimate the number of students registering to be between 35 - 45 students per year.

Laurie Asher
Superintendent

*Administrative Office, 10 Circle Drive, Seymour WI 54165 * (920) 833-7118 Fax (920) 833-6037*

*Seymour Schools Aquatic Center, 10 Circle Drive, Seymour WI 54165 * (920) 833-9704*

*Seymour High School, 10 Circle Drive, Seymour WI 54165 * (920) 833-2306 Fax (920) 833-7608*

*Seymour Middle School, 10 Circle Drive, Seymour WI 54165 * (920) 833-7199 Fax (920) 833-9376*

*Pupil Services Office, 330 W. Hickory Street, Seymour WI 54165 * (920) 833-5159 Fax (920) 833-5147*

*Rock Ledge Intermediate Center, 330 W. Hickory Street, Seymour WI 54165 * (920) 833-7380 Fax (920) 833-9684*

*Rock Ledge Primary Center, 330 W. Hickory Street, Seymour WI 54165 * (920) 833-5155 Fax (920) 833-5144*

*Black Creek Elementary/Middle School, 308 E. Burdick Street, Black Creek WI 54106 * (920) 984-3396 Fax (920) 984-9303*

Oneida Business Committee Agenda Request

Post three (3) vacancies for parent/guardian positions - Oneida Nation School Board

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Post three (3) vacancies for parent/guardian positions - Oneida Nation School Board

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Brooke Doxtator, Boards, Committees, and Commissions Supervisor
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

There is one (1) vacancy for a parent/guardian position on the Oneida Nation School Board due to a resignation.

This position was posted with an application deadline of August 10, 2018 and one (1) application was received, however the applicant was not a parent/guardian of a student(s) attending the Oneida Nation School System.

The position was re-posted with an application deadline of November 2, 2018 and zero (0) applications were received.

Upon further review of the Boards bylaws, two (2) additional parent/guardian positions are vacant and need to be filled for a total of three (3) vacancies.

Request to post three (3) vacancies for the Oneida Nation School Board.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidation.org

Oneida Business Committee Agenda Request

Re-post one (1) vacancy - Oneida Community Library Board

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Re-post one (1) vacancy for the Oneida Community Library Board.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Brooke Doxtator, Boards, Committees, and Commissions Supervisor
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

One (1) vacancy was posted for the Oneida Community Library Board with an application deadline of November 30, 2018. No applications have been received for this vacancy prior to or after the deadline.

According to the Boards, Committees, and Commissions law

105.5-5. Insufficient Applicants. In the event that there are an insufficient number of applicants after the deadline date has passed for appointed positions, the Oneida Business Committee may elect to:

- (a) include within the pool of appointed persons late applications, or
- (b) repost for an additional time period. In the event of reposting, prior applicants will be considered to have filed applications within the deadline period.

Request to re-post one (1) vacancy for the Oneida Community Library Board.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Business Committee Agenda Request

Approve NHC SOP entitled Building Access Control for Norbert Hill Center

1. Meeting Date Requested: 12 / 12 / 18

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Standard Operating Procedure: Building Access Control for Norbert Hill Center

Agenda Header:

Accept as Information only

Action - please describe:

Approve the SOP entitled: Building Access Control for Norbert Hill Center

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted


5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Laura Laitinen-Warren, Senior Policy Advisor, BC Administration
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

 <p>ONEIDA ONEIDA NATION STANDARD OPERATING PROCEDURE</p>	<p>TITLE: Building Access Control for Norbert Hill Center</p>	<p>ORIGINATION DATE: <i>June 18, 2018</i> REVISED DATE: <i>November 20, 2018</i> EFFECTIVE DATE: <i>After last signature</i></p>
<p>AUTHORS: Laura Laitinen-Warren, Jessica Wallenfang, Danelle Wilson</p>	<p>APPROVED BY: <i>Business Committee Chairman</i></p>	<p>DATE:</p>
<p>DEPARTMENT: <i>Business Committee</i></p>	<p>APPROVED BY: <i>NHC Maintenance Supervisor</i></p>	<p>DATE:</p>
<p>EEO Reference Number: 3264</p>	<p>APPROVED BY: <i>High School Principal</i></p>	<p>DATE:</p>
	<p>REVIEWED BY: <i>EEO Director</i></p>	<p>DATE:</p>
	<p>APPROVED BY: <i>HRD Manager</i></p>	<p>DATE:</p>
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1 PURPOSE

To maximize the personal safety of students, employees, and visitors to the Norbert Hill Center and to protect the Nation's assets, including equipment and information housed at this location.

2 DEFINITIONS

- 2.1 Access Card: A plastic wallet-sized card that provides access to specified areas of NHC Building by electronic means.
- 2.2 Access Control: Control of an entry/exit to an area. A service feature or technique used to permit or deny entry for individuals or groups to the NHC Building.
- 2.3 Building Manager or Building Liaison: For purposes of this policy, the Building Liaison is the term used to describe an employee appointed by the Oneida Business Committee to be responsible for the adherence and implementation of this policy. This role may have a variety of job titles.
- 2.4 Direct Reports: Positions defined within Resolution 10-22-14-A, Setting Supervision and Management of Direct Reports to the Oneida Business Committee.
- 2.5 Escort: NHC Building employee who will walk with the visitor to their designated location and return them to the reception area at the end of their visit.
- 2.6 Exterior Doors: A door that opens to the outside of the NHC Building.

- 2.7 Interior Doors: A door that is between a variety of internal areas including offices, stairwells, vestibules, etc.
- 2.8 Main Office: NHC Building Main Reception Area
- 2.9 NHC: Norbert Hill Center
- 2.10 NHC Visitor Log: A document maintained at the NHC Building Main Reception Area that requires direct reports and visitors to list the date, first and last name, time, and reason for visit.
- 2.11 OBC: Oneida Business Committee
- 2.12 Visitor: An individual who does not work or attend school at the NHC Building. This includes parents, community members, and employees who are not stationed at the NHC Building, who do not have an access card, and who are not direct reports to the Business Committee.
- 2.13 Visitor Pass: A pass that must be visible on the visitor that indicates they checked in with the NHC Building Main office.

3 WORK STANDARDS

- 3.1 The safety and security of the NHC's physical space and assets are a shared responsibility of all employees and Government officials.
- 3.2 All visitors and direct reports are required to check in with reception at the NHC Main Office upon entering and before leaving the building.
- 3.3 All visitors and direct reports must enter their information on the NHC's Visitor Log including date, first and last name, time, and destination.
- 3.4 The receptionist or designee will ensure the information on the NHC's Visitor Log is complete prior to calling for an escort or opening the secured internal door.
- 3.5 Direct reports are not required to have an escort to their destination within NHC but are required to have their employee badge or a Visitor's Badge visible.
- 3.6 All visitors are required to have a Visitor Badge visible within the NHC outside of the reception area.
- 3.7 Bracing open doors equipped with access control devices is prohibited.
- 3.8 Individuals hosting meetings or events at the NHC, where Visitors and/or Direct Reports may attend, must notify the NHC Main Office and Building Liaison or Maintenance Supervisor in advance and have an approved building usage form on file with the Maintenance Supervisor.
- 3.9 Employee and vendors with NHC access cards may enter the building outside of the main entrance and are not required to check in with the receptionist.
- 3.10 All visitors to the cannery must be escorted by a cannery employee.
- 3.11 All meetings/events hosted within the NHC after hours must have an escort assigned to the NHC's Main Office to escort visitors to location.
- 3.12 NHC employees will be responsible to escort visitors to designated area when emergency action plans are activated.

- 3.13 The Oneida Police Department will be called for individuals who refuse to sign-in and/or refuse to leave the premises, who are banned, or have restricted access from the NHC per OBC SOP: Banned or Restricted Access to the NHC.
- 3.14 Employees and Direct Reports who fail to follow this SOP may be subject to disciplinary action in accordance with Oneida Personnel Policies and Procedures.

4 PROCEDURES

Receptionist or Designee

- 4.1 Shall be responsible for maintaining the NHC's Visitor Log daily and keep on file for one year.
- 4.2 Will acknowledge every visitor and direct report upon arrival at the NHC.
- 4.3 Inform visitor/direct report they are required to sign-in on the NHC's Visitor Log.
 - 4.3.1 Ensure visitor/direct report has included the following on the Visitor's Log:
 - 4.3.1.1 Date
 - 4.3.1.2 First and Last name
 - 4.3.1.3 Time in
 - 4.3.1.4 Destination
- 4.4 Issue all visitors a NHC Visitor Badge. If the direct report does not have their employee badge, issue them a visitor badge
- 4.5 For visitors, contact the appropriate individual informing them their visitor is waiting for an escort. Do not unlock door for visitor until their escort has arrived.
- 4.6 For Direct Reports, unlock internal door for the direct report to proceed to their destination.
- 4.7 Shall ensure all visitors stop in the NHC's main office, and sign-out on the Visitor Log and return the Visitor's Badge, prior to leaving the NHC.

5 REFERENCES

OBC SOP: Banned or Restricted Access to the Norbert Hill Center

6 FORMS

NHC Building Visitor Log

