

# COURT OF APPEALS

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Wesley T. Martin Jr.,  
Appellant,

Case No.: 24-AC-003

v.

Date: May 31, 2024

Oneida Election Board,  
Respondents.

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## INITIAL REVIEW DECISION

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This matter has come before Appellate Judges Diane House, Daniel Cornelius, and Chad Hendricks.

### BACKGROUND

The Appellant Wesley T. Martin, Jr. (hereinafter “Martin”) filed an application to run as a candidate for the General Tribal Council Advocate position in the upcoming 2024 special election. On May 8, 2024, the Oneida Election Board (hereinafter “OEB”) determined Martin was ineligible for candidacy for this position as he did not provide documentation of the educational requirements required in Legal Resource Center Chapter 811.6-1 *Qualifications* (b). On May 10, 2024, Martin filed an appeal with the OEB. On May 13, 2024, the OEB held a hearing on his appeal. On May 15, 2024, the OEB determined that Martin did not comply with the education requirements of Chapter 811.6-1 *Qualifications* (b), and as a result was still ineligible for this position candidacy. On May 22, 2024, Martin filed a Notice of Appeal and Motion to Stay any action by the OEB to disqualify him from being placed on the ballot of the upcoming 2024 special election.

### ANALYSIS

After review of the information contained in the Notice of Appeal and Motion to Stay, and the decision of the OEB as the original hearing body, it is determined that Martin has not sufficiently alleged that the OEB’s decision:

1. Violates provisions, substantive or procedural, of applicable Tribal law or applicable federal law;
2. Is an administrative decision that is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with applicable law; or
3. Is not supported by the substantial evidence on the record taken as a whole.

Martin asserts that the OEB made an erroneous interpretation of the eligibility requirements of Oneida Legal Resource Center Chapter 811.6-1 *Qualifications* (b). To support this, Martin argues that OEB set a precedent on two previous determinations on this exact same issue and this precedent should prevail. He also asserts that this precedent, along with his extensive advocate experience, makes him qualified under Chapter 811.6-1 (c).

Under §811.6-1 *Qualifications*, there are four requirements listed as (a)-(d) that need to be met for candidate eligibility. Interpretation of both §811.6-1 (b) and (c) are determinative of this matter. Subsection (c) requires at least two years of experience in litigation, negotiation, or advocacy and/or equivalent combination of education and experience in these subjects. In addition to this experience requirement in (c), Subsection (b) requires either a juris doctor degree; Doctor of Philosophy degree; a master's degree; or bachelor's or associate degree (in certain fields of study). The degree requirements may be varied, but the candidate *must hold one of the degrees listed and provide proof of this degree* to the OEB to be eligible to run for the Advocate position. The OEB found that Martin's University of New Mexico paralegal certification did not meet the degree requirement and thus, he failed to provide proof of the required degree. This made him ineligible for candidacy. As a result, the precedent set by previous OEBs allowing this paralegal certification to qualify as a degree was reversed by this OEB hearing body. We find that the OEB acted within their authority to make this recent determination of his ineligibility.

Oneida Judiciary Law §801.8-3 (a) (1) limits our review to matters of record in the case. The finding that Martin did not meet the educational requirements of §811.6-1 (b) was supported by the evidence presented at the OEB hearing held on May 13, 2024. Because Martin failed to

provide proof of the required degree requirement in his application, we cannot reject this finding of fact made by the OEB. As a result, the OEB decision of Martin's ineligibility for the 2024 special election is affirmed.

DECISION

Based upon the foregoing, Martin's appeal before this Court is **DENIED**. The decision of the OEB is **AFFIRMED**. As this Court is not accepting this appeal, Martin's Motion to Stay any action by the OEB to disqualify him from being placed on the ballot of the upcoming 2024 special election is **DENIED**.

By the authority vested in the Oneida Judiciary, Court of Appeals, in Oneida General Tribal Council Resolutions 01-07-13-B and 03-19-17-A, this appeal is hereby **DENIED** for review. The Motion to Stay is **DENIED**. Dated this 31st day of May 2024, in the matter of Case Number 24-AC-003, *Wesley T. Martin v. Oneida Election Board*.

*It is so ordered.*