

07 30 2014

Oneida Tribal Judicial System

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Greg Matson  
Appellant

NOTICE OF APPEAL

v.

ONEIDA ELECTION BOARD  
Respondent

Docket # 14-AC-010

Date 7/30/2014

Provide the name, address and phone number of:

Appellant (and Advocate/Attorney)

Greg Matson  
W1344 TALLFEATHER WAY  
SEYMOUR WI 54165  
920-321-6589

Respondent (and Advocate/Attorney)

Election Board  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Instructions:** Please attach your responses to the following items to this form. List all responses in short, clear and plainly written statements. Include any attachments that you may have with this form. Parties should refer to the Oneida Tribal Judicial System Rules of Appellate Procedure for further information.

1. **What do you want?** Give a short statement or statements explaining the relief that you are seeking.
2. **What is the legal basis for your request?** Give a short statement or statements explaining the legal grounds for seeking the appeal and the justification for the relief requested. See the Rules of Appellate Procedure, Rule 9(D) 1-6 for a listing of the criteria for accepting an appeal. Provide reasoning for how one or more of these elements exists in your case.
3. List all hearing bodies and/or agencies where you have previously sought a remedy.
4. Attach a copy of the written decision on this matter by the original hearing body (trial court).
5. If you have not exhausted all available remedies, attach a statement listing the compelling reason(s) why the existing remedies are impractical.

Appellant's Signature and Date Greg Matson

**SPECIAL NOTICE:** The Appellant is required to file an original plus seven copies of this form and all attachments for use by the Appeals Commission. In addition, a filing fee of \$25.00 must accompany the Notice of Appeal. This fee may be waived upon a showing that the appellant is unable to pay the fee.

ORIGINAL

ONEIDA TRIBAL  
JUDICIAL SYSTEM

JUL 30 2014

ONEIDA APPEALS COMMISSION

APPELLATE COURT

RECEIVED BY:

YB

In RE: Election Results

Greg Matson,

Petitioner,

v.

Docket # 14-Ac-010

Oneida Election Board,

Respondent.

Appeal of Trial Court Decision Docket #13-TC-124

STATEMENT OF APPEALABILITY

Rule 5 (A) of the Oneida Appeals Commission Rules of Appellate Procedure states, “As a **Right:** A final judgement or final order of any original hearing body or the trial court of the O.A.C. may be appealed to the O.A.C. appellate court as a matter of right unless otherwise expressly provided by law. The Oneida Appeals Commission retains the discretion to deny acceptance of an appeal where it fails to comply with these Rules of Appellate Procedure.”

- (3) The decision is clearly erroneous and is against the weight of the evidence

STATEMENT OF CASE

Greg Matson did submit a challenge to the Oneida Appeals Commission July 21, 2014. The challenge provided factual allegations of Treasurer Danforth’s violations to the Oneida Tribe’s Oneida Election Law 2.5 – Candidate Eligibility; Section C. – Campaign Financing; 2.5-8.a.1 and 2.5-8.a.2. which states:

(a) *Solicitation of Contributions by Candidates.*

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

(2) *Candidates shall not solicit or accept contributions in any Tribal office or business/facility.*

Furthermore, due to anonymous letters being circulated within the community, I provided verbal facts correlating to the negative impact on me in the July 12, 2014, general election.

The Oneida Tribal Judicial System did schedule a preliminary review for July 24, 2014. Attending the Preliminary Review were justices Mary Adams, Jean M. Webster, and Kathy Hughes. The Respondent Vicki Cornelius (Oneida Election Board) with her attorney Patricia Garvey.

The Hearing Officers, on July 24, 2014, did order a trial hearing scheduled for July 24, 2014. The challenger and Respondent were provided additional time to provide additional information to the hearing body. The hearing body did subpoena three witnesses; Cristina Danforth, Patti Hoefft, and Mary Graves. All three (3) witnesses chose to not attend the hearing.

Closing statements were stated by both parties and the trial hearing ending at approximately 3:00 p.m.

I, Greg Matson, did receive a verbal decision of the Trial Court on July 24, 2014. The decision of the court did not support my challenge; albeit that the law may have been violated, the ability to prove beyond clear and convincing evidence that the voting results would have been different. In addition, I was instructed to file a complaint with the Oneida Election Board. I was also informed I had one day to appeal, per the Oneida Election Law.

I provide this appeal in accordance with Oneida Election Law, 2-11-11. Challenges. *“Any appeal to the appellate body of the Oneida Appeals Commission shall be filed within one (1) business day after the issuance of the lower body’s decision and decided within two (2) business days after the appeal is filed.”*

What is in dispute is whether these actions cumulatively amount to a violation of the Oneida Election Law such that a special election for the chair position is appropriate. That is an interpretation and application of law, and is reviewed de novo by this court. See *Braaten v. Oneida Gaming Commission*, (06-AC- 026, 9/6/2007)) which stated, “We adopt a de novo standard of review with respect to questions of law and a clearly erroneous standard with respect to questions of fact.”

### ARGUMENT SUMMARY

#### **Campaing Financing**

I have proven by clear and convincing evidence that the Oneida Tribe of Indians contributed monies to Cristina Danforth’s campaign, via mileage reimbursement approved by Cristina Danforth, Oneida Tribal Treasurer.

The American Journal of Political Science confirms that more than 90% of voters know who they are voting for at the beginning of an election campaign, but between 3 and 5% of voters switch voting intentions during the campaign.

If you carefully review attachment A, (Trial Court) you will note I received approximately 3.8% of the Milwaukee votes and candidate Cristina Danforth received approximately 9.87% of the Milwaukee votes. In the General election, I received 7.89% of the Milwaukee votes cast, a 4% increase. Cristina Danforth received 11.45% of the Milwaukee votes cast, a 1.58% increase. Ms. Danforth chose by her own free will to participate in the illegal behavior of funding her campaign.

Cristina Danforth did increase her percentage of Milwaukee votes from 9.87% to 11.45%, an approximate 1.5% increase, or 13 votes.

A fundamental precept of our Nation and the democratic electoral process we engage in is “Tribal funds cannot take sides in an election contest or bestow an unfair advantage to any one individual competing.” The danger of not addressing this behavior will perpetuate themselves, their allies, or constituents while in office as Chairwoman.

The Trial Hearing body is requesting clear and convincing evidence that voters did NOT vote for me due to my opponent’s direct campaign initiatives in the Milwaukee area, and/or the anonymous letters received within the community.

Please refer to the submission of documentation for me, Greg Matson, regarding the inquiries from Secretary Patty Hoeft to Treasurer Cristina Danforth. The inquiries will show an apparent behavior of total disregard for Oneida election laws by Executive Assistant – Mary Graves who is a direct report to Cristina Danforth, Treasurer. These actions did indeed cause question to tribal members who are of voting age. This was a premeditated and calculated attempt to create distortion in the voting body by Ms. Danforth and her Executive Assistant. I have observed this behavior this past three year term. As a point of fact, Ms. Danforth and Mrs. Graves did not even oblige the subpoena for their testimony. The subpoena was issued by the Oneida Appeals Commission, Trial Court. I respectfully remind your body that this behavior will continue if allowed. As of July 29, 2014, the Treasurer’s office has not responded to the Oneida Business Committee regarding their inquiries to the distribution of anonymous letters by the Treasurer’s staff and Chairman’s staff. Nor has a response been received by the Treasurer’s office regarding the approval of mileage for campaign initiatives in Milwaukee, WI.

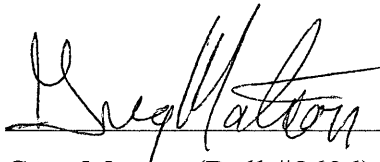
Please consider the following: One of the most important activities a citizen can undertake is to exercise their franchise in the voting booth. Central to the notion of a free vote is that the voter should have the right to keep that vote private. When it comes to voting in the United States, there are a number of privacy rights of which every American eligible to

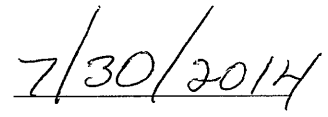
vote should be aware.

In essence, the numbers presented are clear and convincing to the extent that if we are invited to identify individuals, we are then being asked to potentially compromise their right to privacy under the law as well. The facts presented are the highest level of evidence and meets the clear and convincing rule.

**Relief Sought**

The Oneida Appeals Commission order a re-election for the Chair position in coordination with the Oneida Judicial officer's election.

  
\_\_\_\_\_  
Greg Matson (Roll #8626)

  
\_\_\_\_\_  
Date