

**ONEIDA TRIBAL JUDICIAL SYSTEM
TRIAL COURT**

Michael T. Debraska, Leah Sue Dodge,
Franklin Cornelius, Bradley Graham, Appellants

Case No.: _____

v.
Oneida Business Committee, Oneida Election Board,
Oneida Law Office, Respondents

Date: December 31, 2014

**APPEAL OF DECEMBER 15, 2014, TRIAL BODY DECISION IN DOCKET 14-TC-190
& REQUEST FOR TRO / INJUNCTION AGAINST JANUARY 10, 2015 SPECIAL
ELECTION TO ADDRESS ONEIDA BUSINESS COMMITTEE VACANCY**

Plaintiffs in OTJS Docket No. 14-TC-190 hereby appeal the December 15, 2014, Trial Body Decision [Exhibit A] and request that the Appellate Body immediately implement a Temporary Restraining Order / Injunction against the Special Election unlawfully scheduled by the Respondents for Saturday, January 10, 2015, which is illegal for the following reasons:

1. The October 26, 2014, GTC Meeting Action Report draft posted on the Tribe's website [Exhibit B], the video of the October 26, 2014, GTC Meeting [as submitted to the Trial Court], and the transcript of the October 26, 2014, GTC Meeting published in the January 5, 2015, GTC Meeting Packet [Exhibit C], all prove that the process required for GTC to enact an election by making and seconding a 'Motion to Adopt' did not occur, thus no vote was held to enact an election, therefore the caucus and any subsequent election are illegal because the Oneida Constitution [Exhibit D] states that only GTC may decide whether, how, and exactly when to address OBC vacancies, and nothing relinquishes GTC's right to select any election date.

2. The Trial Body's lifting of the Stay of the Special Election to address the OBC vacancy is rooted in the faulty notions that (a) GTC voted to enact an election by adopting Option B [Exhibit E] which the Trial Body describes as "a self-contained special law which lays out an election timeline, rules and other conditions for the special election to fill the Business Committee vacancy" [Exhibit A; page 7], and (b) that GTC can overrule the Oneida Election Law by a simple majority vote. Yet Option B does not give Respondents the right to schedule a secondary election due to the Stay imposed against the cancelled Special Election that the Trial Body falsely claims GTC voted for at the October 26, 2014, GTC Meeting. The Trial Body improperly claims that by a simple majority vote GTC overruled the Oneida Election Law's requirement to conduct a Primary at least sixty (60) days prior to the Special Election if there are sixteen (16) or more candidates as listed on the Sample Ballot [Exhibit F]. Yet, if Option B is a law unto itself – despite not being presented to GTC as such – then the Trial Body's theory that the Primary requirement doesn't apply must also extend to whether the Respondents are allowed to reschedule a secondary election even though neither the Constitution nor Option B grants the Respondents that right. By abrogating the GTC-approved amendment to the Election Law requiring Primaries for all OBC elections "whenever there are...sixteen (16) or more candidates for the at-large council member positions" [Exhibit G: § 2.12-2], the Trial Body's Decision is in violation of the *Oneida General Tribal Council Ten Day Notice Policy*, III. 1, a, 3 [Exhibit H] which states:

Action to over rule previous past motions or resolutions shall require a 2/3 majority vote.

Robert's Rules of Order As Used by the General Tribal Council as posted on the Tribe's website distinguishes what a 'Motion to Reconsider' is as opposed to a 'Motion to Adopt':

Motion to Reconsider

This motion is brought forward by a member wishing to bring a matter back before the body. The matter must be on the agenda and the membership must have received reasonable notice. The motion must be seconded, and it requires the majority vote. If the vote passes, the motion on prior action is on the floor as if the prior vote did not occur.

Note: There are circumstances when reconsidering a prior motion is not in order.

Hence, no motion to adopt Option B nor enact an election was legally entertained by GTC.

Additionally, *Robert's Rules of Order As Used by the General Tribal Council* [Exhibit I, page 1] states:

Two-Thirds Vote - used to overturn a previous action as identified in the *Ten Day Notice Policy*. Requires two-thirds of those voting to take action, excluding those who choose to abstain. The total number of votes, divided by three, multiplied times two. Fragments are included in the 'yes' votes as that is where two-thirds of the vote lies.

Thus, overruling the Election Law would have required a two-thirds (2/3) majority vote.

3. Nothing allows GTC, nor the Respondents, nor OTJS to usurp the clear Constitutional mandate that only can GTC decide at a GTC Meeting whether or exactly when to hold a Special Election to address an OBC vacancy, therefore the rescheduling of the Special Election by Respondents to Saturday, January 10, 2015, is unlawful. Only a reconvened GTC

may determine whether or when to hold a Special Election and GTC may only diverge from or amend the Oneida Election Law by a two-thirds (2/3) majority vote [Exhibit H].

4. Respondents seem to be acting on a misguided belief that the supposed decision of GTC at the October 26, 2014, GTC Meeting created a binding precedent for how GTC must address OBC vacancies going forward, expressed in both the Trial Body's Decision that Option B is somehow a "self-contained special law" and in OBC Member Brandon Stevens' comments quoted in the transcript of the October 26, 2014, GTC Meeting (Exhibit C, Page 8 of 13):

"We brought this recommendation forward as a list of recommendations and within the constitution it says General Tribal Council may at any regular or special meeting may fill any vacancies that occur with the Business Committee for the unexpired term. The case law that is cited is not of the Business Committee and so that is why this is a different situation where you have the right to appointment whoever you want. And so that is why, there is not precedence because this has only happened 3 times before and now we have an engaged General Tribal Council of over 1600 people which is a new precedence that was set today. Excuse me. You have the option and it is legal. The election law is vacant, is quiet when it comes to Business Committee. What we want to do, if we want to move this forward, we would bring recommendations from the body on how we would address this in future occurrences and that is what we really need to do today."

However, the Election Law is neither "vacant" nor "quiet" when it comes to OBC elections and only an amendment of the Oneida Tribal Constitution would abridge GTC's rights regarding GTC's ability to treat OBC vacancies dynamically rather than be bound to a one-size-fits-all decision supposedly made at the October 26, 2014, GTC Meeting when no

decision was made. Therefore, the Appellate Body should Stay the Special Election unlawfully scheduled for January 10, 2015, and send the issue of the OBC vacancy back to GTC in order for any legal enactment to be lawfully approved.

No Motion To Adopt An Option Enacting An Election Was Voted On By GTC

The Trial Body acknowledged that the Appeals Commission “does have jurisdiction to review the enactments of [General Tribal Council] to ensure they are in compliance with the Constitution and other applicable law” [Exhibit A; page 6], and the evidence demonstrates that no GTC member ever made a secondary Motion to Adopt Option B at the October 26, 2014, GTC Meeting, thus no vote was ever taken on a Motion to Adopt any option as is required to legally enact an election.

Why Other Remedies Are Impractical

The Trial Body suggested this matter could be brought forward by petition, but it is obvious that avoiding an illegal election is in the interest of all parties and it is far more reasonable for the OTJS to leave the bed unsoiled rather than try to unsoil the bed later.

Notably, Appellants filed a petition “to address other Tribal election issues” on August 28, 2014, but the Respondents have not scheduled a GTC meeting to address the petition.

Oneida Tribal Judicial System

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**ONEIDA TRIBAL JUDICIAL SYSTEM
TRIAL COURT**

**Michael T. Debraska,
Leah S. Dodge, and
Franklin Cornelius
Petitioners**

**EXHIBIT A
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Docket No: 14-TC-190

v.

**Oneida Business Committee,
Oneida Law Office, and
Oneida Election Board
Respondents**

**DECISION
Temporary Restraining Order
&
Preliminary Injunctive Relief**

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers: Jean M. Webster, Kathy Hughes, and Sandra Skenadore, presiding.

On November 13, 2014 a hearing was held.

Present were: Petitioner, Leah S. Dodge and Respondent, Attorney Rebecca Webster representing the Oneida Business Committee and Oneida Election Board.

I Background

On November 5, 2014, Petitioners: Michael T. Debraska, Leah S. Dodge, and Franklin Cornelius filed a Temporary Restraining Order and a Preliminary Injunctive Relief against the Respondents: Oneida Business Committee, Oneida Law Office, and Oneida Election Board for a "Stay" on the November 22, 2014 Special Election.

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On November 6, 2014, Petitioners filed an Amended Complaint.

On November 10, 2014, the Court granted the Petitioner's motion for a Temporary Restraining Order and a Preliminary Injunctive Relief for a "stay" of the November 22, 2014 Special Election. A hearing was held on November 13, 2014.

II Analysis

On November 7 & 10, 2014, a deliberation was held. On the face of the pleadings, the Petitioners appear to have a valid claim. Petitioners allege due to the illegal actions taken by the Respondents at the October 26, 2014 General Tribal Council Meeting (GTC), an illegal election was scheduled. Petitioners claim in accordance with the Oneida Election Law, if there are 16 or more candidates for the OBC at-large member position a primary is to be held 60 days prior to the election. Petitioners sought a Preliminary Injunctive Relief asking for a stay of the November 22, 2014 Special Elections. Finally, the Petitioners requested the Parliamentarian for future GTC meetings to be an enrolled Oneida Tribe of Indians of Wisconsin member who is trained in the Robert's Rules of Order and is not an employee of the Tribe nor has neither familial nor financial connections to OBC, Oneida Law Office or Oneida Election Board. On the face of the pleadings the Court granted a Temporary Restraining Order and a Preliminary Injunction placing a stay on the November 22, 2014 Special Election. A hearing was scheduled for November 13, 2014.

On November 13, 2014 a hearing was held.

Petitioner's Arguments:

Petitioner, Leah S. Dodge, noted for the record the involvement of the Lead Judicial Officer Jean Webster and Respondents Attorney, Rebecca Webster is perceived by the Petitioner as a conflict of interest and further noted that in Petitioner's opinion history shows the Court will do what it wants.

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Petitioner argues the General Tribal Council is the Supreme Governing Body of the Oneida Tribe of Indians of Wisconsin and not the Appeals Commission. Petitioner alleges the action taken on October 26, 2014, violated the Oneida Constitution. In order to make a proper decision the General Tribal Council (GTC) needs to be given the opportunity to have the information reheard.

Petitioner argues the Special Election scheduled for November 22, 2014 was illegally set. The Oneida Business Committee (OBC) did not follow the Oneida Election Law in setting a Special Election; OBC did not schedule a primary in accordance to the Oneida Election Law; OBC misled the GTC membership in the true cost in relation to all the options provided by OBC; and the re-vote for Option B was out of order as the GTC membership was misinformed when the re-vote for Option B was acted upon.

Petitioner further argues the 10-day notice policy was violated when GTC took action to reconsider Option B. Petitioner argues to overturn a previous action of the GTC the 10-day notice shall apply, and would require 2/3 vote for a vote to pass as the original motion to adopt Option B had failed.

Petitioner is also requesting the Court that a Parliamentarian for future GTC meetings be an enrolled Oneida Tribe of Indians of Wisconsin member who is trained in Robert's Rules of Order and is not an employee of the and nor has neither familial nor financial connections to OBC, Oneida Law Office or Oneida Election Board.

Respondent arguments:

Respondent argues the GTC decisions were entirely within the Oneida Constitution and within the Oneida Tribal laws and policy.

Respondents argued the Petitioners had an opportunity to address any questions or concerns at the GTC meeting, but chose to wait until after the GTC meeting, until after the caucus, and until after the notice of who was running for the vacant position to file their claim.

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Respondent argues the GTC membership received the GTC packet in accordance with the 10-day notice policy. GTC members were all duly noticed of the options available to fill the OBC vacancy with Option B being noticed to GTC as an Accelerated Special Election with caucus being held on 10/26/14; GTC was noticed of the approximate cost; and GTC was provided a copy of the Oneida Election Law. Respondent asserts the GTC was justified in choosing to fill the vacant Business Committee seat through an election without a primary because the notice claimed the special election would be “accelerated” thereby notifying tribal members there would be no primary.

Respondent also argues the GTC is the Supreme Governing Body for the Oneida Tribe of Indians of Wisconsin and the Oneida Constitution. The Oneida Constitution says that the GTC may fill any vacancy that occurs on the Oneida Business Committee.

Respondent further argues the Oneida Tribal Judicial System does not have jurisdiction. In support the Respondent cites *Racquel Hill v OBC and GTC*, Case No. 13-TC-131 (2013). Petitioner’s claim in this case was dismissed as the Court ruled the Oneida Tribal Judicial System does not have jurisdiction to review internal procedural matters of the General Tribal Council. Respondent also cited case number #00-TC-0004, *Ed Delgado v. OBC*, Case No 00-TC-0004 (2000). The case was dismissed as panel ruled the Appeals Commission is without jurisdiction to intervene on internal General Tribal Council matters.

Findings of Fact

The facts are not in dispute. On September 12, 2014, Business Committee member Ben Vieau resigned his seat several weeks after being sworn in. A special General Council Meeting was held on October 26, 2014 to determine his replacement.

Along with notice of the meeting, the General Council was mailed a number of options identified by letter which ranged from doing nothing and leaving the seat empty, to holding a special election to selecting the replacement at the meeting that day.

The General Council chose Option B which was to hold a Special Election on November 22, 2014. During the selection of Option B at the meeting there was allegedly some confusion about whether the vote for Option B was a vote for reconsideration and what that meant. In other words, whether the vote was to actually adopt Option B or simply a vote on whether to reconsider Option B. The vote went forward and Option B was considered adopted.

We incorporate and adopt by reference the exhibits submitted by both parties into our Findings of Facts.

Conclusion of Law

1. Recusal

Petitioners seek Judicial Officer Jean Webster's recusal based on the fact that counsel for the Respondents, Ms. Rebecca Webster, is Judicial Officer Webster's niece-in-law. That request is denied.

Article VI, Sec. 6-1, states a judicial officer can be removed from a proceeding in which their impartiality might reasonably be questioned and it gives a list of instances. According to Sec. 6-1(c), removal is necessary if a Judicial Officer is a reasonably close family member of a party or someone involved in the litigation. In this instance, Attorney Webster is married into the Judicial Officer's extended family.

The Trial Court is unique in that it has three judges for every trial. Having three judges minimizes the influence of personal bias, conflict of interest and prejudicial notions. Attorney Webster has practiced before Judicial Officer Jean M. Webster numerous times without recusal issues from the other party and has always disclosed the relationship.

Furthermore, this same issue has been looked at before by the Appellate Court and no appellate panel has ever required Judicial Officer Webster to recuse herself. In *Leah Dodge, Cathy*

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Metoxen, and Michael Debraska v. Oneida Business Committee, 13-AC-019 (2013), the Appellate Court ruled and stated in part,

....the ‘reasonably close family member’ verbiage in the Oneida Tribal Judicial Code of Conduct, Article VI would include a niece-in-law and nephews-in-law as in this case and would be just cause for recusal. However, there is no definition of what constitutes reasonably close. Accordingly, Petitioners’ notice for recusal is denied.”

Accordingly, Petitioners request for recusal is denied.

2. Jurisdiction

Does the Oneida Tribal Judicial System have jurisdiction to decide on matters addressed at a General Tribal Council meeting?

The Court does not have jurisdiction to review the internal operations of the General Council; however it does have jurisdiction to review the enactments of that body to ensure they are in compliance with the Constitution and other applicable law, especially here when the Respondents are properly before the Court and are carrying forward a GTC enactment.

The motion for Temporary Restraining Order and Preliminary Injunction was granted by the Court based on the face of the pleadings and low burden at that stage of the proceedings. The Court issued a Temporary Restraining Order and Preliminary Injunction that placed a stay on the November 22, 2014 Special Elections until a hearing was held.

There are no laws, ordinances, or rules that allow the Court to intervene with respect to the procedural questions surrounding the selection of Option B. The Trial Court previously ruled in *Racquel Hill v OBC/General Tribal Council*, 13-TC-131 (2013), that questions involving internal GTC procedures are political matters that need to be addressed within the GTC. The Trial Court further notes the decision in *Ed Delgado v OBC*, 00-TC-0004 (2000), which also finds the Appeals Commission is without jurisdiction to intervene in internal GTC matters.

The Petitioners state in order to make a proper decision the General Tribal Council needs to be

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given the opportunity to have the information reheard. Petitioners may petition for a GTC meeting to re-address the actions of October 26, 2014.

The Court further finds, as it did in *Racquel Hill v OBC/General Tribal Council*, 13-TC-131 (2013) that Petitioners did not establish how the Court has jurisdiction to review the internal rules and procedures of the General Tribal Council.

Accordingly, Petitioners' requests are denied with respect to the alleged confusion surrounding the adoption of Option B and whether the GTC's procedures were properly followed. There were and are other remedies available to Petitioners to address those issues.

3. Option B

The final issue we decide is whether the GTC enactment of Option B is legal and valid in light of the fact that it conflicts with current Oneida election law. Specifically, the Oneida Election Ordinance requires a primary when there are 16 or more candidates (Sec. 2.12-2) and also requires that all Special Elections follow all the rules for General Elections (Sec. 2.12-12). Option B is essentially a self-contained special law which lays out an election timeline, rules and other conditions for the special election to fill the Business Committee vacancy. At the time this case was filed there were 16 candidates; however no primary was being held. The schedule as adopted by the GTC did not allow for a primary to be held, regardless of the number of candidates.

Both Petitioners and Respondents argue that because the General Tribal Council is, in their words, the "Supreme" Governing body, their arguments should prevail. We note that while the General Council has a great amount of power, nowhere in the Oneida Constitution is the General Council described as the "Supreme Governing Body" of the Tribe. Rather, the General Council is a branch of the government with specifically identified powers. See Art. IV, Oneida Constitution. Respondent further argues that language in Article III exempts Option B from the general requirements of the Election Ordinance. With respect to the General Council's power to fill a vacant seat on the Business Committee, Article III states: "The General Tribal Council may

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at any regular or special meeting fill any vacancies that occur on the Business Committee for the unexpired term.” Respondent argues this language essentially exempts the General Council from complying with the existing provisions of the Election Ordinance.

Regardless of the language in Article III, we conclude that the General Council has the power to enact law which is inconsistent or even in conflict with existing law. That is what has happened here. Although not identified as an ordinance, Option B has the force of law as it is a General Council enactment. The General Council decided to enact a specific law which would address the Business Committee vacancy by holding a Special Election. Both the Election Ordinance and Option B are GTC enactments and thus on equal footing with each other. When laws conflict, we follow the general rule that specific later legislation will govern over earlier general legislation. See, e.g., *United States v. Estate of Romani*, 523 U.S. 517, 532 (1998).

Option B is the more specific later legislation and thus trumps the earlier general legislation in the form of the Election Ordinance.

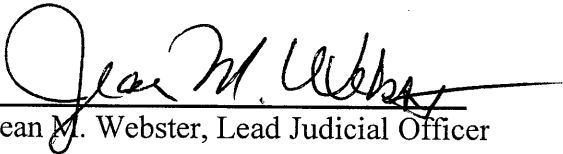
IV Decision

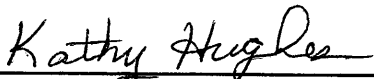
The Court rules in favor of the Respondents. The stay is lifted. Petitioner’s claims are denied.

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IT IS SO ORDERED.

By the authority vested in the Oneida Tribal Judicial System pursuant to Resolution 8-19-91A of the General Tribal Council a hearing held on November 13, 2014 and an decision signed on the 15th day of December, 2014 in the matter of Michael Debraska, Leah S. Dodge, and Franklin Cornelius v Oneida Business Committee, Oneida Law Office, and Oneida Election Board, Docket Number 14-TC-190.


Jean M. Webster, Lead Judicial Officer


Kathy Hughes, Judicial Officer

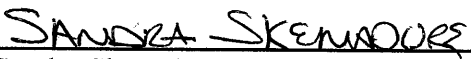

Sandra Skenadore, Judicial Officer



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2014 Special General Tribal Council Meeting Action Report DRAFT

10 a.m. Sunday, October 26, 2014

Radisson Hotel and Conference Center, 2040 Airport Dr., Green Bay, WI

The Oneida General Tribal Council met Sunday, October 26, 2014 at a duly called meeting with 1653 registered tribal members in attendance at 10:15 a.m. The meeting was at the Radisson Hotel and Conference Center, 2040 Airport Dr., Green Bay, WI.

Oneida Business Committee Attendance:

Present: Chairwoman Tina Danforth, Vice Chairwoman Melinda J. Danforth, Treasurer Trish King, Secretary Lisa Summers, Councilmembers Fawn Billie, Brandon Stevens, Tehassi Hill, Jenny Webster

1. Oneida Veterans Color Guard posting of the colors

Chairwoman Tina Danforth introduced Retired Captain John L. Breuninger to bring in the colors. The colors were retired.

2. Opening and announcements

Councilman Tehassi Hill provided the opening.
Chairwoman Tina Danforth called upon Loretta V. Metoxen to read a memorandum from ONCOA.
Chairwoman Tina Danforth called the meeting to order at 10:15 a.m.

3. Adopt the agenda

Motion by Tehassi Hill to adopt the agenda, seconded by Katherine Mauritz. **Motion carried by a show of hands**

4. New Business

- a. Filling of Oneida Business Committee Vacancy (pages 6-17 of the meeting packet).

Motion by Madelyn Genskow to adopt option C (page 13 of the meeting packet), seconded by Judy Cornelius. **Motion failed by a show of hands**

Motion by Leyne Orosco to adopt option B (page 11 of the meeting packet) with a polling site in Milwaukee, seconded by Paul Smith. **Motion failed by a hand count: 539 yes, 728 opposed, 14 abstained**

Motion by Loretta V. Metoxen to adopt option E (page 16 of the meeting packet), seconded by Andrea Huse. **Chairwoman Tina Danforth ruled the motion out of order**

Motion by Linda Dallas to reconsider the adoption of option B (page 11 of the meeting packet), seconded by Madelyn Genskow. **Motion carried by a hand count: 738 yes, 469 opposed, 51 abstained**

5. Adjourn

Motion by Linda Dallas to adjourn at 12:01 p.m., seconded by Nancy Skenandore. **Motion carried by a voice vote**



**Oneida General Tribal Council
General Tribal Council Special Meeting
10 a.m. Sunday, October 26, 2014
Radisson Hotel and Conference Center, Green Bay, WI**

Meeting Minutes - DRAFT

1. Oneida Veterans Color Guard Posting of the Colors

John Breuninger: Good Morning, General Tribal Council. I am retired Captain John L. Breuninger. It is really an honor to be here before you today to bring in the colors. Our United States American Flag, Dale Webster, U.S. Army, followed by Debbie Danforth who is the President of the Ladies Auxiliary of the VF Post Number 7784, the Oneida Nation Flag is carried by Nathan Smith, United States Air Force, followed by the Wisconsin Flag, Ken House, U.S. Navy and Air Force, followed by the ladies Auxiliary Flag, Connie Danforth and the POW/MIA Flag by Wes Martin, U.S. Army. The rest of the Veteran's in procession are here as a support to the colors and many times we will have many more than this. This is a small group today. We appreciate the colors being presented by these Veterans. Thank you for honoring our colors.

2. Opening by Tehassi Hill

3. Announcements

Tina Danforth: This morning, before we call the meeting to order, I just have to make one announcement. We had a Business Committee meeting this past week and there was a letter submitted to the Business Committee from the ONCOA Board and the community elders. They had submitted a memo about the decorum of the General Tribal Council meetings. There are ongoing concerns about people speaking out of turn, speaking too loudly, people not giving deference as we exit the meeting. Loretta is going to come forward with that letter and read it for the body. I realize it is not a part of our agenda this morning but we do want to respect and honor our elders and the message they have for the Business Committee. We would like to share that with you so I am going to call this meeting to order with the attendance of 1,118, I am going to have an updated number for the attendance at 10:15 when the registration closes. Before we adopt our agenda I would like for Loretta to come forward and give us that message. Thank you, Loretta.

Loretta Metoxen: Shek%ii Swakwek, Business Committee and General Tribal Council. I have this memo that the Commission on Aging adopted. They put it in their newsletter, The Drums and the Wisconsin Indian Veterans Association also unanimously adopted this position. I think today there will be Veterans at all the doors to help assist in an orderly manner for the elders to step forward first and get out easily. This is what this is all about. I shall read the memo. It is from the Oneida Nation Commission on Aging and Wes Martin is the Chairman of the Commission on Aging. The Oneida people were renowned in their leadership skills and their oratory as they lead this Nation through dynamic and traumatic times over the last several centuries. The Oneida membership suffered through wars where many young warriors died, bouts with smallpox, measles, tuberculosis and other contagious diseases that wiped out large portions of the Oneida population. Today disrespect, despite this sad history, the Oneida people emerged proud and capable of reawakening and reestablishing their community, both physically and socially. In the Longhouses, all across the Six Nations in New York, when a person arose to speak, a hush fell on the audience. If the speaker spoke for two or three hours, no one interrupted him. Everyone listened. The words were not written down, but everyone remembered the words. The ONCOA board is a voice for our Elders; we are asking the members of the General Tribal Council to conduct more efficient and effective meetings and to memorialize our ancestors by adhering to the Code of Ethics rules, speaking only in turn in a courteous manner, refraining from interrupting each other, not booing or otherwise interjecting loud exclamations when others are speaking. The Elders are respectfully requesting that they be recognized and called on for their comments and participation when they raise their hands. We are further also respectfully asking that the rule of Point of Order be utilized at a minimum and not just as a matter to seize the microphone. We are proud to be Oneidas and proud of our heritage. We

must conduct ourselves as our Grand Mothers and Fathers have done before us not only as leaders of our families and the Oneida Nation, but as leaders among their Indian Nations. Yaw <k%

Tina Danforth: Yaw <k% Loretta. As you can best see, that is best spoken by a tribal elder and therefore I did ask that she present that message to the General Tribal Council this morning, rather than myself. At this time, I am going to call this meeting to order and in doing so, the first item is to adopt the agenda. Madelyn.

Madelyn Genskow: inaudible

Tina Danforth: She is asking for the microphones that were normally placed in the isles. They moved them all the way up to the front. We can move them half way back if the membership chooses to do so.

Madelyn Genskow: Inaudible

Tina Danforth: Madelyn, are you ok if we have a hand carried microphone? Ok. Tehassi.

4. Adopt the agenda

Tehassi Hill: Motion to adopt the agenda.

Tina Danforth: There is a motion to adopt the agenda by Tehassi Hill, second by Kathy Mauritz. Linda, do you have a question? There is a motion on the floor, made and seconded. Discussion on the motion for the agenda, Linda.

Linda Dallas: Good Morning, my name is Linda Dallas. I am a General Tribal Council member and I was observing this morning as I stood here while people were coming in and as you were getting ready to prepare the meeting and the Veterans came into the meeting this morning. I am trying to understand how you're going to conduct this meeting today because you have the microphones in the front and they are not where they are normally hosted so what is your expectation of the people. How are you going to call on people? How are you going to manage the meeting? I didn't know if I should go up to the front to the microphone. I'd like to say probably on behalf of most of the people that are here today that it is very intimidating to have to go in front of the entire group of people, that is why it was nice to have the microphones within the people so they would be more comfortable as they presented their topics or their points of views. What is the expectation today and why are the microphones in the front?

Tina Danforth: My understanding Linda is that the Business Committee decided to move them up front to probably, yes, to have people have more of a presence about addressing the General Tribal Council. That was a logistic call of the planning committee of the Business Committee. It is up to the membership if you prefer them half way down the aisle as opposed to the front of the room. That can be accommodated. This is a meeting to help logistically everybody participate; I'm ok with you wanting to move them back down the aisle. Again, this is a meeting of the General Tribal Council; we are here to accommodate the needs of the membership and to make this a very free flowing meeting as far as communication and participation.

Linda Dallas: Do I have to make an amendment to the motion to have the microphones put back.

Tina Danforth: Can I have show of hands to see who would like the microphones half way down the room, back to where they used to be. In the overflow room, are you participating as well? All those who prefer the microphones to be in the front of the room. Seems, it is kind of close but the people in the front want them in the front and the people throughout the meeting room I think the preference is to put them half way back and I am ok with that happening so we can make that adjustment.

Linda Dallas: Thank you.

Tina Danforth: Yes, to my right. I'm sorry. I cannot see who you are. Is it Scott? First of all, could you please come to a microphone because it is really hard, not only for me to hear but people in the overflow room. The only way they can hear what is being said here, is if someone is at a microphone. Thank you, Scott.

Scott Duxtator: This is our first meeting with our new Business Committee; I would appreciate it if you went and told us your position.

Tina Danforth: I can appreciate what is being said here. Again, a lot of the logistics have been determined by the planning committee of the Business Committee. There is a lot of staff involved on the details of preparing a meeting and setting up. We do the best we can. We were looking to accommodate the needs of the body but sometimes minor changes aren't always the greatest. We have accommodated the request of the membership to move the microphones back. At this time, the motion is adopt the agenda. Any questions on the motion to adopt the agenda so we can move this meeting along? Yes Scott.

Scott Duxtator: I just wanted you guys to introduce yourselves to us. This is our first meeting with you here.

Tina Danforth: Ok, we can do that.

Scott Duxtator: That is what I was asking.

Tina Danforth: Ok, Good Morning, I'm going to start at my far left which is Jenny Webster if you would please introduce yourself to the General Tribal Council.

Jenny Webster: Good Morning, my name is Jennifer Webster, new to the Council.

Tehassi Hill: Good Morning, Tehassi Hill. Second term, Council member.

Brandon Stevens: Good Morning, Brandon Stevens. Third term Councilman.

Tina Danforth: Good Morning, Tina Danforth Chairwoman. This is my second term as Chairwoman; this is my sixth term and my sixteenth year as a Business Committee member.

Melinda Danforth: Good Morning, General Tribal Council. Melinda Danforth, newly elected Vice Chairwoman.

Fawn Billie: Good Morning, Fawn Billie, Councilwoman.

Trish King: Good Morning, Trish King, Tribal Treasurer.

Lisa Summers: Shek%il Swakwek. Lisa Summers and I am the new Tribal Secretary.

Tina Danforth: Thank you, everybody. Now, if we could go back to the motion that is on the floor to adopt the agenda. Are there any questions or comments on the agenda? The agenda as presented includes the filling of a vacancy which is a presentation by the Business Committee. The review of the options that were mailed out, a question and answer period and General Tribal Council action. That is the agenda for today. Are there any questions on that agenda? Hearing none, seeing none either here or in the overflow room. I'm going to move that we move vote on the adoption of the agenda. If you approve of the agenda, please raise your hand. Those opposed to the agenda as presented. Those abstaining to the agenda as presented. Motion carries. A motion to adopt the agenda is passed.

5. New Business

A. Filling of Oneida Business Committee Vacancy

Tina Danforth: The first item is a presentation of the vacancies by the Business Committee. Lisa, do you want to make that presentation?

Lisa Summers: Good Morning everyone. Welcome to the first General Tribal Council meeting that we have together. Yeah, I'm excited. As you can tell I'm a little nervous though, but I'm going to go ahead and get started. I'm going to try to make this as quick as possible for all of us. So again, welcome. Today, what we are going to do is briefly cover some information with you about how we shared information with the community about today's meeting and the information that you have in the packet about filling the vacancy. First, before we get started though, I just want to quickly say thank you to the Oneida Business Committee for all of the work they did putting this information together. They did designate myself, Jenny Webster and Brandon Stevens to be part of a sub team which helped do the community meetings and make sure the information got out to you all as timely and as quickly as possible. I also want to recognize and thank them for their help with this. As you all know, Councilman Benjamin Vieau did submit his resignation to the Oneida Business Committee on September 12th. The Chairwoman called us into a Special meeting that following Monday on September 22nd. What we did during that time was go ahead and we had our staff start researching how this vacancy could potentially be filled. What was discovered through that research was that the constitution really governs how the vacancy is going to be filled. Specifically, and included in your packet, Article III, Section III of the constitution which reads the General Tribal Council may at any regular or special meeting fill any vacancies that occur on the Oneida Business Committee for the unexpired term. That is how we got to the decision that we needed to call a Special General Tribal Council meeting for today. One of the things that we did as we looked at the information is we said, ok, what is General Tribal Council done in the past to fill vacancies. Based on the research that was conducted we identified atleast three occasions where there has been a vacancy on the Business Committee. Those dates were between 1976 and 1982. What the research also indicated to us is that they've always been filled by General Tribal Council and in accordance with the constitution. It also showed that General Tribal Council decided to fill those vacancies with some sort of a special election. That is how you see the options, A, B and C that are before you today. These three options are in alignment with General Tribal Councils' historical decisions to fill the vacancies through some type of a special election. When we dialoged about these options, there were some major policy considerations that we took into consideration. Again, reemphasizing, one, this is historically how General Tribal Council has filled a vacancy and we also recognized that other things have changed since as now there is now an election law that is in place that was not in place at the time. So everyone is aware, one of the options which is option c that you have available to you today which would be to call the same day election would also not include a Milwaukee polling site if you chose to do that. We just wanted to also bring that to your attention. Moving forward, what we heard or feedback from the community was, well that is great, we are glad that you did the historical research. There are also other factors that come into play. We have a new election law. We haven't had a vacancy occur for thirty plus years. There are other processes that have been in place that we can choose a vacancy from. For instance, the election law does require or allow in some instances for the next highest vote getter to be taken. That is just an example. What we did then, in response to that suggestion we said, OK, what are some things that we could offer up to General Tribal Council to say from a contemporary perspective, what could we do? Those are the options that you see in your packet that are D, E and F. Those options include filling the vacancy from the floor, filling the vacancy with the next highest vote getter or not filling the vacancy at all. One of the things that we did then is we went out and started talking to our constituents and said what is your feedback on this subject. There are a lot of people that had a lot of ideas, a lot of suggestions. One of the things that they also said to us was what you think we should do. Our very first response to that question was, this is going to be a General Tribal Council decision. We will have no opportunity to provide any kind of, we are not going to drive this decision. It is going to be General Tribal Council's choice. We said, if you want us to provide you with suggestions, we can do that. If you look in your packet, what we did is we said if you chose to look at this vacancy from a historical perspective we would recommend that you choose option B. If you want to look at this vacancy from a contemporary perspective then we suggest that you look at option E. Just kind of moving forward I wanted everybody to know that, the recommendations that were provided by the Business Committee were in response to questions directly at us to say what do you guys think we could do. We also recognize, again, that we are here today for General Tribal Council to make the decision. The other information that we just kind of wanted to give you was what were the additional costs. The additional costs related to each option are shown here. One of the things that you will see it ranges from 1,000 to 7,000; those are just estimated numbers based on whatever option you choose. Those are directly related to the special

elections choices that you have. The \$200,000 base cost is the approximate cost for having the meeting today. With that, I just want to say thank you, again. In closing, to let you know that we also recognize there is no procedure in place should this ever occur so we've asked for the Legislative Operating Committee, which is the law making body of the nation to go back and take a look at this issue and bring back some suggestions for General Tribal Council to consider in the future should this ever occur again. With that, Yaw <k%.

Tina Danforth: Thank you, Lisa. Thank you for that presentation. So as described, there are six options for the General Tribal Council membership to select from based on the mail out. I do want to make a note that I did get some calls and questions about some of the mail out material only included two options. Some people actually called me yesterday and said is there only two options? I hope that going forward we don't have that kind of concern and confusion going forward. The packet needs to go out and we need to be consistent about our mail outs that follow that information after a mail out has been sent to the membership. Madelyn. Is the microphone on over there? I'm not hearing you yet, no.

Madelyn Genskow: The green light is on. Ok. I make a motion to adopt option C, Doug Skenandore is going to run for the Business Committee and with option C he will have an opportunity to run and be voice for the common Oneida Tribal member. I make a motion to adopt option C.

Tina Danforth: There is a motion to adopt option C, is there support of the motion for the adoption of option C. Judy Cornelius is seconding the motion made by Madelyn Genskow. Option C is on page 13 of your packet. There is a motion right now to adopt option C on page 13 motion by Madelyn Genskow, seconded by Judy Cornelius-Hawk. Option C provides that we will have a caucus and we'll have an election today, there is a resolution that accompanies that option as well. That resolution can be found on page 13, it provides that there will be a polling of nominated members for acceptance; the nominated members will meet with the election board prior to noon to present identification and verification of age and verification of residency. The Election Board is going to open the polls from 2pm and close them at 7pm. Identifying the last person in line and authorizing no further voters. The Election Board will count the votes and post tentative results. The recount request presented in the Tribal Secretary's will be by 4:30 on Monday, October 27th. Finally, the Election Board will present their final report to the Oneida Business Committee at the October 29, 2014 meeting which will have to be a special meeting of the Business Committee. There is a call for the question on the vote to on option C. We are going to go into a voting process. Who is speaking? In the overflow room, yes Pat.

Unidentified Speaker: I would just like to know, why don't we just put the next person in line?

Tina Danforth: Right now Pat, there is a motion on the floor to go into a voting process for option C. The reason why don't is because the constitution says the General Tribal Council will select, there is a motion to do that right now. The precedence of the General Tribal Council has been an election process and therefore that is the motion on the floor. The question and comments need to pertain to the motion which is what I just described with all the voting procedures that is in your packet on page 13.

Linda Dallas: A call for the question has been made though.

Tina Danforth: A call for the question by Linda Dallas. I'm going to by whom...

Linda Dallas: I actually think it was in the other room.

Tina Danforth: Unless I see somebody by the microphone, unless they are an elder, that is what we will do.

Linda Dallas: Call for the question.

Tina Danforth: If somebody has a question, they need to come to the microphone, state who you are so that one, we can have order and two, we can recognize who is speaking, three so we don't step over each other in our question.

Leah Dodge: Privileged question, Leah Dodge.

Tina Danforth: Yes, Leah.

Leah Dodge: We need to have more discussion on these options. First of all, the packet that was sent out by the Business Committee is deceptive in the fact that you're claiming that any option that we fill is only going to cost the tribe \$200,000 plus whatever expense there is for the elections. First of all, option C is

Tina Danforth: Both you ladies please be quiet for a second. I'm going to explain what a privileged question. A privileged question is when you are asking a question of procedure. The question of procedure is about what action is currently on the floor. Like whether A comes before B or B comes before C. So you can ask, are we going to vote by show of hands, by voice, how are we going to vote. That is a privileged question. A question of content does not qualify as a privileged question, Leah. Do you still have a privileged question because what you stated was not one?

Leah Dodge: How does option C fulfill the election law which says that says that in a general election which is for the Business Committee members, you're leaving out the Milwaukee polling site.

Tina Danforth: Your question about fulfilling the election law, General Tribal Council was noticed these are the six options and of these options this one allows for General Tribal Council to go into a voting process to select somebody to fill the vacancy. We are following the constitution by doing that.

Leah Dodge: And we can save the tribe a half million dollars by not filling it at all. Option F.

Tina Danforth: But the constitution says there will be nine members, five council members and four officers so I'm going to move on, Leah. Brenda.

Brenda John-Stevens: Do we have an opportunity to vote on the call for the question. Obviously, we want to have more discussion on this.

Tina Danforth: Only if there is a request to do so, thank you for privileged question.

Brenda John-Stevens: I am making a request to vote on the call for the question.

Tina Danforth: There is a request to vote for the call for the question. Prior to that happening, I did not see anybody waiting to ask questions. Subsequently, there are people now at the microphones. Right now, she's asking for a privileged question about voting on whether or not we want to vote so we are going to acknowledge the call for the question vote. If you want to vote for the call for the question to proceed, alright a call for the question vote in the affirmative is that you want to continue discussion. If you vote no, then you don't want to continue discussion. There is a vote on the call for the question. All those in favor vote on the call for the question, please raise your hand.

Nicole Stroobants: We do not understand what you mean. Could you explain that a little bit better? People that are not familiar with Robert's Rules don't understand what is happening.

Tina Danforth: Ok, there was a call for the question. The call for the question was to vote. After there was a call for a question acknowledged, Brenda asked a procedure question and in her procedure question she asked if she could vote on the call for a question. She wanted to vote whether or not we wanted to vote or not.

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Nicole Stroobants: I'm sorry, I do not mean to be disrespectful, is there another way you can explain it other than using the phraseology call for a question? Because I do not understand what that means.

Tina Danforth: The call for a question is asking for the body to vote.

Nicole Stroobants: To vote on what?

Tina Danforth: To vote on the current motion on the floor.

Nicole Stroobants: Which is?

Tina Danforth: Option C.

Nicole Stroobants: To open the polling elections? Is that right, to open up a poll, option C today.

Tina Danforth: The motion on the floor is to vote for option C. She's asking about whether or not we should vote on option C.

Nicole Stroobants: And the other question is, can we have more discussion about why we think option C is the best option, is that correct?

Tina Danforth: That is what we are voting on, on the call for the call for the question.

Nicole Stroobants: So we want to have more discussion if we vote yes? Or you vote no if you don't want to have more discussion? I'm confused.

Tina Danforth: If you vote yes, then you are voting to continue to vote.

Linda Dallas: If you vote yes, we are going to vote on option C. If you vote no, we are going to talk some more.

Tina Danforth: We are voting to see if we want to continue to discuss, if you vote no, you are voting to not discuss and to vote. Right now, if you vote yes for the call for the question, yes is to continue to discuss. No is to not discuss and go into the voting on the motion.

Linda Dallas: Respectfully, Councilwoman Danforth or Chairman Danforth.

Tina Danforth: Yes.

Linda Dallas: If you vote yes, then you want to vote on option C. If you vote no, then we are going to talk some more, in a call for a question.

Tina Danforth: I believe if you vote yes, you want to continue to discuss the motion. If you vote then you don't want to continue discussion and you want to vote.

Leah Dodge: Do we have a parliamentarian here, can you answer that please?

Tina Danforth: Yes we do, JoAnne.

JoAnne House: The question is, is what is a vote on the call for the question. The Chairwoman has been consistent. If you vote yes, you would like the discussion to continue. If you vote no, you would like to end discussion and vote on the motion.

Tina Danforth: We are going to go into a voting on the call for the call for the question. If you vote yes, you will be voting to continue discussion. All those in favor raise your hand.

Leah Dodge: Kathy King wants this on the screen.

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Tina Danforth: It is on the screen. If you vote yes, please raise your hand. All those in favor, raise your hand. Thank you. All those who vote no on the motion, please raise your hand. All those abstaining, I think I'm going to have to go into a hand count because, in the overflow it is more so than in here. It is overwhelming in here but it is a little too close for me to call between this room and that room. I'm going to ask for a hand count please. We are going to vote by hand count, if you vote yes, it is to continue to discuss if you vote no, it is to end discussion and vote on the motion. Please, if you are in agreement to continue discussion, please raise your hand so you can be counted. The Election Board is on the floor, counting each section.

Leah Dodge: Procedural question, is it appropriate for the Chairwoman's daughter to be counting votes?

Tina Danforth: There are to be no interruptions during the count, you had a chance to ask a procedural question.

Leah Dodge: I didn't know she was going to be counting the votes.

Tina Danforth: Sit down. Leah, do I have to remind you about what Loretta said at the beginning of the meeting? All of those who vote no on the motion to vote on the call for the question please raise your hand if you are voting no. All of those voting and abstaining, any abstaining votes, please raise your hand. If I could have everybody's attention right now, we have the results of the vote. Those voting yes is 410, those voting no is 901, and those abstaining is 10. I was told during the count for the vote that we have registered today 1,653 participants. There are about 300 people who didn't vote but that is ok. The floor is open now to make a motion.

Mark Powless: I have a privileged question Madam Chair.

Linda Dallas: Point of order, Madam Chair. There is a motion on the floor. It is Option C.

Tina Danforth: I'm sorry, you are right, you are totally right. Thank you. Mark, you were starting to say you have a privileged question.

Mark Powless: Yes. I'd like to come up forward and address the General Council with regards to that.

Tina Danforth: What is your privileged question? Which one? I don't think it is a good practice, Mark. Please don't. You know, we're trying to run a meeting orderly and we need to be fair. For security reasons, we've referred to that nobody else comes up on the stage unless you've been designated to do so. But, you do need to use a microphone, if someone would please bring him a microphone, thank you.

Mark Powless: Good Morning, my name is Mark A. Powless. I have a privileged question with regards to the motion that was voted on and I wanted to make a statement for the record with regards to my privileged question. As you know, the General Council is the governing body of the tribe; General Council adopts various laws for the tribe and behalf of the tribe. As I understand it, the Oneida Tribe General Council adopted our Election Law. With regards to our Election Law, the Election Law has certain requirements that are to be filled by the candidates running for office. I've been a candidate for the Oneida Business Committee on various occasions throughout my 30 years here with the tribe. The last election that was held the Election Law required me to submit a proof of residency with regards to a candidacy. It also required me to show proof of my enrollment. My question to the General Council is with regards to the Tribe's current Election Law. If in fact we do vote to have an election today, what is the status with regards to the following of our Election Law. As I understand it the General Council would be in violation of its own law if it were to occur today for not following the previous requirements that are the current standards of the Election Law.

Tina Danforth: If I could try to decipher your question of privilege, I believe your question the process of currently addressing a motion to select a candidate for the vacancy on the Business Committee relative to the Election Law. The Election Law was absent of any process to fill a vacancy.

It is done so because it was for the election process up until a final vote, a final report is submitted to the Business Committee, accepted and ratified. The vacancy occurred after the election process. So the election process goes back to the body of General Tribal Council and they select. They do have the opportunity to make that decision and selection today. Thank you for your question, Mark.

Mark Powless: I'd request a Parliamentary ruling.

Tina Danforth: Do you want to address the privileged question, JoAnne?

JoAnne House: The question is, is the election law identifies the candidates for the Business Committee must have certain parts of their background investigated, they have to verify their residency, they have to verify their enrollment number. The Option C on page 13 as part of the process it identifies the Election Board, at the conclusion of the caucus will verify the required information for each candidate for the special election. It is the third bullet under the first resolve.

Tina Danforth: That is true, the constitution does say that in order for a candidate to run for the Business Committee there are two requirements. One is enrollment and one is residency. If we go continually go back to our constitution and doing so, it guides us as to how we are to move forward on selecting a candidate for the Business Committee.

Linda Dallas: It also has an age limit.

Tina Danforth: And an age limit, I stand corrected. Thank you.

Linda Dallas: I did call for the question.

Tina Danforth: There is a motion to call for the question; is that what I'm hearing? We just voted on

Linda Dallas: No, I call for that before that so I'm asking you to please have the vote on the motion.

Tina Danforth: We just voted on the call for the question.

Linda Dallas: No on the motion for Plan C.

Tina Danforth: Plan C.

Linda Dallas: Right.

Tina Danforth: The motion is Plan C. Right now we are in discussion of Plan C which is.

Linda Dallas: No, we called for the question to stop the discussion. It is the motion that Madelyn made on Plan C for us to vote today. So we already went through all that stuff, it is time to vote.

Tina Danforth: Ok. So the no votes was 901 and the yes votes was yes to continue discussion, no was to end the discussion and to begin the voting process. That is when Mark questioned the process that we were using, that went into a privileged question and explanation. The motion on the floor is to adopt Plan C.

Nancy Skenandore: Privileged question please, Madam Chair.

Tina Danforth: Who is speaking?

Nancy Skenandore: Nancy Skenandore.

Tina Danforth: Nancy, could you let me finish please?

Nancy Skenandore: I'm sorry, go ahead.

Tina Danforth: Thank you, I will get back to you. Ok, we voted. There were 410 votes for yes to continue discussion. There were 901 votes to not discuss anymore and vote on the motion which is Option C. 10 abstentions. We went into a privileged question. We answered it. The Parliamentarian answered it. I answered it. So we are now on the motion to vote for Plan C. We need to go into a voting for Plan C. Implement Plan C on page 13. At this time I'm going to recognize what the membership has asked and voted on. All those in favor of motion C, raise your hand. All those in favor of voting for Plan C, raise your hand.

Linda Dallas: Can you explain what that is so that everybody understands it.

Tina Danforth: Plan C is to go into a voting process as I described earlier. It is on page 13, Plan C is to go into a caucus today and have the election today from 2pm – 7pm. If you would like to fill the vacancy today by an election process conducted by the Election Board, that is Plan C. All those in favor of Plan C, please raise your hand. All those not in favor of Plan C, raise your hand. All those abstaining on Plan C, raise your hand. The motion fails by a majority vote as seen to the visuals between the other room and this room. Thank you, that motion does fail. Leyne.

Leyne Orosco: Good Morning, my name is Leyne Orosco. I make a motion that we do Plan B with the polling open from 7am – 7pm on election day and also that there be a polling site in the Milwaukee area.

Tina Danforth: There is a motion by Leyne Orosco to adopt Plan B of the packet which is on page 11. The motion by Leyne is supported by Paul Smith, was it? Paul Smith. There is a motion on the floor to adopt Plan B. Discussion? There is a motion on the floor for Plan B, are there any questions or comments?

Ken Stevens: Privileged question please.

Tina Danforth: Yes.

Ken Stevens: I just want to clarify something, is Option E off the table?

Tina Danforth: Right now we are considering a motion for Plan B; discussion will be on Plan B and no other option at this time. That is the motion on the floor. All of these were consideration by the mail.

Ken Stevens: I understand but I, earlier I thought you said there had to be nine members so therefore Option E is off the table.

Tina Danforth: You know what, let's stay with Plan B. I'm trying to keep the meeting focused, please let's just stay with Plan B. Any questions in the over flow room, comments or questions? Tina.

Tina Pospychala: Thank you. Could we just go

John Orie: Yes, I have a point of order.

Tina Danforth: Excuse me, who is speaking?

John Orie: John Orie.

Tina Danforth: John Orie. We are in a motion for Plan B and we are going into discussion. What is your point of order?

John Orie: My privileged question or point of order or whatever you want to call it.

Tina Danforth: Well, it has to be one or the other.

John Orie: If it pleases the Chairwoman, a privileged question.

Tina Danforth: Yes.

Mike Debraska: If we hold that caucus today, does that then open the room for petitions to be submitted tomorrow morning?

Tina Danforth: Plan B is a caucus for today, the deadline for applications to be filed is November 3rd. Appeals of candidate eligibility is November 4th. The election date is November 22nd. Recounts and appeals, November 26th. Final report presented to the Business Committee December 1st.

Linda Dallas: Move to adjourn.

Tina Pospychala: Privileged question, please.

Tina Danforth: There is a motion to adjourn. We had just voted, what is your privileged question, there is a motion on the floor.

Tina Pospychala: I request that we do a hand count on that vote.

Loretta Metoxen: Madam Chair, Loretta Metoxen. I agree with that. I'm asking for a hand count also.

Tina Danforth: What does the body want? You want a hand count? I will support that. I will support that. You know, it was relatively close, but I think the difference was in the overflow room. I know there was a majority in here and I believe the majority was in there with a good number in here as well. So I will honor that. I will honor that there is a hand count on Plan B. Ok, I will honor that. I'm just trying to be fair and I don't want any questions coming out of this body afterwards, so I will respect the wishes of General Tribal Council. Kind of was expecting that anyway. All those who are in favor of Plan B which goes for a caucus today and the deadline for November 3rd to apply as a candidate and that the election occur on November 22nd. All those in favor, again, for Plan B, please raise your hand so you can be counted. Plan B. All those who oppose Plan B which allows for a November 22nd polling site, both here and in Milwaukee. Plan B; if you are opposed please raise your hand so you can be counted. All those abstaining to Plan B, please raise your hand. We have the results, voting yes is 539, voting no is 728, abstaining is 14. Total number of votes cast was 1,281. Plan B now has failed, or Option B has failed so now the floor is open for consideration.

Loretta Metoxen: Madam Chairwoman, Loretta Metoxen, I moved that we adopt Plan E.

Tina Danforth: Can we please keep decorum, please.

Andrea Hoes: Second.

Tina Danforth: Who?

Andrea Hoes: That we have Plan E.

Tina Danforth: There is a motion by Loretta Metoxen, seconded by whom?

Andrea Hoes: Andrea Hoes.

Tina Danforth: Andrea Fuss?

Andrea Hoes: Hoes. H-O-E-S

Tina Danforth: There is a motion by Loretta seconded by Andrea Hoes to adopt Option E.

Andrea Hoes: I'd like to call for the question.

Tina Danforth: There is a call for the question on the adoption of Option E.

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Tina Danforth: Ok.

John Ori: Didn't we, I'd like to know where we are on the agenda because I think we just skipped the whole agenda and the motions to vote on anything are out of order.

Tina Danforth: If you look at your agenda page IV, which is four. There was a review of the options.

John Ori: I haven't seen any review of any options.

Tina Danforth: We are on number four.

John Ori: Or questions and answers.

Tina Danforth: John, we are on number four. Ok? And that is not a privileged question so please refrain from speaking into the mic.

John Ori: I haven't seen any review of any options.

Tina Danforth: John, we are discussing Plan B. I have somebody waiting to make a comment on Plan B.

John Ori: Ok, thank you.

Tina Danforth: Your privileged question was acknowledged. Tina.

Tina Pospychala: Thank you, Madam Chairwoman. I would just like for us to go right in and vote and call for the question on this plan. I think people come to the meeting knowing what is going on and I don't think that we need to stand up here and have a lot of discussion so I'm just asking that we do a call for the question, please for the motion that is on the floor.

Tina Danforth: Ok, there is a call for the question by Tina; I'm going to acknowledge that. Is there support on the call for the question to vote? If there is, I need someone to identify themselves at the microphone with their name.

Linda Dallas: Corinne Robelia.

Tina Danforth: Corinne Robelia is the seconder on the call to vote for Plan B. There is a call for the question made by Tina, seconded by Corinne. We are going to go into a vote because I did acknowledge the call for the question. All those in favor of Plan B, please raise your hand, Plan B raise your hand if you are in favor.

Linda Dallas: Chairwoman Danforth, would it help the people, because people seemed confused would it help them to know what Plan B is? People are asking and kind of looking at each other.

Tina Danforth: Plan B, page eleven. If you are in favor of Plan B, please raise your hand. Plan B, page eleven. If you are in favor, please raise your hand.

Linda Danforth: Which is the caucus today and election on November 22nd.

Tina Danforth: Yes.

Mike Debraska: Privileged question, Madam Chair.

Tina Danforth: All those opposed to the motion for Plan B, raise your hand. Opposed to the motion for Plan B. Those abstaining to Plan B, raise your hand, those abstaining to Plan B raise your hand. Based on what I'm seeing in this room and in the over flow room, I would say Plan B passed.

Mike Debraska: Privileged question. Madam Chair.

Leyne Orosco: I have a privileged question.

Tina Danforth: Yes, Leyne.

Leyne Orosco: In docket #03TC-335 dated March 5, 2003, Ed Delgado vs. Oneida Election Board there was a decision that was rendered in this case and as we all know from the Yvonne Metivier GTC that the GTC does not have the authority to override an appellate court decision or appeals commission decision. The decision in that case states as follows, the respondent has provided this hearing body with the burden of proof that there is a process in place to fill vacated elected positions. A vacated elected position can be filled with the next highest vote getter only before the Oneida Election Board submits a final report. After the election results are certified, the vacancy must be filled by a special election. It is the court's decision to rule in favor of the respondent which was the Oneida Election Board.

Tina Danforth: Based on what Leyne just read, I would have to say that the motion to adopt Option E is out of order because there needs to be a special election that was discussed earlier. That was discussed earlier and you know, I know there is questions about why it was an option. I did not agree with it to be an option as the Chair. I don't agree today.

Andrea Hoes: Are you making the rules up as we go?

Tina Danforth: No, because what was just said by Leyne is there is supposed to be a special election to fill a vacancy for vacated terms for elections.

Andrea Hoes: Why was it put on the paper that we have that option?

Tina Danforth: You know what? All I can say is that I didn't write the legal opinion. I can say there was a consensus of the Business Committee; it wasn't the full majority of the Business Committee that moved forward on this packet. Mainly, myself.

Andrea Hoes: I'd like to hear from the Parliamentarian.

Andrea Hoes: I'd like a voice from the Parliamentarian to tell us if we are able to just give it to the next person that was highest.

Tina Danforth: It says to appoint a new council member or, or appoint the next highest vote getter. That is and or, that is not even clearly defined and it is not clearly defined on page 16 either. There is a lot of procedural irregularities with this option. I don't think it is a good option to pursue but again, this is where we are at.

Andrea Hoes: If we called for the question, don't we have a right to vote on it?

Tina Danforth: You can ask for it and I'm trying to chair the meeting here, there is also a request for a parliamentarian ruling. There is also the information that Leyne described here, where a special election is needed to appoint a Business Committee member per the election law.

Linda Dallas: I have a privileged question.

Tina Danforth: What is your privileged question, Linda?

Linda Dallas: I would like to ask my privileged question, after they respond.

Tina Danforth: After what?

Linda Dallas: After the Parliamentarian response.

Tina Danforth: JoAnne.

JoAnne House: The question is, is the motion in order. The motion in the book identifies filling the vacancy from the floor. The motion is not in order because there is no name of someone identified to fill the vacancy. To that extent you would have to put the name in as you bringing the motion forward.

Tina Danforth: There are a lot of procedural irregularities with Option E. One is on the motion; the motion is out of order because it does not honor the special election process. It doesn't define how or who that person would be appointed and as JoAnne said, the motion did not also include the name of anybody to be appointed in the motion. The motion is to appoint blank to fill the remainder of the term caused by the resignation or based on the vacancy. Yes, Cathy.

Cathy Metoxen: Thank you. My privileged question is, we are sitting here with item letter E. It was mailed out to us and the decision to mail that out to us was made by who? You? Or the Attorney? Is it all eight of you or one attorney or is it seven of you?

Tina Danforth: You know, it was a majority of the Business Committee. As I stated earlier, I was not ok with this option being presented but as you know, the majority of the Business Committee does rule and that was the consideration to put this in the packet. There are some irregularities with this option; I will continue to say that. That is why it is not clear what we should do even based on the mail out. Based on the mail out, it is not clear and it doesn't also give a justification for it either. This is a totally new procedure that isn't written in the election law, it is not in the constitution, it is not a precedent, it is just something that was put in the mail out without my consent but I guess I didn't need to have a consent to do that.

Cathy Metoxen: So my question is with legal opinion and with all your expertise of all you people who have been sitting there for so many years. How much are you costing us by your irregularity? Really, seriously? Across the board, not just today but in the future, the election.

Tina Danforth: Ok, Cathy, we need to get back on topic. Wes.

Cathy Metoxen: How much is it costing us?

Tina Danforth: I cannot answer that, I'm sorry.

Wes Martin: I have a privileged question, Madam Chair.

Tina Danforth: Yes, Wes.

Wes Martin: I heard Leyne speak here and I'm questioning if we can get a parliamentarian ruling whether or not we have to follow what Leyne read into the record and if we even have any other options but to have a special election. It sounds like from the ruling of the appeals commission, the only option we have is a special election. I'd like to have JoAnne, if I'm wrong, fine but from the letter he read, it is apparent that we have to have a special election.

Tina Danforth: Yes, that was a decision of the appellate body. That decision was heard by judicial officers, Marj Stevens, Lee Ninham and Janice McLester. They rendered that ruling. It is on page six of the docket and it does say that after election results are certified a vacancy must be filled by special election.

Loretta Metoxen: Madam Chair, Loretta Metoxen. I am very disappointed in this procedure because that all should have been ready and explained in the mailouts and not mailing an Option E for consideration.

Tina Danforth: I agree, I agree with you totally Loretta. The last meeting in which I was asked is whether or not to include that it was not the case. There was a subsequent meeting of a subcommittee afterwards and that is what went forward. There was no way for me to have any more input into that. It is an irregularity. There is no precedence for this, it is not stated in the election law,

it is not stated in the constitution and now you have an appeals case that renders the same that there should be a selection by election of the election law to fill it. This is where we are at. It is highly unfortunate that it has occurred and this is where we are sitting waiting to make a decision on this. Nancy, you have been waiting for quite a while. Do you have a question or comment?

Nancy Skenandore: Yes, I do. I apologize for interrupting you earlier Madam Chair. My question is to the Business Committee that is sitting here now. I'd like to know and maybe the body will support me on this. Who on the Business Committee by a show of hands, voted to have Option E sent to the GTC knowing that we'd be here right now saying that it is not feasible to do or it is illegal to do, it's illegal to do, it is not in the constitution. Is it possible for me to get our Business Committee members up there who voted in favor in sending this to the General Tribal Council please?

Linda Dallas: Madam Chair, I requested a privileged question earlier and I also have a point of order.

Nancy Skenandore: Is anybody going to answer me?

Tina Danforth: Does the Committee want to address Nancy about who supported moving forward with Option E in the packet, please acknowledge.

Nancy Skenandore: Is not acknowledged?

Tina Danforth: Please acknowledge if you supported Option E as a mailout option.

Melinda Danforth: Madam Chair.

Tina Danforth: I don't know, can you see?

Nancy Skenandore: No, we cannot see it.

Tina Danforth: You can't see, ok.

Melinda Danforth: I would like to acknowledge that I sent it but not knowing that there would be a legal challenge because throughout this whole entire time that the Business Committee has been meeting about the options to present to General Tribal Council our legal counsel was present. I would actually like to ask our legal counsel if this is an option that is still valid because I believe that this option is still valid and the next highest vote getter on the election is Danelle Wilson. So if the person making the motion can insert the name, I'm asking parliamentarian, will that stand and if it stands because I would never bring something to General Tribal Council knowing that we're legally not able to bind the General Tribal Council that is just ridiculous, why would I bring this option to you if I didn't think it was valid.

Tina Danforth: Brandon.

Brandon Stevens: Madam Chair. We brought this recommendation forward as a list of recommendations and within the constitution it says General Tribal Council may at any regular or special meeting may fill any vacancies that occur with the Business Committee for the unexpired term. The case law that is cited is not of the Business Committee and so that is why this is a different situation where you have the right to appointment whoever you want. And so that is why, there is no precedence because this has only happened 3 times before and now we have an engaged General Tribal Council of over 1600 people which is a new precedence that was set today. Excuse me. You have the option and it is legal. The election law is vacant, is quiet when it comes to Business Committee. What we want to do, if we want to move this forward, we would bring recommendations from the body on how we would address this in future occurrences and that is what we really need to do today.

Linda Dallas: Privileged question Madam Chair and a point of order.

Tina Danforth: Yes Linda.

Linda Danforth: I had a privileged question and a point of order before all of the discussion which I think would have answered all of the questions because you have people that are sending out their opinion of what they think or what they feel or what they believe. It is not fact based. It is not legal based. And that is what it needs to be.

Brandon Stevens: It is fact based.

Linda Dallas: No it is not fact based because what Leyne Orosco read is an opinion out of the Appeals Commission which is our judicial body which you as a Business Committee member is supposed to support and enforce and abide by and you are not. You're encouraging the people to not listen to that order there and to go by what you are saying. The order says that we have to have a special election because that election that Ben Vieau was in was certified it no longer matters, it is irrelevant it is immaterial. We cannot seat Danelle Wilson because it says we have to have a special election.

Brandon Stevens: Based on the election law, that is silent for the Business Committee, it is not clearly defined that is the Business Committee.

Linda Dallas: No, and if Ben Vieau wouldn't have ran 669 votes would have went somewhere else, not necessarily to Danelle Wilson. So the lowest vote getter may have actually be the one that we should be seating. We need to have a special election.

Tina Danforth: Let's have some order here. We do have an unfortunate dilemma here because the vacancy was not addressed to a specific process and that is why the options were brought forth. The option to appoint is not based on the constitution, it is not based on the special election, it is not based on precedence. This is just something that was kind of thrown on the table and discussed as a consideration amongst my peers. My advice to them was to not do it this way, my advice was to keep the options to two or three. They proceeded to do otherwise which I'm ok with that, if that is what the majority of them want then that is what will transpire. I do think that this is of all the things that we have as a consideration this does not follow our past practices as a body. Mr. Smith.

Larry Smith: I think if you find this out of order, Option E that we be allowed to revoke on Option B. And I make a motion to that as Leyne stated.

Linda Dallas: Second.

Tina Danforth: First, I need to rule either that the Option E is out of order because it doesn't follow our practices, it doesn't follow our constitution and it doesn't follow the election law and therefore, I would rule it out of order. I don't feel that the parliamentarian has said otherwise and so I will rule the motion, actually she did say it was out of order as well. So, I'm going to rule the motion on the floor, Option E out of order. What is your privileged question?

Nicole Stroobants: My question is, if we amend Option E and insert Danelle Wilson's name if legal counsel can let us know if that is legal or not legal.

Tina Danforth: Thank you for your privileged question and based on the other considerations other than a name in insert I'm going to stay with my ruling of it being out of order. David Jordan.

Leah Dodge: Motion for Option F.

Tina Danforth: I acknowledged David Jordan so if everybody would be patient and let him speak.

David Jordan: You know, before I heard a lady say, are you making the rules up as we go. There has been precedent set before. What Leyne said before was actually something that was ruled on in the past. That was precedence. For the Business Committee to make a recommendation to take the next vote getter which actually works for the Business Committee in one of the Councilman's office is I think is a major conflict of interest. Thank you.

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Tina Danforth: Thank you, David. I'm going to go to Linda.
Linda Dallas: I'd like to make motion for the General Tribal Council to reconsider Option B. The accelerated special election that would caucus today with the election on November 22nd. And I make that recommendation because November 22nd is where we have a chance where it's going to be reasonable weather yet, it is still not going to be cold. And the process is all outlined in there and it gives everyone a fair chance to participate in the election process and it follows the rules and the laws of the tribe.

Tina Danforth: There is a motion to reconsider Option B based on the discussion; is there a support on the motion?
Sherrolle Benton: Point of order Madam Chair.

Tina Danforth: There is a motion it is seconded by Madelyn Genskow. What is your point of order Sherrolle?
Sherrolle Benton: Thank you, Madam Chair. I heard Larry Smith make this motion for reconsideration of Option B. Did you recognize that motion?

Tina Danforth: I did not, no. I did not know he was necessarily making a motion.
Robert Steffes: I have something from the overflow room.

Tina Danforth: Yes sir. State your name please.
Robert Steffes: Half the people that are saying something over there, I can't even hear them. Your speakers are low or whatever but I cannot hear. So turn it up.

Corinne Robelia-Zhuckkahosee: I have a point of order.
Tina Danforth: Just one second, please. There is a motion on the floor by Linda, seconded by Madelyn to reconsider Option B. That is the motion. What is the point of order, Corinne?

Corinne Robelia-Zhuckkahosee: The point of order is we already had a motion on the floor for E. We still haven't voted on that yet?
Tina Danforth: No, it was out of order, Corinne. You're correct, it was but it was out of order. Thank you, Corinne. Yes, Sir. Can you please state your name?

Matt Johnson: I'm just wondering two things, maybe. If we can adjourn and sometime and have a vote some other day, like a big election. Or maybe we can do it easy, a hand count today and vote if you have to vote we can do a hand count. Or adjourn and do another vote some other day maybe.
Tina Danforth: Thank you.

Sherrolle Benton: I'm going to call for the question.
Tina Danforth: There is a call for the question made by Sherrolle, Sherrolle Benton.

Debbie Thundercloud: Madam Chair, I have a privileged question in the overflow room.
Tina Danforth: Debbie, what is your privileged question?

Debbie Thundercloud: My privileged question has to do with your ruling out of the previous motion. I'm trying to understand how the Appeals Commission could over rule a valid section of the constitution which allows General Tribal Council to make this decision?
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Tina Danforth: The out of order ruling was based both on my perspectives and based on JoAnne House perspectives and I will stand with that. Thank you for your question. There has been a call for the question for the vote on Plan B. There also was again a consideration for a hand count so I'm going to move us forward with a hand count for reconsideration on Plan B. All those in favor of Plan B please raise your hand so you can be counted please.
Linda Dallas: Tina, can you explain why we are reconsidering Plan B? Because of the legalities of the judicial opinion.

Tina Danforth: We are voting on Plan B as a reconsideration, Option E was ruled out of order and based on the conversation it is now a motion for Plan B. Please raise your hand to be counted.
Brenda John Stevens: Can I ask a privileged question during a count?

Tina Danforth: No, no questions during a count, during the voting. Once the voting process starts, we're voting so please be patient.
Unidentified Speaker: Hello, we need the election board to come vote.

Mark A. Powless: Madam Chair, the count isn't taking place maybe they should come forward and make a count.
Tina Danforth: I'm sorry; we're going to do a count, a hand count. I'm going to apologize there is some confusion between this room and the next room. All those who are in favor of Plan B please raise your hand so you can be counted. The election board shall count. Thank you, I guess they didn't hear the last go around. All those in favor of Plan B raise your hand so you can be counted by the election board.

Unidentified Speaker: Privileged question, Madam Chair.
Tina Danforth: There are no questions during the voting process. Can you please show the over flow room so I can see if the counting is completed or not, whoever has the cameras. All of those opposed to Plan B please raise your hand so you can be counted. All of those abstaining on Plan B please raise your hand so you can be counted. Abstentions raise your hand.

Rocky Hill: Privileged question Madam Chair.
Tina Danforth: Is the election board done with their counting?

Rocky Hill: Privileged question Madam Chair.
Tina Danforth: Yes, what is your privileged question?

Rocky Hill: Because the vote was voted on previously and failed does this require 2/3 majority vote to pass?
Tina Danforth: I don't know to be honest. It is a simple majority vote based on my conservation with the parliamentarian. Majority vote. We have the votes. The motion to reconsider Option B, those voting yes 738, those voting no 469, abstaining 51, motion carries with Option B. We now need to go into a caucus of the body for the candidates for consideration for the election.

Sherrolle Benton: Madam Chair.
Tina Danforth: Yes, Sherrolle.

Sherrolle Benton: I'd like to nominate Greg Matson for the vacant position.
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Sherrole Benton: Madam Chair, I motion that we enter into caucus for election to fill the vacant position on the BC.

Linda Dallas: Second.

Tina Danforth: Thank you, Sherrole. Motion by Sherrole, second by Linda that the floor go into a caucus for candidates.

Kathy King: Privileged question, Madam Chair.

Tina Danforth: Yes, Kathy.

Kathy King: Does that mean the regular meeting is adjourned if you are moving into caucus?

Tina Danforth: We have not adjourned the meeting. We will adjourn the meeting after the caucus. It was noticed that if we took Plan B that the caucus would happen today and I understood that as part of the meeting as well. When the caucus is opened, it will close and then we will adjourn the meeting thereafter. Thank you for your question. The floor is now open to accept nominations for candidates.

Sherrole Benton: Madam Chair.

Tina Danforth: I'm going to recognize Pat first.

Pat Lassila: Madam Chair, I'd like to nominate Mark A. Powless.

Tina Danforth: Pat Lassila nominates Mark A. Powless. Sherrole.

Sherrole Benton: Madam Chair, I nominate Greg Matson for the vacant position.

Tina Danforth: Sherrole Benton nominates Greg Matson. Jerry.

Jerry Danforth: Madam Chair, I'm Gerald Danforth, I nominate Kirby Metoxen.

Tina Danforth: Jerry Danforth nominates Kirby Metoxen. Nancy.

Nancy Skenandore: I nominate Dan Skenandore.

Tina Danforth: Nancy Skenandore nominates Dan Skenandore.

Katherine Melchert: Katherine Melchert, I nominate Danelle Wilson.

Tina Danforth: Katherine, hang on a second. I'm going to call on you guys. Give me a chance.

Cathy Metoxen: No you're not.

Tina Danforth: Katherine, who did you nominate?

Katherine Melchert: Danelle Wilson.

Tina Danforth: Danelle Wilson. Cathy, yes, yes please be patient, I'm trying to write.

Cathy Metoxen: I've been patient all morning.

Tina Danforth: Excuse me.

Cathy Metoxen: I'm Cathy L. Metoxen and I nominate Linda Buffy Dallas.

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Kaylynn Gresham: Privileged question.

Tina Danforth: Who has a privileged question? Kaylynn.

Kaylynn Gresham: Wasn't that to reconsider adopting B, not actually adopting it?

Tina Danforth: The motion was to reconsider but it was also to adopt B.

Kaylynn: Where did it say that?

Tina Danforth: That was my understanding.

Kaylynn: It was just to reconsider whether or not we were going to adopt Option B not to actually adopting Option B.

Tina Danforth: Where is the motioner? It was made by; motion was by Linda seconded by Madelyn. I guess I'm going to go back to your intent. That is what I understood that we were voting based on the discussion we wanted to reconsider it and so based on the parliamentarian, we could go forward and so that was my understanding is we were voting on Option B. Those in favor of motion B or Option B that is what I stated when the motion was made. Linda, you are the motioner as well as Madelyn is that also your intent? Please verbally respond.

Linda Dallas: Yes, yes it was.

Tina Danforth: Madelyn.

Madelyn Genskow: Yes, that was the intent to vote for Option B.

Tina Danforth: Thank you.

Kaylynn Gresham: Can I get the parliamentarian to state something because that is not what was written as the motion.

Tina Danforth: You know what? The call for the consideration should have been before the vote not after the vote.

Kaylynn: But that is not what the motion says.

Tina Danforth: That is what the motioner's intent was and that what the vote was, that was how I stated the vote, that was my understanding and right now we've just concluded a vote with the numbers and the motion passed. That is my ruling based on the vote, based on the motion, based on the intent. Cathy, I don't know, what is your privileged question?

Cathy Metoxen: I'm just curious, I didn't hear you recognize anyone and then you're going to back and forth with somebody if you didn't recognize them.

Tina Danforth: Well.

Sherrole Benton: Madam Chair.

Tina Danforth: Let's have some decorum here, yes Sherrole.

Sherrole Benton: I guess my, the way I'm reading the motion now, it says to reconsider Plan B so I guess this is kind of, just for clarification, should we be in discussion now or should we be nominating candidates.

Tina Danforth: My understanding is we should be voting on the candidates that we should be going into a caucus and that is why I believe people are lined up to nominate people.

Tina Danforth: You know what; I'm going to just remind people to keep the side comments to yourselves. I'm acknowledging as fast as I can. There are four microphones. You were reminded about decorum and not making sarcastic remarks they are not appreciated by anybody in this room. I'm going to ask Stacie in the overflow.

Stacie Moore: I'm Stacie Moore and I'd like to nominate Clifford S. Danforth.

Tina Danforth: I didn't catch the first name.

Stacie Moore: Stacie Moore.

Tina Danforth: No, your nominee please.

Stacie Moore: Clifford S. Danforth.

Tina Danforth: Leyne.

Leyne Orosco: My name is Leyne Orosco and I nominate David Fleet Jordan.

Tina Danforth: Leyne Orosco nominates David Fleet Jordan. Mr. Escamea.

Thomas Espinosa: Espinosa.

Tina Danforth: Espinosa, I'm sorry.

Thomas Espinosa: Thomas Espinosa, I nominate myself for candidacy.

Tina Danforth: Well that will be a first and I apologize for getting your name wrong. Tom Espinosa, I stand corrected. Thank you. Madelyn.

Madelyn Genskow: Madelyn Genskow and I nominate Douglas Skenandore.

Tina Danforth: Madelyn nominates Douglas Skenandore.

Matt Johnson: I'm not nominating, can we vote by hands it is faster that way.

Tina Danforth: No, no, we are nominating people right now. We are nominating. Miss Hoes, is it?

Andrea Hoes: I nominate Corinne Robelia-Zhuckkahosee.

Tina Danforth: Andrea nominates Corinne Robelia-Zhuckkahosee. Thank you. Mr. Stevens.

Ken Stevens: I'm sorry I had a privileged question.

Tina Danforth: We are in the process of nominating. Mary.

Mary Graves: I'm Mary Graves, I nominate Cathy Bachhuber.

Tina Danforth: Mary Graves nominates Cathy Bachhuber. Nancy.

Nancy Skenandore: I just want to make clarification for my nomination. I don't know how many Dan Skenandore's there are but the one I'm referring to is Roy & Alice Skenandore's son. Thank you.

Tina Danforth: Thank you. On my far right, here.

Wayne Cornelius: Wayne Cornelius, I nominate Amanda Gerondale.

Tina Danforth: Wayne Cornelius nominates Amanda Gerondale. In the center please.

Ashley Dallas: I'm Ashley Dallas Cathy L. Metoxen actually nominated Linda Dallas and she's not up there yet, I'm just making sure she gets put up there.

Tina Danforth: Ashley Dallas is nominating Linda.

Ashley Dallas: Linda S. Dallas.

Tina Danforth: Linda Dallas.

Ashley Dallas: Cathy did but somebody failed to put her up there, I'm just making sure. Linda, not Lisa.

Tina Danforth: Overflow room. State your name please.

Eric Edwards: Eric Edwards. I nominate Debra Powless.

Tina Danforth: Thank you. Eric Edwards nominates Debra Powless. Thank you. On my far right. Brenda.

Brenda Baird: Brenda Baird nominates Sayokla Kindness.

Tina Danforth: Brenda Baird nominates Sayokla Kindness.

Brenda Baird: Correct.

Tina Danforth: Pat.

Pat Escamea: Pat Escamea nominates Linda Nockideneh.

Tina Danforth: Pat, you are nominating Pat Lane? Are you nominating?

Pat Escamea: I'd like to close it now. Oh, Linda Nockideneh.

Tina Danforth: Linda Nockideneh. There is still people in line so I'm going to keep it open for now, please. Thank you for your nomination. On my far right.

Elizabeth Nicholas: Elizabeth Nicholas for Judith Nicholas.

Tina Danforth: Elizabeth Nicholas nominates Judith Nicholas. Any more in the over flow room? In the center here.

Lou Ann Green: I forgot his name.

Tina Danforth: Please state your name and nominee please. Are you not going to?

Lou Ann Green: My name is Lou Ann Green I was going to nominate somebody Orosco but I forgot his first name.

Tina Danforth: Lou Ann Green is nominating Leyne Orosco?

Lou Ann Green: No, it wasn't Leyne, who was it?

Tina Danforth: I don't know. I don't want to guess anymore.

Lou Ann Green: Sorry.

Tina Danforth: We'll move on. Linda.

Linda Dallas: I respectfully request you to correct the record. Cathy L. Metoxen nominated me, Linda Buffy Dallas, not Ashley Dallas. I think she was going up to ask to have that corrected.

Tina Danforth: Thank you. My far left over here.

Sherry Sommerfeldt: Sherry Sommerfeldt, I'd like to nominate Mike Mousseau.

Tina Danforth: Sherry Sommerfeldt nominates Mike Mousseau. Did I get your name right? Thank you. Pat can you please be quiet for a minute or move from the mic. Leyne.

Leyne Orosco: My name is Leyne Orosco and I move nominations be closed.

Tina Danforth: There is a motion by Leyne Orosco to close the nominations and I believe that concludes the people that have been at the microphone atleast one time. Pat, then Linda.

Pat Escamea: It is my sister's Linda Nockideneh, not Linda Dallas.

Tina Danforth: I did say Linda Nockideneh. Thank you, Pat. Linda.

Linda Dallas: I'm waiting for the record.

Tina Danforth: I'm going to recognize the nominations be closed that was made by Leyne Orosco. We have a long list here for the nominees for the Business Committee vacancy and we're going to go through the list to see if these nominees accept their nomination and please be patient with me because I was writing as fast as I could. Yes Leyne.

Leyne Orosco: You do have to vote to close nominations.

Tina Danforth: Thank you for the reminder. There is a motion by Leyne to close nominations and second by Linda. All those in favor of the close nominations say aye. Opposed. Abstentions. Motion carries. Once we starting voting, I cannot recognize anybody for privileged question or any other procedural question. I do want to remind you that you still have until November 4th to apply to be a candidate so if you we didn't get to you, I do apologize. You have until November 4th to apply and petition to become a candidate for the vacant seat.

Linda Dallas: November 3rd.

Tina Danforth: I stand corrected, deadline for applications is November 3rd. Appeals for candidate eligibility will be November 4th so I did get those dates mixed up. November 3rd is the deadline to apply, thank you very much. Those nominated if you accept, please come to the microphone so you can accept your nomination.

Pat Lassila: Madam Chair, I have a privileged question.

Tina Danforth: Sure Pat.

Pat Lassila: Will we be going into a primary once we have the caucus?

Tina Danforth: There will be no primary, it is one seat.

Pat Lassila: Thank you.

Tina Danforth: Thank you as well. Good question. Those candidates who have been nominated please come forward and accept your nomination. I'm going to go through the list as they were called to me. The first nominee is Mark A. Powless. Do you accept?

Mark A. Powless: Yes, I accept my name is Mark A. Powless, Sr.

Tina Danforth: Mark A. Powless, Sr. Thank you. The next person I have is Greg Matson. Do you accept? Greg Matson, do you accept your nomination? Third call, Greg Matson do you accept? He is probably not here. We'll move on. The next one is Kirby Metoxen, do you accept?

Kirby Metoxen: I accept nomination.

Tina Danforth: Thank you. The next one is Dan Skenandore; I don't have middle initial. That is Dan Skenandore, the son of Roy and Alice.

Dan G. Skenandore: That is correct, Dan G. Skenandore and I accept. Thank you.

Tina Danforth: Dan G. Skenandore accepts. Danelle Wilson do you accept?

Danelle Wilson: Thank you, I accept.

Tina Danforth: Thank you, Danelle accepts. Linda Dallas do you accept?

Linda Dallas: I accept.

Tina Danforth: Clifford Danforth, do you accept? Clifford Danforth do you accept? Third call, Clifford Danforth are you hear? Here he comes. Do you accept?

Clifford Danforth: I accept.

Tina Danforth: David Fleet Jordan do you accept.

David Jordan: I accept.

Tina Danforth: Tom Espinosa, do you accept?

Tom Espinosa: Yes, I accept, thank you.

Tina Danforth: Thank you, Tom. Corinne Robelia-Zhuckkahosee do you accept?

Corinne Robelia-Zhuckkahosee: Yes, I accept.

Tina Danforth: Thank you. Cathy Bachhuber do you accept?

Cathy Bachhuber: Yes, I accept.

Tina Danforth: Thank you, Cathy. I'm just looking over my notes. Doug Skenandore, do you accept?

Doug Skenandore: Yes, I accept.

Tina Danforth: Thank you, Doug. Amanda Gerondale, do you accept?

Amanda Gerondale: Yes, I accept.

Tina Danforth: Debra Powless, do you accept? Debra Powless, do you accept? Third call are you here Debra? Debra Powless do you accept? She must not be here. Sayokla Kindness do you accept?

Sayokla Kindness: Yes, I accept.

Tina Danforth: Thank you. Judith Nicholas do you accept?

Judith Nicholas: I accept.

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Tina Danforth: Thank you. Linda Nockideneh do you accept?

Linda Nockideneh: Yes I accept.

Tina Danforth: Thank you. Mike Mousseau do you accept?

Mike Mousseau: Yes I accept.

Tina Danforth: I believe that concludes everybody. Did I skip somebody? Because I have a first name and not a second name. I think Nancy, I don't know. Nancy Skenandore. Maybe that was when she had just a question. I believe that is all the candidates who were nominated today. I'm going to ask again, did I forget anybody? Hearing none. Those are our candidates who have accepted nomination for the vacancy for the Business Committee. The election will occur on November 22nd, the last day to apply for candidacy is November 3rd. Thank you everybody for your patience. There are some applications in the front of the room to my left if anyone wants to grab a nomination application form for candidacy as a Business Committee member, please come forward.

6. Adjourn

Tina Danforth: There is a motion to adjourn but I do not know by whom. Linda? Linda Dallas motion to adjourn, Nancy Skenandore seconds the motion to adjourn. All those in favor say aye. Opposed. Abstentions. Please allow the elders to move to the front of the line when vacating and signing out. Please give deference to the elders who are here today and thank you everybody for your attendance.

Exhibit D Page 1 of 6

(AMENDED) CONSTITUTION AND BY-LAWS OF THE ONEIDA TRIBE OF INDIANS OF WISCONSIN

We, the people of the Oneida Tribe of Indians of Wisconsin, grateful to Almighty God for his fostering care, in order to reestablish our tribal organization, to conserve and develop our common resources and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this Constitution.

Article I-Territory

The jurisdiction of the Oneida Tribe of Wisconsin shall extend to the territory within the present confines of the Oneida Reservation and to such lands as may be hereafter added thereto within or without said boundary lines under any law of the United States, except as otherwise provided by law.

Article II-Membership

Section 1. The membership of the Oneida Tribe of Wisconsin shall consist of:

(a) All persons of Indian blood whose names appear on the membership roll of the Oneida Tribe of Indians of Wisconsin in accordance with the Act of September 27, 1967 (81 Stat. 229), Public Law 90-93.

(b) Any child of a member of the Tribe born between September 28, 1967, and the effective date of this amendment, who is of at least one-fourth degree Indian blood, provided, that, such member is a resident of the Reservation at the time of the birth of said child.

(c) All children who possess at least one-fourth degree Oneida blood are born after the effective date of this amendment to members of the tribe who are residents of the reservation at the time of said children's birth.

Section 2. The General Tribal Council shall have the power to promulgate ordinances subject to review by the Secretary of the Interior covering future membership and the adoption of new members.

Article III- Governing Body

Section 1. The governing body of the Oneida Tribe of Indians of Wisconsin shall be the General Tribal Council composed of all the qualified voters of the Oneida Tribe of Wisconsin.

Section 2. All enrolled members of the Oneida Tribe of Indians of Wisconsin who are 21 years of age or over shall be qualified voters provided they present themselves in person at the polls on the day of election.

Exhibit D

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Section 3. The qualified voters of the Oneida Tribe of Indians of Wisconsin shall elect from among the qualified voters who physically reside in either Brown or Outagamie Counties of Wisconsin by secret ballot (a) a chairman; (b) a vice-chairman; (c) a secretary; (d) a treasurer; (e) and five councilmen. These shall constitute the Business Committee and shall perform such duties as may be authorized by the General Tribal Council.

A majority of the Business Committee including the chairman or the vice-chairman shall constitute a quorum of this body. Regular meetings of the Business Committee may be established by resolution of the Business Committee. Special meetings of the Business Committee shall be held upon a three-day advance notice by the chairman to all members thereof or upon written request of a majority of the Business Committee stating the time, place, and purpose of the meeting.

The General Tribal Council may at its discretion remove any official on the Business Committee by a two-thirds majority vote at any regular or special meeting of the Tribal Council, pursuant to a duly adopted ordinance. Such ordinance shall fix the specific causes for removal and insure that the rights of the accused are protected, including his receiving in writing a statement of the charges against him and assurance on sufficient notice thereof where he shall be afforded every opportunity to speak in his own defense.

Section 4. The General Tribal Council shall meet on the first Monday of January and July. The officials provided for in Section 3 of this Article shall be elected every three years in the month of July on a date set by the General Tribal Council. The General Tribal Council shall enact necessary rules and regulations governing the election of tribal officials. The first election under this amendment is to be held in the month of July immediately following the approval of this amendment by the Secretary of the Interior. The chairman or fifty (50) qualified voters may, by written notice, call special meetings of the General Tribal Council. Seventy-five (75) qualified voters shall constitute a quorum at any regular or special meeting of the General Tribal Council.

Article IV - Powers of the General Tribal Council

Section 1. Enumerated Powers. - The General Tribal Council of the Oneida Tribe of Wisconsin shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

(a) To negotiate with the Federal, State, and local governments.

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets of the tribe.

(d) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Oneida Tribe of Wisconsin prior to the submission of such estimates to the Bureau of the Budget and to Congress.

Exhibit D Page 3 of 6

Article IV. Powers of the General Tribal Council continued.....

(e) To manage all economic affairs and enterprises of the Oneida Tribe of Wisconsin in accordance with the terms of a Charter that may be issued to the tribe by the Secretary of the Interior.

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Oneida Tribe of Wisconsin, providing for the manner of making, holding and revoking assignments of tribal land or interests therein, providing for the levying of taxes and the appropriation of available tribal funds for public purposes, providing for the licensing of non-members coming upon the reservation for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the tribe persons not so licensed and establishing proper agencies for law enforcement upon the Oneida Reservation.

(g) To appoint committees, delegates and officials deemed necessary for the proper conduct of tribal business or relations.

(h) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(i) To adopt resolutions not inconsistent with this Constitution and the attached By-laws, regulating the procedure of the Council itself and of other tribal agencies, tribal officials, or tribal organizations of the Oneida Reservation.

Section 2. Future Powers. - The General Tribal Council may exercise such further powers as may in the future be delegated to the Council by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

Section 3. Reserved Powers. - Any rights and powers heretofore vested in the Oneida Tribe of Indians of Wisconsin but not expressly referred to in this constitution shall not be abridged by this Article, but may be exercised by the people of the Oneida Tribe of Wisconsin through the adoption of appropriate By-laws and constitutional amendments.

Section 4. Manner of Review. - Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation, who shall, within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to

him, within ten days after its enactment, he shall advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

Article V-Amendments

This Constitution and By-law may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) per cent of those entitled to vote shall vote in such an election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by one-third (1/3) of the qualified voters of the Tribe.

Article VI-Bill of Rights

All members of the tribe shall be accorded equal opportunities to participate in the economic resources and activities of the tribe. All members of the tribe may enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, association and due process of law, as guaranteed by the Constitution of the United States.

BY-LAWS OF THE ONEIDA TRIBE OF INDIANS OF WISCONSIN

Article I-Duties of Officers.

Section 1. Chairman of Council.—The Chairman of the Council shall preside over all meetings of the Council, shall perform the usual duties of a Chairman and exercise any authority delegated to him by the Council. He shall vote only in the case of a tie.

Section 2. Vice-Chairman of Council.—The Vice-Chairman shall assist the Chairman when called upon to do so and in the absence of the Chairman he shall preside. When so presiding, he shall have all the rights, privileges and duties as well as the responsibilities of the Chairman.

Section 3. Secretary of the Council.—The Secretary of the Tribal Council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction, and the Commissioner of Indians Affairs, copies of all minutes of regular and special meetings of the Tribal Council.

Section 4. Treasurer of the Council.—The Treasurer of the Tribal Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether they be tribal funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record

Exhibit D Page 5 of 6

of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody, at each regular meeting of the General Tribal Council, and at such other times as requested by the Council or the business committee.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council.

The Treasurer shall be required to give a bond satisfactory to the Council and to the Commissioner of Indian Affairs.

Section 5. Appointive Officers.—The duties of all appointive boards or officers of the Community shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report, from time to time as required, to the Council, and their activities and decisions shall be subject to review by the Council upon the petition of any person aggrieved.

Article II-Ratification of Constitution and By-Laws

This Constitution and these By-laws, when adopted by a majority vote of the voters of the Oneida Tribe of Indians of Wisconsin voting at a special election called by the Secretary of the Interior, in which at least 30 per cent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.
Adoption Dates.

-Original Constitution adopted November 14, 1936 by Oneida Tribe. Approved by the Secretary of the Interior December 21, 1936.

-Amended June 3, 1939, approved June 15, 1969.

-Amended October 18, 1969, approved November 28, 1969.

-Amended June 14, 1969, approved August 25, 1969.

-Amended June 14, 1969, approved August 25, 1969.

-Amended June 14, 1969, approved August 25, 1969.

Historical Resolutions That Affected the Governance and Membership of the Oneida Tribe of Indians of Wisconsin (Overturned through Amendments to Constitution)

February 28, 1949 (Oneida Executive Business Committee)

Whereas, Article IV of the Constitution of the Oneida Tribe of Indians of Wisconsin enumerates certain powers of the General Tribal Council, and

Whereas, Section 1(g) of the Article IV of said Constitution empowers the General Tribal Council to delegate certain powers to officials of the tribe, and

Whereas, various occasions arise which call for immediate actions on the part of the General Tribal Council in order that important business may be transacted for the benefit and welfare of the Tribe, and

Whereas, it is often difficult to assemble sufficient tribal members together at any one meeting

Exhibit D

for the purpose of constituting a quorum and transacting such tribal business,

Whereas, it is often difficult to assemble sufficient tribal member together at any one meeting for the purpose of constituting a quorum and transacting such tribal business,

Be it Resolved, That such powers as are enumerated in Article IV of the Constitution of the Oneida Tribe of Indians of Wisconsin are hereby delegated to the Executive Committee.

Be it Further Resolved, That the General Tribal Council reserves the right to review any action taken by the Executive Committee by virtue of such delegated powers.

February 6, 1942 (Membership)

Section 1. The original membership of the Oneida Tribe of Indians of Wisconsin shall consist of all persons eligible under Section 1(a) and (b), Article II of the Constitution and Bylaws of said Tribe.

Section 2. A membership committee of three members is hereby created and instructed to prepare and submit for certification to the General Tribal Council, a list of the names of all Oneida Tribes people who are eligible for such original membership. The list herein provided shall constitute the official membership roll of the Oneida Tribe of Indians of Wisconsin when approved by the General Tribal Council of the Tribe, and the Secretary of the Interior.

Section 3. Descendants of members of the tribe who are of at least one-quarter Indian blood and whose parents are not residents of the Reservation at the time of birth of said descendants may be enrolled as members of the tribe upon approval, by the Executive Committee, of a certified birth certificate.

Section 4. Persons of Indian blood, who by reason of marriage to a member of the Oneida Tribe and residence on the Oneida Reservation, may be adopted by a majority vote of the General Tribal Council, provided such person furnish satisfactory evidence to the Executive Committee that tribal relations are not maintained another tribe; and it is further provided that such membership will not entitle said member to the right to participate in tribal annuity payments nor to hold office in the tribal organization. Such membership shall terminate upon severance of marital relations with a member of the tribe and/or absence from the Reservation for a period of two years.

End

OPTION B. ACCELERATED SPECIAL ELECTION

CAUCUS ON OCTOBER 26, 2014 with ELECTION ON NOVEMBER 22, 2014

WHEREAS, the Oneida Business Committee, respecting the history of the General Tribal Council, presents this resolution to the General Tribal Council calling for a Special Election;

NOW THEREFORE BE IT RESOLVED, a Special Election is called for Saturday, November 22, 2014 with a polling place to be set up on the Oneida Reservation and in Milwaukee.

BE IT FURTHER RESOLVED, that the following dates shall be utilized for this Special Election:

- Caucus – October 26, 2014
- Deadline for Applications to be filed – November 3, 2014
- Appeals of Candidate Eligibility – November 4, 2014
- Election Day – November 22, 2014
- Recounts and Appeals – November 26, 2014
- Final Report presented to Oneida Business Committee – December 1, 2014

Costs associated with this proposed resolution:

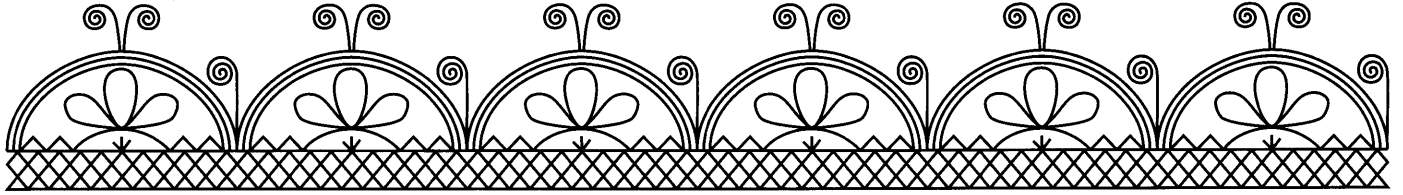
\$200,000	General Tribal Council meeting – average cost, must hold meeting to determine how vacancy is filled
\$5000	Election Board costs for accelerated special election ³
\$0	Electronic ballot machines are not available on this accelerated time frame

Policy Considerations:

- Recognizes the history of filling vacancies.
- Recognizes the changes in the election processes which have occurred since the 1976/1982 actions.
- Recognizes changes in the General Tribal Council body since adoption of the 2008 stipend directive.
- Moves the election as far forward while at the same time recognizing the accepted principles in conducting a Special Election.
 - 27 days from the Caucus to the election
 - 32 days from Caucus to the Final Report
- Shortens application/petition filing, eligibility appeals and recount appeals
- Longest time demand is printing ballots
- Presumes a manual count, no ballot machines

205,000

³ Includes OPD and Enrollments – per diem and hotel costs for SEOTS polling place. Overtime is generally managed by Enrollments or OPD and the personnel costs are recognized in the department budgets, not the Election Board regular employment related duties.



*** NOTICE ***

2015 SPECIAL ELECTION To Fill OBC Vacancy

Scheduled for:

**EXHIBIT F
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**SATURDAY,
January 10, 2015
7:00 a.m.-7:00 p.m.
at**

**ONEIDA HEALTH CENTER
525 Airport Dr., Oneida, WI 54155**

&

**SEOTS BUILDING
6811 W. Morgan Ave., Milwaukee, WI 53220**

**PLEASE NOTE:
MUST BE AGE 21 OR OVER TO VOTE
PICTURE IDENTIFICATION REQUIRED FOR VOTING
NO CHILDREN ALLOWED IN VOTING AREA**

**ONEIDA TRIBE OF INDIANS OF WISCONSIN
OBC VACANCY SPECIAL ELECTION BALLOT
January 10, 2015**

BUSINESS COMMITTEE – COUNCIL PERSON

Choose one (1)

LINDA (BUFFY) DALLAS

MARK A. POWLESS SR.

KIRBY METOXEN

DAVID P. (FLEET) JORDAN

AMANDA J. GERONDALE

CATHY BACHHUBER

MIKE MOUSSEAU

DAN G. SKENANDORE

CLIFFORD DANFORTH

LEE NINHAM

MICHAEL B. (TEACHER) KING

JUSTINE HILL

ALAN R. (BUMPER) KING

ANTHONY (TEE) FRANCO

DANELLE WILSON

THOMAS ESPINOSA

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Page 2 of 3**

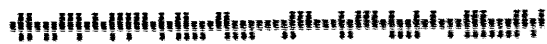
THIS IS A SAMPLE BALLOT ONLY



Oneida Tribe of Indians of Wisconsin
Enrollment Department
P. O. Box 365
Oneida, WI 54155-0365

FIRST CLASS MAIL
AUTO
US POSTAGE
PAID
ONEIDA WI 54155
PERMIT NO. 4

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9705 4 6
LEAH S DODGE 865
PO BOX 95
ONEIDA WI 54155-0095

**Oneida Tribe of Indians of Wisconsin
BUSINESS COMMITTEE**



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



**EXHIBIT G
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UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

**P.O. Box 365 • Oneida, WI 54155
Telephone: 920-869-4364 • Fax: 920-869-4040**

**GTC Resolution 01-04-10-A
*Amendments to the Oneida Election Law***

WHEREAS, the Oneida Tribe of Indians of Wisconsin 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 Tribe of Indians of Wisconsin; and

WHEREAS, at the 2006 General Tribal Council (GTC) Annual Meeting, the GTC directed the Legislative Operating Committee and the Election Board to work together to create amendments to the Oneida Election Law (Law); and

WHEREAS, proposed amendments to the Law were presented to the GTC on October 11, 2008 and the GTC approved the amendments that pertained to conducting primary elections and deferred the rest of the amendments to the July 11, 2009 GTC meeting; and

WHEREAS, at the July 11, 2009 GTC meeting the Election Law amendments were deferred to the August 1, 2009 GTC meeting; at the August 1, 2009 GTC meeting, the meeting was recessed until October 31, 2009 before the Election Law amendments were addressed; and at the October 31, 2009 GTC meeting the Election Law amendments were tabled; and

WHEREAS, the Legislative Operating Committee met with the Election Board to develop the attached proposed amendments to ensure that elections are conducted in a fair and orderly manner; and

WHEREAS, significant amendments include changes in the composition of an *elected* Election Board, Oneida Business Committee discretion in filling Board positions between elections, allowing the Election Board to declare the next highest vote recipient the winner when the highest vote recipient declines the position, provisions for challenging an election, and limiting candidates for Oneida Business Committee and Oneida Appeals Commission positions to run for *one* specific office.

EXHIBIT G
Page 2 of 16

Page Two
Resolution 01-04-10-A

NOW THEREFORE BE IT RESOLVED, that the attached amendments to the Oneida Election Law are hereby adopted and shall become effective January 4, 2010.

BE IT FINALLY RESOLVED, in order to decrease the number of permanent positions on the Election Board from twelve (12) to nine (9), as specified in the amendments, at each of the first three (3) elections that are held after the adoption of this resolution, there shall be three (3) positions for the Election Board on the ballot.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council in session with a quorum of 1,117 members present at a meeting duly called, noticed, and held on the 4th day of January, 2010; that the foregoing resolution was duly adopted at such meeting by a majority vote of those present and that said resolution has not been rescinded or amended in any way.



Patricia Hoelt, Tribal Secretary
Oneida Business Committee

Chapter 2
ONEIDA ELECTION LAW

OnΛyoteʔa·ká· Tho Ni· Yót Tsiʔ Λyethiyataláko Tsiʔ KayanlÁhsla
People of the Standing Stone how it is we will appoint them the kind of laws we have

2.1. Purpose and Policy	2.7. Notice of Polling Places
2.2. Adoption, Amendment, Repeal	2.8. Registration of Voters
2.3. Definitions	2.9. Election Process
2.4. Election Board	2.10. Closing Polls and Securing Ballots
2.5. Candidate Eligibility	2.11. Election Outcome and Ties
2.6. Selection of Candidates	2.12. Elections

2.1. Purpose and Policy

2.1-1. It is the policy of the Tribe that this law shall govern the procedures for the conduct of orderly Tribal elections, 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.

2.1-2. This law defines the duties and responsibilities of the Election Board members and other persons employed by the Oneida Tribe in the conduct of elections. It is intended to govern all procedures used in the election process.

2.2. Adoption, Amendment, Repeal

2.2-1. This law was adopted by the Oneida General Tribal Council by resolution # GTC 7-06-98-A and amended by resolution #GTC-01-04-10- A. The amendments adopted by resolution #GTC-01-04-10-A shall be effective January 4, 2010.

2.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Business Committee or the Oneida General Tribal Council. 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.

2.2-3. 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.

2.2-4. Any law, policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent with or is contrary to this law.

2.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

2.3. Definitions

2.3-1. 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.

2.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on the Election Board during an election and until election results have been certified.

2.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

EXHIBIT G

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- 2.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding Tribal holidays.
- 2.3-5. "Campaigning" shall mean all efforts designed to influence Tribal members to support or reject a particular Tribal candidate including, without limitation, advertising, rallying, public speaking, or other communications with Tribal members.
- 2.3-6. "Candidate" shall mean a petitioner or nominee for an elected position whose name is placed on the ballot by the Election Board after successful application.
- 2.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose of determining voter eligibility.
- 2.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.
- 2.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political or otherwise, in which a Tribal elected official, employee, consultant, appointed or elected, member of any board, committee or commission, or their immediate relatives, friends or associates, or any other person with whom they have contact, that conflicts with any right of the Tribe to property, information, or any other right to own and operate its enterprises, free from undisclosed competition or other violation of such rights of the Oneida Tribe, or as defined in any law or policy of the Tribe.
- 2.3-10. "Election" shall mean every primary and election.
- 2.3-11. "General election" shall mean the election held every three (3) years in July to elect the Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the Business Committee and may include contests for elected boards, committees and commissions positions.
- 2.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of discrepancies, complaints and controversy regarding voter eligibility.
- 2.3-13. "Lot drawing" shall mean the equal chance method used to select a candidate as the winner of an elected position, in the case of a tie between two (2) or more candidates.
- 2.3-14. "Oneida Police Officer" shall mean an enrolled member of the Oneida Tribe of Indians who is a police officer on any police force.
- 2.3-15. "Private property" shall mean any lot of land not owned by the Tribe, a residential dwelling or a privately owned business within the boundaries of the Reservation.
- 2.3-16. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida Community Health Center, the SEOTS building and all One-Stop locations.
- 2.3-17. "Qualified voter" shall mean an enrolled Tribal member who is 21 years of age or older.
- 2.3-18. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating machine.
- 2.3-19. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred and is not tabulated.
- 2.3-20. "Teller" shall mean the election official in charge of collecting and storing of all ballots.
- 2.3-21. "Tribal newspaper" shall mean the Kalihwisaks, or any other newspaper operated by the Tribe for the benefit of transmitting news to Tribal members which is designated by the Election Board as a source for election related news.
- 2.3-22. "Tribe" means the Oneida Tribe of Indians of Wisconsin.

2.4. Election Board

Section A. Establishment, Composition and Election

- 2.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this law

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and Article III, Sections 2 and 3 of the Oneida Constitution.

2.4-2. The Election Board shall consist of nine (9) elected members. All members shall be elected to terms of three (3) years, not to exceed two (2) consecutive terms.

2.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an Election Board member in any pre-election, election day, or post-election activities while he or she is a petitioner, applicant or candidate in any election or there is otherwise a conflict of interest.

2.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member who is removed from the Election Board shall be ineligible to serve on the Board for three (3) years from the time he or she is removed from the Election Board.

2.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed to correspond with the pre-election activities and the needs of the Election Board.

2.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

2.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to the Election Board, as recommended by the Election Board, to assist with election day and pre-election activities.

2.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in the By-laws of the Election Board, to preside over the meetings. This selection shall be carried out at the first meeting of the Election Board following an election. The Chairperson shall then ask the Election Board to select a Vice-Chairperson and Secretary.

Section B. Duties of the Election Board

2.4-9. The Election Board shall have the following duties, along with other responsibilities listed throughout this law.

- (a) The Election Board shall be in charge of all registration and election procedures; and
- (b) Upon completion of an election, the Election Board shall make a final report on the election results as set out in this law.

Section C. Specific Duties of Officers and Election Board Members

2.4-10. Specific duties of the Chairperson and other Election Board members, in addition to being present at all Election Board meetings and assisting the handicapped through the voting process, are as set out herein:

- (a) Chairperson: Shall preside over meetings of the Election Board; shall select the hearing body for applicants found to be ineligible in accordance with 2.5-6 in the event of an appeal; shall oversee the conduct of the election; shall dismiss the alternates and Oneida Enrollment Department personnel when their election day duties are complete; and shall post and report election results.
- (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.
- (c) Secretary: Shall keep a record of the meetings and make them available to the Tribal Secretary, other Election Board members and the public as required in the Open Records and Open Meetings Law.
- (d) Clerks: Shall implement the requirements of identifying and registering all voters and determining voter eligibility. Clerks shall work in conjunction with the Oneida Enrollment Department personnel in the registration process, and assist the Chairperson as directed in

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conducting the election. Clerks cannot be currently employed by the Oneida Enrollment Department.

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

(f) 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 Tribal members and Election Board members, or any controversy regarding voter eligibility, the 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

2.4-11. 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 Business Committee. The Election Board shall have a budget, approved through the budgeting process of the Tribe.

2.4-12. The Oneida Enrollment Department personnel and Oneida Police Officer(s) shall be compensated at their regular rate of pay out of their respective budgets.

2.5. Candidate Eligibility

Section A. Requirements

2.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-laws or other documents, all applicants shall meet the minimum requirements set out in this section in order to become a candidate.

2.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

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

2.5-3. No applicant may have a conflict of interest with the position for which they are being considered, provided that any conflict of interest which may be eliminated within thirty (30) calendar days of being elected shall not be considered as a bar to nomination or election.

2.5-4. Applications and petitions where the applicant was not nominated during caucus shall be filed by presenting the information to the Tribal Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, within five (5) business days after the caucus. No mailed, internal Tribal mail delivery, faxed or other delivery method shall be accepted.

2.5-5. 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 Board's designated agent.

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Section B. Eligibility Review

2.5-6. 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 Oneida Appeals Commission on an accelerated schedule and in compliance with the Administrative Procedures Act.

2.5-7. 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 of the position and citation of the source. (Copies of source may be attached.)
- (c) A brief summary explaining why the applicant was found to be ineligible.
- (d) That the applicant has two (2) business days from notification to make an appeal. Appeals must be filed at the location designated on the notice by hand delivery. The location designated shall be on the Reservation. No mailed, internal Tribal mail, faxed or other delivery method will be accepted.

Section C. Campaign Financing

2.5-8. Contributions:

- (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.
- (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business Committee.

2.5-9. Campaign Signs and Campaigning:

- (a) Placement of campaign signs:
 - (1) Campaign signs shall not be posted or erected on any Tribal property except for private property with the owner/tenant's permission.
 - (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum of seven (7) such signs may be placed on a building or on a lot.
 - (3) No campaign sign shall project beyond the property line into the public right of way.
- (b) Removal of campaign signs. All campaign signs shall be removed within five (5) business days after an election.
- (c) Employees of the Tribe shall not engage in campaigning for Tribal offices during work hours. Tribal employees shall be subject to disciplinary action under the personnel policies and procedures for political campaigning during work hours.

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(d) Enforcement. The Zoning Administrator shall cause to be removed any campaign signs that are not in compliance with this law, in accordance with the Zoning and Shoreland Protection Law.

(e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business Committee.

Section D. Candidate Withdrawal

2.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by the candidate prior to submission of the ballot for printing to any Election Board member, excluding alternates.

2.5-11 After printing of the ballot, any candidate may withdraw his or her name from the election by submitting in writing a statement indicating they are withdrawing from the election prior to the opening of the polls to any Election Board member, excluding alternates. This statement shall be posted alongside any sample ballot printed prior to the election in the newspaper or any posting at the polling places.

2.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the Election Board members in charge of the polling place, to be removed from the ballot. The written statement shall be posted next to any posted sample ballot.

2.5-13. Candidates withdrawing by any method listed herein shall be denied any position from which they have withdrawn regardless of the number of votes cast for that candidate. A written statement shall be considered the only necessary evidence of withdrawal and acceptance of denial of any position withdrawn from.

2.5-14. *Candidate Withdrawal After Winning an Election.*

(a) In the event a candidate declines an office after winning an election, 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 shall be held.

2.6. Selection of Candidates

Section A. Setting of Caucus

2.6-1. The Election Board shall be responsible for calling a caucus before any election is held. The caucus for the general election shall be held at least ninety (90) calendar days prior to the election date. Caucuses for other elections shall be held at least forty-five (45) calendar days prior to the election date. In a general election year, caucuses shall be combined so that candidates for the Business Committee and elected boards, committees and commissions are nominated at the same caucus.

2.6-2. The procedures for the caucus shall be as follows:

(a) Candidates shall be nominated from the floor.

(b) Candidates present at the caucus will accept/decline their nomination at the caucus. Candidates nominated at the caucus, but not present to accept the nomination, shall be required to follow the petition process.

(c) Nominations shall consist of the following positions: Chairperson, Vice-Chairperson, Treasurer, Secretary, Council Member and other elected positions as required by by-laws or

creating documents of a board, committee, or commission.

Section B. Petition

2.6-3. Any eligible Tribal member may petition to be placed on a ballot according to the following procedures:

- (a) Each petitioner, not nominated at caucus, shall file a petition containing endorsee's original signatures; photocopies shall not be accepted.
- (b) Petitioners shall use an official petition form as designated by this law which may be obtained in the Tribal Secretary's Office or from the mailing for that caucus.
- (c) The petition form shall consist of each endorsee's:
 - (1) printed name and address;
 - (2) date of birth;
 - (3) Oneida Tribal Enrollment Number; and
 - (4) signature.
- (d) Petitioners shall obtain not less than ten (10) signatures of qualified voters as defined under this law.
- (e) Petitions shall be presented to the Tribal Secretary, or designated agent, during normal business hours, 8:00 to 4:30 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 Tribal 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 the Oneida Enrollment Department verify all signatures contained on the petition.

2.6-4. 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.

2.7. Notice of Polling Places

2.7-1. The Election Board shall post a notice in the prominent locations, stating the location of the polling places and the time the polls will be open. This notice shall also be posted in an easily visible position, close to the entrance of Tribal businesses/facilities.

2.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the election, and shall remain posted until the poll closes on the day of the election.

2.7-3. Except for a Special Election, notice for the election shall be mailed to all Tribal members, stating the time and place of the election and a sample of the ballot, no less than ten (10) calendar days prior to the election, through a mass mailing. The Oneida Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing.

2.7-4. Notice of the election shall be placed in the Tribal newspaper.

2.8. Registration of Voters

Section A. Requirements

2.8-1. *Registration of Voters.* All enrolled members of the Tribe, who are twenty-one (21) years of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the Oneida

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Tribal Constitution.

Section B. Identification of Voters

- 2.8-2. All voters must present one of the following picture identifications in order to be able to vote:
- (a) Tribal I.D.
 - (b) Drivers License.
 - (c) Other I.D. with name and photo.

Section C. Registration Procedures

- 2.8-3. Voters shall physically register, on the day of the election, at the polls.
- 2.8-4. Oneida Enrollment Department personnel shall be responsible for verifying Tribal enrollment. Conduct of Oneida Enrollment Department personnel is governed by the Election Officials during the voting period.
- 2.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration Form containing the voter's following information:
- (a) name and maiden name (if any);
 - (b) current address;
 - (c) date of birth; and
 - (d) enrollment number.

Section D. Qualification/Verification of Voter Eligibility

- 2.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote, the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with the 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/verifiable under the Oneida Tribal Constitution, Article III Section 2, to vote in tribal elections.
- 2.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of the voter shall be written next to a numbered list which corresponds to the numbered and sealed envelope. The voter shall 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. 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.

2.9. Election Process

Section A. Polling Places and Times

- 2.9-1. In accordance with Article III, Section 4 of the Tribal 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 Elections shall be set in accordance with 2.12-6.
- 2.9-2. Elections shall be held in an Oneida Tribal facility(s) as determined by the Election Board.
- 2.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line to

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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 Judges shall open the polls only after four (4) Tribal members verify, through signature on the tape, the ballot box is empty and the ballot counting machine printer tape has a zero (0) total count.

2.9-4. 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 posted.

2.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such that there is an area with at least two sides and a back enclosure.

2.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of the voting area, excluding private property.

2.9-7. No one causing a disturbance shall be allowed in the voting area.

2.9-8. 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. Ballot Box

2.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and shall be locked until counting at the close of polls. Provided that, with electronic ballot counting, the ballots may be placed within the ballot counting machine as they are received.

Section C. Spoiled Ballots

2.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

2.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials and placed in an envelope marked as "Spoiled Ballots."

2.9-12. The Spoiled Ballot envelopes 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. Rejected Ballots

2.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

(a) Computer rejected ballots shall be reviewed by the Election Officials 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 2.9-10 through 2.9-12.

(b) Ballots rejected, either during the computer process or during a manual counting, shall be reviewed by the Election Officials to verify that they are authentic. If the Election Officials 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."

2.10. Tabulating and Securing Ballots

Section A. Machine Counted Ballots

2.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate from the ballot counting machine copies of the election totals from the votes cast.

2.10-2. At least six (6) Election Board members shall sign the election totals, which shall include the

tape signed by the Tribal members before the polls were opened per section 2.9-3(a).

Section B. Manually Counted Ballots

2.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the ballot box and remove the ballots.

2.10-4. 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 for counting/tallying of ballots.

2.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and witnessed/monitored by an Oneida Police Officer.

2.10-6. Ballots must be counted by two different Election Officials until two final tallies are equal in back to back counting. Final tallies shall be verified by the Election Judges.

Section C. Securing Ballots

2.10-7. The 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 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 Records Management Department for retaining.

2.11. Election Outcome and Ties

Section A. Election Results Announcement

2.11-1. 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"

2.11-2. The Election Board shall post, in the prominent locations, and publish in the Tribal newspaper, the tentative results of an election.

Section B. Tie

2.11-3. 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 the votes for each candidate receiving the same number of votes. Any recount conducted shall be the only recount allowed for the tied candidates.

2.11-4. For Business Committee positions, a run-off election between the candidates with the same number of votes shall be held if there remains a tie after the recount. Said run-off election shall be held within twenty one (21) calendar days after the recount. For all other positions, if there remains a tie after the recount, the Election Board shall decide the winner of the tied positions at least two (2) business days after, but no more than five (5) business days after the recount through a lot drawing,

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which shall be open to the public.

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

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

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

Section C. Recount Procedures

2.11-5. A candidate may request the Election Board to complete a recount, provided the margin between the requesting candidate's vote total and vote total for the unofficial winner was within two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is greater.

A candidate requests a recount by hand delivering a written request to the Tribal Secretary's Office, or noticed designated agent, within five (5) business days after the election. Requests shall be limited to one (1) request per candidate. The Tribal Secretary shall contact the Election Board Chairperson by the next business day after the request for recounts.

2.11-6. The Election Board shall respond by the close of business on the fifth (5th) day after the request regarding the results of the recount. Provided that, no recount request need be honored where there have been two (2) recounts completed as a result of a request either as a recount of the whole election results, or of that sub-section.

2.11-7. All recounts shall be conducted manually with, if possible, the original Election Officials and Oneida Police Officer present, regardless of the original type of counting process. Manual recounts may, at the discretion of the Election Officials, be of the total election results, or of the challenged sub-section of the election results.

2.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed container with the ballots from the Records Management Department and transporting it to the ballot recounting location.

2.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election Board Chairperson and an Oneida Police Officer shall witness the recount.

2.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be counted until two (2) final tallies are equal in back to back counting and the total count of ballots reconciles with the total count from the ballot counting machine. Sub-sections of candidates may be recounted in lieu of a full recount.

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

(b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior to

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using an electronic ballot counting device, it shall be certified as correct either by the maker, lessor of the machine, or Election Board.

Section D. Challenges and Declaration of Results

2.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a complaint with the Oneida Appeals Commission within ten (10) calendar days after the election. The Oneida Appeals Commission shall hear and decide a challenge to any election within two (2) business days after the challenge is filed. 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.

(a) The person challenging the election results shall prove by clear and convincing evidence that the Election Law was violated or an unfair election was conducted, and that the outcome of the election would have been different but for the violation.

(b) If the Oneida Appeals Commission invalidates the election results, a Special Election shall be ordered by the Commission for the office(s) affected to be held on a date set by the Commission for as soon as the Election Law allows for a Special Election.

2.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Tribal 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.

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

2.11-13. *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.

2.11-14. Candidates elected to the Business Committee shall resign from any salaried position effective prior to taking a Business Committee oath of office

2.11-15. Except in the event of an emergency, as determined by the Business Committee, newly elected officials shall be sworn into office no later than thirty (30) calendar days after the official results of an election are declared by the 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 shall be held.

2.11-16. 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.

2.12. Elections

Section A. Primary Elections; Business Committee

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2.12-1. When a primary is required under 2.12-2, it shall be held on a Saturday at least sixty (60) calendar days prior to the election.

2.12-2. 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.

2.12-3. The Election Board shall cancel the primary election if the Business Committee positions did not draw the requisite number of candidates for a primary by the petitioning deadline set for the primary.

2.12-4. In the event a candidate withdraws or is unable to run for office after being declared a winner in the primary, the Election Board shall declare the next highest primary vote recipient the primary winner. This procedure shall be repeated as necessary until the ballot is full or until there are no available candidates. If the ballot has already been printed, the procedures for notifying the Oneida public in section 2.5-11 and 2.5-12 shall be followed, including the requirement to print a notice in the Tribal newspaper if time lines allow.

Section B. Special Elections

2.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as defined in this law, may be placed on the same ballot as the subject matter of an election.

2.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business Committee as recommended by the Election Board or as ordered by the Oneida Appeals Commission in connection with an election challenge.

2.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent locations, and placed in the Tribal newspaper not less than ten (10) calendar days prior to the Special Election.

2.12-8. In the event of an emergency, the Election Board may reschedule the election, provided that no less than twenty-four (24) hours notice of the rescheduled election date is given to the voters, by posting notices in the prominent locations.

Section C. Referendums

2.12-9. Registered voters may indicate opinions on any development, law or resolution, proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a special referendum election.

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

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

(c) Referendum questions are to be presented to the Tribal Secretary, in writing, at the caucus prior to election, regarding issues directly affecting the Tribe or general membership.

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Section D. Initiation of Special Elections

2.12-10. Special Elections may be initiated by a request or directive of the General Tribal Council or the Oneida Business Committee.

2.12-11. Special Election may be requested by a Tribal member to the Business Committee or General Tribal Council.

2.12-12. All Special Elections shall follow rules established for all other elections. This includes positions for all Boards, Committees and Commissions.

End.

Adopted - June 19, 1993

Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)

Presented for Adoption of 1997 Revisions - GTC-7-6-98-A

Amended- October 11, 2008 (General Tribal Council Meeting)

Amended-GTC-01-04-10-A

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Oneida General Tribal Council Ten Day Notice Policy

I. Statement of Purpose
II. Definitions
III. Procedure

IV. Filing Process of Proposed Resolutions
V. Notice to Membership
VI. Process for Introducing Resolutions at GTC Meeting

I. Statement of Purpose:

1. Provide notice to General Tribal Council (GTC) of regular or special business to be conducted or action taken at a GTC meeting.
2. Date, Time, Place to be published to give notice of the meeting to the membership.
3. Provide a clear and concise statement of procedures to be followed by the GTC and the Oneida Business Committee during conducting of GTC meetings.
 - a. Agenda
 - b. Motions
 - c. Resolutions

II. Definitions:

Due Process: A process or procedure designed to give actual notice of a meeting or event that will or may effect the person(s) to whom the notice is given.

Motion: Means a formal proposal by a member in a duly called meeting, that the body take a certain action.

Notice: Means actually informing the membership of a regular or special meeting by:

1. Publishing an agenda
2. Stating a location
3. Stating the date and time in a reasonable time for the members to attend.

Places of Prominence: See attachment.

Resolution: Means a proposed action of a substantial nature. It is introduced by a motion and includes statements of preamble setting forth its purpose, or reason, or statements of need or desirable goals and statements of resolve clearly and concisely setting forth actions to be taken or implemented.

Preamble: A preliminary statement, the introduction to a formal document that explains its purpose.

Secretary: Means the duly elected Secretary of the Oneida General Tribal Council.

Ten (10) Day Notice: Means ten (10) calendar days, including weekends and holidays.

III. Procedure:

1. Any resolution or motion pertaining to due process, or action that would have a direct impact on budgets or operations of the tribe shall be subject to a 10-day notice requirement.
 - a. Motions:
 1. Reports: Motions to approve, disapprove, delete, correct or table do not require 10-day notice as long as they pertain to agenda reports.
 2. Reports with recommendations that call for motions to be made that have a direct impact on the budget or operations of the tribe shall be required to adhere to the 10-day notice procedures.
 3. Action to over rule previous passed motions or resolutions shall require a 2/3

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majority vote.

4. Points of Order and other processes that relate to the conducting of meeting are not subject to a 10-day notice.
- b. Motions: that call for action that will have a direct impact on the budget or operations of the Tribe shall be required to adhere to the following procedures:
 1. If a motion is introduced that is of impact nature the motion will be referred to the Business Committee. The Business Committee shall be responsible for follow up and reporting back to the GTC at next meeting in written form.
 - a. Upon receipt of the fact finding report by the GTC, the GTC will then entertain motion for vote.
 - c. Motions that have been passed by GTC shall be carried out and adhered to whole heartedly by the Business Committee or as directed by the GTC.
- c. Resolutions: All resolutions to be introduced shall be subject to the 10-day notice requirement.
 1. Author(s) of resolution shall be identified by name and signature(s). This includes Oneida Business Committee members.
 2. Anonymous resolutions will not be considered.

IV. Filing Process of Proposed Resolutions:

1. Five (5) copies of resolution to be introduced shall be provided to the Tribal Secretary for purpose of providing copies to the General Tribal Council meeting not later than Ten (10) calendar days prior to the ten day notice.
 - a. The Legislative Operating Committee shall be established to implement resolution procedures, this committee shall not have authority to Veto or change the resolution in any manner.
 - b. The Legislative Operating Committee shall be made up of the Oneida Business Committee members who are not officers.
2. Upon receipt of the resolution, the Tribal Secretary shall acknowledge formal acceptance in the following manner:
 - a. A signed receipt shall be given to the sponsor of the resolution.
 - b. Receipt of resolution shall be recorded in a special log and shall include the date, time, subject, and author(s).
 - c. A separate file shall be maintained by the Tribal Secretary of all submitted resolutions that pertain to the GTC meeting(s).
3. A standardized resolution form shall be available from the Tribal Secretary's office to to any tribal member who desires to develop a Resolution for the GTC meeting.
 - a. The form shall include a statement of purpose and reason for the resolution.
 - b. The form shall include a clear statement of corrective action to be carried out.

V. Notice to Membership:

1. The Tribal Secretary shall provide adequate copies for the GTC meeting and notice of all actions to be introduced shall be posted on defined "Places of Prominence".
 - a. The Tribal Secretary shall give notice in the Kaliwisaks, and other places of all actions to be introduced or considered in a timely manner to the membership.

- b. Membership shall be encouraged to submit their items or concerns to the Tribal Secretary for the agenda.
- 2. Notice to Department: A resolution pertaining to any department, program, or enterprise shall be sent to the director or manager of that department immediately upon receipt of the resolution by the Tribal Secretary.
- 3. General Tribal Council Meetings - Annual and Semi-Annual: Notice will be sent to all Tribal members identified by the Enrollment Department as: head of household who is age 21 or over. The notice shall contain the following information:
 - a. Information that the Annual or Semi-Annual General Tribal Council report is in the process of completion and if the head of household wishes to receive the report, he or she must return the postage paid card on or before the deadline date.
 - b. return postage paid card.
 - c. deadline date.

VI. Process for Introducing Resolutions at GTC Meeting:

- 1. Introduction of Resolution by author(s).
- 2. Discussion.
- 3. Chair shall entertain a motion.
 - a. Action should address the introduced Resolution.
- 4. Vote on the motion.
- 5. Results of the vote on all resolutions shall be published in the Kaliwisaks in next scheduled Kaliwisaks publication.
 - a. Resolutions that have been passed by GTC shall be implemented whole heartedly by the Business Committee or as directed by the GTC.
 - 1. Written progress reports shall be reported back to the GTC at next meeting.
 - 2. Failure by the BC to properly implement, or demonstrate progress of GTC actions may be subject to grounds of suspension and/or removal.
 - a. Refer to the Business Committee Removal Ordinance.

End.

Adopted - GTC, motion March 4, 1991
(See also 7/8/00 GTC attachment pg. 101 for 4-14-00 memo – Re: Places of Prominence)
Amended - Special BC Resolution #8-02-00-A.

Exhibit I

Robert's Rules of Order *As Used by the General Tribal Council*

Voting

Majority Vote - used in most instances and requires a simple majority of the members voting, excluding those who choose to abstain. The abstentions are asked for to complete the record, not to include them in the count.

Two-Thirds Vote - used to overturn a previous action as identified in the *Ten Day Notice Policy*. Requires two-thirds of those voting to take action, excluding those who choose to abstain. The total number of votes, divided by three, multiplied times two. Fragments are included in the 'yes' votes as that is where two-thirds of the vote lies.

Note: an action of the membership to overturn a prior action taken at a meeting which was concluded by the Business Committee on behalf of the General Tribal Council, because no quorum was met, falls within the *Ten Day Notice Policy* requirements.

Tie Votes - in the event of a tie, the Chairperson can vote. A tie is identified in Robert's Rules of Order as an occasion where if the Chair casts a vote, a different outcome will result. The Constitution identifies that the Chair votes "only in the case of a tie." This has been identified to limit the ability of the Chair to vote to break a tie vote. In the case of a two-thirds vote, where it would change the results of the vote.

Point of Order

A point of order arises when a member who has the floor is not talking about the subject matter on the agenda before the membership at that time in the meeting. The point of order calls the attention of the Chair to the discussion and requests that the discussion on the floor reasonably relate to the agenda item. A point of order question may interrupt another who has the floor. The Chair should recognize the member by name, and request them to state their point of order. No discussion is allowed regarding the point of order. A point of order may interrupt another who has the floor to speak.

Privileged Question

A privileged question arises when the action under discussion, or the discussion itself, will infringe on a right of another member. It can interrupt a member who has been given the floor, and can either be addressed immediately, or if not immediately, can be addressed after

the member who has the floor has completed their discussion.

The Chair recognizes the member with the privileged question and asks him to state his question. No discussion on the privileged question is in order. The Chair should then immediately rule on the question, or indicate that it can wait until the current member has completed discussion. Once the discussion is completed, the Chair must rule on the privileged question. Generally the Chair has always ruled on the privileged question immediately.

Appeal the Decision of the Chair

This motion must be raised immediately after the Chair makes a ruling, and before another has been given the floor. A decision of the Chair may be appealed only where there is an issue that is subject to interpretation. Where the decision is clear, no appeal may be raised. The Chair makes the determination whether the decision is appealable.

If an appeal is entertained, a simple majority is necessary to overturn the decision. Anything less, and the decision of the Chair is upheld. The Chair may vote in the case of a tie, or where the vote will result in a change in the vote by creating a tie, which in this case upholds the decision.

Call for the Question

General Tribal Council has used this motion to immediately end discussion or to vote to end discussion. The motion is primarily used to immediately end discussion. Note, Robert's Rules of Order requires a two-thirds vote for the call for the question to end discussion, the General Tribal Council has accepted a simple majority.

If a call for the question is used to end discussion, an immediate vote on the motion is in order.

A member may request the Chair to put the call for the question to a vote, i.e. to vote on the call for the question. If this is done, the Chair restates that a question has been called for and a vote in favor of the call for the question results in discussion ending and a vote on the motion before the body. A vote in opposition to the call for the question results in discussion continuing. A simple majority is required in the vote to end discussion.

Note: this does not require a second.

Note: there have been circumstances (limited) where the Chair has identified that an overwhelming portion of the membership oppose the call for the question. In those cases, the vote has not taken place.

Motion to Table

This motion has the effect of taking the entire subject matter out of discussion, regardless of when it is raised - i.e. before, during, or after a main motion or amendment to a main motion is pending. A simple majority vote is required in the motion to table.

There is no discussion on a motion to table. There is no discussion on an item if the motion to table is adopted.

In the Annual or Semi-Annual meetings, the tabled matter ends up on the agenda of the next meeting. In a special meeting, the matter dies, unless another meeting is scheduled to discuss the subject.

Rescinding or Amending a Prior Motion

This motion requires a two-thirds vote under section III(1)(a)(3) of the *Ten Day Notice Policy*.

Note: There are circumstances when rescinding or amending a prior motion is not in order.

Motion to Reconsider

This motion is brought forward by a member wishing to bring a matter back before the body. The matter must be on the agenda and the membership must have received reasonable notice. The motion must be seconded, and it requires a majority vote. If the vote passes, the motion or prior action is on the floor as if the prior vote did not occur.

Note: There are circumstances when reconsidering a prior motion is not in order.

Roll Call Vote/Quorum

A roll call vote has been requested in the past, it is an extremely infrequent occurrence. A roll call is generally requested in regards to a quorum count, and it has been determined that it is not definitive. If asked for, it must be conducted where there is a question as to whether a quorum exists, not where it is obvious that there is a quorum. A roll call to identify a quorum may be followed up with a request by a member to conduct a simple count.

There is no clear answer, however, if a member has not signed the quorum forms at the entrance of the meeting with the Enrollment Department, they may not sign the quorum form during a roll call.

Counting

The Election Board is responsible for counting votes at General Tribal Council meetings.

Robert's Rules of Order

It has been identified in the past that many actions taken at General Tribal Council meetings conflict with Robert's Rules of Order. However, given the fluctuating nature of the membership attending each meeting, the Parliamentarian has generally ruled that the membership's application of the rules of order supersedes any version of Robert's Rules of Order. Further, that to change such understanding, the change would have to be noticed in compliance with the *Ten Day Notice Policy* and be approved by the membership.

The version of Robert's Rules of Order has not been identified in a formal manner. The Parliamentarian has generally identified to the Chair, prior to the meeting, the version of the rules they will be using.