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**Oneida Appeals Commission**  
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**Michael T. Debraska, Leah Sue Dodge,  
Franklin Cornelius, John Orié, Bradley  
Graham, Petitioners**

**ORIGINAL COMPLAINT - Application  
for a TRO & Preliminary Injunctive  
Relief re: the 8/23/2014 Special Election**

v.

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

**Docket #** 14-TL-173

**Date** 8-20-14

**Petitioners:**

**Michael T. Debraska, Leah Sue Dodge  
et al C/O Leah Sue Dodge  
P O Box 95  
Oneida, WI 54155  
920-321-8133**

**Respondents:**

**Oneida Business Committee, Oneida Election  
Board, Oneida Law Office  
P O Box 365  
Oneida, WI 54155  
920-869-2214**

**Instructions:** Please attach your responses to the questions listed below to this form. List all responses in short, clear and plainly written statements. All statements of the complaint should be set forth in separate paragraphs and should be numbered. Each paragraph should address a single occurrence, event, circumstance or issue. Please use 8.5 X 11 inch paper and type with 1.5 or double spacing, leaving at least a one inch margin on all sides. Include any written exhibits or attachments that you may have with this form and complaint. Also, it is advised that parties refer to the Oneida Appeals Commission Rules of Civil Procedure for further information.

1. **Jurisdiction** Establish who you are, who the respondent is, and the authority of the O.A.C. trial court to hear the case.
2. What happened? Give the facts surrounding your claim. Describe what happened, who did it, where it took place and when it occurred. List each statement in a separate, numbered paragraph.
3. **What laws apply?** Explain, in short numbered paragraphs which rule(s), law(s), regulations(s), etc. apply to your facts and exactly how each was violated.
4. **How were you harmed by the violation(s)?** Explain the causal link between the violation(s) and damages that you suffered.
5. **What damages did you suffer?** Explain how you were harmed and describe your damages in detail. What do you want? *Michael T. Debraska*

**Petitioner's Signature and Date** *Leah Sue Dodge* *John L. Orié* *Bradley Graham/12*

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

## **I. Jurisdiction**

1. We the Petitioners, as members of the Oneida Tribe of Wisconsin and the General Tribal Council, hereby request a Temporary Restraining Order and Preliminary Injunctive Relief according to Rule 31 of the Rules of Civil Procedure, for a stay on the August 23, 2014 Special Election for the Judiciary due to actions of the Oneida Business Committee, Oneida Election Board and the Oneida Law Office, & Respondents, which have resulted in disenfranchisement and denial of the Oneida Bill of Rights via their exclusion of the South Eastern Oneida Tribal Services (SEOTS) polling site located in Milwaukee, WI, for an upcoming Special Election.
2. We as Petitioners are requesting a postponement of the August 23, 2014 Special Election until such time that a duly noticed and held Special Election is arranged to include both the Oneida and Milwaukee polling sites, as would have occurred during the 2014 General Election.

## **II. Facts Surrounding Claim**

1. On January 7, 2013, the Oneida General Tribal Council (GTC) approved the establishment of a Tribal Judiciary with the specific intent that the Judges would be elected at the 2014 Tribal General Election – which included the SEOTS polling site – following the process of the Oneida Election Law via GTC Resolution 01-07-13-B, “Adoption of the Judiciary Law.”
2. The Oneida Election Board’s irregularities in the determination of caucus requirements from the time of the April 10, 2014 Caucus forward led to the approval of a motion made at the June 16, 2014 GTC meeting to “withdraw from this election all the judge positions to be rescheduled to a special election.” This motion narrowly passed the two-thirds majority needed. No mention was made to GTC about excluding the SEOTS polling site in the upcoming Special Election regarding the Judiciary even though GTC had voted for General Election parameters.
3. Only one polling site address was noted in the 2014 Special Election Notice within the August 7, 2014 edition of the Kalihwisaks, the Oneida Tribal newspaper; the Oneida Community Health Center located in Oneida, WI. There was no listing of the GTC approved SEOTS polling site in Milwaukee despite the fact that SEOTS was a polling site in the 2014 General Election.
4. As recently as October 27, 2013, General Tribal Council reaffirmed its support for the SEOTS polling site by approving a motion by Madelyn Genskow “to allow the voting process in

Milwaukee to continue” by a show of hands, in response to Carole Liggins’ May 20, 2013 disenfranchising Petition calling for “dissolution of the second polling site.”

5. The current Oneida Election Board Secretary Lisa Liggins, Board Member Melinda K. Danforth, and Board Vice-Chair Racquel Hill all signed Liggins’ defeated May 20, 2013 petition to dissolve the second (SEOTS) polling site, and it should also be noted that Election Board Vice-Chair Racquel Hill is a candidate for the Judiciary. Whether Election Board Vice-Chair Racquel Hill properly recused herself from Election Board activities during her candidacy for the Judiciary is unknown and should also be addressed by the Court, given that she has publicly demonstrated her support for eliminating the Milwaukee polling site.

### **III. Applicable Laws**

1. ONEIDA ELECTION LAW: While a Special Election does not necessarily require a mass individual mailing to each General Tribal Council member, there is no provision for the omission of the SEOTS Polling Site in either the General or Special Elections, and Special Election polling sites are required to be published in the Kalihwisaks sufficiently prior to the election and also posted in “prominent locations” as defined by the Election Law.

2. There are numerous references throughout the Election Law to polling “places” in the plural, and Section 2.3-16 expressly includes the SEOTS facility as a “prominent location” in which polling places are to be noticed to Tribe members.

3. There is no provision in Election Law for the selective or permanent discontinuation of the SEOTS Polling site regarding elections in which they were originally planned to be included.

4. ONEIDA TRIBAL CONSTITUTION: Article III- Governing Body, Section 1 states that “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.”

5. ONEIDA CONSTITUTION 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.” Voting is a vitally important activity for members of the Oneida Tribe.

6. MOTIONS PASSED AT GTC: Again, GTC’s approval of the motion supporting the Milwaukee polling place at the October 27, 2013 GTC meeting for the 2014 General Election demonstrates its support of the SEOTS polling site for all significant elections – which would

obviously include the election of the new Tribal Judiciary – in the face of those who actively supported the disenfranchisement of the Oneida Tribe’s Milwaukee-area membership.

#### **IV. Harm Caused by Violation**

1. Immediate disenfranchisement of Enrolled Oneida Tribal Members due to the intentional omission of the SEOTS polling site in violation of the Election Law and GTC Judiciary motion.
2. Violation of the Oneida membership’s rights according “equal opportunities to participate in the economic resources and activities of the tribe” through the omission of the SEOTS polling site for a significant election which was supposed to be included in the 2014 General Election.
3. While the GTC decision at the June 16, 2014 meeting to postpone the Judiciary election was made in part due to reconsidering qualifications of Judiciary candidates, the Respondents’ elimination of the SEOTS polling site causes harm to the Judiciary in that the Judiciary’s very inception will be clouded by disenfranchisement of the Oneida electorate, and could result in grounds for Tribe members and Judiciary candidates to seek injunctive or other relief after the Judiciary election if it was allowed to commence absent the SEOTS polling site’s input.

#### **V. Damages Suffered and Relief Requested**

1. As General Tribal Council members, damages include disenfranchisement of Oneida Tribe members to participate in a highly significant vote to place individuals in positions of judicial power by which they’ll be able to issue decisions that could result in material penalties to members of the Oneida Tribal citizenship (per capita, wages, etc.). Immediate and irreparable harm will affect disenfranchised GTC members disallowed to vote at the SEOTS polling location as was the obvious intent of the Judiciary Resolution to include the SEOTS polling site as part of the 2014 General Election. Damages to Judiciary candidates must also be considered.
2. Relief Requested: A TRO for the postponement of the August 23, 2014 Special Election to a future date which meets the notification process as outlined in the Oneida Election Law, and that the Judiciary Special Election include the SEOTS polling site as intended by GTC.
3. Additional relief is requested for a Declaratory Ruling that all Business Committee and Judiciary elections include the SEOTS polling site given the GTC’s October 27, 2013 vote to support the Milwaukee polling site and the fact that GTC approved the Resolution to establish a Judiciary believing that the SEOTS polling site would be included as part of a General Election.

Signed this 20 day of August, 2014,

Michael T. Debraska

Michael T. Debraska, Petitioner

Franklin Cornelius

Franklin Cornelius, Petitioner

John L. Orié

John Orié, Petitioner

Bradley Graham

Bradley Graham, Petitioner

Leah Sue Dodge

Leah Sue Dodge, Petitioner

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All Petitioners can be contacted via Leah Sue Dodge, PO Box 95, Oneida WI 54155