



**14-AC-012**  
**Appellants' Brief - September 22, 2014**

ONEIDA TRIBAL  
JUDICIAL SYSTEM

SEP 22 2014

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**EXHIBITS**

Exhibit A: Oneida Election Law (14 pages)

Exhibit B: OBC Resolution 03-13-02-O "Milwaukee Polling Site" (2 pages)

Exhibit C: February 16, 2014, GTC Meeting Action Report (1 page)

Exhibit D: Direct mass-mailing Notice of July 12, 2014, General Election (2 pages)

Exhibit E: August 20, 2014, Appellants' Brief (Docket # 14-TC-173) (5 pages)

Exhibit F: OBC Resolution 08-28-14-A (2 pages)

Exhibit G: OLO March 7, 2002, Statement of Effect re: BC Res. 03-13-02-O (1 page)

Exhibit H: September 15, 2014, BC Emergency Meeting Minutes (2 pages)

Exhibit I: September 10, 2014, BC Regular Meeting Minutes (4 pages)

Exhibit J: September 14, 2014, Letter from Michele Doxtator to OBC (1 page)

**ONEIDA TRIBAL JUDICIAL SYSTEM  
APPELLATE COURT**

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Michael T. Debraska, Leah Sue Dodge, et al.  
Appellants

Case No.: 14-AC-012

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

Date: September 22, 2014

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**APPELLANTS' BRIEF**

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Based on the Oneida Tribe's Election Law at 2.12-12 (Exhibit A) and the intent of the Tribal Constitution to "promote the widest possible participation of Oneida people in their governance" (Exhibit B) as acknowledged by the Oneida Business Committee (OBC), Appellants as a class and Tribe members as a whole have reasonable expectations that the inaugural election of the Tribal Judiciary will be conducted in such a way as to:

1. Include the Southeastern Oneida Tribal Services (SEOTS) facility as a polling place, as should be the case for all elections in order to fulfill the intent of the Constitution to "promote the widest possible participation of Oneida people in their governance";
2. Allow General Tribal Council (GTC) to select the dates of a rescheduled Judiciary caucus and election at a properly noticed and held GTC Meeting, as was done for the April 12, 2014, Caucus and the July 12, 2014, General Election as scheduled by GTC at the February 16, 2014, GTC Meeting (Exhibit C);
3. Recognize GTC's right to require the Oneida Election Board (OEB) to use the same mass direct-mail notification as was used for the July 12, 2014, General Election (Exhibit D);
4. Require that qualified and trained poll workers selected from an application process open to all qualified Tribe members be present at the SEOTS polling site during the election.

In their August 20, 2014, Brief (Exhibit E), Appellants stated at **V. Damages Suffered and Relief Requested, 3.**: “Additional relief is requested for a Declaratory Ruling that all Business Committee and Judiciary elections include the SEOTS polling site given...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.” **Appellants once again ask the Court to issue a Declaratory Ruling on the inclusion of a Milwaukee polling site in all elections.**

A document provided by the Respondent (OBC Resolution 08-28-14-A; Exhibit F) cites OBC Resolution 03-13-02-O (Exhibit B) which states: “[T]he Oneida Constitution reflects an intent to promote the widest possible participation of Oneida people in their governance,” and “the use of [the SEOTS] polling site is likely to increase participation in Tribal elections[.]”

The Oneida Law Office’s March 7, 2002 Statement of Effect (Exhibit G) regarding OBC Res. 03-13-02-O says that the Resolution “designates a facility in Milwaukee be chosen in accordance with the Oneida Election Law, as a second polling site for the July, 2002 and future Oneida elections,” but the Statement of Effect does not assert the ability of the OEB nor the OBC to **selectively** exclude the SEOTS polling site from any Tribal election.

While OBC Res. 03-13-02-O says that a polling place “located in Milwaukee, Wisconsin, is hereby designated as a second polling site for Oneida triennial elections, beginning with the July 2002, election,” the language contained in the Resolution clearly acknowledges the intent of the Tribal Constitution for the OEB and the OBC to act in ways which “promote the widest possible participation of Oneida people in their governance[.]”

Given the case now before the Court regarding the use of a Special Election for the selection of the Judiciary, along with the Monday, September 15, 2014, decision by the OBC (Exhibit H) to hold a Special GTC Meeting on Sunday, October 26, 2014, to allow GTC to determine the dates on which to

hold a caucus, primary, and election to address the vacancy created by the resignation of former OBC member Benjamin Vieau, it is undeniable that ‘Special Elections’ have equal bearing on the “participation of the Oneida people in their governance” as do ‘General Elections,’ and therefore all ‘Special Elections’ and ‘General Elections’ should be scheduled, noticed, conducted, video recorded during tabulation (as is required by Exhibit B), and confirmed in exactly the same way in order to maintain integrity and fulfill the Constitutional intent to “promote the widest possible participation [.]”

Appellants maintain that the decision by the OEB and the OBC to schedule the secondary caucus and delayed election, rather than allowing GTC to make those decisions, violates the intent of the Constitution to “promote the widest possible participation of Oneida people in their governance[.]” Therefore, Appellants request that the Appellate Court issue a Stay of the Saturday, September 27, 2014, Special Election until such time as a GTC Meeting is held to allow GTC to determine the dates on which the Judiciary caucus and election are held, and allow GTC to direct how notice to the Tribe should be made regarding both of those events. (On September 10, 2014, OBC accepted a GTC Petition to address election matters, including the ability of GTC to nullify elections; Exhibit I)

Included in the Open Packet of the September 24, 2014, OBC Regular Meeting is a letter by Election Board Chairwoman Michele Doxtator (Exhibit J) which says, “The [OEB] is recommending that all five alternates from the Milwaukee area be sworn in via satellite at the next [OBC] meeting on September 24, 2014,” and that “[t]he [OEB] sent the application to Mark Powless, SEOTS Director to locate Tribal Members in the SEOTS area that would be willing to work the polls for the Special Election and any upcoming Special Elections” based on the questionable criteria of having “familiar faces.”

This arbitrary and capricious decision by OEB, which appears to be based primarily on cost concerns rather than concern for the integrity of the election, clearly undermines the ability of Tribe members to participate in an open application process for the position of “alternates,” and instead turns

the decision-making process into something that could reasonably be perceived by Tribe members as political decisions made by SEOTS Director Mark Powless, OEB, and OBC, therefore violating the Constitutional intent to “promote the widest possible participation of Oneida people in their governance[.]”

OEB’s arbitrary and capricious decision also begs the question as to why hand-picked Milwaukee-area residents, rather than Election Board members or Alternates who were selected from an open application process and have received proper training and experience, are being used as SEOTS poll workers. The Election Law does not allow poll workers to be discriminated against based on residency, and there is no indication what – if any – training will be implemented between Wednesday and Friday.

Therefore, Appellants request that the Saturday, September 27, 2014, Special Election be stayed until such time as an application process open to all Tribe members for SEOTS poll worker positions can be duly noticed and conducted by the Tribe, considered by OEB, and subsequently appointed by OBC.

Appellants maintain that any attempt by OEB, OBC, OLO, or the Appeals Commission to differentiate between the processes of a Special Election versus a General Election is made moot by the Election Law at 2.12-12 which says, “All Special Elections shall follow rules established for all other elections,” as well as by BC Resolution 03-13-02-O which says that the intent of the Oneida Constitution is to “promote the widest possible participation of Oneida people in their governance[.]”

On the above grounds, as well as the information provided in their September 2, 2014, ‘Response to Respondents’ Motion to Lift Stay of Special Election,’ Appellants hereby request an immediate Stay of the Saturday, September 27, 2014, Special Election and assert the right of GTC to nullify any election that GTC determines to have been conducted in any way which fails to protect the integrity of the election and does not abide by nor conform to the Constitution’s intent to “promote the widest possible participation of Oneida people in their governance[.]”

Signed this 22nd day of September, 2014,

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Michael T. Debraska, Appellant

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Franklin Cornelius, Appellant

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John Orie, Appellant

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Bradley Graham, Appellant

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Leah Sue Dodge, Appellant  
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# EXHIBIT A

## 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

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### **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.

- 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



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

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.

### *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.

(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

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

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,



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 (5<sup>th</sup>) 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

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*

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.

*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

# Oneida Tribe of Indians of Wisconsin

## BUSINESS COMMITTEE

### EXHIBIT B



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



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

#### Resolution # 3-13-02-O Milwaukee Polling Site

- 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; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Constitution reflects an intent to promote the widest possible participation of Oneida people in their governance; and
- WHEREAS,** there is a large community of Oneida members located in the Milwaukee area, which constitutes the largest Oneida community outside of the Green Bay area; and
- WHEREAS,** members of the Oneida community in Milwaukee have sought the establishment of a polling site in Milwaukee; and
- WHEREAS,** there is an Oneida tribal facility located in Milwaukee, the Southeastern Oneida Tribal Services ("SEOTS") Building, which qualifies as a polling site under the Oneida Election Law; and
- WHEREAS,** Oneida members serving as local police in the Milwaukee area have offered their services at the polls; and
- WHEREAS,** the use of such polling site is likely to increase participation in tribal elections;

**NOW THEREFORE BE IT RESOLVED:** that an approved facility in compliance with the Oneida Election Law, 2.8-0, Section B, located in Milwaukee, Wisconsin, is hereby designated as a second polling site for Oneida triennial elections, beginning with the July, 2002, election;

**BE IT FURTHER RESOLVED:** that the Oneida Police Chief is hereby authorized and directed to provide two (2) Oneida Police Officers for the Milwaukee polling site in order to provide the requisite police presence at the polling site required by the Oneida Election Law, at the July, 2002 elections, and for future triennial elections;

**BE IT FURTHER RESOLVED,** that votes shall be tabulated at the location where the votes were cast and the Election Board shall arrange for the video taping of the vote tallying at the polling locations;

**BE IT FURTHER RESOLVED:** that the sum of Fifteen Thousand Dollars (\$15,000.00) is hereby appropriated from the fiscal year 2002 General Fund, to cover the costs of providing the additional personnel needed at the site, and their expenses, such expenditures to be made at the direction of the Election Board Chairman; and

**BE IT FURTHER RESOLVED:** that the Election Board Chairman and the Election Board official designated to serve at the Milwaukee polling site shall arrange a code providing for the secure telephonic or fax transmission of the Milwaukee count for release as preliminary returns at the time the reservation polling site count is released.

**NOW THEREFORE BE IT FINALLY RESOLVED:** that the Oneida Election Board will work cooperatively with the Southeastern Oneida Tribal Services (SEOTS) Board to determine the location of the Milwaukee polling site.

Certification

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 8 members were present at a meeting duly called, noticed and held on the 13<sup>th</sup> day of March, 2002; that the foregoing resolution was duly adopted at such meeting by a vote of 7 members for; 0 members against; and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
Julie Barton, Tribal Secretary  
Oneida Business Committee

## MEMORANDUM

TO: Oneida Business Committee  
FROM: Patty Ninham Hoefft, Tribal Secretary  
DATE: Feb. 16, 2014  
RE: Action report for 2014 General Tribal Council annual meeting Feb. 16, 2014

## EXHIBIT C

The Oneida General Tribal Council met Sunday, Feb. 16, 2014 at a duly called meeting with 1,502 registered Tribal members in attendance at 1:15 p.m. The meeting was at the Radisson Hotel and Conference Center, 2040 Airport Dr., Ashwaubenon, WI, located on the Oneida Indian Reservation. Listed below are the actions taken at the meeting:

**1. Oneida Veterans Color Guards posting of the colors** introduced by Kerry Metoxen

**2. Opening and announcements**

Traditional Oneida opening prayer of thanksgiving provided by students of Oneida Nation Elementary School. Chairman Ed Delgado called meeting to order at 1 p.m.

**3. Adoption of the agenda**

Motion by Linda Dallas to adopt the agenda as presented and to allow the external auditors from BDO to present and to do their audit first, seconded by Kathy Mauritz. **Motion approved by a show of hands**

**4. Reports**

- a. 2013 Comprehensive Annual Financial Audit Report by BDO, USA, LLP

Motion by Kathy Mauritz to accept the 2013 Comprehensive Annual Financial Audit Report by BDO, USA, LLP, seconded by Pat Cornelius. **Motion approved by a show of hands**

**5. Approve GTC meeting minutes**

- a. Jan. 7, 2013 annual meeting  
b. May 5, 2013 special meeting  
c. July 1, 2013 semi-annual meeting  
d. July 8, 2013 special meeting  
e. Sept. 21, 2013 FY2014 Tribal budget meeting  
f. Oct. 27, 2013 special meeting

Motion by Madelyn Genskow that in the future all minutes must be submitted for approval at the next annual or semi-annual meeting that takes place and that the dialogue that took place during the meeting be included, seconded by Vince DelaRosa. **Motion approved by a show of hands**

Motion by Carole Liggins to deny approval of the Jan. 7, 2013 annual meeting minutes, seconded by Don McLester.

**Motion failed by a show of hands**

Motion by Carole Liggins to table all minutes until they are brought back in compliance with Madelyn's motion, seconded by Scharlene Kasee. **Motion failed by a hand count: 407 yes, 467 no, 39 abstained, 913 total votes**

Motion by Terry Cornelius to accept all the minutes presented in the packet, seconded by Vince DelaRosa. **Motion approved by a show of hands**

**6. Reports**

- a. State of the Nation Oneida annual report

Motion by Vince DelaRosa to accept the State of the Nation Oneida annual report, seconded by Racquel Hill. **Motion approved by a show of hands**

- b. Tribal Treasurer's annual report for FY2013

Motion by Nanette Stevens to accept the Tribal Treasurer's annual report for FY2013, seconded by Sandy Schuyler.

**Motion approved by a show of hands**

**7. New Business**

- a. Adopt 2014 dates for Tri-Annual Primary and Election

Motion by Linda Mercier to accept the recommendation of option no. 2 – caucus Saturday, April 12, primary election Saturday, May 10, general election Saturday, July 12 - for 2014 dates for Tri-Annual Primary and Election, seconded by Matt Johnson. **Motion approved by a show of hands**

**8. Adjournment**

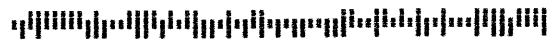
Motion by Chad Wilson to adjourn at 4:02 p.m., seconded by Kathy Mauritz. **Motion approved by a show of hands**



*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

## EXHIBIT D



9705 5 7  
LEAH S DODGE 1072  
PO BOX 95  
ONEIDA WI 54155-0095



EXHIBIT D



**\* NOTICE \***

**2014 GENERAL ELECTION**

Scheduled for:

**SATURDAY,  
JULY 12, 2014**

**7:00 a.m.-7:00 p.m.**

at

**ONEIDA HEALTH CENTER**

**525 Airport Drive, Oneida, WI**

**&**

**SEOTS BUILDING**

**6811 W. Morgan Ave., Milwaukee, WI**

**PLEASE NOTE:**

**MUST BE AGE 21 OR OVER TO VOTE**

**PICTURE IDENTIFICATION REQUIRED FOR VOTING**

**NO CHILDREN ALLOWED IN VOTING AREA**

# EXHIBIT E (5 pages)

ONEIDA TRIBAL  
JUDICIAL SYSTEM

AUG 20 2014

## Oneida Appeals Commission ON^YOTE? A·KA TE? SHAKOTIYA? TOLE' HTE

RECEIVED BY: *YB*

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

**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

PO Box 95

Oneida, WI 54155

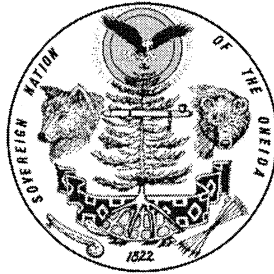
920-321-8133

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

# Oneida Tribe of Indians of Wisconsin



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 F



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.

### BC Resolution 08-28-14-A

#### Authorizing an Exception to Conducting the Special Election to Elect Judges for new Judiciary To Include Polling Places in Both Oneida and Milwaukee

- 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,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the General Tribal Council as adopted an Election Ordinance which identifies General Elections to be held every three years and Special Elections that would be held in the intervening years; and
- WHEREAS,** Resolution # BC-03-13-02-O designated Milwaukee as a second polling site for Oneida Triennial (General Elections) only, not for Special Elections; and
- WHEREAS,** the General Tribal Council adopted Resolution # GTC-01-07-13-B which requires the new Judiciary to officially open as of November 1, 2014 and requires the newly elected Judges to have sixty (60) hours of training; and
- WHEREAS,** GTC action at the June 16, 2014 meeting, by two-thirds vote, amended the directives in Resolution # GTC-01-07-13-B by withdrawing the election of the Judges from the 2014 general election and rescheduled it to a Special Election; and
- WHEREAS,** a request for an Injunction to stop the election of judges on August 23, 2014 was filed on August 20, 2014, denied by the Trial Court of the Oneida Appeals Commission, but granted on appeal on August 22, 2014 by the Appellate Court of the Oneida Appeals Commission; and
- WHEREAS,** the Appellate Court is not expediting the appeal and has scheduled the appellants to submit a brief in support of their complaint by September 22, 2014 after which the Tribe will be scheduled to submit response briefs thus causing an undue delay to the implementation of the Judiciary as directed by the General Tribal Council; and
- WHEREAS,** further delay of elections for the new Judiciary until the Appellate Court of the Oneida Appeals Commission rules on the merits of the case would make it impossible to train new Judges and have them ready by the November 1, 2014 deadline; and
- WHEREAS,** it is the intent of the Oneida Business Committee to support the Judiciary and be proactive by approving an exception to the rule that Special Elections are held only in Oneida and that a Milwaukee polling site be included.

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee finds that having the election take place in Milwaukee is not required by Resolution # BC-03-13-02-O nor the GTC action that took place on June 16, 2014;

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee finds that to maintain the transition timelines set forth in resolution # GTC-01-07-13-B, as amended by the two-thirds vote of the General Tribal Council on June 16, 2014, a Special Election is called for the Judiciary and a one-time exception to the conduct of the Special Election shall include polling sites in Oneida and Milwaukee.

## CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 28<sup>th</sup> day of August, 2014; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Lisa Summers, Tribal Secretary  
Oneida Business Committee

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



# EXHIBIT G

## Statement of Effect

### **Resolution Establishing a Milwaukee Polling Site, Providing for a Police Presence, Appropriating Funds for Personnel Cost, and Providing for Transmission of Milwaukee Results**

#### Summary

This resolution is designed for the purpose of facilitating the casting of votes by members of the Oneida community in the Milwaukee area by establishing a tribal polling site in that area, beginning with the July, 2002 election. The resolution (a) designates a facility in Milwaukee be chosen in accordance with the Oneida Election Law, as a second polling site for the July, 2002 and future Oneida elections; (b) authorizes and directs Oneida Police Officer presence as required under the Oneida Election Law; (c) appropriates \$15,000 to cover the cost of election day staffing at the Milwaukee site; (d) and directs Election Board officials to devise a simple code to assure that preliminary Milwaukee returns reported by telephone or fax are authentic.

A public hearing was held on November 15, 2001. Revisions added since the public hearing include: votes shall be tabulated at the location where the votes were cast; and the Election Board shall arrange for the video taping of the vote tallying at the polling locations. Both the Tribal Election Board and Director of SEOTS have reviewed the revised resolution.

#### Conclusion

There are no legal issues which would preclude adoption of this Resolution.

LOC/sdw/mr  
3/7/02



# Oneida Business Committee EXHIBIT H

**Emergency Meeting**  
**10 a.m. Monday, Sept. 15, 2014**  
**BC Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center**

## Minutes - DRAFT

**Present:** Chairwoman Tina Danforth, Vice-Chairwoman Melinda J. Danforth, Secretary Lisa Summers, Council members Fawn Billie, Tehassi Hill, Jenny Webster

**Not Present:** Treasurer Trish King, Brandon Stevens

**Others present:** Michele Doxtator, Danelle Wilson, C.L. Metoxen and Cathy Bachhuber

**I. Call to Order and Opening** by Chairwoman Tina Danforth at 10:00 a.m.

**II. Approve Agenda**

Motion by Jenny Webster to approve the agenda, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Melinda J. Danforth, Lisa Summers, Fawn Billie, Tehassi Hill, Jenny Webster  
 Not Present: Trish King, Brandon Stevens

**III. New Business**

*Councilman Brandon Stevens arrives at 10:02 a.m.*

*Treasurer Trish King arrives at 10:06 a.m.*

**1. Schedule a Special GTC meeting to address the vacant Business Committee council member position**

**Available Dates Are:**

- a. Sunday, October 5, 2014**
- b. Monday, October 13, 2014**
- c. Saturday, November 22, 2014**

Motion by Jenny Webster to select the Saturday, November 15, 2014, date for a Special GTC meeting to address the vacant Business Committee council member position and to bring forward options on how to proceed with filling the vacancy to GTC and to provide GTC in the meeting packet the current Election Law, the Constitution, the resignation of Ben Vieau for acceptance, and a recommendation from the Election Board on how to proceed provided a Special Election is directed, seconded by Tehassi Hill. Motion carried with three opposed:

Ayes: Trish King, Fawn Billie, Tehassi Hill, Jenny Webster  
 Opposed: Melinda J. Danforth, Lisa Summers, Brandon Stevens  
 For the record: Melinda J. Danforth stated I would have liked to see us move forward to the October 26<sup>th</sup> date as we had indicated. I would have preferred to have the Business Committee submit a joint recommendation, a unified recommendation around a special election for the vacancy of Ben Vieau.  
 For the record: Lisa Summers stated I, too, would have preferred to see the October 26<sup>th</sup> date. I do understand that we are a little crunched for time here, however we do have just over a week to get the information together. I think with the amount of research that Chief Council has done already on this matter, and hearing that we are all desiring to move forward with all of the options for General Tribal Council to consider, I think that we would have been able to do that in a way that was done comprehensively and accurately.  
 For the record: Brandon Stevens stated I'm in agreement with the October 26<sup>th</sup> date. I see it being able to happen if we were to have a unified recommendation moving forward with a special election, possibly having a caucus on that date, and move

it a lot more smoother. But I do understand that logistically November 15<sup>th</sup> is a lot better since we aren't unified and didn't have that longer conversation. We only had a couple days to talk about it. But I'm in support of the motion because of where we're at I do agree that I do wish we could have that date on the 26<sup>th</sup>.

Motion by Tehassi Hill to reconsider the vote on the previous action, seconded by Trish King. Motion carried with one opposed:

- Ayes: Melinda J. Danforth, Trish King, Lisa Summers, Fawn Billie, Brandon Stevens, Tehassi Hill
- Opposed: Jenny Webster

Motion by Melinda J. Danforth to select the Sunday, October 26, 2014, date for the Special GTC meeting to discuss how to fill the Business Committee vacancy, seconded by Lisa Summers. Motion carried unanimously:

- Ayes: Melinda J. Danforth, Trish King, Lisa Summers, Fawn Billie, Brandon Stevens, Tehassi Hill, Jenny Webster

Motion by Melinda J. Danforth to direct the Tribal Secretary's Office to schedule Business Committee work meetings to begin preparing the options for General Tribal Council for filling the vacant Business Committee seat, seconded by Tehassi Hill. Motion carried unanimously:

- Ayes: Melinda J. Danforth, Trish King, Lisa Summers, Fawn Billie, Brandon Stevens, Tehassi Hill, Jenny Webster

**IV. Adjourn**

Motion by Melinda J. Danforth to adjourn at 11:13 a.m., seconded by Fawn Billie. Motion carried unanimously:

- Ayes: Melinda J. Danforth, Trish King, Lisa Summers, Fawn Billie, Brandon Stevens, Tehassi Hill, Jenny Webster

Minutes prepared by Lisa Liggins, Executive Assistant  
Minutes approved as presented/corrected on \_\_\_\_\_.

\_\_\_\_\_  
Lisa Summers, Tribal Secretary  
ONEIDA BUSINESS COMMITTEE

**EXHIBIT I****Oneida Business Committee****Emergency Meeting****10 a.m. Monday, Sept. 15, 2014****BC Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center****Minutes - DRAFT**

**Present:** Chairwoman Tina Danforth, Vice-Chairwoman Melinda J. Danforth, Secretary Lisa Summers, Council members Fawn Billie, Tehassi Hill, Jenny Webster

**Not Present:** Treasurer Trish King, Brandon Stevens

**Others present:** Michele Doxtator, Danelle Wilson, C.L. Metoxen and Cathy Bachhuber

**I. Call to Order and Opening** by Chairwoman Tina Danforth at 10:00 a.m.

**II. Approve Agenda**

Motion by Jenny Webster to approve the agenda, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Melinda J. Danforth, Lisa Summers, Fawn Billie, Tehassi Hill, Jenny Webster  
 Not Present: Trish King, Brandon Stevens

**III. New Business**

*Councilman Brandon Stevens arrives at 10:02 a.m.*

*Treasurer Trish King arrives at 10:06 a.m.*

**1. Schedule a Special GTC meeting to address the vacant Business Committee council member position**

**Available Dates Are:**

- a. Sunday, October 5, 2014**
- b. Monday, October 13, 2014**
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Motion by Jenny Webster to select the Saturday, November 15, 2014, date for a Special GTC meeting to address the vacant Business Committee council member position and to bring forward options on how to proceed with filling the vacancy to GTC and to provide GTC in the meeting packet the current Election Law, the Constitution, the resignation of Ben Vieau for acceptance, and a recommendation from the Election Board on how to proceed provided a Special Election is directed, seconded by Tehassi Hill. Motion carried with three opposed:

Ayes: Trish King, Fawn Billie, Tehassi Hill, Jenny Webster  
 Opposed: Melinda J. Danforth, Lisa Summers, Brandon Stevens  
 For the record: Melinda J. Danforth stated I would have liked to see us move forward to the October 26<sup>th</sup> date as we had indicated. I would have preferred to have the Business Committee submit a joint recommendation, a unified recommendation around a special election for the vacancy of Ben Vieau.  
 For the record: Lisa Summers stated I, too, would have preferred to see the October 26<sup>th</sup> date. I do understand that we are a little crunched for time here, however we do have just over a week to get the information together. I think with the amount of research that Chief Council has done already on this matter, and hearing that we are all desiring to move forward with all of the options for General Tribal Council to consider, I think that we would have been able to do that in a way that was done comprehensively and accurately.  
 For the record: Brandon Stevens stated I'm in agreement with the October 26<sup>th</sup> date. I see it being able to happen if we were to have a unified recommendation moving forward with a special election, possibly having a caucus on that date, and move

it a lot more smoother. But I do understand that logistically November 15<sup>th</sup> is a lot better since we aren't unified and didn't have that longer conversation. We only had a couple days to talk about it. But I'm in support of the motion because of where we're at I do agree that I do wish we could have that date on the 26<sup>th</sup>.

Motion by Tehassi Hill to reconsider the vote on the previous action, seconded by Trish King. Motion carried with one opposed:

- Ayes: Melinda J. Danforth, Trish King, Lisa Summers, Fawn Billie, Brandon Stevens, Tehassi Hill
- Opposed: Jenny Webster

Motion by Melinda J. Danforth to select the Sunday, October 26, 2014, date for the Special GTC meeting to discuss how to fill the Business Committee vacancy, seconded by Lisa Summers. Motion carried unanimously:

- Ayes: Melinda J. Danforth, Trish King, Lisa Summers, Fawn Billie, Brandon Stevens, Tehassi Hill, Jenny Webster

Motion by Melinda J. Danforth to direct the Tribal Secretary's Office to schedule Business Committee work meetings to begin preparing the options for General Tribal Council for filling the vacant Business Committee seat, seconded by Tehassi Hill. Motion carried unanimously:

- Ayes: Melinda J. Danforth, Trish King, Lisa Summers, Fawn Billie, Brandon Stevens, Tehassi Hill, Jenny Webster

**IV. Adjourn**


Motion by Melinda J. Danforth to adjourn at 11:13 a.m., seconded by Fawn Billie. Motion carried unanimously:

- Ayes: Melinda J. Danforth, Trish King, Lisa Summers, Fawn Billie, Brandon Stevens, Tehassi Hill, Jenny Webster

Minutes prepared by Lisa Liggins, Executive Assistant  
Minutes approved as presented/corrected on \_\_\_\_\_.

\_\_\_\_\_  
Lisa Summers, Tribal Secretary  
ONEIDA BUSINESS COMMITTEE

# Memo

To: Oneida Business Committee  
From: Lisa Summers, Tribal Secretary   
Date: September 4, 2014  
Re: Petition for Special General Tribal Council meeting Submitted by: Leah Sue Dodge, Michael T. Debraska, Franklin L. Cornelius and Bradley Graham

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The memorandum serves as a request for the Oneida Business Committee (OBC) to formally acknowledge receipt of a verified petition, and to send this petition to the Law, Finance and Legislative Reference Office for analyses.

## **Background**

On August 28, 2014, the Tribal Secretary's office received a petition which states the following:

*“For a GTC Meeting to be held in a timely manner on a Saturday or Sunday starting no later than 1 p.m. to allow for greater membership participation, and that GTC vote whether (1) all Tribal elections include the SEOTS polling site, including the inaugural Judiciary Election as was GTC's intent by voting to include the Judiciary in the 2014 General Election; (2) to nullify any Judiciary Election that excludes the SEOTS polling site that may have occurred before the requested meeting is held; (3) a new Judiciary Caucus be held & that due notice be made in Kalihwisaks & prominent places 10 days prior to that Caucus & the inaugural Judiciary Election; (4) to address other Tribal Election issues.”*

The petition was submitted to the Enrollment Department for verification Article III, Section 4 of Oneida's Constitution requirement for requesting a Special General Tribal Council (GTC) meeting were met. The Enrollment Department completed and submitted this required verification.

The next step is for the OBC to acknowledge receipt of the verified petition and then send the petition to the Law, Finance and Legislative Reference Offices for all appropriate analyses to be completed.

Once the analyses are complete, they will be submitted to the OBC agenda for acceptance. The final step will be for the OBC to determine an available date GTC meeting date where the identified petition issues can be addressed.

**Requested OBC Action**

1. Accept the verified petition submitted by: Leah Sue Dodge, Michael T. Debraska, Franklin L. Cornelius and Bradley Graham,
2. Send the verified petition to the Law, Finance and Legislative Reference offices for the Legal, Financial and Legislative analyses to be completed.
3. Direct the Law, Finance and Legislative Reference offices submit the requested analyses to the Tribal Secretary's office within 45 days, and that a progress report be submitted in 30 days.

cc: Jo Anne House, Chief Counsel  
Larry Barton, Chief Financial Officer  
Michelle Mays, Legislative Reference Office  
GTC Petitions File

Oneida Tribe of Indians of Wisconsin

interoffice

## EXHIBIT J

MEMORANDUM

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**To:** Oneida Business Committee  
**From:** Michele Doxtator, Oneida Election Board Chairwoman  
**Date:** September 14, 2014  
**Subject:** Election Board Alternates

The Oneida Election Board (OEB) is recommending that all five alternates from the Milwaukee area be sworn in via satellite at the next Oneida Business Committee meeting on September 24, 2014.

The Oneida Election Board sent the application to Mark Powless, SEOTS Director to locate Tribal Members in the SEOTS area that would be willing to work the polls for the Special Election and any upcoming Special Elections.

The purpose of the Milwaukee alternates is two fold, the first is cost. The cost to send an Election Board Member or Alternate to Milwaukee is \$300.00 in hotel and per diem costs per person. The second, is about trust, I believe and the Election Board supported, the Tribal Members from the Milwaukee area may trust the election process, when familiar faces are conducting the elections.

Should you have any questions please feel free to contact me at 920.819.5765

Cc Oneida Election Board