



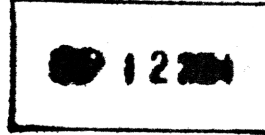
Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE RECEIVED BY BC ADMINISTRATIVE OFFICE

Exhibit A

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ONEIDA TRIBE OF INDIANS OF WISCONSIN

INITIALS



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

Sagoli Everyone,

September 12, 2014

I want to thank everyone that supported me in this past election and I am very grateful for all the help and encouragement I have received since I was elected. The first few weeks after being sworn in have been a very valuable and eye opening experience.

I ran for the Business Committee for several years in hopes I would make it in office, but I was really surprised, you might say shocked when I was told I won. Since that day I have experienced a great change in my life. I have witnessed first-hand how the Oneida Government works and how we need to change with the times.

When I first ran for office a few decades ago, we were a progressive tribe and we were growing. I had a lot of opinions about what we should do as a tribe and I felt compelled to run for office. That was a time when the world moved a bit more slowly. There were no e-mail, face-book, and laptop computers at our disposal. Today we have a government that is very well informed of the use of modern technology and they operate in a very complex and organized manner.

I admire and have great respect for the Oneida Business Committee and how leadership must embrace all avenues of technology, be on your toes 24 hours a day, 7 days a week. There is a lot of time and energy that must be dedicated to leading our nation.

With that in mind, it is with a good conscience and in the best interest of my nation that I have decided to resign as councilman. I have given my decision a lot of thought and I feel we have others who can serve the nation better and commit themselves to the high level of work that is required of our tribal leadership. I am in my golden years and I look forward to getting back into my retirement mode. Please accept my resignation as Oneida Councilman effective, Friday September 12, 2014.

I appreciate the understanding and support I received from the newly elected Oneida Business Committee and I wish them all the best.

Humbly Submitted,

Ben Vieau

Exhibit B

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Oneida Business Committee**Emergency Meeting****10 a.m. Monday, Sept. 15, 2014****BC Conference Room, 2nd 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 26th 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 26th 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 26th 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

Exhibit B

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it a lot more smoother. But I do understand that logistically November 15th 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 26th.

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 C Page 1 of 6

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

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

Article I-Territory

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

Article II-Membership

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

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

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

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

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

Article III- Governing Body

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

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

Exhibit C

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

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

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

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

Article IV - Powers of the General Tribal Council

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

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

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

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

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

Exhibit C Page 3 of 6

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

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

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

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

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

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

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

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

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

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

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

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

Article V-Amendments

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

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

Article VI-Bill of Rights

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

BY-LAWS OF THE ONEIDA TRIBE OF INDIANS OF WISCONSIN

Article I-Duties of Officers.

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

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

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

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

Exhibit C Page 5 of 6

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

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

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

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

Article II-Ratification of Constitution and By-Laws

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

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

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

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

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

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

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

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

February 28, 1949 (Oneida Executive Business Committee)

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

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

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

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

Exhibit C

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

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

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

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

February 6, 1942 (Membership)

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

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

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

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

End

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OPTION A. SPECIAL ELECTION

CAUCUS ON OCTOBER 26, 2014 with ELECTION ON DECEMBER 13, 2014

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

NOW THEREFORE BE IT RESOLVED, a Special Election is called for Saturday, December 13, 2014 with a polling place to be set up on the Oneida Reservation and in Milwaukee.

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

- Caucus - October 26, 2014
- Deadline for Applications to be filed – November 3, 2014
- Appeals of Candidate Eligibility – as set forth in the Election Law
- Election Day – December 13, 2014
- Recounts and Appeals – as set forth in the Election Law
- Final Report presented to Oneida Business Committee – December 24, 2014

Costs associated with this proposed resolution:

\$200,000	General Tribal Council meeting – average cost, must hold meeting to determine how vacancy is filled
\$5000	Election Board costs for special election ¹
\$2000	Only if electronic ballot machines are utilized ²

Policy Considerations:

- Recognizes the history of filling vacancies.
- Recognizes the changes in the election processes which have occurred since the 1976/1982 actions.
- Recognizes changes in the General Tribal Council body since adoption of the 2008 stipend directive.
- Moves the election as far forward while at the same time recognizing the accepted and generally understood processes for a Special Election.
 - 48 days from the Caucus to the election (45 days required by law for Special Elections)
 - 57 days from Caucus to the Final Report

207,000

¹ Includes OPD and Enrollments – per diem and hotel costs for SEOTS polling place. Overtime is generally managed by Enrollments or OPD and the personnel costs are recognized in the department budgets, not the Election Board regular employment related duties.

² The presumption is no electronic ballot machines are needed or will be used.

OPTION B. ACCELERATED SPECIAL ELECTION

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

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

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

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

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

Costs associated with this proposed resolution:

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

Policy Considerations:

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

205,000

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

OPTION C. SPECIAL ELECTION SAME DAY

CAUCUS AT MEETING with ELECTION SAME DAY

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

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

- Caucus as next item on agenda open until no further nominations.
- Polling nominated members for acceptance.
- Directing nominated members to meet with Election Board prior to 12:00 p.m. to present identification, verification of age, and verification of residency.
- Election Board to open polls at 2:00 p.m. and close polls at 7:00 p.m. identifying the last person in line and authorizing no further voters.
- Election Board to count votes and post tentative results.
- Recount requests presented in Tribal Secretary's office by 4:30 p.m. on October 27, 2014.
- Election Board presents final report to Oneida Business Committee at the October 29, 2014 meeting.

Costs associated with this proposed resolution:

\$200,000	General Tribal Council meeting – average cost, must hold meeting to determine how vacancy is filled
\$1000	Election Board costs for special election same day – printing ballots
\$0	Electronic ballot machines are not available on this accelerated time frame

Policy Considerations:

- Recognizes the history of filling vacancies.
- Recognizes the changes in the election processes which have occurred since the 1976/1982 actions.
- Recognizes changes in the General Tribal Council body since adoption of the 2008 stipend directive.
- Moves the election as far forward while at the same time recognizing the accepted principles in conducting a Special Election.
- Reduces potential costs.
- Does not include a Milwaukee polling site.
- Does not allow for candidate to campaign.

200,000

OPTION D. MOTION FROM FLOOR

FILL VACANCY IN NEXT SCHEDULED SPECIAL ELECTION

Motion to fill the vacancy in the regularly scheduled Special Election held in July of 2015.

Costs associated with this proposed resolution:

\$200,000 General Tribal Council meeting – average cost, must hold meeting to determine how vacancy is filled

Policy Considerations

- Still have a quorum on the Oneida Business Committee if left vacant until after 2015 Special Election
- Reduce overall costs by not holding another Special Election.
- Workload may shift as the Legislative Operating Committee has one less member until the appointment is filled.
- Cost savings of one Oneida Business Committee member salary and possibly the assistant position.
- Constitutional requirement of electing 5 Council Members was accomplished in General Election.
- Normal election processes are utilized and are understood by members.

200,000

OPTION E. MOTION FROM THE FLOOR

APPOINTMENT OR FIRST RUNNER-UP FROM 2014 GENERAL ELECTION

Motion to appoint INSERT FULL NAME to fill the remainder of the term caused by the resignation of Benjamin Vieau.

Costs associated with this proposed resolution:

\$200,000 General Tribal Council meeting – average cost, must hold meeting to determine how vacancy is filled

Policy Considerations

- Consistent with constitutional language
- Simple, straight forward
- May including recognizing the runner-up in the General Election
- No additional expenses of an election

200,000

OPTION F. MOTION FROM FLOOR

LEAVE VACANT

Motion to direct that the remainder of the term caused by the resignation of Benjamin Vieau shall remain vacant.

Costs associated with this proposed resolution:

\$200,000 General Tribal Council meeting – average cost, must hold meeting to determine how vacancy is filled

Policy Considerations

- Still have a quorum on the Oneida Business Committee if left vacant.
- Workload may shift as the Legislative Operating Committee has one less member.
- Cost savings of one Oneida Business Committee member salary and possibly the assistant position.
- Constitutional requirement of electing 5 Council Members was accomplished in General Election.

But we'd actually save money by not having to pay for a BC member and their assistant for three years!

300,000

Chapter 2

ONEIDA ELECTION LAW

OnΛyoteʔa·ká· Tho Ni· Yót Tsiʔ Λyethiyataláko Tsiʔ KayanlÁhsla

People of the Standing Stone how it is we will appoint them the kind of laws we have

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

2.1. Purpose and Policy

2.1-1. It is the policy of the Tribe that this law shall govern the procedures for the conduct of orderly Tribal elections, including pre-election activities such as caucuses and nominations. Because of the desire for orderly and easily understood elections, there has not been an allowance made for write-in candidates on ballots.

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

2.2. Adoption, Amendment, Repeal

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

2.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Business Committee or the Oneida General Tribal Council. Actions of the Election Board regarding amendments to this law and policies adopted regarding implementation of this law are to be presented to the Business Committee who shall then adopt or forward action(s) to the General Tribal Council for adoption.

2.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

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

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

2.3. Definitions

2.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

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

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

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

2.4. Election Board

Section A. Establishment, Composition and Election

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

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

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

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

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

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

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

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

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

Section B. Duties of the Election Board

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

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

Section C. Specific Duties of Officers and Election Board Members

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

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

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

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Tribal Constitution.

Section B. Identification of Voters

2.8-2. All voters must present one of the following picture identifications in order to be able to vote:

- (a) Tribal I.D.
- (b) Drivers License.
- (c) Other I.D. with name and photo.

Section C. Registration Procedures

2.8-3. Voters shall physically register, on the day of the election, at the polls.

2.8-4. Oneida Enrollment Department personnel shall be responsible for verifying Tribal enrollment. Conduct of Oneida Enrollment Department personnel is governed by the Election Officials during the voting period.

2.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration Form containing the voter's following information:

- (a) name and maiden name (if any);
- (b) current address;
- (c) date of birth; and
- (d) enrollment number.

Section D. Qualification/Verification of Voter Eligibility

2.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote, the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with the Enrollment Department personnel who are registering voters, to decide the voting member's eligibility currently being questioned and shall make such decisions from the facts available, whether the applicant is, in fact, qualified/verifiable under the Oneida Tribal Constitution, Article III Section 2, to vote in tribal elections.

2.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of the voter shall be written next to a numbered list which corresponds to the numbered and sealed envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they desire to challenge the decision made by the Election Officials. The Election Board shall make a final decision, within five (5) business days of receiving the appeal and shall report this decision in the final report sent to the Oneida Business Committee.

2.9. Election Process

Section A. Polling Places and Times

2.9-1. In accordance with Article III, Section 4 of the Tribal Constitution, elections shall be held in the month of July on a date set by the General Tribal Council. The General Tribal Council shall set the election date at the January annual meeting, or at the first GTC meeting held during a given year. Special Elections shall be set in accordance with 2.12-6.

2.9-2. Elections shall be held in an Oneida Tribal facility(s) as determined by the Election Board.

2.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line to

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vote at 7:00 p.m. shall be allowed to vote.

(a) If a ballot counting machine is used, the ballot counting machine shall be prepared prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after four (4) Tribal members verify, through signature on the tape, the ballot box is empty and the ballot counting machine printer tape has a zero (0) total count.

2.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open, and until the counting of ballots is completed, and tentative results posted.

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

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

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

2.9-8. Election Board members may restrict the voting area to qualified voters only. This restriction is in the interest of maintaining security of the ballots and voting process.

Section B. Ballot Box

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

Section C. Spoiled Ballots

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

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

2.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15) calendar days following finalization of any challenge of the election, at the Records Management Department.

Section D. Rejected Ballots

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

(a) Computer rejected ballots shall be reviewed by the Election Officials to verify the authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final computer total, provided that, a new ballot was not received as set out in sections 2.9-10 through 2.9-12.

(b) Ballots rejected, either during the computer process or during a manual counting, shall be reviewed by the Election Officials to verify that they are authentic. If the Election Officials determine that the ballot is not an official ballot, or that it is an illegal ballot, the ballot shall be designated 'void,' and placed in a sealed container marked "Void Ballots."

2.10. Tabulating and Securing Ballots

Section A. Machine Counted Ballots

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

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

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

Section B. Manually Counted Ballots

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

2.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall be secured in a sealed container for transportation to the ballot counting location. The sealed ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election Officials for counting/tallying of ballots.

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

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

Section C. Securing Ballots

2.10-7. The Judges shall place together all ballots counted and secure them together so that they cannot be untied or tampered with without breaking the seal. The secured ballots, and the election totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed container in such a manner that the container cannot be opened without breaking the seals or locks, or destroying the container. The Oneida Police Officer shall then deliver, on the day of the election, the sealed container to the Records Management Department for retaining.

2.11. Election Outcome and Ties

Section A. Election Results Announcement

2.11-1. The tentative results of an election shall be announced and posted by the Election Board within twenty-four (24) hours after the closing of the polls. Notices of election results shall contain the following statement:

"The election results posted here are tentative results. Final election results are forwarded by the Oneida Election Board to the Oneida Business Committee via a Final Report after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer"

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

Section B. Tie

2.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to determine the outcome of an election, the Election Board shall conduct an automatic recount of the votes for each candidate receiving the same number of votes. Any recount conducted shall be the only recount allowed for the tied candidates.

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

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which shall be open to the public.

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

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

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

Section C. Recount Procedures

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

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

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

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

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

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

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

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

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

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

Section D. Challenges and Declaration of Results

2.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a complaint with the Oneida Appeals Commission within ten (10) calendar days after the election. The Oneida Appeals Commission shall hear and decide a challenge to any election within two (2) business days after the challenge is filed. Any appeal to the appellate body of the Oneida Appeals Commission shall be filed within one (1) business day after the issuance of the lower body's decision and decided within two (2) business days after the appeal is filed.

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

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

2.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Tribal Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer. The Final Report shall consist of the following information:

(a) Total number of persons voting.

(b) Total votes cast for each candidate by subsection of the ballot.

(c) List of any ties and final results of those ties, including the method of resolution.

(d) List of candidates elected and position elected to.

(e) Number of spoiled ballots.

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

2.11-13. *Declaration of Results.* The Business Committee shall declare the official results of the election and send notices regarding when the swearing in of newly elected officials shall take place within ten (10) business days after receipt of the Final Report.

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

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

(a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat shall be considered vacant and the Election Board shall declare the next highest vote recipient the winner. This procedure shall be repeated as necessary until a winner is declared.

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a Special Election shall be held.

2.11-16. The Election Board shall send notice to the Records Management Department to destroy the ballots thirty (30) calendar days after the election or after the final declaration of official election results occurs, whichever is longer.

2.12. Elections

Section A. Primary Elections; Business Committee

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

2.12-2. There shall be a primary election for Business Committee positions whenever there are three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-large council member positions.

(a) The two (2) candidates receiving the highest number of votes cast for each officer position shall be placed on the ballot.

(b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large council member positions shall be placed on the ballot.

(c) Any position where a tie exists to determine the candidates to be placed on the ballot shall include all candidates where the tie exists.

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

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

Section B. Special Elections

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

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

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

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

Section C. Referendums

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

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

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

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

Exhibit E Page 14 of 14

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**



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



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



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.

Exhibit F Page 1 of 2

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

WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and

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

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

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

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

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

Exhibit F Page 2 of 2

Page Two

Resolution 01-04-10-A

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

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

CERTIFICATION

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



Patricia Hoelt, Tribal Secretary
Oneida Business Committee

Exhibit I

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

Voting

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

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

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

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

Point of Order

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

Privileged Question

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

the member who has the floor has completed their discussion.

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

Appeal the Decision of the Chair

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

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

Call for the Question

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

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

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

Note: this does not require a second.

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

Motion to Table

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

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

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

Rescinding or Amending a Prior Motion

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

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

Motion to Reconsider

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

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

Roll Call Vote/Quorum

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

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

Counting

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

Robert's Rules of Order

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

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



Exhibit J Page 1 of 1

2014 Special General Tribal Council Meeting Action Report DRAFT

10 a.m. Sunday, October 26, 2014

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

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

Oneida Business Committee Attendance:

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

1. Oneida Veterans Color Guard posting of the colors

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

2. Opening and announcements

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

3. Adopt the agenda

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

4. New Business

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

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

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

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

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

5. Adjourn

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

Exhibit K Page 1 of 3

Oneida General Tribal Council Ten Day Notice Policy

I. Statement of Purpose
II. Definitions
III. Procedure

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

I. Statement of Purpose:

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

II. Definitions:

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

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

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

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

Places of Prominence: See attachment.

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

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

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

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

III. Procedure:

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

Exhibit K

Page 2 of 3

majority vote.

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

IV. Filing Process of Proposed Resolutions:

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

V. Notice to Membership:

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

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

VI. Process for Introducing Resolutions at GTC Meeting:

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

End.

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



Government

Our Ways

Resources

Community

Business

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Exhibit L Page 1 of 1

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Oneida Laws

Constitution

BC Resolutions

Intergovernmental Agreements

Vision, Mission, Values

Boards, Committees, Commissions

Elections

Public Meetings

Forms and Applications

Oneida Home Page

The General Tribal Council decided to fill the vacancy on the Oneida Business Committee with a special election to be held on Saturday, November 22, 2014. Visit the [Election Webpage](#) for the special election timeline and more information.

For those members who wish to file a petition to be on the ballot, you must have it registered with the office of the Tribal Secretary by Monday, November 3. The following NOMINEES WHO ACCEPTED AT THE CAUCUS:

- Mark A. Powless Sr.
- Kirby Metoxen
- Dan G. Skenandore
- Danelle Wilson
- Linda "Buffy" Dallas
- Clifford Danforth
- David "Fleet" Jordan
- Tom Espinosa
- Douglas Skenandore
- Corinne Robelia-Zhuckkahos
- Cathy Bachhuber
- Amanda Gerondale
- Sayokla Kindness
- Linda Nockideneh
- Judith Nicholas
- Mike Mousseau

NOTE: All nominees must submit an application by the deadline and be deemed eligible for candidacy by the Election Board. Individuals were nominated at the caucus on Sunday, October 26th.

**Nominees and applicants are not candidates until verified by the Election Board.



Exhibit M Page 1 of 3

Government

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Elections

2014 Special Election To Fill the OBC Vacancy

November 22, 2014

7 a.m. - 7 p.m.

Oneida Community Health Center

525 Airport Dr., Oneida, WI 54155

&

SEOTS Office

6811 W. Morgan Ave., Milwaukee, WI 54220

A candidate listing will be made available on this page when all applicants have been reviewed by the Election Board.

October 26, 2014 Caucus/November 22, 2014 Election Date - Accelerated Special Election		
# of Days	Date	Activity
At GTC Meeting	Sunday October 26, 2014	Caucus
24 Hours for anyone petitioning	Monday November 03, 2014	Deadline for application packets due in Tribal Secretary's Office; Election Board picks up all applications at 4:30 p.m.
1 day to verify signatures, verify candidate eligibility - age, member, residence	Tuesday November 04, 2014	Verify Enrollment on Application and Petition signatures; Send notice to Kaliwhisaks of picture ID required to vote in two editions; date of election; polling places and times; Mail letters to applicants including eligible/ineligible; Notice to OPD for Police Officer for election; Notice to Enrollments for two (2) election officers.
2 day deadline to ...	Thursday November 10, 2014	Hearings appealing ineligibility; Decision letters mailed; Format the ballot and e-mail to Printing with ...

file, schedule appeal hearing, issue decision, determine ballot		amount of ballots; Verify list of supplies needed for election; notify Records Management of Special Election; Post sample ballot on website, and at Norbert Hill Center and SEOTS offices.
7 days to print ballot	Tuesday November 18, 2014	Pick up ballots verify accuracy, numbering, prepare sets for each polling location; Final run through with Election Board members, alternates, Enrollments, Oneida Police Department, Records Management
	Friday November 21, 2014	Set up polling place
Election held on a Saturday	Saturday November 22, 2014	Polling place opens and election held. All Board members in attendance by 7 a.m., OPD and Enrollments by 7:30 a.m. Post tentative results (4 locations)
2 days to file recount - Monday	Monday November 24, 2014	Recount requests due into Tribal Secretary's office by 4:30 p.m.
3 days to conduct recounts and draft final report	Wednesday November 26, 2014	Recount(s) conducted if necessary; Results declared final and forwarded to Tribal Secretary's office to be placed on BC agenda to certify.
Pre- schedule Special BC meeting	Monday December 01, 2014	Attend BC meeting; accept report; schedule oath.\
	27	Total Days Caucus to Election Day
	32	Total Days to Final Report

- Applications and Petitions are available Tribal Secretary's Office located at:
Norbert Hill Center, 2nd floor
N7210 Seminary Rd.
Oneida, Wisconsin

- Only the original triplicate application is accepted.

Exhibit M **Page 2 of 3**

Election Basics

Oneida's General Election occurs every three years when the Oneida Business Committee is elected. All other elections are called Special Elections. Tribal members can vote at one of two polling sites during General Elections and only one polling site during Special Elections. Oneida

Tribal IDs must be presented in order to vote.

Tribal members become candidates by nomination at the Election caucus or by petition. All nominees from the caucus must complete the original election application and return it to the Tribal Secretary's Office between 7:30 a.m. Monday and 4:30 p.m. Friday of the week following the election caucus.

A Tribal member can petition to become a candidate with ten (10) verified signatures of Tribal members eligible to vote at the time of the signature. The Tribal member submit the petition along with a completed original election application to the Tribal Secretary's Office between 7:30 a.m. Monday and 4:30 p.m. Friday of the week following the election caucus.

Election Rules

The **Oneida Election Law** sets the rules for Oneida elections, recounts and challenges, and the role and responsibilities of the Oneida Election Board.

For more information

If you have questions about submitting applications, please contact the Tribal Secretary's Office by phone: 920-869-4364 or email: TribalSecretary@oneidnation.org

For more information about the election or the election process, contact one the Election Board at Election_Board@oneidanation.org

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 N

Page 1 of 4



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 09-24-14-A Continuing Resolution for Fiscal Year 2015

- 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 Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS,** the General Tribal Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution, and
- WHEREAS,** the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and
- WHEREAS,** the Oneida Business Committee has identified that it was not possible to bring forward a budget for Fiscal Year 2015 given the transition as a result of the 2014 General Election and the installation of a new Oneida Business Committee; and
- WHEREAS,** the Tribal Treasurer has identified that development of a balanced budget for Fiscal Year 2015 with projections for Fiscal Years 2016 and 2017 will take time to conclude and has identified January of 2015 as a potential time frame for presentation of a budget to the General Tribal Council; and
- WHEREAS,** the Tribal Treasurer has identified that projected revenues do not cover estimated expenditures requiring budget reductions in order to present a balanced budget; and
- WHEREAS,** the Tribal Treasurer has identified that there are periods of cash flow stress based on revenue streams during the fiscal year that require additional expenditure limitations and monitoring in order to meet the programming and business needs of the Tribe; and
- WHEREAS,** the Tribal Treasurer has identified that revenue projections have been affected by unduly harsh winters, local construction projects and economic changes such that additional budget constraints have been necessary notwithstanding our conservative fiscal estimates; and
- WHEREAS,** the Oneida Business Committee agrees that this is a reasonable deadline for development of the budget and preparing it for presentation to the General Tribal Council; and
- WHEREAS,** a continuing budget resolution is needed to provide direction on expenditures for Fiscal Year 2015;

NOW THEREFORE BE IT RESOLVED the Oneida Business Committee adopts the following directives for Fiscal Year 2015 which are more fully outlined in this resolution:

1. *Operational Expenses.* Operational expenses are not to exceed one-twelfth (1/12) of 75% of the allocation in the FY2014 budget for October through January. Provided that, this restriction shall exclude personnel and personnel related lines, which shall continue at 100% funding and be subject to the further limitations outlined in this resolution.

Exhibit N

2. *Employment Levels.* Employment levels shall continue to be closely monitored and maintained at no greater than current levels. The goal is reduction of workforce levels through attrition and utilizing the existing employment base in an effective and efficient manner.
3. *Capital Expenditures, Capital Improvement Projects and Technology Set Asides and Implementations.* All requests for capital expenditures, capital improvement projects and technology set-asides will be approved by the Oneida Business Committee.
4. *Other.* If the need for any items covered under the restraints set forth in this resolution become detrimental to the organization, Division Directors, Gaming General Manager, Chief Financial Officer, and Chief Counsel, for their respective areas, may authorize an exception to the restraint. The exception shall be set forth in a report which shall specifically identify the exception, the need for the exception, cost for non-compliance and compliance, and alternatives that were considered but rejected and the reasons for rejection. The report shall be forwarded to the Oneida Business Committee for the next available agenda. The Division Director, Gaming General Manager, Chief Financial Officer, or Chief Counsel, as appropriate, shall present the report at the Oneida Business Committee meeting and answer questions.

NOW THEREFORE BE IT FURTHER RESOLVED that as used in this resolution, Direct Reports shall consist of the following - Gaming General Manager, Chief Financial Officer, Chief Counsel, Chief of Police, Legislative Affairs Director, Comprehensive Health Division Director, Development Division Director (and as interim assignment for Housing Operations), Environmental Health Division Director (and as interim Land Management Division Director), Governmental Services Division Director, HRD Area Manager, Internal Audit Director, Internal Services Division Director, Medical Director, Records Management Director, and Retail Profits Area Manager.

NOW THEREFORE BE IT FURTHER RESOLVED that all operations of the Tribe shall eliminate, reduce or re-schedule all non-essential, non-emergency expenditures to assist in the management of cash flow and meeting budget needs. To carry out this intent, the following expenditure restrictions are directed:

1. *Ongoing Comprehensive Hiring Freeze.*
 - a. The Oneida Business Committee maintains an ongoing comprehensive hiring freeze. From October 1 until the Fiscal Year 2015 Budget is adopted, no hiring shall be authorized and no exceptions will be granted. Direct Reports are given authority under Resolution # BC-09-24-14-Q to manage employment needs through collaboration and reallocation of the existing employment base.
 - b. A posted position may continue in the hiring process as long as the posted position meets one (or more) of the following criteria and the position duties cannot be accommodated by utilizing the authority granted in resolution # BC-09-24-14-Q:
 1. Posted position is required by law (Regulatory).
 2. Posted position generates revenue.
 3. Posted position provides direct service (not administrative) to health patients.
 4. Posted position is at a minimum grant funded level of 50%.
 5. Pool positions shall be hired as an Emergency Temporary status employee; with language inserted into the C.R. that Emergency Temporary positions may be provided one (1) extension only.
 - c. Prior to the posted position continuing in the hiring process, the direct report shall comply with the following process:
 1. Minimum staffing levels based upon industry standards and data from the past 18 months.
 2. Position requests represented as "revenue-producing" can be excluded pending a written commitment of additional revenue the position will create; measureable by actual revenue levels before and after the hire, and explanation why existing staff cannot address those risks.
 3. Posted position requests represented as "health/safety" can be executed pending an outline of the specific health and safety risks the new position will address, the consequences of not addressing them and explanation why existing staff cannot address those risks.
 4. Posted position requests represented as "regulatory" can be executed pending an outline of the specific regulatory risks the new position will address, the consequences of not addressing them and explanation why existing staff cannot address those risks, and identify by specific citation to the requirement by law or regulation that a position must exist.
 - d. For those areas with sub-relief or contracted support, no positions are authorized to be filled. Direct Reports shall utilize sub-relief or contracted support and shall not fill a vacant position.
2. *Suspend All Wage Increases.* No wage increases in any form are authorized for any employee except as previously approved by the Oneida Business Committee, employees ending a probationary employment during this period shall be authorized the off-probation increase.
3. *Overtime Reduced.*

Exhibit N Page 3 of 4

- a. It is the expectation of the Oneida Business Committee that Direct Reports shall work collaboratively to utilize employee knowledge, skills and abilities in an effective and efficient manager to avoid overtime.
 - b. Direct Reports shall report all overtime to the HRD Manager on a weekly basis.
 - c. The HRD Manager shall review all overtime and assess whether or not such overtime was warranted or whether work force schedules could be adjusted to avoid future overtime. Work force schedules may be evaluated across programs and business units to identify the best use of employees and resources.
 - d. A Direct Report may grant an exception where overtime is necessary to address health or safety, or regulatory requirements.
 - e. Where exceptions are granted, a Direct Report shall submit a report to the Oneida Business Committee identifying, at a minimum, the following information.
 1. Job position, duties, wage scale, and the health, safety issue addressed, or regulatory requirement necessitating overtime.
 2. What, if any, alternatives were identified and why they were not utilized?
 3. What was the cost of leaving the overtime and of not granting overtime?
 4. What is the health and safety issue or regulatory requirement justifying the authorization of overtime?
4. *Elimination of Travel.*
- a. All travel shall be eliminated except for government and legislative functions as approved by the Oneida Business Committee.
 - b. All programs shall identify grant related travel and apply for adjustments in the grant to reallocate travel related funding to the provision of services. Where amendments cannot be made to the grant to reallocate travel related funding, the allocations of the grant funding for travel must be re-approved by the Oneida Business Committee to approve the travel related activities in the grant.
 - c. Continuing education requirements which are part of licensing or certification requirements paid for by the Tribe are authorized to be carried out in the order of priority of on-line training and then local training.
 - d. Where travel has been approved prior to the adoption of this resolution, and for which the employee has already expended funds for the travel is authorized under resolution # BC-2-12-14-B it is considered approved for FY2015.
5. *Contracting.*
- a. All contracts for consultant services to be delayed until new budget is adopted.
 - b. A Direct Report may grant an exception where a consulting contract is necessary to address health or safety, or regulatory requirements.
 - c. Where exceptions are granted, a Direct Report shall submit a report to the Oneida Business Committee identifying, at a minimum, the following information.
 1. Consultant contract, Legal/Purchasing contract reference number, purpose of contract, start/end date of contract, and cost of contract.
 2. What, if any, alternatives were identified and why they were not utilized?
 3. What was the cost of not entering into contract, what is the benefit of entering into the contract?
 4. What funding was utilized to pay the contract costs? If grant funding, what is the tribal contribution/in-kind value allocated to the grant, and if possible, to the contract?
 5. What is the health and safety issue or regulatory requirement justifying the authorization of overtime?
6. *Donations and Sponsorships.*
- a. All external donations and sponsorships are delayed.
 - b. Exceptions for business related purposes, or to obtain health, safety or regulatory required grants may be granted by the Oneida Business Committee.
7. *Capital Expenditures and Technology Set-Asides.*
- a. All capital expenditures shall be delayed.
 - b. Exceptions may be granted by the Oneida Business Committee for the protection of health or safety, or regulatory requirements.
8. *Capital Improvement Projects.*
- a. All currently approved CIP shall be re-evaluated by the Project Manager, appropriate program personnel, and the Chief Financial Officer for size, scope and ongoing need and a report presented by the Chief Financial Officer to the Oneida Business Committee regarding each project the financial impact on the Tribe and proposed revisions to the project and related timelines.
 - b. Activation of new CIP shall be suspended until the Fiscal Year 2015 budget is approved.
 - c. Exception to the activation of CIP may be made by the Oneida Business Committee to protect health or safety or regulatory requirements.

NOW THEREFORE BE IT FURTHER RESOLVED that the Emergency Management Director, Ombudsman, and Self Governance Coordinator, boards, committees and commissions, and any other program not included in the Direct Reports defined in this resolution, shall obtain approval from the Oneida Business Committee for actions within this resolution.

NOW THEREFORE BE IT FINALLY RESOLVED that this continuing resolution shall be in place until adoption of the budget for Fiscal Year 2015 by the General Tribal Council.

NOW THEREFORE IT IS RESOLVED that all decisions made under this Continuing Resolution by Direct Reports will be used to evaluate Direct Report decision making and may result in disciplinary action.

NOW THEREFORE BE IT FINALLY RESOLVED that the Oneida Business Committee, the Finance Staff, HRD and Law Office will collaboratively work with the operations to assist with implementing the standards of this resolution, as well as, collectively working together to develop a balanced budget for GTC consideration

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; 7 members were present at a meeting duly called, noticed and held on the 24th day of September, 2014; that the forgoing resolution was duly adopted at such meeting by a vote of 6 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."

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 O

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

BC Resolution 09-24-14-Q

Emergency Amendments to the Oneida Personnel Policies and Procedures Regarding Job Duties and Reassignments

- WHEREAS,** the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS,** the General Tribal Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution, and
- WHEREAS,** the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and
- WHEREAS,** the Tribal Treasurer has identified cash flow and revenue concerns in reviewing prior budgets and in developing the Fiscal Year 2015 budget and budget projections for future fiscal year; and
- WHEREAS,** the Oneida Business Committee has identified that some of the budget constraints could be addressed through cost containment actions which include placing a cap on the total number of employees and prohibiting hiring new employees as identified in the *Continuing Budget Resolution for Fiscal Year 2015*; and
- WHEREAS,** the Oneida Business Committee has also identified that this type of cost controlling measure is effective only if the organization is allowed to effectively and efficiently utilize the entire employee base; and
- WHEREAS,** the Oneida Business Committee has determined that amendments to the Oneida Personnel Policies and Procedures are necessary in order to allow management to properly utilize and allocate the knowledge, skills, and abilities of existing personnel; and
- WHEREAS,** the Oneida Business Committee has identified that these amendments are necessary in order to meet the immediate budgetary needs of the Tribe as a measure to reduce short and long term payroll and benefit costs, manage cash flow, and maintain programming;

NOW THEREFORE BE IT RESOLVED that the Oneida Business Committee adopts the following emergency amendments to the Personnel Policies and Procedures.

Job Duties and Assignments

1. Direct Reports are allowed to approve job description modifications for the purposes of consolidating and/or transferring employees for more efficient and effective use of existing personnel, and such actions may take place crossing divisions and operations within the organization.
2. Direct Reports, for purposes of this resolution, are defined as Gaming General Manager, Chief Financial Officer, Chief Counsel, Chief of Police, Legislative Affairs Director, Comprehensive Health Division Director, Development Division Director (and as interim assignment for Housing Operations), Environmental Health Division Director (and as interim Land Management Division Director), Governmental Services Division Director, HRD Area Manager, Internal Audit Director, Internal Services Division Director, Medical Director, Records Management Director, and Retail Profits Area Manager. This shall also delegate authority to the director of Trust and Enrollment departments, the Gaming Commission Executive Director and the Tribal School Principals.
3. Amendments to job duties and assignments authorized by this emergency action shall be reasonably related to the duties in the job description as defined in section 5 below.
4. The Human Resource Department shall take all necessary steps to assist in making amendments to job duties and assignments that increase the efficiencies and effective allocation of employee's knowledge, skills and abilities, including proactively identifying where such efficiencies can be gained.

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5. The language – “other duties as assigned” – appearing in job descriptions shall be interpreted as – “other duties as reasonably related to the duties in the job description and shall not be limited to assignment of duties within a program, business unit, or division of the Tribe and may take place crossing divisions and operations of the organization.”
6. Amended job duties and assignments shall not result in an increase in compensation, even where those amended job duties and assignments are made permanent.
7. Amended job duties and assignments may be permanent.
8. Amended job duties and assignments shall not be considered an adverse employment action per this resolution and supersedes any prior policies, interpretations, opinions and similar actions.

NOW THEREFORE BE IT FURTHER RESOLVED that failure to accept job duties and assignments may result in disciplinary action.

NOW THEREFORE BE IT FURTHER RESOLVED that these amendments shall go into effect on October 1, 2014 and shall be effective for six months.

NOW THEREFORE BE IT FINALLY RESOLVED that the Human Resources Department shall develop, if necessary, Standard Operating Procedures that assist the Division Directors, Gaming General Manager, Chief Financial Officer and Chief Counsel in carrying out the intent of this resolution and emergency amendments.

NOW THEREFORE BE IT FINALLY RESOLVED THAT employees of boards, committees and commissions shall be included in this emergency amendment and shall be managed by the Human Resources Department Area Manager. Provided that, Trust and Enrollments, Gaming Commission administration and Tribal School shall be as delegated earlier in this resolution.

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; 7 members were present at a meeting duly called, noticed and held on the 24th day of September, 2014; that the forgoing resolution was duly adopted at such meeting by a vote of 6 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."