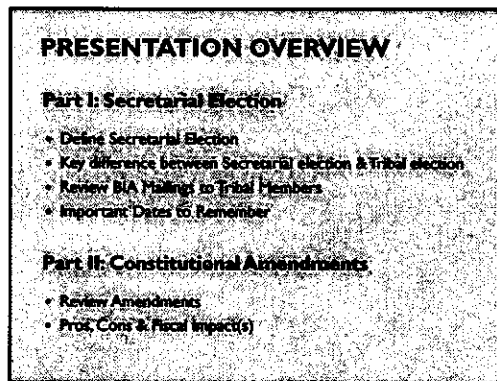


Department of the Interior
Secretarial Election
Community Meetings
March 2015

Welcome & Introduction(s):

On behalf of our team, I would like to thank you for taking time out of your busy schedules to attend this meeting. As you know, the Oneida Tribal members will be voting on constitutional changes that are very historic. This community meeting is being held to assist our tribal membership in understanding the materials being sent to you from the BIA and to also understand the Secretarial Election process and why it is so different from our tribal elections.

Transition – Today we will present you with a lot of information and we will allow a question and answer session following the presentations. The presentations are broken down in to 2 parts....



Presentation Overview:

Part 1 will contain a brief definition of a Secretarial election;

- We will go over some key differences between a Secretarial Election and a Tribal Election,
- We will also showcase the BIA mailings that each tribal member 18 and over have begun to receive from the Bureau of Indian Affairs
- And Part 1 will wrap up with important dates to remember

PART II will consist of reviewing the 5 constitutional amendments in much more detail along with the pros, cons and fiscal impacts for each of the amendments.

Transition - So let's get started. We will review what a Secretarial election is...

What is a Secretarial Election?

- An election authorized by the Secretary of the Interior and held according to the federal regulations. 25 CFR Part 81
- The election provides eligible tribal members with the opportunity to vote on:
 - adopt tribal constitutional amendments;
 - accept/reject proposed/revised constitutions;
 - amend and ratify charters; and
 - revoke tribal constitutions.

What is a Secretarial Election

- A Secretarial Election is authorized and overseen by the Department of Interior Secretary and is held according to the federal regulations, 25CFR Part 81.
- A Secretarial Election by the BIA provides eligible tribal members with the opportunity to vote on the following:
 - Whether to adopt constitutional amendments for their Tribe;
 - Whether to accept or reject proposed/revised constitutions for their Tribe;
 - Whether to amend and ratify charters for their Tribe; and
 - If a tribe should revoke its constitution.
- Our upcoming Secretarial election falls under the adoption of tribal constitutional amendments, as there are 5 proposed amendments for the tribal membership to vote.

Transition – The point of this slide is basically to inform our membership that the Secretarial election process is governed by federal regulations and not by tribal law. In the next 2 slides we will be reviewing just how different the Secretarial election is compared to our tribal elections....

How is this election different?	
Secretarial	Tribal
• Voters age 18+	• Voters age 21+
• Absentee voting	• NO absentee voting
• Pre-registration is required • Voters List is published	• Registration on election day
• Governed by 25 C.F.R. Part 81	• Governed by the tribe's Election Law

How is this election different –

- ❖ Tribal members age 18 and over as of the date of the election (which is May 2, 2015) will be allowed to vote. This is a change from our familiar 21 and over voting age for Tribal Elections.
- ❖ Another difference is that this election will allow for Absentee voting. Tribal members who register to vote can request an absentee ballot. We will review that process in an upcoming slide.
- ❖ Also, Pre-registration is **required** for the Secretarial Election; this point can not be emphasized enough. In our Tribal Elections, members can register on election day. In this Secretarial Election, you must register prior to election day, if you do not, you will not be allowed to vote. The deadline to register is April 1, 2015.
 - ❖ Along with having to pre-register to vote, the BIA publishes a voters list, which shows a listing of each tribal member who has registered to vote. The voters list will be published on April 8, 2015 at 3 locations. The Tribal Secretary's Office at the Norbert Hill Center 2nd floor, the Oneida Library on Elm Street and the BIA Offices in Ashland, WI. If your name does not appear on that voters list, there is an opportunity to challenge the list, and you must do so by Noon on April 21, 2015 by submitting it in writing to the Secretarial Election Board.
- ❖ This election is governed by Federal regulation, specifically volume 25, part 81 in the Code of Federal Regulations; and as we are all aware,

Tribal elections are governed by tribal law.

Transition – in addition to these differences, there are a few more we must be aware of.

What are they??

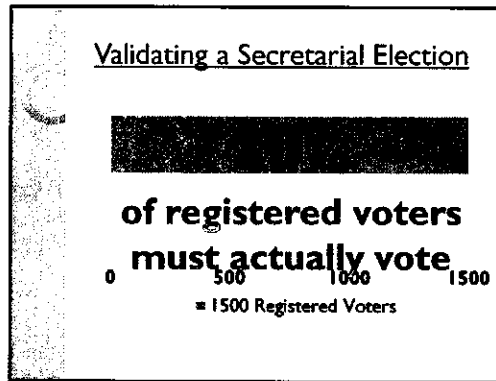
How is this election different?	
Secretarial	Tribal
<ul style="list-style-type: none"> • Election Requires 30% registered voters • Challenge of the results must be filed in 3 calendar days • Challenges are filed with the Secretary of the Interior 	<ul style="list-style-type: none"> • NO required number of voters • Challenge of the results must be filed in 10 calendar days • Challenges are filed with the Judiciary

How is this election different –

- ❖ Tribal members age 18 and over as of the date of the election (which is May 2, 2015) will be allowed to vote. This is a change from our familiar 21 and over voting age for Tribal Elections.
- ❖ Another difference is that this election will allow for Absentee voting. Tribal members who register to vote can request an absentee ballot. We will review that process in an upcoming slide.
- ❖ Also, Pre-registration is **required** for the Secretarial Election; this point can not be emphasized enough. In our Tribal Elections, members can register on election day. In this Secretarial Election, you must register prior to election day, if you do not, you will not be allowed to vote. The deadline to register is April 1, 2015.
 - ❖ Along with having to pre-register to vote, the BIA publishes a voters list, which shows a listing of each tribal member who has registered to vote. The voters list will be published on April 8, 2015 at 3 locations. The Tribal Secretary's Office at the Norbert Hill Center 2nd floor, the Oneida Library on Elm Street and the BIA Offices in Ashland, WI. If your name does not appear on that voters list, there is an opportunity to challenge the list, and you must do so by Noon on April 21, 2015 by submitting it in writing to the Secretarial Election Board.
- ❖ This election is governed by Federal regulation, specifically volume 25, part 81 in the Code of Federal Regulations; and as we are all aware,

Tribal elections are governed by tribal law.

Transition – in addition to these differences, there are a few more we must be aware of.

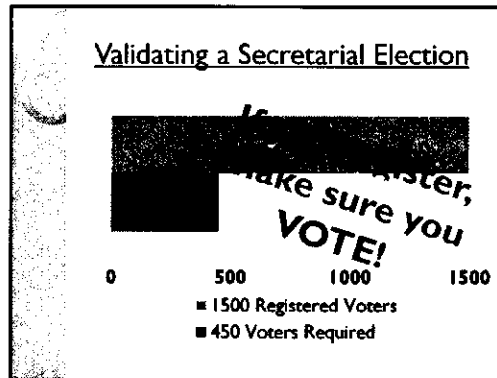


Validating a Secretarial Election

The Federal Code of Regulations requires that ****CLICK**** 30% of all registered voters must actually vote in a Secretarial Election in order for the election considered to be valid.

For this example, we will say that there are ****CLICK**** 1,500 tribal members who completed their registration form and returned it by the deadline date of April 1, 2015. This total of 1,500 tribal members is represented by the blue bar.

Transition - We have just reviewed a lot of information pertaining to the Secretarial Election process and I appreciate your patience.



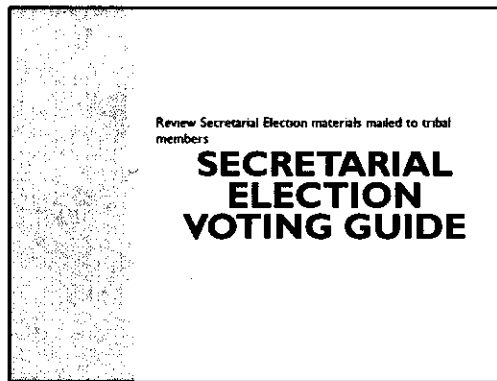
Validating a Secretarial Election:

So moving forward on the importance of this percentage. The 30% election validation requirement means that of the 1,500 tribal members who register to vote in the election, at least 450 individuals must actually do so, this number is represented by the dark blue bar.

We have communicated this point through newspaper articles, community meetings and individual question and answer sessions; however, this point cannot be reiterated enough. If tribal members do not reach a 30% threshold which validates the election, none of the proposed amendments will pass. This means that regardless of an amendment receiving a simple majority vote to be approved, it will not become effective.

We will continue to emphasize this important aspect of the tribe's Secretarial Election throughout the upcoming weeks, and we encourage each of us to take responsibility to speak with family and friends, reminding them that if they register, to please carry out their right to cast a ballot.

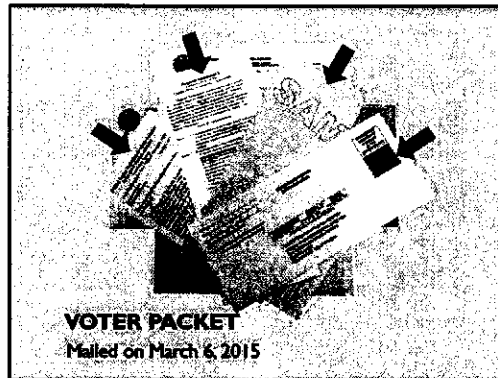
Transition - We have just reviewed a lot of information pertaining to the Secretarial Election process and I appreciate your patience.



Secretarial Election Voting Guide

We will now proceed on to reviewing materials that you have or will be receiving in the mail from the BIA.

For those of you who don't have a packet of information, we have copies for you. Please note that these are not official, you will not be able to utilize these copied forms to submit your registration.

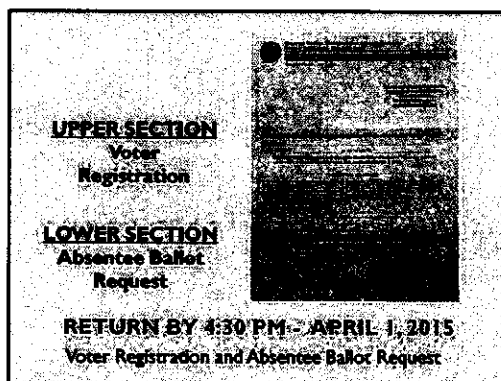


The voter packets were mailed on March 6, 2015 to all tribal members who are the age 18 and over by the date of the election. ****CLICK****

The voter packet will include:

1. A voter registration form, which includes an absentee ballot request, ****CLICK**** IN ADDITION, THERE ARE FOUR OTHER IMPORTANT DOCUMENTS
2. ****CLICK**** A letter from the Department of Interior - Bureau of Indian Affairs, Ashland Office
- contained within this letter will be information about the Secretarial Election Rules, and an official Election Notice.
3. ****CLICK**** Also in this packet will be a copy of each proposed amendment identified as Amendments A, B, C, D and E.
4. ****CLICK**** Additionally, there is a sample ballot. The ballot questions will also be identified as questions A through E to correspond with each proposed amendment.
5. ****CLICK**** For your convenience, there will also be a self-addressed and postage paid envelope which you can use to return your registration form.

Transition – Let’s look more closely at the voter registration form.



*White
Sheet -
"send in."
Complete in its
entirety*

The Voter Registration Form and request for an absentee ballot is located on the same piece of paper.

****CLICK**** The upper section of the form is the voter registration. On this part of the form, you will need to provide the following information:

1. Name,
2. Enrollment number,
3. Date of Birth
4. Lastly, you will need to sign on the red line.

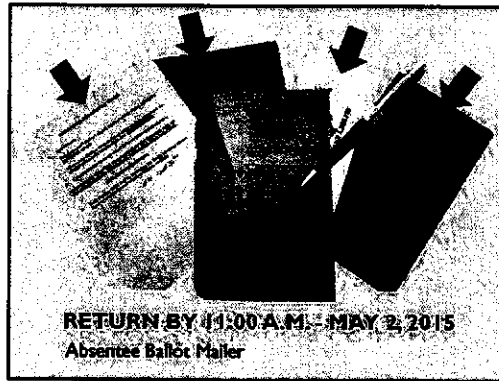
If your address needs to be updated, you may also provide your new mailing address.

Please note, the voter registration portion of the form must be completed in its entirety. Incomplete forms cannot be accepted.

****CLICK**** On the lower section of this form is the place where you can request to receive an absentee ballot. If you request an absentee ballot, you will need to indicated of on the following reasons by checking the appropriate box:

1. You expect to be temporarily absent from the reservation,
2. because of an illness,
3. due to a physical disability, or
4. because you are a non-resident voter.

Transition – If you choose to request an absentee ballot, you will receive a second packet in the mail containing the absentee ballot and instructions.



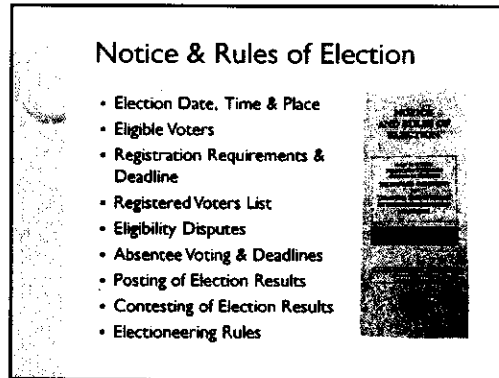
This is a sample of what the Absentee Ballot Packet will look like. As a reminder, this mailer will be sent to tribal members who return the voter registration form, and check the request for an absentee ballot.

The mailer will include:

1. ****CLICK**** Instructions for absentee voters
2. ****CLICK**** Your absentee ballot
3. ****CLICK**** A secrecy envelope – this is the envelope the absentee ballot ****CLICK**** must be placed in and sealed before it is returned.
4. ****CLICK**** There is also a pre-addressed and postage paid envelope for you to use when returning your ballot.

****CLICK**** On the back of the pre-addressed envelope ****CLICK****, you must also completed the form in order for your absentee ballot to be valid, and all ballots must be received by ****CLICK**** 11 a.m. on Saturday, May 2, 2015.

Transition – now that we have seen what the packets and mailers will look like, let's go over some key things to remember...



The Notice & Rules of the Election

1st page of the Notice & Rules of Election – Indicates that you must register to vote in this election

2nd page – Rules are in accordance with Part 81, Title 25 of the Code of Federal Regulations

- Election date is May 2, 2015
- Polling places open from 7 a.m. to 7 p.m.
- Polling locations (OHC & Serb Hall)
- Eligible Voters

Important Reminders	
VOTERS	FOR A VALID ELECTION
<ul style="list-style-type: none"> • Must be 18+ as of May 2, 2015 • Must return registration by April 1, 2015 • To vote by absentee ballot, MUST: <ul style="list-style-type: none"> • Check the box on the form • Return the absentee ballot 	<ul style="list-style-type: none"> • 30% of all registered voters must cast a ballot, <ul style="list-style-type: none"> • by absentee voting • by voting at the polls
	TO PASS AN AMENDMENT
	<ul style="list-style-type: none"> • Simple Majority Vote

Things to Remember

- **In order to vote** in the Secretarial Election, ****CLICK**** a tribal member must be 18 years of age by May 2, 2015,
- ****CLICK**** Registration must be done by returning the voter registration form by the April 1st deadline,
- ****CLICK**** Absentee voting must be done by mail, the first step in absentee voting is to check the box on voter registration form which requests an absentee ballot and then completing the 2nd step, which is to return the ballot by the April 30th deadline,
- **To have a valid election** - ****CLICK**** At least 30% of all registered voters must vote in the Secretarial Election
- Voting will be also be done in person at the polls,
- **Finally, for an amendment to be approved**, - ****CLICK**** a simple majority of the voters must approve the amendment.

Important Dates	
<ul style="list-style-type: none"> • Registration & Absentee Voting Request Deadline April 1, 2015 4:30 p.m. • Absentee Ballot Deadline: May 2, 2015 11:00 a.m. 	<ul style="list-style-type: none"> • Election Day Saturday May 2, 2015 • Polling Sites · Oneida · Milwaukee

We thank you all for your attention on this presentation about Oneida's historic Secretarial Election. We will continue to emphasis these important deadline dates as the election draws closer. Please continue to watch for information in the Tribal newspaper, and on the tribal website and facebook page.

Part II: Constitutional Amendments

- Review Amendments
- Pros, Cons & Fiscal impact(s)

➤ **Welcome & Introduce self**

➤ **Thank**

PROPOSED AMENDMENTS

- A - Lower the voting age from 21 to 18
- B - Change Tribe's official name to "Oneida Nation"
- C - Remove the Secretary of Interior from an oversight & approval role with the tribe
- D - Formally establish a judicial branch within the constitution
- E - Remove "first Monday" meeting requirement for Annual & Semi-Annual Meetings

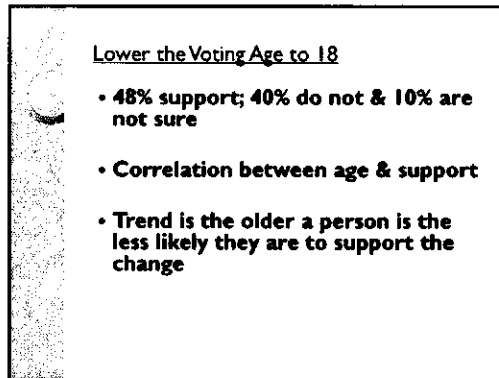
General Survey Information

- Designed to assess GTC support for 5 amendments
- 7,119 Surveys sent to 18 & over
18 & over because are included in Secretarial Election
- 1,739 received
24% response rate
- 80% of people who responded to the survey live outside the reservation area

- Designed to assess GTC support for 5 amendments
- 7,119 Surveys sent to 18 & over
 - 18 & over because are included in Secretarial Election
- 1,739 received
 - 24% response rate
- 80% of people who responded to the survey live outside the reservation area

↳ Who handles the surveys??

Done prior to 2010. Handled by Onida Statistician.



Lowering the Voting Age

- This amendment was previously posed to the community through the work of the constitutional review committee
- As amendment was developed, it was unclear what the intent was (meaning to lower GTC Participation & BC Office to 18 as well) or was it only intended to lower the age for elections only, so the question was specifically brought before GTC at the July meeting.

48% support; 40% do not & 10% are not sure

There is a correlation between age & support

Trend is the older a person is the less likely they are to support the change

SUPPORT	NON-SUPPORT	NOT SURE
<ul style="list-style-type: none"> • Able to serve in military, should be able to vote • Considered adults, should have rights as adults • Consistent w/U.S. voting age 	<ul style="list-style-type: none"> • Not enough maturity, experience and/or knowledge to vote • Concerned about cost • Education or qualifications 	<ul style="list-style-type: none"> • Concerned about cost, but... • Think if can serve in military, should be able to vote • Should be able to vote, but not run for office

Lower the Voting Age to 18

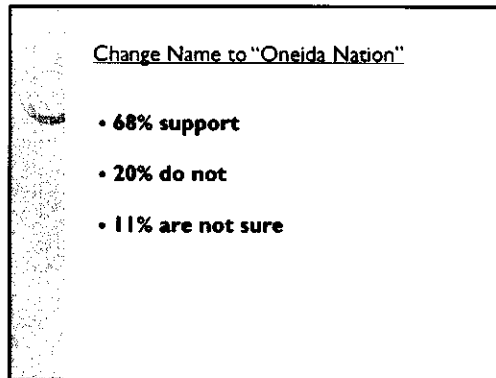
Top 3 comments on the amendment to lower the voting age to 18.

➤Support – 1. Able to serve in military, should be able to vote, 2. Considered adults, should have rights as adults, 3. Consistent w/U.S. voting age

➤Do Not Support – 1. Not enough maturity, 2. not enough experience and/or knowledge to vote, 3. Concerned about cost, education or qualifications

➤Not Sure – 1. Concerned about cost, but..., 2. Think if can serve in military, should be able to vote, and 3. Should be able to vote, but not run for office

➤Add sidebar: Met with ONHS students and gave them an exercise. They came back and said they felt that they were not mature enough to deal with the issues that GTC deals with.



Changing the Name

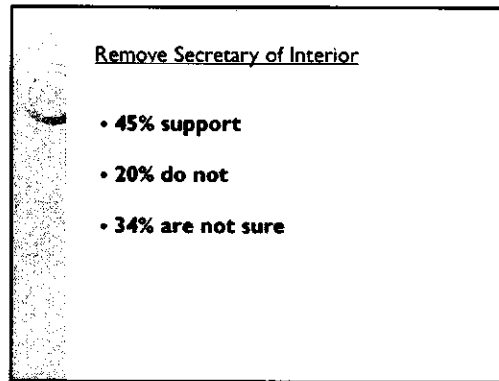
This amendment was also posed to the community through the constitutional review committee and was overwhelmingly supported.

- 68% support
- 20% do not
- 11% are not sure

SUPPORT	NON-SUPPORT	NOT SURE
<ul style="list-style-type: none"> • Strengthen tribe's sovereignty • Sounds consistent & professional • Shorter & more concise 	<ul style="list-style-type: none"> • Keep WI in the name • Confusion w/other Oneidas (Thames & N.Y.) • Wondered why issue is being raised 	<ul style="list-style-type: none"> • Confusion w/other Oneidas (Thames & N.Y.) • Keep WI in the name • Need more information before decision can be made
Change Name to "Oneida Nation"		

Top 3 comments on the amendment to Change the name to Oneida Nation

- Support – : 1. Strengthen tribe's sovereignty, 2. Sounds consistent & professional, and 3. Shorter & more concise
- Non-Support – : 1. Keep WI in the name, 2. Confusion w/other Oneidas (Thames & N.Y.), and 3. Wondered why issue is being raised
- Not Sure -: 1. Confusion w/other Oneidas (Thames & N.Y.), 2. Keep WI in the name, and 4. Need more information before decision can be made



Removing the Secretary of the Interior

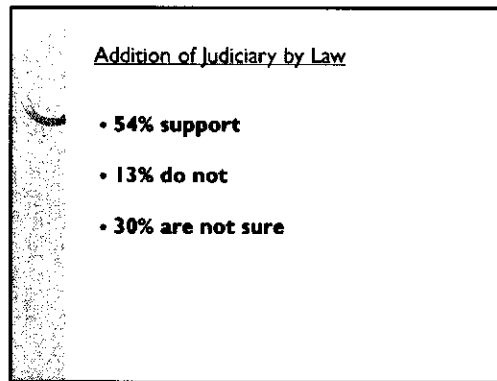
- This amendment is our main focus. It is part of our strategy to “enhance and strengthen tribal sovereignty” which is one of the tribe’s larger goals.

- 45% support
- 20% do not
- 34% are not sure

SUPPORT	NON-SUPPORT	NOT SURE
<ul style="list-style-type: none"> • Sign of tribe's sovereignty • Concerned about tribe's accountability if removed • Unnecessary position 	<ul style="list-style-type: none"> • Concerned about tribe's accountability if removed • Concerned about losing federal assistance or support 	<ul style="list-style-type: none"> • Need more information • Concerned about tribe's accountability
Remove Secretary of Interior		

Top 3 comments on the amendment to Remove the Secretary of the Interior from the constitution

- Support – : 1. Sign of tribe's sovereignty, 2. Concerned about tribe's accountability if removed, and 3. Unnecessary position
- Non-Support – : 1. Concerned about tribe's accountability if removed, and 2. Concerned about losing federal assistance or support
- Not Sure - : 1. Need more information, and 2. Concerned about tribe's accountability
- Concerned about losing federal assistance
- Biggest concern we heard was maintaining federal/trust relationship. Although the trust relationship is not embedded in the constitution, we address the concern by including the relationship in the preamble to make it clear there is not intent by us to relieve the federal gov't of their responsibilities to us.



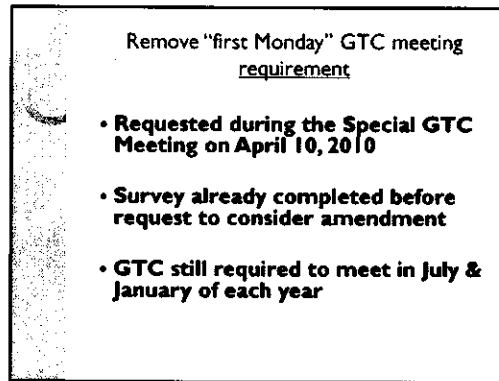
Addition of the Judiciary

- This amendment is also a 2 step process. The 1st step is to place the Judiciary in the Constitution & the next step is to develop and have GTC approve a law that grants judicial authority to an authorized entity
- 45% support
- 20% do not
- 34% are not sure

SUPPORT	NON-SUPPORT	NOT SURE
<ul style="list-style-type: none"> • Demonstrates tribe's sovereignty • Concerned about fairness, ethics, accountability • Specific staff qualifications 	<ul style="list-style-type: none"> • Concerned about tribe's accountability if removed • Concerned about losing federal assistance or support 	<ul style="list-style-type: none"> • Need more information • Concerned about tribe's accountability
<u>Addition of Judiciary by Law</u>		

Top 3 comments on the amendment to add the Judiciary by Law

- Support – : 1. **Demonstrates tribe's sovereignty**, 2. **Concerned about fairness, ethics, accountability**, and 3. **Specific staff qualifications**
- Non-Support – : 1. Concerned about tribe's accountability if removed, and 2. Concerned about losing federal assistance or support
- Not Sure - : 1. Need more information, and 2. Concerned about tribe's accountability
- Concerned about losing federal assistance
- Biggest concern we heard was maintaining federal/trust relationship. Although the trust relationship is not embedded in the constitution, we address the concern by including the relationship in the preamble to make it clear there is not intent by us to relieve the federal gov't of their responsibilities to us.



Remove the 1st Monday Requirement

- Requested during the Special GTC Meeting on April 10, 2010
- Survey already completed before request to consider amendment
- GTC still required to meet in July & January of each year

Legislative, Legal and Fiscal Impacts

**WHAT EFFECT COULD
THE AMENDMENTS
HAVE?**

Lower the voting age from 21 to 18

- Legislative Analysis
 - 687 tribal members age 18-20 as of Sept. 9, 2014
 - The Election Law & GTC Meeting Stipend Payment Policy will need to be amended if this change occurs
- Legal Opinion
 - No impacts identified
- Fiscal Analysis
 - Finance Office anticipates 114 of eligible 18-20 will attend GTC meetings
 - estimates stipend cost to increase by \$11,400 to \$69,900 per meeting
 - Facility capacity concerns

Slide is correct

Lowering the Voting Age from 21 to 18

Legislative Analysis

- 860 tribal members age 18-20 as of June 4, 2010
- The Election Law & GTC Meeting Stipend Payment Policy will need to be amended if this change occurs

Legal Opinion

- No impacts identified

Fiscal Analysis

**** Note – there are 687 tribal members age 18 to 20. between 34,200 – 200,494. includes printing, mailing, stipends, facility. 114 additional tribal members would attend the meetings.**

Transition –

➤ This is not

Change Tribe's official name to "Oneida Nation"

- Legislative Analysis**
Tribal laws should be amended to reflect name change
- Legal Opinion**
Changing name does not automatically require an amendment of every law of the Tribe – change is noted and corrected when laws are brought forward

Does not create major legal hurdles in the validity of existing laws

- Fiscal Analysis**
No direct Financial Impact

Change Tribe's Official Name to "Oneida Nation":

Legislative Impacts

- Tribal laws will need to be amended

Legal Opinion

- Changing name does not automatically require an amendment of every law of the Tribe – change is noted and corrected when laws are brought forward
- Does not create major legal hurdles in the validity of existing laws

Fiscal Analysis

- No direct Financial Impact

Remove Secretary of the Interior

• Legislative Analysis

If amendment passes - 2 new ways constitutional change could occur:

- Via the Business Committee, by agreement of 8 of 9 BC members.
- Via the GTC, by petition signed by 10% of Oneida voters.

Oneida election rules need to be developed to comply with a new system for adopting constitutional amendments

Note - there is no threshold for how many voters must appear and vote at the tribal election for constitutional amendments

Remove Secretary of Interior:

➤ This amendment is our main focus. It is part of our strategy to “enhance and strengthen tribal sovereignty” which is one of the tribe’s larger goals.

Legislative Analysis

➤ If amendment passes - 2 new ways constitutional change could occur:

➤ Via the Business Committee, by agreement of 8 of 9 BC members.

➤ Via the GTC, by petition signed by 10% of Oneida voters.

➤ Oneida election rules need development comply with a new system for adopting constitutional amendments

➤ Note - there is no threshold for how many voters must appear and vote at the tribal election for constitutional amendments



Remove Secretary of the Interior – con't	
• <u>Legal Opinion</u> No legal impacts cited	• <u>Fiscal Analysis</u> No direct fiscal impact cited

Remove Secretary of Interior - Continued:

Legal Opinion

➤ No legal impacts cited

Fiscal Analysis

➤ No direct fiscal impact cited

Addition of a Judiciary by Law	
<ul style="list-style-type: none"> • <u>Legislative Analysis</u> Requires GTC to establish by law, a judiciary to exercise the judicial authority of the Tribe A resolution by the GTC that expressly delegates the judicial authority of the Tribe is required 	<ul style="list-style-type: none"> • <u>Legal Opinion</u> Adoption of the proposed constitutional amendment would not affect the existence or activities of the judiciary. If the amendment is adopted, a resolution must be adopted by the GTC to re-affirm the designation of the judiciary to be the judicial body of the Tribe

Addition of a Judiciary by Law:

Legislative Analysis

- Require GTC to establish by law, a judiciary to exercise the judicial authority of the Tribe
- A resolution by the GTC that expressly delegates the judicial authority of the Tribe is required

Legal Opinion

- Adoption of the proposed constitutional amendment would not affect the existence or activities of the Appeals Commission.
- If the amendment is adopted, a resolution must be adopted by the GTC to re-affirm the designation of the Appeals Commission to be the judicial body of the Tribe

No
longer
around

Addition of a Judiciary by Law –
con't

- Fiscal Impact

Judiciary costs are sunk costs

→ Use appeals
Comm. budget
1.2 mil.

Addition of a Judiciary by Law – Continued:

Fiscal Impact

- Judiciary are sunk costs, as the same amount of \$\$ that the Appeals Commission is budgeted for is being utilized by the new Judiciary

What are SUNK costs?

<p>Remove "first Monday" meeting requirement</p>	
<ul style="list-style-type: none"> • <u>Legislative Analysis</u> Removes the requirement of GTC having to meet on the 1st Monday of January & July GTC still will meet in the months of January & July, but will avoid potential conflicts with holidays such as New Years & 4th of July 	<ul style="list-style-type: none"> • <u>Legal Opinion</u> No impacts identified • <u>Fiscal Analysis</u> No impacts identified

Final Amendment – Remove the "first Monday" meeting requirement:

➤ Legislative Analysis

- Removes the requirement of GTC having to meet on the 1st Monday of January & July
- GTC still will meet in the months of January & July, but will avoid potential conflicts with holidays such as New Years & 4th of July

Legal Opinion

- No impacts identified

Fiscal Analysis

- No impacts identified

