

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

2.1-1	Purpose	2.7-0	Registration of voters
2.2-1	Adoption, Amendment, Repeal	2.8-0	Election Process
2.3-1	Definitions	2.9-0	Counting Process
2.4-0	Election Board	2.10-0	General Election Outcome and Ties
2.5-0	Candidate Eligibility	2.11-0	Elections
2.6-0	Selection of Candidates		

2.1-1. Purpose and Policy. It is the policy of the Oneida 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, the Oneida Tribe of Indians has made no allowances for write-in candidates on ballots.

2.1-2. This law defines the duties and responsibilities of the Election Board personnel 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.

2.2-1. Adoption, Amendment, Repeal. This law is adopted by the Oneida General Tribal Council by resolution # GTC 7-06-98-A .

2.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida 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. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this policy are hereby repealed unless specifically re-enacted after adoption of this policy.

2.2-5. This law shall be called the Oneida Election Law.

2.3-1. Definitions. This article shall govern the definitions of words as phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

2.3-2. "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 Oneida 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.

2.3-3. "Rejected Ballots" are those ballots which, during counting, the authenticity of which are questioned by the Election Clerks and Judges.

2.3-4. "Candidate," a person who is nominated, or who petitions for, a position on a board, committee or commission of the Oneida Tribe.

2.3-5. "Entity of the Tribe" is a board, committee or commission created by the Oneida General Tribal Council or by the Oneida Business Committee.

2.3-6. "Close of business" is 4:30 p.m. Monday through Friday.

2.3-7. "Tribal newspaper" is the Kaliwhisaks, or any other newspaper operated by the Tribe for the benefit of transmitting news to Tribal members which is designated by the Oneida Election Board as a source for election related news.

2.3-8. "Prominent locations" shall mean the polling place, main doors of the Norbert Hill Center, main doors of the Oneida Community Library, and the One-Stop at Hwy 54 and Seminary.

2.3-9. "Campaign materials" include posters, stickers, flyers, handouts, brochures, and other documents or items, such as clothing, tee-shirts, that promote a candidate or candidates.

2.3-10. "Candidate information package" means the form approved by the Election Board to obtain information designated in sec. 5-2 of this law.

2.4-0. Election Board

Section A. Establishment, Composition and Selection

2.4-1. An Election Board, is hereby created for the purpose of carrying out the provisions of this law and Article III, Sections 2 and 3 of the Oneida Constitution.

2.4-2. The Election Board shall consist of the following, selected by the General Tribal Council at the January Annual General Tribal Council Meeting:

(a) Twelve (12) members shall be selected at the General Tribal Council Caucus to serve as the Election Board for a term of three (3) years, not to exceed two (2) consecutive terms. If full membership cannot be selected, the Business Committee shall appoint or reappoint members of the General Tribal Council to constitute the Election Board and said appointees must be eligible voting Tribal members as defined in the Oneida Tribal Constitution.

(b) The Election Board shall consist of twelve (12) members who shall identify for an election:

- (1) Two (2) Tellers
- (2) Two (2) Judges
- (3) Two (2) Clerks

2.4-3. 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 their selection by the General Tribal Council. The Chairperson shall then ask the Election Board to select a Vice-Chairperson and Secretary.

Section B. Duties of the Election Board

2.4-4. 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 maintenance of this law and any rules or regulations promulgated by the Election Board regarding election procedures or procedures of the Election Board.

(b) The Election Board shall have the power to create rules or regulations as deemed necessary to carry out the efficient administration of elections which shall be approved as set out in Article II of this law.

(c) The Election Board shall adopt rules concerning the time and place of its meetings.

(d) 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

2.4-5. 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 all meetings of the Election Board; shall oversee the conduct of the election; shall dismiss the alternates and/or Enrollment Officer at the close of polls; 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 and other Election Board members.
- (d) Clerks: Shall implement the requirements of identifying and registering all Oneida persons and determining voter eligibility. Clerks shall work in conjunction with the Oneida Tribal Enrollment Officer in the registration process, and assist the Chairperson as directed in conducting the election. Clerks cannot be currently employed by the Enrollment Office.
- (e) Tellers: Shall collect and keep safe all ballots, until the election is complete, as determined by this Ordinance. 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 ordinance. 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. Removal of Election Board Member

2.4-6. Removal of an Election Board member shall be as set out in this section.

- (a) If any Election Board member, including alternates, has three (3) unexcused absences from scheduled Election Board meetings, that person shall be removed from the Election Board.
- (b) The Election Board may, by majority vote, recommend removal of any member of the Election Board who fails to carry out his or her responsibilities as set forth in this law in accordance with a tribal removal law. The Chairperson shall notify the Oneida Business Committee of the removal action by the Election Board at a duly called meeting and notice shall be forwarded to the removed member.
- (c) If any Election Board member resigns from the Election Board, is removed, or becomes unable to fulfill their duties for any reason, the Election Board shall request the Business Committee to replace such person with an alternate to fulfill the term.

Section E. Compensation Rates

2.4-7. Election Board members and Enrollment Officer(s) are to be compensated at an hourly rate as recommended by the Election Board and approved by the Business Committee prior to the election. The Election Board shall have a budget, approved through the budgeting process of the Oneida Tribe.

2.5-0. Candidate Eligibility

Section A. Requirements

2.5-1. All candidates shall meet the minimum requirements set out in this Article, in addition to any specific requirements and/or exceptions to these requirements as set out in duly adopted by-laws or other documents.

2.5-2. Minimum Requirements:

- (a) Candidates must be an enrolled Tribal member, as verified by membership rolls of the Oneida Tribe of Indians of Wisconsin.
- (b) Candidate must be twenty-one years of age, or older, on the day of the election.
- (c) Candidate must resign within thirty (30) days, from any salaried position, if elected to a Business Committee position.
- (d) Candidate must 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 or more of the following:
 - (1) valid Wisconsin driver's license;
 - (2) utility bill showing name and physical address of the candidate from the prior month;
 - (3) other 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.
- (e) No candidate 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 30 days of being elected shall not be considered as a bar to nomination or election.
- (f) No person may be nominated or placed on a ballot where nepotism may exist in relation to other members of the entity if elected. Provided that, candidates may be placed on the ballot where nepotism may exist, if there is no pre-existing nepotism that may exist after the election. Nepotism is created by the following relationships -- father, mother, husband, wife, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchild. Provided that this subsection does not apply to the Oneida Business Committee.¹

2.5-3. Candidate information sheets and petitions where the candidate 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, prior to close of business on the deadline date. No mailed, internal Tribal mail delivery, faxed or other delivery method is accepted.

Section B. Eligibility Review

2.5-4. The Election Board shall be responsible for reviewing the qualifications of candidates to verify eligibility. Any person not found to be eligible for a nominated or petitioned for position shall

¹ The Oneida Business Committee, as created in the Constitution of the Oneida Tribe of Indians of Wisconsin, has two criteria governing eligibility -- a member of the General Tribal Council, and residence in Brown or Outagamine Counties. Because of the limitations placed within the creating document, there can be no further limitations placed on membership in the Oneida Business Committee.

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 candidate was found to be ineligible.
- (d) That the candidate has forty-eight hours from notification to make an appeal. Appeals must be filed at the location designated on the notice by hand delivery. No mailed, internal Tribal mail, faxed or other delivery method accepted.

2.5-5. Candidates found to be ineligible shall have forty-eight hours to request an appeal. At least six Election Board members shall constitute a hearing body. The Chairperson shall select the hearing body. The hearing shall be held within forty-eight hours of appeal. The candidate shall be notified by phone of time and place of the hearing. Any appeal from a decision of the Election Board shall be in compliance with the Administrative Procedures Act.

Section C. Campaign Requirements

2.5-6. Candidates shall adhere to the following, including any other procedures set out by the Election Board, when campaigning.

- (a) No candidate may accept contributions from foreign investors. For purposes of this section, foreign investor means any person who is not a member of the Oneida Tribe of Indians of Wisconsin at the time of the contribution. Further, that for purposes of this section, member of the Oneida Tribe shall include persons eligible for enrollment, and those persons related by blood or marriage whether or not a member of the Oneida Tribe. Provided that, foreign investor shall include any business, whether sole proprietorship, partnership, corporation, or other business entity. All contributions shall have identified in its face or by affidavit that the contribution is the result of funds derived from a person who is not within the prohibited category and shall identify the roll number.
- (b) Statement of Contribution(s) shall be filed with the Election Board no later than five (5) days after the election
- (c) Candidates may not place campaign material on or near Tribal places of business or Tribal buildings which shall include all public grounds attached to the building and parking areas, but shall exclude residential areas. Failure to remove campaign materials shall result in fines assessed daily.
- (d) Campaign materials must be removed within ten (10) days after an election if placed in public areas.
- (e) Campaign materials, including posters, billboards, signs, and other like materials may not be placed within 280 feet of a polling area.
- (f) Candidates violating sec. 5-6 shall be subject to a fine of not more than \$1000.00. A hearing, if requested by the violator, shall be held before the Oneida Appeals Commission from which there shall be no further appeal. Fines received through these violations shall go into the Election Board budget. For purposes of this sub-section, campaign contributions shall be included when received in the period one year prior to the date of the caucus for which that person has been nominated or petitioned to be a candidate. Fines shall be identified as followed:

(1) Fines specifically identified in the Zoning Ordinance regarding illegally placed signs;

(2) Violation of contribution restrictions or reporting requirements shall result in a fine equal to three times the normal stipend payment for positions in which a stipend is paid, \$1000 for those positions for which a salary is paid, and \$50 for those positions for which no stipend is paid.

(g) The Oneida Conservation Department is delegated responsibility to enforce the signage portions of this section. The Oneida Election Board is delegated responsibility to enforce campaign contribution portions of this section.

(h) Candidates shall be responsible for campaign materials posted in public areas..

2.5-7. Restrictions regarding campaign materials shall not apply to debates conducted within Tribal buildings under the following conditions:

(a) Notice of the debate(s) must be forwarded to the Election Board prior to the event, such that the notice is received at least five days prior to the event, indicating a contact person, and the date(s) and time(s) the debate(s) are scheduled. The Election Board is not responsible for scheduling debate(s) or making arrangements for building facilities.

(b) Posting of campaign materials is allowed within the room the debate is held during the debate, and must be removed at the close of the debate.

(c) The person or entity hosting the debate shall present to the Election Board, with the notice set out in sub-section (a), a \$50.00 deposit for each date and time a debate is scheduled. The \$50.00 deposit shall be refunded upon receipt of a letter from an appropriate person indicating that the room and/or its contents were not damaged and all campaign materials have been removed. Upon notice that the room and/or its contents were damaged, the Election Board shall hold the deposit until such time as an agreement for damages is forwarded to the Election Board. Under no circumstances shall a deposit be forwarded to any person other than the person or entity hosting the debate.

Section D. Candidate Withdrawal

2.5-8. 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.

2.5-9. 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 place.

2.5-10. Candidates withdrawing after opening of the polls may 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.

2.5-11. Candidates withdrawing by any method listed herein shall be denied any position from which they have withdrawn regardless of 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.

2.6-0. Selection of Candidates

2.6-1. Whether computerized or manual, the candidate selection process as set out in this Article shall be followed.

Section A. Setting of Caucus

2.6-2. The Business Committee shall be responsible for calling a caucus for all elected positions at least forty-five (45) days prior to an election.

2.6-3. 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 and other elected positions as required by by-laws or creating documents of entities.

Section B. Petition

2.6-4. Any eligible candidate may petition to be placed on a ballot according to the following procedures:

- (a) Petitions must 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 on the deadline date. The location to drop-off petitions shall be identified in the mailing identifying the caucus date.
- (b) Petitioners must use an official petition form, EL-1, as designated by this law which may be obtained in the Tribal Secretary's Office or from the mailing for that caucus.
- (c) Obtain not less than ten (10) signatures of enrolled Tribal members who are eligible to vote as defined by Article III Section 2 in the Oneida Tribal Constitution.
- (d) The Election Board shall have an Enrollment Officer verify all signatures contained on the petition.
- (e) Candidate Petition form shall consist of:
 - (1) endorsee's printed name and address
 - (2) endorsee's date of birth
 - (3) endorsee's Oneida Tribal Enrollment Number
 - (4) endorsee's signature.
- (f) If running for a position on two or more boards, committees or commissions, each candidate position must have a separate petition unless nominated at caucus. All petitions must be with original signatures for each position, no photocopies accepted.

2.7-0. Registration of Voters

Section A. Requirements

2.7-1. Registration of Voters. All enrolled members of the Oneida Tribe of Indians of Wisconsin, who are twenty-one years of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the Oneida Tribal Constitution.

Section B. Identification of Voters

2.7-2. All voters must present identification as listed herein, Election Officials or Enrollment Officers may request further picture identification, but not more than two forms of picture identification:

- (a) Tribal I.D.
- (b) Drivers License
- (c) Other Picture I.D.

Section C. Registration Procedures

2.7-3. Voters shall physically register, on the day of the election, at the polls.

2.7-4. Enrollment Officer(s) shall be responsible for verifying Tribal enrollment. Conduct of Enrollment Officers is governed by the Election Officials during the voting period.

2.7-5. Every person who intends to vote must sign his/her name on an official Voter Registration Form, EL-2, containing the following information:

- (a) Voter's name, maiden name (if any), and any other name he/she has been known by
- (b) Voter's current address
- (c) Date of Birth
- (d) Enrollment Number

Section D. Qualification/Verification of Voter Eligibility

2.7-6. Should a question 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 Election Officials, Clerk(s), 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.

2.7-7. Any voter denied eligibility, shall be allowed to vote, provided that the ballot shall be placed in an envelope, initialed by two 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 425, Oneida, Wisconsin, 54155, postmarked within 2 working 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 days and shall report this decision in the final report sent to the Oneida Business Committee.

2.8-0. Election Process

Section A. Notice of Polling Place and Times

2.8-1. The Election Board shall post a notice in no less than four (4) prominent locations on the Oneida Reservation, stating the location of the polling place 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.

2.8-2. Polling information shall be posted no less than ten (10) days prior to the election, and shall remain posted until the poll closes on the day of the election.

2.8-3. Notice for the General 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) days prior to the election,

through a mass mailing. The Oneida Enrollment Office shall be notified, by the Election Board Chairperson, no less than twenty (20) days prior to the requested mailing.

2.8-4. Notice of the election shall be placed in the Tribal newspaper.

Section B. Polling Place

2.8-5. The election shall be held in an Oneida Tribal facility, as determined by the Election Board.

2.8-6. 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, certified, and announced.

2.8-7. 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.

2.8-8. No campaigning of any type shall be conducted within two hundred eighty (280) feet of the voting area.

2.8-9. No one causing a disturbance resulting from being under the influence of alcohol or other drugs, or for other reasons, shall be allowed in the polling/voting area.

2.8-10. Election Board members may restrict the polling area to eligible voters only. This restriction is in the interest of maintaining security of the ballots and voting process.

Section C. Ballot Box

2.8-11. 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 by the voters.

Section D. Spoiled Ballots

2.8-12. If a voter spoils his/her ballot, he/she shall be given a new ballot.

2.8-13. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials and placed in an envelope marked as "Spoiled Ballots."

2.8-14. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15) days following finalization of any challenge of the election, at Oneida Records Management.

2.9-0. Counting of Ballots

Section A. Ballot Counting

2.9-1. At the close of polls, the Judges of the Election Officials shall unlock the ballot box and remove the ballots.

2.9-2. The ballots shall be secured in a sealed container for transportation to the ballot counting location if necessary. 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.

2.9-3. The sealed ballots shall be opened at the time of counting by the Election Officials and witnessed/monitored by an Oneida Police Officer.

2.9-4. Counting of ballots may be performed manually or by computer. Ballots must be recounted until two final tallies are equal in back to back counting. Subsets of candidates may be counted in lieu of a full recount.

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

(b) Computer counted ballots must be counted twice and certified by the Election Judges. Prior to using an electronic ballot counting device, it must be certified as correct either by the maker, lessor of the machine or Election Officials.

Section B. Rejected Ballots

2.9-5. 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 secs. 8-12 through 8-14.

(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,' placed in a sealed container marked "Void Ballots."

Section C. Election Results and Ballots

2.9-6. The sealed election results shall be opened by the Election Board Chairperson, witnessed by the Election Officials, who shall certify the results of the election. Provided that, any certified election results are subject to recount challenges and ineligible voter challenges.

2.9-7. The sealed ballots shall be locked or otherwise sealed to prevent tampering and delivered to the Oneida Records Management Department for responsibility of retainment. The sealed ballots shall be opened only by a quorum of the Election Board. The ballots shall be destroyed after thirty (30) days or the final declaration of election results occurs whichever is longer.

Section D. Recount Procedures

2.9-8. A written request of the Election Board, limited to one (1) request per candidate, per election, must be filed by a candidate within five (5) working days of the election by hand delivery to the Tribal Secretary's Office, or designated agent as identified on the announcement in Article X.

2.9-9. The Election Board will respond by the close of business on the fifth day of the request regarding the results of the recount. Provided that, no recount request need be honored where there have been two recounts completed as a result of a request either as a recount of the whole election results, or of that sub-section.

2.9-10. Recount procedures shall be as follows regardless of the original type of counting process:

(a) All recounts shall be conducted manually with, if possible, the original Election Officials present.

(b) 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.

2.10-0. General Election Outcome and Ties

Section A. Election Results Announcement

2.10-1. The certified results of the General Election shall be announced and posted by the Election Board within twenty-four (24) hours of 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 within five working days via a Final Report. The amounts listed here are subject to the inclusion of ballots cast by ineligible voters which are appealed and overturned."

2.10-2. The Election Board will post, in at least four (4) prominent places on the Oneida Reservation, and publish in the Tribal Newspaper, the results of the General Election and Special elections.

Section B. Ties

2.10-3. In the event of a tie, the winner shall be determined by one of the following alternatives agreed to by all "tied" candidates for that position, in the event the parties do not agree, then subsection 10-3(a) will apply:

- (a) There shall be a special run-off election for only those candidates who tied with the most votes for the position, within thirty (30) days of the election results.
- (b) Option for recount shall be allowed for tied position, for those candidates who tied for that position.
- (c) Option for coin toss shall be given to tied candidates at the time the tie results have been announced, as mutually agreed by all candidates.
- (d) For Special elections, if 75 voters or less have participated in the election, and the end result is a tie, the tie may be referred to the FULL Business Committee who will vote by secret ballot resulting in a breakage of the tie, at the next Executive Session of the Business Committee.

Section C. Declaration of Results/Challenges

2.10-4. The Election Board shall forward to the Tribal Secretary a Final Report after time has lapsed for appeal or recount requests, or after all appeals or recounts 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 ties and final results of the tie, including the method of resolution.
- (d) List of candidates elected and position elected to.
- (e) Number of ineligible voters and spoiled ballots.

2.10-5. The Oneida Business Committee shall declare the official results of the election and send notices regarding when the swearing in of new elected officials shall take place within 30 days of receipt of the Final Report.

Section D. Ties Within Business Committee Officer Positions

2.10-6. Ties for any Business Committee officer positions will be decided through a special run-off election to be held within thirty (30) days of the election resulting in the tie. Ties for council member positions, not officer positions, shall be decided as set out in section 10-3, excluding section 10-3(d).

2.11-0. Elections

Section A. Regular Election

2.11-1. The date for the regular tri-annual General Election of Tribal officers and Oneida Business Committee members, shall be set at General Tribal Council caucus at least forty-five (45) days prior to the election date set in the month of July by the Oneida Business Committee.

Section B. Special Elections

2.11-2. Matters subject to a special election, i.e., referendum, vacancies, petitions, etc., as defined in this Ordinance, may be placed on the same ballot as the subject matter of an election.

2.11-3. Dates of all Special Elections shall be set, as provided for in this ordinance, by the Oneida Business Committee.

2.11-4. Notice of said Special Election shall be posted by the Election Board in no less than four (4) prominent places on the Oneida Reservation, and placed in the Tribal Newspaper not less than ten (10) days prior to the Special Election.

2.11-5. In the event of an emergency, the Election Board may reschedule the election, provided that no less than twenty-four hours notice of the rescheduled election date is given to the voters, by posting notices in no less than four (4) prominent places on the Oneida Reservation.

Section C. Referendums

2.11-6. Registered voters may indicate opinions on any development, ordinance or resolution, proposed, enacted, or directed by the Oneida Business Committee, or General Tribal Council, in special referendum election.

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

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

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

Section D. Initiation of Special Elections

2.11-7. Special Elections may be initiated by a request or directive of the General Tribal Council.

2.11-8. Special Election may be requested by an individual to the Business Committee or General Tribal Council.

2.11-9. All Special Elections shall follow rules established for General Election. This includes positions for all Election Board, Committees and Commissions.

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