

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



BUREAU OF INDIAN AFFAIRS

TRANSCRIPT OF
DISCUSSION OF PROPOSED REVISIONS TO
SECRETARIAL ELECTIONS (25 CFR 81)

HELD ON NOVEMBER 18, 2014

AT EMBASSY SUITES

1815 S. MERIDIAN

IN OKLAHOMA CITY, OKLAHOMA

YOUNG REPORTING SERVICES
414 N.W. 4th Street, Suite 140
Oklahoma City, Oklahoma 73102
(405) 236-8426 Fax (405) 236-8429
www.youngreporting.com

REPORTED BY: MICHELE WATSON, CSR

1 MS. IRONCLOUD: Welcome to
2 everybody here. We appreciate those of you who
3 braved the slick weather and cold weather to
4 come out. The purpose of today's consultation
5 is to look at the 25 CFR currently Part 81 and
6 Part 82. And we've provided everybody with a
7 copy of the proposed rule which is compiled in
8 Part 81.

9 And, ultimately, we would like to
10 hear from you all what your thoughts are, what
11 your input is with regard to the changes. The
12 current rule kind of compiles 81 and 82 in a
13 more comprehensive version, provides some
14 structure to the procedures and some clarity.
15 And we'll go over several of the changes. Danny
16 will do a little breakdown of the history of how
17 we got to where we are now. We're all -- all
18 three of us are able to answer questions, but we
19 really want it to be interactive. We want any
20 questions that you might have to be brought
21 forward. Any insight you have, any objections
22 to any of the parts of the rule as proposed to
23 be put on the record.

24 Michele Watson is here as our court
25 reporter. We're making a full record of this

1 consultation. So if you would, please identify
2 yourself when you're speaking. So at this point
3 I would like everybody to go around the room and
4 have you introduce yourselves and let us know
5 who we're speaking to and with. Thank you.

6 MS. BEAREAGLE: Good morning, my
7 name is Jennifer Beareagle. I'm from
8 Fredericks, Peebles and Morgan and I'm here on
9 behalf of the Santee Sioux Nation.

10 MS. LOWE: Good morning, my name is
11 Debra Lowe. I'm general legal counsel for the
12 Chickasa Nation in Ada, Oklahoma.

13 MS. WORK: Good morning, my name is
14 Susan Work. I'm an attorney with Hobbs, Straus,
15 Dean & Walker who represent various tribes here
16 in Oklahoma.

17 MS. PHILLIPS: Good morning, I'm
18 Andrea Phillips from the Southern Plains
19 Regional Office, Tribal Government Specialist.

20 MS. BRINER: Good morning, I'm Dawn
21 Briner. I'm the Election Board Secretary for
22 the Otoe Missouri Tribe.

23 MR. BANKS: Wesley Banks for the
24 Kickapoo Tribe in Kansas.

25 MR. MILLER: Good morning. Wallace

1 Miller from Stockbridge-Munsee.

2 MR. BRUNER: Terry Bruner, Deputy
3 Regional Director of Southern Plains.

4 MR. DEERINWATER: Dan Deerinwater,
5 Regional Director, Southern Plains.

6 MS. ALEXANDER: Brena Alexander
7 from Southern Plains Regional Office.

8 MR. EMHoola: Lonnie Emhoola from
9 the Anadarko Agency, Tribal Government
10 Specialist.

11 MS. IRONCLOUD: Did we get
12 everybody?

13 MS. LOVIN: Sharon Lovin, Southern
14 Plains Region Tribal Government.

15 MS. IRONCLOUD: Thank you. And
16 before we move forward, I would like to give a
17 special thanks to the Tribal Government Services
18 office here at Southern Plains. You did a
19 wonderful job setting this up. We really,
20 really appreciate it. Thank you.

21 So at this point I will hand the
22 mic over to Danny and she will provide a little
23 bit of the background as to how we got here, and
24 then at the end we'll talk a little bit more
25 about the process.

1 MS. DAUGHERTY: Good morning,
2 everybody. I am here from the Great Plains
3 Region, which is in Aberdeen, South Dakota. And
4 my involvement -- I first became employed with
5 the Bureau in 2007 and I moved to the title
6 Government Division for our region in 2008. And
7 one of the things we do in our region -- it
8 varies from year to year, but we do see a lot of
9 activity on secretarial elections. And so when
10 it was proposed that we would do some amendments
11 to the regulations, I was involved with the team
12 that started drafting those documents. It also
13 included Dee Springer, who has a long history of
14 working for the bureau, probably 30 years, and
15 probably the person I know that has the most
16 extensive background in secretarial elections,
17 conducting them and awareness of the
18 regulations.

19 And then also Karen Catcher and
20 Suzanne Chaney, who are now retired. So when it
21 came time to do the consultations, they called
22 myself and Dee because we were involved with
23 some of the drafting. There's been a lot of
24 people involved with the drafting process.
25 There's also a number of other people that have

1 helped us walk through. People who have helped
2 us along the way.

3 And these regulations have not been
4 updated since 1981. Prior to that there were a
5 couple periods of activities back in the '30s
6 and, I believe, the '60s to do some work in this
7 area, but these regulations themselves have not
8 been updated since 1981.

9 Initially there was an effort in
10 the '90s, early '90s, '91, '92 and Dee Springer
11 was involved in that effort that predated my
12 tenure with the BIA. And there were some public
13 meetings held. That was prior to the time when
14 there was an order for consultation with tribes.
15 So they were called public meetings at that
16 time, where some drafting and discussion
17 occurred and then just like a lot of projects in
18 general, it sort of fell by the wayside. And so
19 that effort was reinitiated back in 2009 and
20 2010 with a very active effort to rewrite the
21 regulations. And what we found during that time
22 period is there were a lot of times that
23 situations had occurred that the regulations
24 didn't exactly explain. And so there were
25 people around the country -- either case law or

1 specific instances of descriptions of what we
2 chose to do in certain areas where there was a
3 gap in the regulations. And it was felt by a
4 lot of people that the time had come to really
5 articulate those things and put them in the
6 regulations more expressly.

7 So in 2009 and 2010 there was a lot
8 of drafting and also a series of consultations.
9 As a result of those consultations, a new draft
10 emerged. It was, I think, more concise than
11 what those series of consultations reflected.
12 It definitely was more compact and more
13 simplified. It actually ended up being a much
14 better document. But because there was another,
15 yeah, definitely a lot of responsiveness to what
16 the comments were and then just things that we
17 noticed during the review process. However,
18 because it had changed so much from that round
19 of consultations, that we felt it was necessary
20 to come around and discuss with tribes again
21 what the drafts look like today. So that's why
22 we're coming around.

23 We did already have one
24 consultation session in Atlanta, Georgia during
25 the NCAI meeting and that occurred on October

1 26th, 2014, and then, of course, we're having
2 this meeting here today. And then we also have
3 later this week in California, in Rockland,
4 California, a consultation session on November
5 20th, 2014. Those are all that are planned at
6 this present time. You know, it is possible
7 that that might change, but I know for the time
8 being that is all that is planned for now.

9 So what we wanted to do today is
10 really just go over some of the more significant
11 changes that, as Laural mentioned, to have this
12 discussion regarding what the highlights were of
13 the changes. Substantively a lot hasn't
14 changed. The old regulations that you're
15 familiar with will be very familiar to you as
16 you read through this proposed rule. But one of
17 the things that we did in part 81 and 82 -- Part
18 82 used to be the section that was about
19 petitioning and Part 81 was regarding conducting
20 secretarial elections, but there was some
21 information in Part 82 that sort of overlapped
22 Part 81.

23 So one of the changes that was
24 made, and you'll see this in the subparts in the
25 proposed rule, is that there's a very clean

1 section about how you conduct a secretarial
2 election. Because there's a certain set of
3 steps that happens in the petitioning process.
4 And once you get to the end of that petitioning
5 process, then the election is conducted exactly
6 the same way as if the election were conducted
7 as a result of a tribal governing body's request
8 for secretarial elections. So we felt it was
9 important to have just one set of rules about
10 how you conduct a secretarial election because
11 it does really happen the same way. And we know
12 that there was some overlapping language between
13 the old Part 81 and Part 82.

14 So in the new section there's just
15 one section regarding how a secretarial election
16 is conducted and then there's a separate and
17 distinct section about just the components of
18 how to do the petitioning process. So that's
19 one specific change.

20 But how do you know if this rule
21 applies to you? Well, you know right away it
22 applies to you if you are a tribe that has
23 conducted changes to your governing documents
24 using the secretarial election process. But
25 you'll see the process right there. A federal

1 law requires a secretarial election to take an
2 action.

3 Typically, where you see that most
4 often is in a case of if you have a federal law,
5 for example, establishing or reestablishing. A
6 tribal governing document requires a secretarial
7 election to take action. So if you look, for
8 example, in the constitution in the amendment
9 section, you'll see in there that it says to
10 make changes to this document, you have to
11 conduct a secretarial election or involve the
12 the commissioner of Indian Affairs, you know,
13 using some of the older language that you see in
14 some of the earlier constitution drafts.

15 A Federal Corporate Charter
16 requires secretarial approval, or the tribe is
17 adopting or amending a Federal Charter of
18 Incorporation. And there's certain rules that
19 applies to this, obviously, the OIWA, the
20 Oklahoma Indian Welfare Act, requires a
21 secretarial election to ratify a document that's
22 been approved by the secretary and then there's
23 some fun and quirky rules about 1990 that if
24 your document was approved before 1990, it's
25 typically required. If it's after '90, it's not

1 required unless the document says so. And I'll
2 tell you right now, you're not going to remember
3 all of that. The best answer for this is if you
4 have any concerns or questions about whether you
5 think one is required, definitely let us look at
6 your documents with you and we can provide that
7 technical assistance on a case-by-case basis.

8 One of the fun things I've seen in
9 this process just in working for the BIA and
10 that also just on the last consultation -- I
11 think it's so fascinating -- is that in the
12 amendment section of tribal constitution, in
13 particular, and certainly in charters as well,
14 they aren't all cookie-cutter, a lot of times
15 they look very similar, but then I've seen
16 slight variations in language and slight
17 variations in interpretation or even real
18 specific requirements for conducting a
19 secretarial election for that tribe that are
20 different from tribe to tribe. So that the most
21 important thing is that on a tribe-by-tribe
22 basis, if you have any questions, we need to
23 actually look at the language with you and what
24 your interpretation is of that language and you
25 can see specifics that might not be in other

1 constitutions. But really it is a
2 tribe-by-tribe analysis, which I always think is
3 amazing because it's really just an expression
4 of the tribe deciding how those things are going
5 to happen, how they are going to make decisions
6 about their governing documents.

7 Does anybody have any questions
8 about that section regarding if this rule
9 applies to you?

10 (No response.)

11 And then the next section is: What
12 does this proposed rule do? I'd like to -- I
13 described it was just to make the steps clear
14 about how to conduct a secretarial election.
15 The proposed revisions lists what a tribal
16 request must include and I will go over that in
17 more detail here in a second. You know, what a
18 petition has to include. You'll notice if you
19 look at old Parts 81 and 82, and this new
20 proposed revision is that the petition section
21 is almost identical. It's there are no
22 substantive changes of major significance other
23 than the one I'm going to go over here in a
24 minute. It more explicitly sets out the exact
25 steps in the process. And including --we talk a

1 little more specifically about technical
2 assistance and this is just going to be my
3 personal pointers just from my years of
4 experience on a technical assistance process.

5 In the Great Plains region we've
6 gotten to the point where a lot of times now
7 tribes will give us their documents to review
8 before they even go to the tribal council or the
9 tribal governing body to get approval. And a
10 lot of times we will provide technical
11 assistance even in advance. And it's not
12 required at all. The regulations don't require
13 it. You can, you know, do what you need to do
14 before you submit a request for secretarial
15 election, but some tribes have started to give
16 those documents to us earlier and then we kind
17 of give a heads up on oh, did you watch out for
18 this, or did you notice this? And just another
19 set of eyes I think is always good and we like
20 to view ourselves as your partners in getting
21 the best quality document out there. A lot of
22 times, and this is just human nature, we get
23 caught up in drafting a section that we want to
24 modify in the constitution, and then a step I
25 see missed a lot is that we don't take those

1 changes and then study the whole constitution
2 and make sure we change everywhere that needs to
3 be changed as a result of that one proposed
4 amendment. So it's just those sorts of things
5 that we can work together, but it talks
6 precisely about getting that technical
7 assistance, that if you submit your final
8 request, that will get you technical assistance
9 in writing, so you can know exactly what the
10 concerns are regarding the document, if any.

11

12 And a lot of times now, I'm so
13 impressed with the quality of attorneys that we
14 get a lot of really clean documents coming in
15 the door. It's really amazing. I'm always
16 fascinated in working on this process, but it
17 describes more specifically what that technical
18 assistance exactly will look like. You'd be
19 confident that you'll get a response in writing,
20 and what the timing of that response will be.

21 It talks about establishing a
22 secretarial election board, providing the notice
23 of the secretarial election, registering,
24 challenging the registered voters list. All
25 these things are very -- they're just as they

1 were in the old document and there might be some
2 slight clarification, including things like the
3 definition of days and excluding weekends and
4 holidays and things like that very specifically.

5 Here's -- this one I think is a
6 really good addition, and I know this was talked
7 about in the comments before, and certainly it's
8 been a lot of discussion. The old regulations
9 didn't say anything about them -- in them
10 specifically about removing us from -- actually
11 removing the Bureau from the constitutional
12 amendment process. These new regulations do.
13 So if you look at the old regulation, you could
14 speculate and speculate and say, can we remove
15 the Bureau from our amendment process; can we
16 take them completely out and move forward
17 without having Bureau approval of the document
18 and having a secretarial election every time we
19 want to amend our constitution? These
20 regulations are specific about that. You can
21 take us out of the process. I know there's a
22 lot of reasons why people debate whether that's
23 a good or bad idea. I mean I'm just always with
24 the mindset that a nation making its decisions
25 for itself is a good thing. I'm not going to

1 complain either because it will mean less work
2 for me and the agencies, but I think it's
3 important that a nation be able to make their
4 decisions that they want to make about what
5 their governing documents look like. So that
6 that's now very explicit in here that that is --
7 that is something that can occur and it wasn't
8 in the prior draft.

9 This clarifies that the BIA will
10 give deference to tribal interpretation of their
11 own documents, but I think anybody who can read
12 Internal Board of Appeals, BIA decisions,
13 regarding Bureau decisions, knowing that that's
14 the case that we have to give deference to
15 tribal interpretation of their documents, but
16 we've made it explicit in the regulations now.
17 And then this is an issue that I know comes up a
18 lot because sometimes a tribal governing
19 document will say in their tribal leadership
20 elections that only 21-year-olds can vote or
21 something to that effect. Because these are
22 federal elections we have to comply with the
23 26th amendment.

24 So all of these elections when they
25 occur, that secretarial elections will require

1 that the voters be allowed to vote at 18 years
2 of age or older. And I know that's a challenge,
3 but it's one of those things that if the tribe
4 is interested in not having that be a
5 requirement for their amendment process, then
6 the next move would be to remove us from that
7 amendment process and then you can have any sort
8 of decision about the age you want for those
9 elections, but because these are federal
10 elections, we're tied by that Federal law.

11 And then the last section that's
12 highlighted I guess is to clarify that when
13 elections occur, we pay those costs, the agency,
14 the region, however we figure how to pay for it,
15 we pay the costs of the election as it moves
16 forward.

17 I know some people consider that a
18 benefit. I know some tribes in weighing what
19 their resources are, keep us involved in the
20 process for that reason. But it's just a
21 tribe-by-tribe decision on whether you want to
22 move forward in removing us from a future
23 election or not.

24 I am going to highlight this here
25 just because it is here, but the proposed

1 revision comments are due by December 17th. And
2 you can submit those a number of ways. I know
3 Laurel -- if you have any questions, you can
4 even just call her outright. I think her number
5 is on the second page on the back of this
6 document. The www.regulations.gov, you can
7 submit there or you can just e-mail them
8 directly to Laurel, you can deliver her a copy
9 in writing, you can mail her a copy; there's any
10 number of ways that you can submit comments.
11 Your comments today, we'll take all of your
12 comments that you have to make right now as we
13 go through this presentation, if questions
14 occur, or things that you want to be considered
15 as we're looking at the final draft, you can
16 make those today and the court reporter will
17 take those down. So there's a lot of different
18 ways that you can make comments in this process.

19 Or if you brought comments on
20 behalf of your tribes -- if you brought any
21 comments on behalf of your tribe, we can make
22 them a part of this actual record for today,
23 too. So just let me know.

24 MS. DAUGHERTY: Okay. So then on
25 the back half you have kind of this grid of your

1 flier. We thought that we would highlight the
2 most significant changes, the major changes to
3 the proposed rule. So when you come away from
4 here, you can go back and say, well, what were
5 the most significant changes. These are
6 definitely the big changes. Most of the other
7 work is really just clarifying and reorganizing
8 and simplification, but these were the things
9 that changed.

10 And once again that's the beauty of
11 the consultation process. Just because we
12 propose these changes, doesn't mean they're a
13 done deal. I mean, if you look at each of these
14 items as we go over them, and you think it
15 should be different and you have a reason, hey
16 this should be in a different way and here's
17 why. Even if we don't cover it here as one of
18 the highlighted changes and it's something
19 that's always been in place or hasn't changed,
20 once again, part of the consultation process,
21 you can say, hey, we know that the regulations
22 stated this previously, but you're proposing
23 that they state this now, and they've always
24 read that way for decades, but we want to change
25 both sections, too. So if there's any proposed

1 changes, even if they aren't changes between the
2 last draft and the current draft, you're invited
3 to comment on any section at all. But the only
4 reason we're highlighting these ones is they are
5 specific changes that are being proposed from
6 the prior draft.

7 The first changes, if you look at
8 currently, that voting is done either at a
9 polling place or by absentee ballot. In the
10 proposal it establishes that voting is done by
11 mail unless the amendment sections require
12 polling sites. And there are a number of
13 reasons to do that, the one that I guess comes
14 to the surface, is sometimes -- and you guys all
15 know this if you've done secretarial election
16 processes, I mean it's a very important process.
17 It is the process to change the governing
18 document that dictates the supreme law of the
19 land for your nation. And sometimes we don't
20 always have the best voter turnout. And I know
21 that is -- there's probably a lot of reasons why
22 that occurs. I know voter education is always
23 an important issue to go around and make sure
24 people know and understand the significance of
25 these changes. But one of those main reasons is

1 to hopefully increase voter turnout by allowing
2 the voting process to occur during a mail out
3 versus during on-site polling. But if a tribe
4 itself determines that they think polling is
5 still a good mechanism and they want to stay
6 with that mechanism, if it's not already in the
7 documents, you can propose a secretarial
8 election to put it back in there and remain with
9 the polling sites. So that is one of the
10 changes and hopefully to increase voter turnout,
11 you know, overall to save costs in the current
12 budget environment, all sorts of different
13 things, but that was the hope, was that mainly
14 that would increase voter turnout because the
15 voter turnout isn't always very high
16 percentagewise and I know that's always been a
17 concern for tribes. So that's why that was
18 proposed as part of the changes.

19 At this point, as we go down the
20 list of changes, we invite and we encourage
21 discussion from those of you from tribes and
22 tribal members, an any come in as attorneys
23 representing tribes. So does anybody have any
24 commentary, any objection, anything to say
25 specifically about this current change in

1 Section 81.18?

2 MS. IRONCLOUD: If you have your
3 hand up and if you don't have any comments,
4 that's twice as well.

5 MS. DAUGHERTY: If you want to say
6 that's an awesome idea.

7 UNIDENTIFIED SPEAKER: I have a
8 question.

9 MS. IRONCLOUD: Sure.

10 UNIDENTIFIED SPEAKER: On the
11 Bureau funding secretarial elections --

12 MS. IRONCLOUD: There you go.

13 UNIDENTIFIED SPEAKER: On the
14 bureau of funding secretarial elections has
15 there been any movement to get in the budget
16 cycle fundings to do that because taking it out
17 of an agency or region may reduce the services
18 provided to other tribes?

19 MS. IRONCLOUD: At this point,
20 there is no change to the process currently that
21 is in place for the secretarial elections, for
22 the funding of it. Tribes are not -- will not
23 be on the hook to pay. The Bureau of Indian
24 Affairs will pay for these. So that's, I guess,
25 an internal discussion, but at this point that

1 discussion has not come about. We're doing it
2 as we had paid for them previously.

3 UNIDENTIFIED SPEAKER: Okay. If
4 the tribe removes the Bureau from the process,
5 secretarial elections, is the Bureau then still
6 responsible for funding that secretarial
7 election?

8 MS. IRONCLOUD: At that point it
9 will not be a secretarial election.

10 UNIDENTIFIED SPEAKER: Okay.

11 MS. DAUGHERTY: Any other comments
12 before I move on to the next section?

13 And the next section: Voids an
14 authorization for a secretarial election any
15 time the election is not acted on within 90 days
16 from the date the BIA authorizes the election.
17 In the new section, that is removed. And
18 typically what is occurring is that when we have
19 the documents in hand, I have not seen any
20 problems with getting the election done in a
21 timely manner. In our region what we see most
22 commonly is every once in a while a tribal
23 request and that's why we added this section --
24 or removed this section technically. We will
25 get tribes to approach us and request to extend

1 the date. And this mechanism allows that to
2 occur more easily. But what they'll do is
3 they'll say, well, we just don't think there's
4 enough voter education, so we were wondering if
5 we could extend the date 30 or 60 days. And
6 have been really good in working with us on
7 extending those dates if there's a tribal
8 request to do so. So that's one of the reasons
9 for this section.

10 And it really ties into the next
11 section. So if you don't mind, I'll cover both
12 of them simultaneously. The old regulations do
13 not define a tribal request. And so I think the
14 challenge has been there and sometimes we'll get
15 a request from a tribe, we'll get a resolution
16 that says we want to have a secretarial election
17 to change our -- the most common one I see is:
18 We want to change our membership criteria from
19 -- either up or down, from a quarter to an
20 eighth, from an eighth to a quarter. Just
21 different variations just as an example. And we
22 want to change our blood quantum requirement
23 from a quarter to an eighth and that will be
24 just one small sentence in the resolution.

25 And then I'll turn that resolution

1 in and the tribe will say, well, we want the
2 election to occur within 90 days from today's
3 date. But the challenge with that is, is we --
4 not just the bureau, but the voters, the
5 membership out there, they need to know exactly
6 what they're voting on. That as a concept is so
7 they'll know that they're voting to reduce the
8 blood quantum just from that resolution, but
9 what we also need from the tribe, and sometimes
10 we get with that resolution and sometimes we do
11 not. And that's why we created a clarification
12 for tribal requests.

13 What we also need to see is, we
14 know what your membership article in your
15 constitution or whatever your governing document
16 is, as an example. Let's say it says, oh, here
17 is the exact language, here is what is exactly
18 the constitution now. This definition change
19 for tribal request asks -- that a tribal request
20 is not complete until you provide the exact
21 language that you want to be replaced in the
22 constitution. Because it is really hard, it's
23 impossible to get out a notice packet to people
24 to tell them what they're going to be voting on
25 if they can't see the exact language that will

1 be going into their constitution.

2 So if a resolution comes in without
3 that, this language defines that's not a
4 complete tribal request yet. There is no way
5 the bureau can hold an election in 90 days
6 because we don't have a good way to notify the
7 people what their constitution is going to look
8 like when they vote on it if the exact language
9 is not present in that request.

10 So that's one change in it and I
11 guess from both angles so that you know and the
12 membership knows exactly what they're going on,
13 that the request has to come in with that exact
14 language or sometimes it's a removal issue. So
15 that becomes much simpler. I guess they're
16 going to remove an entire article, which does
17 happen from time to time.

18 And then the other portion of a
19 tribal request -- there's three requirements for
20 a tribal request. One is that exact language
21 and then the first one, of course, is that
22 resolution or other document we describe as
23 having the authorizing, I guess, the authority
24 of the tribal governing body. Most commonly, I
25 see resolutions, but I know there are sometimes

1 that operate by tribal -- by general council and
2 they just have a voice vote, or other mechanisms
3 that express the authority of their nation. So
4 we just need whatever that is and the most
5 common version we see of that is a resolution.

6 Do any of your nations do anything
7 different than a resolution? I'm just curious.
8 Anybody do anything different than a resolution
9 from your governing body? Okay. And that's
10 most common for sure, but there are some
11 exceptions to that rule. So we'll have to have
12 that resolution, plus the exact language and
13 then the last thing that we'll have to have to
14 complete an official tribal request is a list of
15 all tribal members who will be 18 years of age
16 or older within 180 days of date of this
17 request. And that allows us to notify all the
18 people who could potentially vote in that
19 election. And this is just my two cents on this
20 issue, and I don't -- Southern Plains, maybe you
21 can articulate what you see down here is from
22 tribal government, Lonnie, but sometimes when we
23 have secretarial elections up in Great Plains,
24 we get a lot of returned mail. I know it's a
25 challenge. People move a lot and that's just

1 the nature of the beast.

2 When I first went to work for the
3 bureau, or actually when I first went to work at
4 a federal agency, I had to list all my prior
5 addresses for like seven to ten years and it was
6 like a traumatic endeavor and how many places
7 did I live in the prior seven to ten years. And
8 even places where -- I lived in this town, but I
9 couldn't tell you exactly where I lived. And I
10 know you move a lot. That's just the nature of
11 how we do things sometimes. And so I know
12 that's a challenge, but I would really encourage
13 just as a side note for tribes that are getting
14 ready to conduct secretarial election is to
15 maybe conduct, if you know you're going to do it
16 and you're starting to work on the language,
17 you're starting to have public meetings to
18 educate the community about, hey, we want to
19 make some changes, we want your input, at the
20 same time to be updating that mailing list. You
21 know, most commonly it's with the enrollment
22 office that we get those lists from. So if
23 that's the case, I mean, have your enrollment
24 office encourage people to update those lists.
25 Just so you, once again, maximize voter

1 participation. Because if we're doing it by
2 mail-out -- even if you're doing it at a polling
3 site, that's how you get people notice is by
4 mailing them the information packet about what
5 that election is going to look like. Just these
6 major drives and try to get the voter list
7 updated so you have fewer returned packages
8 because every one of those returned packages is
9 somebody that might not get to participate in
10 the process because you can't find them. So
11 that's just my little stump for the day.

12 So that's what creates a tribal
13 request, is that mailing list provided by the
14 tribe, the exact language to be voted on and
15 then the resolution or other voice of the
16 governing body, indicating that they want to
17 have that secretarial election. And then, of
18 course, the other component, which, if your
19 constitution allows for a partitioning concept
20 because not all of them do in their amendment
21 section, is if we receive an appropriately
22 formatted petition requesting a secretarial
23 election. That's the other option and
24 alternative to a resolution from the governing
25 body. And once again, you have to go back to

1 your governing document or your charter, if you
2 would, if it doesn't allow any processes.

3 Does anybody have any questions
4 about tribal request, why we articulated that
5 those three things need to trigger a secretarial
6 election process? And the thing -- I mean I
7 think it works for both angles too, because then
8 the tribe knows if I turn these three things in
9 and get the technical assistance back on them
10 and respond to that technical assistance, we're
11 off to the races.

12 MS. IRONCLOUD: Or any ideas of how
13 the department can make the process clear, we
14 tried as hard as we could to make the process
15 clear, but if anybody has ideas on taking it a
16 step even further to have a document that's even
17 more useful for tribes, we're open to that. So
18 at this point, we've put it out to the tribes
19 and do you have any input, questions, or
20 anything like that?

21 MS. DAUGHERTY: Okay. The next
22 one, I'd be interested if you have any comments,
23 particularly on this one, because this one got
24 incorporated from an action from our region, and
25 we had no guidance. So we thought that the

1 regulations should say something. So if you
2 think that our proposed solution isn't the
3 correct way to go, we would really be interested
4 in comments on this one, but the old regulations
5 didn't address whether a tribe may withdraw a
6 request for a secretarial election. And what we
7 had happen in our region was a secretarial
8 election process had occurred, and it was far
9 into the process, literally the election was set
10 to occur. We already had a large number of
11 members registered to vote, the election was
12 within a week or so and then the tribal council
13 came forward and said, we want to withdraw the
14 secretarial election. We don't want to have the
15 secretarial election anymore. So we were left
16 with no guidance, and then we had all these
17 members who had expressed an interest in voting,
18 that they wanted to vote in that election
19 process, so that the rule we proposed was that
20 you can't withdraw a request for an election
21 after the deadline for registration to vote.

22 Now, I know here's the competing
23 factors in my mind, and you can tell me if you
24 think of others, but at what point does the
25 process get far enough along that you have the

1 intent of the tribe and the intent of the
2 membership? I mean our government relationship
3 is with the tribes individually, but what do you
4 want this to say in regards to where the members
5 who have now registered to vote get that
6 opportunity to vote. And so this is the one I'm
7 very interested in, if you have any comments, or
8 if you want to submit something in writing
9 later, you know, think it over and submit the
10 comments in writing, but if you have a large
11 number of your membership that are ready to
12 vote, they've registered to vote, they want to
13 vote, they want a chance to weigh in on those
14 documents, does the regulations -- do the
15 regulations currently proposed at 81.17 at some
16 point can the tribe still withdraw, and this
17 says, no, at the point after they're registered
18 to vote. If you think it should be otherwise,
19 at that point we want to hear -- I've got a
20 question over there.

21 MS. IRONCLAD: If you could
22 identify yourself again for the court reporter
23 also.

24 MR. MILLER: Wallace Miller from
25 Stockbridge-Munsee. Our last secretarial

1 election, the day before election, the tribal
2 government was fighting us for probably 40 days,
3 a third of the members did not get registered.
4 Of that third, they lived in the same address
5 for 20 years. There was nobody verified. We
6 had a three-step process, enrollment, mailing
7 list, sent it to the bureau, which came back to
8 our election committee and nobody verified, a
9 husband would get a registration, the wife
10 wouldn't, been married 20, 25 years. Now you
11 could probably name 10 families that way. The
12 day before the secretarial election was going to
13 happen, the bureau finally stepped up and said
14 we need to cancel this because about a third of
15 the voters never got the registration. How do
16 we verify that everybody gets registered?

17 MS. DAUGHERTY: And there is a
18 possibility that not everybody will not get
19 registered. There are people who just decline
20 to register. As a matter of fact, you'll see in
21 this language that there is a requirement that
22 we put in there to advise people it's voluntary,
23 that the bureau is not forcing you to register
24 for anything, but you can't vote unless you do
25 register. But one of the process areas where

1 you can check to make sure that the mailing list
2 is what it should be is we do have a criteria
3 where there is posted the registered voters
4 list. And so if somebody can come forward and
5 say, hey, I should have been on that list, I am
6 a member, I'm here, whatever, you know, if that
7 is a requirement, but usually it's not. And
8 then we would go back and look at our original
9 mailing list, if that person had a claim that
10 they didn't get a packet, that's the time to
11 tell them when you see that registered voter
12 list posted and in the materials we send out and
13 right in the regulations themselves, that list
14 will be posted both at the local agency and then
15 at the tribal headquarters. And so that's the
16 time for voters to check and make sure they're
17 on the list and then it's also time for them to
18 check whether they're not on the list, is the
19 other alternative. And so then throughout that
20 process, even at the end of the election, there
21 is a mechanism, let's say today, we were on the
22 registered voter list and then if somebody says
23 there's some sort of election irregularity,
24 there is a time to challenge also after the
25 election. But the key for what you're

1 describing for registration is that posted
2 registered voters' list to say I should have
3 been on this list, I should have gotten on the
4 list.

5 MR. MILLER: The list was right
6 outside of my office door. I started calling
7 people as soon as I registered them. A third of
8 my family didn't get registered. Like I say,
9 husband, wife, whoever it may be.

10 Well, my question to vote is: How
11 do we verify? I mean I can't put all the blame
12 on our enrollment office. The way I look at it,
13 it was a three-step process, the enrollment
14 office made the list, shipped it to the bureau,
15 who shipped it back to the election committee.
16 Who do you blame? I couldn't blame anybody.
17 It's a three-step process. I looked at it that
18 way.

19 MR. PORTER: Do you know where the
20 failure was?

21 MR. MILLER: No, they never figured
22 out where it came from.

23 MR. PORTER: Did your tribe
24 committee send a list that was incomplete to the
25 BIA, or did the BIA get a complete list and then

1 have their names drop off when they sent it out?

2 MR. MILLER: I couldn't answer that
3 right now.

4 MR. PORTER: I mean to me this is a
5 huge problem underlying this process is that the
6 quality of the list provided by the tribe to the
7 BIA is a hugely problematic thing. And if that
8 list is inaccurate, where does a tribal member
9 challenge that if the election board only sends
10 out notice to the people on the list provided by
11 the government and that list does not include
12 people, we've got all of the disenrollments of
13 it, you know, more out in California than
14 elsewhere, when does a tribal member have the
15 opportunity to say that list provided by the
16 tribe was wrong in the three days available to
17 challenge the elections board's registered
18 voters list or after the election has been
19 approved?

20 MS. DAUGHERTY: I would like to
21 point out, too, that part of the secretarial
22 election process, if you look at it, and this is
23 where it becomes really important who you pick
24 to become part of that process. If you look
25 at -- let's see if I can get to the right

1 spot -- so the secretarial election board, that
2 starts under 81.22, but the secretarial election
3 board is part of this process every time. So
4 one important thing to remember and you can
5 remember this from your nation, the safeguard
6 for this issue is typically a secretarial
7 election board chair will be the superintendent
8 in most cases. The language of the regulation
9 says the local bureau official, but many, many
10 times that's the superintendent. And it's part
11 of the regulations and it's still part of the
12 regulations now and it was part of the
13 regulations before. The tribe has 10 days once
14 that election is authorized. Let's say we have
15 all the things turned in, the voters' list, the
16 language, the resolution and the regional
17 director says, all right, local bureau official,
18 typically is superintendent, you can call that
19 election. From when they get that letter saying
20 hey, you can call that election, the secretarial
21 election board has to be formed. It starts with
22 the local bureau official and then a local
23 bureau official notifies the tribe, you need to
24 let us know if you want to add two people to the
25 board, you have that right to add two tribal

1 officials to the secretarial election board.
2 It's not the same secretarial election -- or
3 it's not typically the same election board as
4 the leadership elections. So people, the tribe
5 then will say, well, we want to make sure this
6 list is right, this process happens correctly.
7 So we're going to pick our two best people to
8 bird dog this process, and out of the two, the
9 secretarial election board. So two of the three
10 members of the secretarial election board
11 overseeing the process will be tribal people.
12 And so then we just encourage tribes to add
13 those two people as people that you know and
14 believe will safeguard that process to the best
15 of their ability. Sometimes tribes don't
16 propose anybody to us. They let it lapse and
17 they let us pick those two people, but most of
18 the time, the tribes do. So that would be one
19 safeguard to make sure you pick two really good
20 people to be added to that board.

21 MR. MILLER: For the last three
22 elections that's what we did.

23 MS. DAUGHERTY: And do those
24 persons double check those lists?

25 MR. MILLER: They are supposed to.

1 Our tribal government, when it comes to
2 secretarial elections, we step aside. We'll ask
3 the bureau -- the committee comes forward, we'll
4 ask the bureau to hold the election and we step
5 aside. We try to keep our fingers as clean as
6 we can for something -- but this last time, it
7 was a fiasco. I think the election would have
8 been Thursday. Wednesday at 4:30, just before I
9 walked out of the office is when the Bureau
10 finally canceled the election.

11 MS. DAUGHERTY: Okay. And I can't
12 address every single --

13 MR. MILLER: I know, I know.

14 MS. DAUGHERTY: It is part of the
15 record now that you have concerns about how that
16 played out and so we'll definitely look at what
17 those facts were on that and see if there was
18 some way that the process could have addressed
19 or prevented any of those sorts of challenges.
20 We have to make sure the integrity of these
21 elections is at the highest levels because these
22 are the tribal governing documents. So I guess
23 my general answer to your first thing that you
24 raised was that there's a couple ways to protect
25 it. The first one is appoint really good people

1 to that secretarial election board that will
2 double check those things on behalf of the
3 nation. And then the second thing is to really
4 get out there and inform voters, to say, look,
5 when that registered list is posted, make sure
6 your name's on it. And if it's not on there and
7 it should be, you have a right to challenge that
8 list. And any -- you could even have like let's
9 say a sister comes in and she's registered to
10 vote and she knows that her other sister is not
11 on that list and they probably should be, you
12 might want to double check with your sister, to
13 say, I mean, that's all part of voter
14 registration, did you get a packet? If you did,
15 why didn't you fill it out? Because if you
16 didn't fill it out you didn't get to vote. If
17 you didn't get one, why didn't you get one.
18 Let's go back and look at the list and see if
19 there's some reason you weren't on that mailing
20 list, or perhaps your package did get lost. You
21 know, those sorts of things. So you can kind of
22 come to it from two angles.

23 A good secretarial electric board,
24 plus informed electorates, members that go to
25 check that registered list and make sure you're

1 on it, getting a lot of publicity out there in
2 the community about that issue. Go check the
3 registered voters list, make sure you're on it.
4 If you're not, let them know, challenge that
5 list and get your name on it.

6 MS. IRONCLOUD: All right, just as
7 a reminder, that eligible voters list depends
8 hugely on the list that's provided from the
9 tribe. So at the heart of it is the tribal --
10 the list coming in from the tribe.

11 MS. BRINER: Dawn Briner with the
12 Otoe Missouri Tribe. In reading this section,
13 in 81.17, it says that the tribe cannot
14 withdraw, but it doesn't say whether the bureau
15 can withdraw. Listening to his comments over
16 here and they withdrew the petition the day
17 before the actual election. So shouldn't there
18 be some language in here about when the bureau
19 -- what bureau's limits are as far as who's
20 withdrawing the petition?

21 MS. DAUGHERTY: You know, and once
22 again, I'm definitely going to make sure as part
23 of this review process that we look at the
24 situation there, but yeah, that's -- your point
25 is well taken. I think those limitations on the

1 bureau as well can be added -- or considered and
2 added definitely. I'm glad you said that
3 because that's all part of what this process is.
4 If you have those questions or considerations to
5 put in the language, we'd be happy to do that
6 too. But I am very curious now to see, you
7 know, what happened in your case to look at
8 particularly the letters and communication that
9 occurred during that process and see what
10 exactly happened. I mean this is like -- I mean
11 we've seen outside of Indian countries, things
12 like Bush versus Gore or Al Franken sitting
13 around for three months waiting to see if he's a
14 senator, or he's not a senator. Elections are
15 not perfect processes. And that's certainly
16 true in Indian country as well, and there are
17 problems with them sometimes. And it can vary
18 based on the qualifications and skills of staff
19 as well. We do our best to try to make sure
20 that everybody is educated in what needs to be
21 done or doesn't need to happen, and so I think
22 your point is well taken, that it would be good
23 to have some guidance from the bureau in those
24 regards, especially if we have a case scenario
25 or specific scenario that showed where that

1 might have been problematic. So we're
2 definitely going to look at that specific
3 situation and then consider your
4 recommendations. So thank you for being
5 involved in the process.

6 Do you have any other questions on
7 this section? Even if we move on, please always
8 remember we can revisit as we go along or we
9 can, you know, take comments in writing after
10 the fact.

11 Okay. The next section, the
12 original regulations, or the regulations as they
13 stand right now, they don't address the
14 differences between secretarial elections and
15 those conducted under the IRA and Indian
16 Reorganization Act and the Oklahoma Indian
17 Welfare Act. There's also a little typo there
18 -- IOWA, I wanted to change it to Iowa. I each
19 asked --

20 (People talking at the same time.)

21 MS. DAUGHERTY: Every week it seems
22 like when I'm writing things, so, auto correct,
23 the curse of auto correct. All this does is
24 that it just specifically clarifies that
25 secretarial elections conducted under the OIWA

1 require the authorizing official to approve the
2 proposed documents, subject to ratification by
3 tribal voters. Just because it's -- it's just a
4 difference nuance, it's just because the OIWA
5 has that slightly different language, so just
6 conceptually, here's how it works: We may
7 authorize an election in Great Plains region and
8 the voters vote and those amendments from their
9 proposal might pass. If they do pass, then that
10 election packet plus the proposed language,
11 comes back to the region and then we'll approve
12 that document.

13 In the case down here in Oklahoma,
14 because of the Oklahoma Indian welfare Act, it's
15 just in a slightly different order. The
16 election -- the regional director here would
17 approve the document in advance and then the
18 voters would decide whether to ratify it or not.
19 It's just a timing issue. That's the
20 difference, but the old regulations didn't
21 articulate that specifically and that's all we
22 did in here so people would understand that
23 nuance. And so -- yeah, definitely a
24 clarification or just an omission. It was just
25 not physically in the regulations and now it is.

1 Just to make sure that everybody knows that that
2 exists. You guys don't here know it exists.
3 You work with it -- work with it all the time,
4 but it's, you know, different in other areas of
5 the country and we just wanted to make sure that
6 people understood that difference that is
7 required by the Oklahoma Indian Welfare Act, the
8 other section.

9 And then next section and this is
10 another one that we're definitely looking for
11 input from people. As they exist now, the
12 current regulations state that at least 60
13 percent of tribal members who petition for a
14 secretarial election to adopt a governing
15 document under a Federal statute for the first
16 time, your trends are already established that
17 wouldn't apply to you, but every once in a
18 while, you'll see a new tribe added to the list
19 of recognized tribes and sometimes those tribes
20 are added as a result of a federal statute. It
21 may say in there, oh, this is how you're going
22 to do your election for the first time. I'm
23 going to establish your governing documents for
24 the first time. As it's written now, it
25 requires 60 percent of those potential tribal

1 members to petition. Well, supposing that it be
2 reduced to 20 percent. I know this number has
3 been debated quite a bit. I know because the
4 default number for other secretarial elections
5 is 30 percent for participation process that
6 people talk about that number as well.

7 I know it may not be something that
8 you're worried about because you're in an
9 established nation, but if you have any comments
10 on this as far as new tribes coming -- I mean
11 the other number I saw discussed was 50 percent
12 -- doesn't make sense that -- 51 percent -- 50
13 percent plus one that at least a majority of the
14 people would agree with a new document. But
15 this really affects adopting a governing
16 document under a federal statute for the first
17 time. It's a pre-specialized situation, but if
18 you have any comments on it, we definitely would
19 welcome them either here right now or in writing
20 at a later date.

21 MS. BRINER: Dawn Briner. The only
22 thing that I saw that stood out to me was the
23 tribal members versus tribal voters, whether the
24 20 percent requirement should be attached to
25 those registered voters, people who are eligible

1 to vote in any election versus the entire
2 enrollment, because the way it sits now, you're
3 requiring 20 -- whatever the percentage is, of
4 the entire enrollment over who's eligible to
5 vote.

6 MS. DAUGHERTY: Well, in this case
7 it's the petition for the document, the
8 organizing document for the first time. So in
9 this case, yeah, its everybody. But it's not to
10 be confused with the other part of these
11 election requirement which talks about the
12 calculation -- that section starts at 81.39.
13 That's a different calculation and that's where
14 -- I recognize there is a lot of confusion
15 because, you know, they're represented as well,
16 but the default percentage is 30 percent, and
17 it's 30 percent of the registered voters, not 30
18 percent of all potential voters. This little
19 section, 81.60 is different because it talks
20 about petitioning to do a governing document for
21 the first time. So like at 81.39, yes, you are
22 correct. That is 30 percent or if the tribal
23 amendment section of their constitution, as an
24 example, is higher, let's say instead of 35 or
25 40 percent, it would be a higher number, but

1 you're right, that calculation is based off
2 registered voters, not the entire possible
3 voting list as provided from the enrollment
4 office.

5 Once again, if you have comments on
6 that and think that's not correct, it's not a
7 right number, you know, that it should be based
8 on the entire membership. I don't know what
9 it's like down here but I know voter
10 participation is a challenge. It's a challenge
11 for the entire country generally and
12 particularly for secretarial election processes,
13 it's just something I can't emphasize enough,
14 you know, both from the bureau side, which is
15 why we try to mail out that information to every
16 single person because we want to reach every
17 single person, but just generally the tribe
18 assisting with those processes, to help do voter
19 education that ups those participation numbers
20 because it is a challenge. I don't know if it
21 was of the entire membership what the success
22 rate would be, what that percentage would have
23 to be to ever effectually change the
24 constitution. So we're trying to make it
25 achievable, given the realities of voter

1 participation that we see. It's higher in some,
2 in some nations and not as high in others, but
3 there's some nations that I think would really
4 struggle to reach that 30 percent for general
5 changes if it was higher than 30 percent, all
6 required to be on the whole list versus just the
7 registered voters list.

8 But keep in mind this one that I
9 just covered, 81.60 is a separate process, it's
10 a distinct and unique situation, just how many
11 people need to sign, how many members of the
12 membership need to petition to request a
13 secretarial election to adopt a governing
14 document under a Federal statute for the first
15 time. It's just kind of a unique situation.
16 But if you have any comments back about 81.39
17 and that amendment process or the requirement
18 for secretarial election or whatever, for a
19 charter or for revoking a constitution, whatever
20 actions you might seek, that's a totally
21 separate percentage calculation.

22 Now, I know it's kind of
23 convoluted. I have a little chart up here if
24 you want to stop up afterwards, I can show it to
25 you, to be precise, but if you have any comments

1 about this section, it's one of the ones that we
2 did debate the number quite a bit. And it is
3 just a very specialized case. We won't see this
4 very often, but if you have any comments about
5 it, we'd welcome comments.

6 MS. IRONCLOUD: Yeah, we would
7 really appreciate any kind of comments you have,
8 whether or not it's applicable to your --
9 applicable to a tribe that you're either in a
10 leadership position for, or you represent, or if
11 you have some guidance you would like to provide
12 or some input on this, the department would
13 really appreciate it.

14 MS. DAUGHERTY: Other than that
15 those are definitely the most distinct changes.
16 I think as you read through it, you have, you
17 know, a copy of the whole proposed set of
18 regulations. And if you have a chance,
19 obviously compare it to the existing Part 81 and
20 82. I think that this one is much simpler to
21 follow and much simpler to read. The subparts
22 are very distinct in separating out the
23 sections. Particularly, once you get past the
24 petitioning process, it leads you right over to
25 the back -- the further right back, the subpart

1 D where that applies and subpart E, which is
2 OIWA, and Part D is IRA. We definitely want all
3 of your comments from any part of these
4 regulations, even ones that have existed prior.
5 But those really are, those are the big changes
6 that were made are the ones that I just
7 outlined, probably with tribal request being the
8 biggest, being really specific of what that
9 entails.

10 You can find additional information
11 about this proposed rule. There's a website
12 link there. I know it's pretty long. And as I
13 mentioned, Laurel, as the Division Chief for
14 Tribal Government Services special office is
15 available to answer your calls or questions at
16 any time. I have my cards up here if you want
17 to get one afterwards. We definitely can answer
18 any follow-up questions that you might have.

19 And I just want to thank you for
20 coming and participating and I will let Laurel
21 guide the discussion after this.

22 MS. IRONCLOUD: Are there any
23 questions or are there any issues having to do
24 with any part of the proposed rule that you all
25 have at this point?

1 (No response.)

2 MS. IRONCLOUD: So it's perfect as
3 the department is putting it forth according to
4 this group?

5 MS. DAUGHERTY: We're going to get
6 something in writing, I'm sure.

7 UNIDENTIFIED SPEAKER: The rules
8 does not provide that challenges may be made and
9 when they must be filed. What is the method?

10 MS. DAUGHERTY: I'm going to have
11 to flip through here, if you'll have patience
12 with me, but there are two times you can
13 challenge. The first one is to the registered
14 voters list, and if you'll bear with me, give me
15 two seconds, I will find it for you. Okay. So
16 when the registered voters list is -- it's 81.32
17 and 81.33. If somebody is -- either -- if the
18 registered voters list is posted and somebody
19 thinks they should be on it, and they're not, or
20 the other situation we see, somebody will come
21 forward and say, hey, why is this person on the
22 registered voters' list. They shouldn't be.
23 They're not an enrolled member here or whatever
24 challenge they might have. So that is the first
25 thing you can challenge is whether somebody is

1 on the registered voters' list and they
2 shouldn't be or whether they're not and they
3 should be. So that's covered in those two
4 sections.

5 Then the election itself -- let me
6 go down here -- these are just from my notes --
7 okay, at the conclusion, yep, 81.43, any
8 registered voter seeking a challenge of the
9 results of a secretarial election must -- and
10 that's under 81.43 and it talks about the
11 regional director will review and decide those
12 challenges. So that describes the process for
13 challenging and it's three -- no later than
14 three days after the election results are
15 posted, not excluding weekends or holidays. And
16 the first and last -- some of the challenging
17 writing and articulate, you know, what the
18 challenge is and attach any substantiating
19 evidence they have in regards to that challenge.
20 So those are the two challenge points in the
21 election process.

22 UNIDENTIFIED SPEAKER: Thank you.

23 MS. DAUGHERTY: You're welcome.

24 UNIDENTIFIED SPEAKER: My second
25 question, the provision on who may request a

1 secretarial election, I believe more clarity
2 should be provided in the rule that petitioner
3 -- does it have to be a tribal member? It
4 doesn't state. MS. IRONCLOUD: Okay.

5 Let me go here.

6 What specific section are you
7 referring to?

8 MS. DAUGHERTY: It should be 81.51.

9 MS. IRONCLOUD: Hold on here.

10 You're testing our analysis on the fly, but
11 we'll get there.

12 UNIDENTIFIED SPEAKER: And I had
13 two different lawyers go through this for me.

14 MS. IRONCLOUD: There you go.

15 MS. DAUGHERTY: Laural and Jim and
16 I are all lawyers up here. So I can tell you
17 right now we are nothing but trouble.

18 MS. IRONCLOUD: Lawyers are nothing
19 but trouble, we're evidence of that.

20 MR. PORTER: 81.55.

21 MS. DAUGHERTY: A member of the
22 tribe, who is 18 years of age or older.

23 UNIDENTIFIED SPEAKER: Thank you.

24 MS. DAUGHERTY: You're welcome.

25 We're catching on the fly here. We're doing

1 okay so far, but, no, this is how this works.
2 If you bring something that we flip around and
3 we can't find it, like, oops, then we do need to
4 add that in. So I love this part of this
5 process.

6 MS. IRONCLOUD: We appreciate it.

7 MR. PORTER: Well, I appreciate it
8 and my first question to you is a really
9 important issue. In my work, I'm not involved
10 in helping conduct the secretarial elections.
11 I'm involved in defending the secretary from
12 challenges of the secretarial election, so the
13 things in these regulations that give rise to
14 litigation are points that are of concern to me.
15 In challenging the secretarial elections and how
16 they're done and their outcome is, for my work,
17 the most important part of what these
18 regulations say. And so I encourage you people
19 to look at the sections that we talked about as
20 far as how and when the process gets challenged.
21 Just for instance, in a challenge to the outcome
22 of the election, these regs allow only people
23 who submitted registration applications to
24 challenge the outcome. What happens to your
25 people who never got a registration notice in

1 the first place and weren't able to submit one?
2 Should they have a standing to challenge the
3 outcome of the election? According to these
4 regs, they can. I encourage the attorneys,
5 we've got excellent firms represented here
6 today, to take a close look at those provisions
7 and see if there's clarifications and ways to
8 which we can make those provisions more clear
9 and that would, hopefully, prevent litigation
10 instead of giving rise to it.

11 MS. IRONCLOUD: Thank you, Jim.
12 Absolutely we need to be able to gauge what is
13 important to the tribes and we want that to be
14 represented, tribes and tribal membership, also
15 what we want this document to represent are
16 those issues and add to those issues.

17 Any other questions, comments or
18 input? It doesn't have to be over the changes.
19 It could be over anything having to do with this
20 document or secretarial elections, the process
21 overall.

22 Seeing none, again, we thank you
23 for coming out, we thank you for providing this
24 input and we thank Southern Plains for putting
25 it together and coming to participate and we

1 appreciate that.

2 So the next step, we are having --
3 we're going to have another consultation in
4 California on Thursday. We will be doing this
5 same request for input at that point. Once we
6 are able to finish the consultations and the
7 deadline of December 17th passes, we'll be able
8 to get all the written comments, look at the
9 transcripts, review the transcripts, review the
10 record, the Department will go through all of
11 this information and input that we receive and
12 at that point, if there's any changes that need
13 to be made, the Department will make those
14 changes and then we'll go into the publication
15 process.

16 So once we get all approval through
17 the department and go through publication, the
18 new section 81 will be effective 30 days after
19 that publication. So we're looking at about --
20 I don't want to make any promises as to time,
21 but at least a couple of months, past the
22 December deadline. So I'll say that, at least a
23 couple months. Any questions on the process?

24 MS. DAUGHERTY: And don't forget
25 all the different ways you can submit comments.

1 Definitely you have Laural's phone number on
2 this document, you have the regulations.com
3 website and you have Laural's e-mail. You can
4 submit in any of those forms. If you want to
5 mail, Laural can provide her mailing address.

6 MS. IRONCLOUD: It's on the rule.

7 MS. DAUGHERTY: Yes, it's on the
8 rule itself here. It's in tiny print. But you
9 pull it up on your computer and see it a lot
10 easier and submit those comments by mail as
11 well.

12 Thank you all, and this concludes
13 the consultation session.

14 (Proceedings concluded.)

15

16

17

18

19

20

21

22

23

24

25


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA)

I, MICHELE WATSON, Certified Shorthand Reporter within and for the State of Oklahoma, do hereby certify that the proceedings were by me taken in shorthand and thereafter transcribed, and the same was taken on November 18, 2014, in Oklahoma City, Oklahoma.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1st day of December 2014.



MICHELE WATSON, CERTIFIED
SHORTHAND REPORTER FOR THE
STATE OF OKLAHOMA
Oklahoma CSR No. 1771
My Commission Expires 12/31/14

BIA Proposed Revisions to Secretarial Elections - 11/18/2014 Index: --we..BIA

	51 46:12	acted 23:15	amending 10:17	Atlanta 7:24
-		action 10:2,7 30:24	amendment 10:8 11:12 14:4 15:12, 15 16:23 17:5,7 20:11 29:20 47:23 49:17	attach 53:18
--we 12:25	6	actions 49:20		attached 46:24
	60 24:5 45:12,25	active 6:20		attorney 3:14
1	60s 6:6	activities 6:5	amendments 5:10 44:8	attorneys 14:13 21:22 56:4
10 33:11 37:13		activity 5:9	Anadarko 4:9	authority 26:23 27:3
17th 18:1 57:7	8	actual 18:22 41:17	analysis 12:2 54:10	authorization 23:14
18 17:1 27:15 54:22	81 2:5,8,12 8:17,19, 22 9:13 50:19 57:18	Ada 3:12	Andrea 3:18	authorize 44:7
180 27:16	81.17 32:15 41:13	add 37:24,25 38:12 55:4 56:16	angles 26:11 30:7 40:22	authorized 37:14
1981 6:4,8	81.18 22:1	added 23:23 38:20 42:1,2 45:18,20	anymore 31:15	authorizes 23:16
1990 10:23,24	81.22 37:2	addition 15:6	Appeals 16:12	authorizing 26:23 44:1
	81.32 52:16	additional 51:10	applicable 50:8,9	auto 43:22,23
2	81.33 52:17	address 31:5 33:4 39:12 43:13 58:5	applications 55:23	awareness 5:17
20 33:5,10 46:2,24 47:3	81.39 47:12,21 49:16	addressed 39:18	applies 9:21,22 10:19 12:9 51:1	awesome 22:6
2007 5:5	81.43 53:7,10	addresses 28:5	apply 45:17	
2008 5:6	81.51 54:8	adopt 45:14 49:13	appoint 39:25	B
2009 6:19 7:7	81.55 54:20	adopting 10:17 46:15	approach 23:25	back 6:5,19 18:5, 25 19:4 21:8 29:25 30:9 33:7 34:8 35:15 40:18 44:11 49:16 50:25
2010 6:20 7:7	81.60 47:19 49:9	advance 13:11 44:17	appropriately 29:21	background 4:23 5:16
2014 8:1,5	82 2:6,12 8:17,18, 21 9:13 12:19 50:20	advise 33:22	approval 10:16 13:9 15:17 57:16	bad 15:23
20th 8:5		Affairs 10:12 22:24	approve 44:1,11, 17	ballot 20:9
21-year-olds 16:20	9	affects 46:15	approved 10:22, 24 36:19	Banks 3:23
25 2:5 33:10	90 10:25 23:15 25:2 26:5	age 17:2,8 27:15 54:22	area 6:7	based 42:18 48:1,7
26th 8:1 16:23	90s 6:10	agencies 16:2	areas 7:2 33:25 45:4	basis 11:7,22
	91 6:10	agency 4:9 17:13 22:17 28:4 34:14	article 25:14 26:16	bear 52:14
3	92 6:10	agree 46:14	articulate 7:5 44:21 53:17	Beareagle 3:6,7
30 5:14 46:5 47:16, 17,22 49:4,5 57:18	A	Alexander 4:6	articulated 30:4	beast 28:1
30s 6:5	Aberdeen 5:3	allowed 17:1	asks 25:19	beauty 19:10
35 47:24	ability 38:15	allowing 21:1	assistance 11:7 13:2,4,11 14:7,8,18 30:9,10	behalf 3:9 18:20, 21 40:2
	absentee 20:9	alternative 29:24 34:19	assisting 48:18	benefit 17:18
4	Absolutely 56:12	amazing 12:3 14:15		BIA 6:12 16:9,12 23:16 35:25 36:7
40 33:2 47:25	achievable 48:25	amend 15:19		
4:30 39:8	Act 10:20 43:16,17 44:14 45:7			
5				
50 46:11,12				

big 19:6 51:5	calling 35:6	check 34:1,16,18 38:24 40:2,12,25 41:2	compare 50:19 47:23 48:24 49:19
biggest 51:8	calls 51:15	Chickasa 3:12	competing 31:22
bird 38:8	cancel 33:14	Chief 51:13	compiled 2:7
bit 4:23,24 46:3 50:2	canceled 39:10	chose 7:2	compiles 2:12
blame 35:11,16	cards 51:16	claim 34:9	complain 16:1
blood 24:22 25:8	case 6:25 10:4 16:14 28:23 42:7, 24 44:13 47:6,9 50:3	clarification 15:2 25:11 44:24	complete 25:20 26:4 27:14 35:25
board 3:21 14:22 16:12 36:9 37:1,3, 7,21,25 38:1,3,9, 10,20 40:1,23	case-by-case 11:7	clarifications 56:7	completely 15:16
board's 36:17	cases 37:8	clarifies 16:9 43:24	comply 16:22
body 13:9 26:24 27:9 29:16,25	Catcher 5:19	clarify 17:12	component 29:18
body's 9:7	catching 54:25	clarifying 19:7	components 9:17
braved 2:3	caught 13:23	clarity 2:14 54:1	comprehensive 2:13
breakdown 2:16	cents 27:19	clean 8:25 14:14 39:5	computer 58:9
Brena 4:6	CFR 2:5	clear 30:13,15 56:8	concept 25:6 29:19
Briner 3:20,21 41:11 46:21	chair 37:7	close 56:6	conceptually 44:6
bring 55:2	challenge 17:2 24:14 25:3 27:25 28:12 34:24 36:9, 17 40:7 41:4 48:10, 20 52:13,24,25 53:8,18,19,20 55:21,24 56:2	cold 2:3	concern 21:17 55:14
brought 2:20 18:19,20	challenged 55:20	comment 20:3	concerns 11:4 14:10 39:15
Bruner 4:2	challenges 39:19 52:8 55:12	commentary 21:24	conclude 7:10
budget 21:12 22:15	challenging 14:24 53:13,16 55:15	comments 7:16 15:7 18:1,10,11,12, 18,19,21 22:3 23:11 30:22 31:4 32:7,10 41:15 46:9, 18 48:5 49:16,25 50:4,5,7 51:3 56:17 57:8,25 58:10	concluded 58:14
bureau 5:5,14 15:11,15,17 16:13 22:11,14,23 23:4,5 25:4 26:5 28:3 33:7,13,23 35:14 37:9,17,22,23 39:3, 4,9 41:14,18 42:1, 23 48:14	chance 32:13 50:18	commissioner 10:12	concludes 58:12
bureau's 41:19	Chaney 5:20	committee 33:8 35:15,24 39:3	conclusion 53:7
Bush 42:12	change 8:7 9:19 14:2 19:24 20:17 21:25 22:20 24:17, 18,22 25:18 26:10 43:18 48:23	common 24:17 27:5,10	conduct 9:1,10 10:11 28:14,15 55:10
C	changed 7:18 8:14 14:3 19:9,19	commonly 23:22 26:24 28:21	conducted 9:5,6, 16,23 43:15,25
calculation 47:12, 13 48:1 49:21	chart 49:23	communication 42:8	conducting 5:17 8:19 11:18
California 8:3,4 36:13 57:4	charter 10:15,17 30:1 49:19	community 28:18 41:2	confident 14:19
call 18:4 37:18,20	charters 11:13	compact 7:12	confused 47:10
called 5:21 6:15			confusion 47:14
			considerations 42:4
			considered 18:14 42:1
			constitution 10:8, 14 11:12 13:24 14:1 15:19 25:15, 18,22 26:1,7 29:19
			constitutional 15:11
			constitutions 12:1
			consultation 2:4 3:1 6:14 7:24 8:4 11:10 19:11,20 57:3 58:13
			consultations 5:21 7:8,9,11,19 57:6
			convoluted 49:23
			cookie-cutter 11:14
			copy 2:7 18:8,9 50:17
			Corporate 10:15
			correct 31:3 43:22, 23 47:22 48:6
			correctly 38:6
			costs 17:13,15 21:11
			council 13:8 27:1 31:12
			counsel 3:11
			countries 42:11
			country 6:25 45:5 48:11
			county 42:16
			couple 6:5 39:24 57:21,23
			court 2:24 18:16 32:22
			cover 19:17 24:11
			covered 49:9 53:3
			created 25:11
			creates 29:12
			criteria 24:18 34:2
			curious 27:7 42:6
			current 2:12 20:2 21:11,25 45:12
			curse 43:23

cycle 22:16	default 46:4 47:16	45:15 46:14,16	28:14 29:5,17,23	establishing 10:5
	defending 55:11	47:7,8,20 49:14	31:6,8,9,11,14,15,	14:21
<hr/> D <hr/>	deference 16:10,	56:15,20 58:2	18,20 33:1,8,12	evidence 54:19
Dakota 5:3	14	documents 5:12	34:20,23,25 35:15	exact 12:24 25:17,
Dan 4:4	define 24:13	9:23 12:6 13:7,16	36:9,18,22 37:1,2,	20,25 26:8,13,20
Danny 2:15 4:22	defines 26:3	14:14 16:5,11,15	7,14,19,20,21 38:1,	27:12 29:14
date 23:16 24:1,5	definition 15:3	21:7 23:19 32:14	2,3,9,10 39:4,7,10	excellent 56:5
25:3 27:16 46:20	25:18	39:22 44:2 45:23	40:1 41:17 44:7,10,	exceptions 27:11
dates 24:7	deliver 18:8	dog 38:8	16 45:14,22 47:1,	excluding 15:3
DAUGHERTY 5:1	department 30:13	door 14:15 35:6	11 48:12 49:13,18	53:15
18:24 22:5 23:11	50:12 52:3 57:10,	double 38:24 40:2,	53:5,9,14,21 54:1	55:12,22 56:3
30:21 33:17 36:20	13,17	12	elections 5:9,16	exist 45:11
38:23 39:11,14	depends 41:7	draft 7:9 16:8	8:20 9:8 16:20,22,	existed 51:4
43:21 47:6 50:14	Deputy 4:2	18:15 20:2,6	24,25 17:9,10,13	existing 50:19
52:5,10 53:23 54:8,	describe 26:22	drafting 5:12,23,	22:11,14,21 23:5	exists 45:2
15,21, 57:24 58:7	describes 14:17	24 6:16 7:8 13:23	27:23 36:17 38:4,	experience 13:4
Dawn 3:20 41:11	53:12	drafts 7:21 10:14	22 39:2,21 43:14,	explain 6:24
46:21	describing 35:1	drives 29:6	25 46:4 55:10,15	explicit 16:6,16
day 29:11 33:1,12	descriptions 7:1	drop 36:1	56:20	explicitly 12:24
41:16	detail 12:17	due 18:1	electorates 40:24	express 27:3
days 15:3 23:15	determines 21:4	<hr/> E <hr/>	electric 40:23	expressed 31:17
24:5 25:2 26:5	dictates 20:18	e-mail 18:7 58:3	eligible 41:7 46:25	expression 12:3
27:16 33:2 36:16	difference 44:4,20	earlier 10:14 13:16	47:4	expressly 7:6
37:13 53:14 57:18	45:6	early 6:10	emerged 7:10	extend 23:25 24:5
deadline 31:21	differences 43:14	easier 58:10	Emhoola 4:8	extending 24:7
57:7,22	directly 18:8	easily 24:2	emphasize 48:13	extensive 5:16
deal 19:13	director 4:3,5	educate 28:18	employed 5:4	eyes 13:19
Dean 3:15	37:17 44:16 53:11	educated 42:20	encourage 21:20	<hr/> F <hr/>
debate 15:22 50:2	discuss 7:20	education 20:22	28:12,24 38:12	fact 33:20 43:10
debated 46:3	discussed 46:11	24:4 48:19	55:18 56:4	factors 31:23
Debra 3:11	discussion 6:16	effect 16:21	end 4:24 9:4 34:20	facts 39:17
decades 19:24	8:12 15:8 21:21	effective 57:18	endeavor 28:6	failure 35:20
December 18:1	22:25 23:1 51:21	effectually 48:23	ended 7:13	familiar 8:15
57:7,22	disenrollments	effort 6:9,11,19,20	enrolled 52:23	families 33:11
decide 44:18	36:12	eighth 24:20,23	enrollment 28:21,	family 35:8
53:11	distinct 9:17 49:10	election 3:21 9:2,	23 33:6 35:12,13	fascinated 14:16
deciding 12:4	50:15,22	5,6,10,15,24 10:1,	47:2,4 48:3	fascinating 11:11
decision 17:8,21	Division 5:6 51:13	7,11,21 11:19	entails 51:9	federal 9:25 10:4,
decisions 12:5	document 7:14	12:14 13:15 14:22,	entire 26:16 47:1,4	10 28:4 45:15,20
15:24 16:4,12,13	10:6,10,21,24 11:1	23 15:18 17:15,23	48:2,8,11,21	
decline 33:19	13:21 14:10 15:1,	20:15 21:8 23:7,9,	environment	
Dee 5:13,22 6:10	17 16:19 18:6	14,15,16,20 24:16	21:12	
Deerinwater 4:4	20:18 25:15 26:22	25:2 26:5 27:19	establish 45:23	
	30:1,16 44:12,17		established 45:16	
			46:9	
			establishes 20:10	

46:16 49:14		hand 4:21 22:3 23:19		integrity 39:20
fell 6:18	<hr/> G <hr/>		<hr/> I <hr/>	intent 32:1
felt 7:3,19 9:8	gap 7:3	happen 9:11 12:5 26:17 31:7 33:13 42:21	idea 15:23 22:6	interactive 2:19
fewer 29:7	gauge 56:12	happened 42:7,10	ideas 30:12,15	interest 31:17
fiasco 39:7	general 3:11 6:18 27:1 39:23 49:4	happy 42:5	identical 12:21	interested 17:4 30:22 31:3 32:7
fighting 33:2	generally 48:11,17	hard 25:22 30:14	identify 3:1 32:22	internal 16:12 22:25
figure 17:14	Georgia 7:24	headquarters 34:15	important 9:9 11:21 16:3 20:16, 36:23 37:4 55:9,17 56:13	interpretation 11:17,24 16:10,15
figured 35:21	get all 57:8,16	heads 13:17	impossible 25:23	introduce 3:4
filed 52:9	give 4:16 13:7,15, 17 16:10, 52:14 55:13	hear 2:10 32:19	impressed 14:13	invite 21:20
fill 40:15,16	giving 56:10	heart 41:9	inaccurate 36:8	invited 20:2
final 14:7 18:15	glad 42:2	held 6:13	include 12:16,18 36:11	involve 10:11
finally 33:13 39:10	good 3:6,10,13,17, 20,25 5:1 13:19 15:6,23,25 21:5 26:6 38:19 39:25 40:23 42:22	helped 6:1	included 5:13	involved 5:11,22, 24 6:11 17:19 43:5 55:9,11
find 51:10 52:15 55:3	Gore 42:12	helping 55:10	including 12:25 15:2	involvement 5:4
fingers 39:5	governing 9:7,23 12:6 13:9 16:5,18 20:17 25:15 26:24 27:9 29:16,24 30:1 39:22 45:14,23 46:15 47:20 49:13	hey 19:15,21 28:18 34:5 37:20 52:21	incomplete 35:24	Iowa 43:18
finish 57:6	government 3:19 4:9,14,17 5:6 27:22 33:2 36:11 39:1 51:14	high 21:15 49:2	incorporated 30:24	IRA 43:15 51:2
firms 56:5	Great 5:2 13:5 27:23 44:7	higher 47:24,25 49:1,5	Incorporation 10:18	IRONCLAD 32:21
flier 19:1	grid 18:25	highest 39:21	increase 21:1,10, 14	IRONCLOUD 2:1 4:11,15 22:2,9,12, 19 23:8 30:12 50:6 51:22 52:2 54:4,9, 14,18 55:6 56:11 58:6
flip 52:11 55:2	group 52:4	highlight 17:24 19:1	Indian 10:12,20 22:23 42:11,16 43:15,16 44:14 45:7	irregularity 34:23
fly 54:10,25	guess 17:12 20:13 22:24 26:11,15,23 39:22	highlighted 17:12 19:18	indicating 29:16	issue 16:17 20:23 26:14 27:20 37:6 41:2 44:19 55:9
follow 50:21	guidance 30:25 31:16 42:23 50:11	highlighting 20:4	individually 32:3	issues 51:23 56:16
follow-up 51:18	guide 51:21	highlights 8:12	inform 40:4	isuperintendent 37:18
forcing 33:23	guys 20:14 45:2	history 2:16 5:13	information 8:21 29:4 48:15 51:10 57:11	items 19:14
forget 57:24	<hr/> H <hr/>	Hobbs 3:14	informed 40:24	<hr/> J <hr/>
formatted 29:22	half 18:25	hold 26:5 39:4 54:9	Initially 6:9	Jennifer 3:7
formed 37:21		holdings 15:4 53:15	input 2:11 30:19 45:11 50:12 56:18, 24 57:5,11	Jim 54:15 56:11
forms 58:4		hook 22:23	insight 2:21	job 4:19
forward 2:21 17:16,22 31:13 34:4 39:3 52:21		hope 21:13	instance 55:21	
found 6:21		huge 36:5	instances 7:1	
Franken 42:12		hugely 36:7 41:8		
Fredericks 3:8		human 13:22		
full 2:25		husband 35:9		
fun 10:23 11:8				
funding 22:11,14, 22 23:6				
fundings 22:16				
future 17:22				

K	27:14 28:4,20 29:6, 13 33:7 34:1,4,5,9, 12,13,17,18,22 35:2,3,4,5,14,24,25 36:6,8,10,11,15,18 37:15 38:6 40:5,8, 11,18,20,25 41:3,5, 7,8,10 45:18 48:3 49:6,7 52:14,16,18, 22 53:1	main 20:25	mindset 15:24 58:1
Kansas 3:24		major 12:22 19:2 29:6	minute 12:24
Karen 5:19		majority 46:13	missed 13:25
key 34:25		make 10:10 12:5, 13 14:2 16:3,4 18:12,16,18,21 20:23 28:19 30:13, 14 34:1,16 38:5,19 39:20 40:5,25 41:3, 22 42:19 45:1,5 46:12 48:24 56:8 57:13,20	Missouri 3:22 41:12
Kickapoo 3:24		making 2:25 15:24	modify 13:24
kind 2:12 13:16 18:25 40:21 49:15, 22 50:7	Listening 41:15	manner 23:21	months 42:13 57:21,23
knowing 16:13	lists 12:15 28:22, 38:24	married 33:10	Morgan 3:8
L	literally 31:9	materials 34:12	morning 3:6,10, 13,17,20,25 5:1
land 20:19	litigation 55:14 56:9	matter 33:20	move 15:16 17:6, 22 23:12 27:25 28:10 43:7
language 9:12 10:13 11:16,23,24 25:17,21,25 26:3,8, 14,20 27:12 28:16 29:14 33:21 37:8, 16 41:18 44:5,10	live 28:7	mechanism 21:5, 6 24:1 34:21	moved 5:5
lapse 38:16	lived 28:8,9 33:4	mechanisms 27:2	movement 22:15
large 32:10	local 34:14 37:9, 17,22	meeting 7:25 8:2	moves 17:15
Laural 8:11 18:3 54:15 58:5	long 5:13 51:12	meetings 6:13,15 28:17	N
Laural's 58:1,3	Lonnie 4:8 27:22	member 34:6 36:8, 14 52:23 54:3,21	name's 40:6
Laurel 18:8 51:13, 20	looked 35:17	members 21:22 27:15 31:11,17 32:4 33:3 38:10 40:24 45:13 46:1, 23 49:11	names 36:1
law 6:25 10:1,4 17:10 20:18	lost 40:20	membership 24:18 25:5,14 26:12 32:2,11 48:8, 21 49:12 56:14	nation 3:9,12 15:24 16:3 20:19 27:3 37:5 40:3 46:9
lawyers 54:13,16, 18	lot 5:8,23 6:17,22 7:4,7,15 8:13 11:14 13:6,10,21,25 14:12,14 15:8,22 16:18 18:17 20:21 27:24,25 28:10 41:1 47:14 58:9	mentioned 8:11 51:13	nations 27:6 49:2, 3
leadership 16:19 38:4 50:10	love 55:4	method 52:9	nature 13:22 28:1, 10
leads 50:24	Lovin 4:13	mic 4:22	NCAI 7:25
left 31:15	Lowe 3:10,11	Michele 2:24	note 28:13
legal 3:11	M	Miller 3:25 4:1 32:24 35:5,21 36:2 38:21,25 39:13	notes 53:6
letter 37:19	made 8:24 16:16 35:14 51:6 52:8 57:13	mind 24:11 31:23 49:8	notice 13:18 14:22 25:23 29:3 36:10 55:25
letters 42:8	mail 18:9 20:11 21:2 27:24 48:15 58:5,10		noticed 7:17
levels 39:21	mail-out 29:2		notifies 37:23
limitations 41:25	mailing 28:20 29:4,13 33:6 34:1,9 40:19 58:5		notify 26:6 27:17
limits 41:19			November 8:4
link 51:12			nuance 44:4,23
list 14:24 21:20			number 5:25 18:2, 4,10 20:12 31:10 32:11 46:2,4,6,11 47:25 48:7 50:2
			numbers 48:19
			O
			objection 21:24
			objections 2:21
			occur 16:7,25 17:13 18:14 25:2 31:10
			occurred 6:17,23 7:25 31:8 42:9
			occurring 23:18
			occurs 20:22
			October 7:25
			office 3:19 4:7,18 28:22,24 35:6,12, 14 39:9 48:4 51:14
			official 27:14 37:9, 17,22,23 44:1
			officials 38:1
			OIWA 10:19 43:25 44:4 51:2
			Oklahoma 3:12,16 10:20 43:16 44:13, 14 45:7
			older 10:13 17:2 27:16 54:22
			omission 44:24
			on-site 21:3
			oops 55:3
			open 30:17
			operate 27:1
			opportunity 32:6 36:15
			option 29:23
			order 6:14 44:15
			organizing 47:8
			original 34:8 43:12
			Otoe 3:22 41:12
			outcome 55:16, 21,24 56:3
			outlined 51:7

outright 18:4	percent 45:13,25 46:2,5,11,12,13,24 47:16,17,18,22,25 49:4,5	polling 20:9,12 21:3,4,9 29:2	31:8,9,19,25 33:6, 25 34:20 35:13,17 36:5,22,24 37:3 38:6,8,11,14 39:18 41:23 42:3,9 46:5 49:9,17 50:24 53:12,21 55:5, 56:20 57:15,23	<hr/> Q <hr/>
overlapped 8:21		PORTER 35:19,23 36:4 54:20 55:7		qualifications 42:18
overlapping 9:12		portion 26:18		quality 13:21 14:13 36:6
overseeing 38:11	percentage 47:3, 16 48:22 49:21	position 50:10	processes 20:16 30:2 42:15 48:12, 18	quantum 24:22 25:8
<hr/> P <hr/>	percentagewise 21:16	possibility 33:18	projects 6:17	quarter 24:19,20, 23
package 40:20	perfect 42:15 52:2	posted 34:3,12,14 35:1 40:5 52:18 53:15	promises 57:20	question 22:8 32:20 35:10 53:25 55:8
packages 29:7,8	period 6:22	potential 45:25 47:18	proposal 20:10 44:9	questions 2:18,20 11:4,22 12:7 18:3, 13 30:3,19 42:4 43:6 51:15,18,23 56:17 57:23
packet 25:23 29:4 34:10 40:14 44:10	periods 6:5	potentially 27:18	propose 19:12 21:7 38:16	quirky 10:23
paid 23:2	person 5:15 34:9 48:16,17 52:21	pre-specialized 46:17	proposed 2:7,22 5:10 8:16,25 12:12, 15,20 14:3 17:25 19:3,25 20:5 21:18 31:2,19 32:15 44:2, 10 50:17 51:11,24	<hr/> R <hr/>
part 2:5,6,8 8:17, 19,21,22 9:13 18:22 19:20 21:18 36:21,24 37:3,10, 11,12 39:14 40:13 41:22 42:3 47:10 50:19 51:2,3,24 55:4,17	personal 13:3	precise 49:25	proposing 19:22	races 30:11
participate 29:9 56:25	persons 38:24	precisely 14:6	protect 39:24	raised 39:24
participating 51:20	petition 12:18,20 29:22 41:16,20 45:13 46:1 47:7 49:12	predated 6:11	provide 4:22 11:6 13:10 25:20 50:11 52:8 58:5	rate 48:22
participation 29:1 46:5 48:10,19 49:1	petitioner 54:2	present 8:6 26:9	provided 2:6 22:18 29:13 36:6, 10,15 41:8 48:3 54:2	ratification 44:2
partitioning 29:19	petitioning 8:19 9:3,4,18 47:20 50:24	presentation 18:13	providing 14:22 56:23	ratify 10:21 44:18
partners 13:20	Phillips 3:17,18	pretty 51:12	provision 53:25	reach 48:16 49:4
parts 2:22 12:19	phone 58:1	prevent 56:9	provisions 56:6,8	read 8:16 16:11 19:24 50:16,21
pass 44:9	physically 44:25	prevented 39:19	public 6:12,15 28:17	reading 41:12
passes 57:7	pick 36:23 38:7,17, 19	previously 19:22 23:2	publication 57:14, 17,19	ready 28:14 32:11
past 50:23 57:21	place 19:19 20:9 22:21 56:1	print 58:8	publicity 41:1	real 11:17
patience 52:11	places 28:6,8	prior 6:4,13 16:8 20:6 28:4,7 51:4	pull 58:9	realities 48:25
pay 17:13,14,15 22:23,24	Plains 3:18 4:3,5, 7,14,18 5:2 13:5 27:20,23 44:7 56:24	problem 36:5	purpose 2:4	reason 17:20 19:15 20:4 40:19
Peebles 3:8	planned 8:5,8	problematic 36:7 43:1	put 2:23 7:5 21:8 30:18 33:22 35:11 42:5	reasons 15:22 20:13,21,25 24:8
people 5:24,25 6:1,25 7:4 15:22 17:17 20:24 25:23 26:7 27:18,25 28:24 29:3 33:19, 22 35:7 36:10,12 37:24 38:4,7,11,13, 17,20 39:25 43:20 44:22 45:6,11 46:6, 14,25 49:11 55:18, 22,25	played 39:16	problems 23:20 42:17	putting 52:3 56:24	receive 29:21 57:11
	point 3:2 4:21 13:6 22:19,25 23:8 30:18 31:24 32:16, 17,19 36:21 41:24 42:22 51:25 57:5, 12	procedures 2:14		recognize 47:14
	pointers 13:3	proceedings 58:14		recognized 45:19
	points 53:20 55:14	process 4:25 5:24 7:17 9:3,5,18,24,25 11:9 12:25 13:4 14:16 15:12,15,21 17:5,7,20 18:18 19:11,20 20:16,17 21:2 22:20 23:4 29:10 30:6,13,14		recommendation s 43:4

record 2:23,25 18:22 39:15 57:10	37:4,5 43:8	29:15,24 37:16	secretarial 5:9,16 8:20 9:1,8,10,15,24 10:1,6,11,16,21 11:19 13:14 14:22, 23 15:18 16:25 20:15 21:7 22:11, 14,21 23:5,6,9,14 24:16 27:23 28:14 29:17,22 30:5 31:6, 7,14,15 32:25 33:12 36:21 37:1,2, 6,20 38:1,2,9,10 39:2 40:1,23 43:14, 25 45:14 46:4 48:12 49:13,18 53:9 54:1 55:10,12, 15 56:20	sets 12:24
reduce 22:17 25:7	reminder 41:7	resolutions 26:25	setting 4:19	Sharon 4:13
reduced 46:2	removal 26:14	resources 17:19	shipped 35:14,15	show 49:24
reestablishing 10:5	remove 15:14 17:6 26:16	respond 30:10	showed 42:25	side 28:13 48:14
referring 54:7	removed 23:17,24	response 12:10 14:19,20 52:1	sign 49:11	significance 12:22 20:24
reflected 7:11	removes 23:4	responsible 23:6	significant 8:10 19:2,5	similar 11:15
regard 2:11	removing 15:10, 11 17:22	responsiveness 7:15	secretary 3:21 10:22 55:11	simpler 26:15 50:20,21
region 4:14 5:3,6,7 13:5 17:14 22:17 23:21 30:24 44:7, 11	Reorganization 43:16	result 7:9 9:7 14:3 45:20	section 8:18 9:1, 14,15,17 10:9 11:12 12:8,11,20 13:23 17:11 20:3 22:1 23:12,13,17, 23,24 24:9,11 29:21 41:12 43:7, 11 45:8,9 47:12,19, 23 50:1 54:6 57:18	simplification 19:8
regional 3:19 4:3, 5,7 44:16 53:11	reorganizing 19:7	results 53:9,14	sections 19:25 20:11 50:23 53:4 55:19	simplified 7:13
register 33:20,23, 25	replaced 25:21	retired 5:20	seek 49:20	simultaneously 24:12
registered 14:24 31:11 32:5,12,17 33:3,16,19 34:3,11, 22 35:2,7,8 36:17 40:5,9,25 41:3 46:25 47:17 48:2 49:7 52:13,16,18, 22 53:1,8	reporter 2:25 18:16 32:22	returned 27:24 29:7,8	seeking 53:8	single 39:12 48:16, 17
registering 14:23	represent 3:15 50:10 56:15	review 7:17 13:7 41:23 53:11 57:9	senator 42:14	Sioux 3:9
registration 31:21 33:9,15 35:1 40:14 55:23,25	represented 47:15 56:5,14	revision 12:20 18:1	send 34:12 35:24	sister 40:9,10,12
regs 55:22 56:4	representing 21:23	revisions 12:15	sends 36:9	site 29:3
regulation 15:13 37:8	request 9:7 12:16 13:14 14:8 23:23, 25 24:8,13,15 25:19 26:4,9,13,19, 20 27:14,17 29:13 30:4 31:6,20 49:12 51:7 53:25 57:5	revisit 43:8	sense 46:12	sites 20:12 21:9
regulations 5:11, 18 6:3,7,21,23 7:3, 6 8:14 13:12 15:8, 12,20 16:16 19:21 24:12 31:1,4 32:14, 15 34:13 37:11,12, 13 43:12 44:20,25 45:12 50:18 51:4 55:13,18	requesting 29:22	revoking 49:19	sentence 24:24	sits 47:2
regulations.com 58:2	requests 25:12	rewrite 6:20	separate 9:16 49:9,21	sitting 42:12
reinitiated 6:19	require 13:12 16:25 20:11 44:1	rise 55:13 56:10	separating 50:22	situation 41:24 43:3 46:17 49:10, 15 52:20
relationship 32:2	required 10:25 11:1,5 13:12 45:7 49:6	Rockland 8:3	series 7:8,11	situations 6:23
remain 21:8	requirement 17:5 24:22 33:21 34:7 46:24 47:11 49:17	room 3:3	services 22:17 51:14	skills 42:18
remember 11:2	requirements 11:18 26:19	round 7:18	session 7:24 8:4 58:13	slick 2:3
	requires 10:1,6, 16,20 45:25	rule 2:7,12,22 8:16, 25 9:20 12:8,12 19:3 27:11 31:19 51:11,24 54:2 58:6, 8	set 9:2,9 13:19 31:9 50:17	slight 11:16 15:2
	requiring 47:3	rules 9:9 10:18,23 52:7	scenario 42:24,25	slightly 44:5,15
	resolution 24:15, 24,25 25:8,10 26:2, 22 27:5,7,8,12	S	seconds 52:15	small 24:24
				solution 31:2
				sort 6:18 8:21 17:7 34:23
				sorts 14:4 21:12 39:19 40:21

South 5:3	stood 46:22	13:1,4,10 14:6,8,17 30:9,10	today's 2:4 25:2	typically 37:18
Southern 3:18 4:3, 5,7,13,18 27:20 56:24	stop 49:24		totally 49:20	typo 43:17
SPEAKER 22:7, 10,13 23:3,10 52:7 53:22,24 54:12,23	Straus 3:14	technically 23:24	town 28:8	
speaking 3:2,5	structure 2:14	ten 28:5,7	transcripts 57:9	<hr/> U <hr/>
special 4:17 51:14	struggle 49:4	tenure 6:12	traumatic 28:6	ultimately 2:9
Specialist 3:19 4:10	study 14:1	Terry 4:2	trends 45:16	underlying 36:5
specialized 50:3	stump 29:11	testing 54:10	tribal 3:19 4:9,14, 17 9:7 10:6 11:12 12:15 13:8,9 16:10, 15,18,19 23:22 24:7,13 25:12,19 26:4,19,20,24 27:1, 14,15,22 29:12 30:4 31:12 33:1 34:15 36:8,14 37:25 38:11 39:1, 22 41:9 44:3 45:13, 25 46:23 47:22 51:7,14 54:3 56:14	understand 20:24 44:22
specific 7:1 9:19 11:18 15:20 20:5 42:25 43:2 51:8 54:6	submit 13:14 14:7 18:2,7,10 32:8,9 56:1 57:25 58:4,10	thing 11:21 15:25 27:13 30:6 36:7 37:4 39:23 40:3 46:22 52:25	tribe 3:22,24 9:22 10:16 11:19,20 12:4 17:3 18:21 21:3 23:4 24:15 25:1,9 29:14 30:8 31:5 32:1,16 35:23 36:6,16 37:13,23 38:4 41:9,10,12,13 45:18 48:17 50:9 54:22	understood 45:6
specifically 13:1 14:17 15:4,10 21:25 43:24 44:21	submitted 55:23	things 5:7 7:5,16 8:17 11:8 14:4,25 15:2,4 17:3 18:14 19:8 21:13 28:11 30:5,8 37:15 40:2, 21 42:11 43:22 55:13	UNIDENTIFIED 22:7,10,13 23:3,10 52:7 53:22,24 54:12,23	unique 49:10,15
specifcics 11:25	subpart 50:25 51:1	thinks 52:19	update 28:24	updated 6:4,8 29:7
speculate 15:14	subparts 8:24 50:21	thought 19:1 30:25	updating 28:20	ups 48:19
spot 37:1	substantiating 53:18	thoughts 2:10	<hr/> V <hr/>	
Springer 5:13 6:10	substantive 12:22	three-step 33:6 35:13,17	variations 11:16, 17 24:21	
staff 42:18	Substantively 8:13	Thursday 39:8 57:4	varies 5:8	
stand 43:13	success 48:21	tied 17:10	vary 42:17	
standing 56:2	superintendent 37:7,10	ties 24:10	verified 33:5,8	
started 5:12 13:15 35:6	supposed 38:25	time 5:21 6:13,16, 21 7:4 8:6,7 15:18 23:15 26:17 28:20 34:10,16,17,24 37:3 38:18 39:6 43:20 45:3,16,22, 24 46:17 47:8,21 49:15 51:16 57:20	verify 33:16 35:11	
starting 28:16,17	supposing 46:1	timely 23:21	version 2:13 27:5	
starts 37:2,21 47:12	supreme 20:18	times 6:22 11:14 13:6,10,22 14:12 37:10 52:12	versus 21:3 42:12 46:23 47:1 49:6	
state 19:23 45:12 54:4	surface 20:14	timing 14:20 44:19	view 13:20	
stated 19:22	Susan 3:14	tiny 58:8	voice 27:2 29:15	
statute 45:15,20 46:16 49:14	Suzanne 5:20	title 5:5	Voids 23:13	
stay 21:5	<hr/> T <hr/>	today 7:21 8:2,9 18:11,16,22 34:21 56:6	voluntary 33:22	
step 13:24 30:16 39:2,4 57:2	taking 22:16 30:15	today's 10:3,25 23:18 37:6 38:3	vote 16:20 17:1 26:8 27:2,18 31:11, 18,21 32:5,6,12,13, 18 33:24 40:10,16 44:8 47:1,5	
stepped 33:13	talk 4:24 12:25 46:6		voted 29:14	
steps 9:3 12:13,25	talked 15:6 55:19		voter 20:20,22 21:1,10,14,15 24:4 28:25 29:6 34:11,	
Stockbridge- munsee 4:1 32:25	talking 43:20			
	talks 14:5,21 47:11,19 53:10			
	team 5:11			
	technical 11:7			

22 40:13 48:9,18, 25 53:8	withdrawing 41:20
voters 14:24 17:1 25:4 33:15 34:3,16 36:18 40:4 41:3,7 44:3,8,18 46:23,25 47:17,18 48:2 49:7 52:14,16,18	withdrew 41:16
voters' 35:2 37:15 52:22 53:1	wonderful 4:19
voting 20:8,10 21:2 25:6,7,24 31:17 48:3	wondering 24:4
	work 3:13,14 6:6 14:5 16:1 19:7 28:2,3,16 45:3 55:9,16
	working 5:14 11:9 14:16 24:6
	works 30:7 44:6 55:1
<hr/> W <hr/>	worried 46:8
waiting 42:13	writing 14:9,19 18:9 32:8,10 43:9, 22 46:19 52:6 53:17
walk 6:1	written 45:24 57:8
walked 39:9	wrong 36:16
Walker 3:15	www.regulations. gov 18:6
Wallace 3:25 32:24	<hr/> Y <hr/>
wanted 8:9 43:18 45:5	year 5:8
watch 13:17	years 5:14 13:3 17:1 27:15 28:5,7 33:5,10 54:22
Watson 2:24	
ways 18:2,10,18 39:24 56:7 57:25	
wayside 6:18	
weather 2:3	
website 51:11 58:3	
Wednesday 39:8	
week 8:3 31:12 43:21	
weekends 15:3 53:15	
weigh 32:13	
weighing 17:18	
welfare 10:20 43:17 44:14 45:7	
Wesley 3:23	
wife 35:9	
withdraw 31:5,13, 20 32:16 41:14,15	