

WASHINGTON, DC OFFICE

Wendy Helgemo
whelgemo@bigfirelaw.com

NEBRASKA OFFICES

1404 Fort Crook Road South
Bellevue, NE 68005
531-466-8725
info@bigfirelaw.com

601 Buffalo Trail
Winnebago, NE 68071
402-878-4383
scorbine@bigfirelaw.com
Sheila Corbine

Bigfirelaw.com



TRIBAL GOVERNMENT AND BUSINESS CLIENTS — CLIENT ALERT

TO: TRIBAL LEADERS AND BUSINESS CLIENTS
FROM: BIG FIRE LAW & POLICY GROUP
DATE: OCTOBER 28, 2020
RE: ELECTION EVE

The moment is upon us to get out, vote and make our voices heard. With the pandemic, your state may be offering several ways to vote: in person at a polling place, mail in your ballot, or drop off your ballot. Make sure you make your plan to vote.

Following the election, there will be a flurry of activity taking us into 2021. This includes: a Lame Duck session, outgoing and new members of the United States Congress, and possibly a new President and new decision and policy makers coming to Washington, DC. All of this affects Indian Country. Indian Country will be watching.

I. Pre-Election

Earlier this week, the United States Senate fast tracked a United States Supreme Court nominee, Judge Amy Coney Barrett, and confirmed her by a straight party line vote with one republican senator, Susan Collins of Main voting against her. Justice Barrett's first day of work was Tuesday, October 27.

While negotiations continued in fits and starts throughout the fall, Congress failed to reach an agreement on a pandemic package to provide relief for the country. While additional funding relief for Indian Country remains uncertain, there have been calls for additional time and flexibility for tribes to spend their CARES Act funding. Under the law, funding needs to be spent by December 31, 2020 or returned to the United States Department of the Treasury.

At last reporting, the House passed a more than \$2 trillion package and the Senate proposed a \$500 billion package leaving a gaping impasse. The pandemic has posed challenges for many industries such as restaurants, airlines and hotels, all trying to stay afloat.

The United States House of Representatives went home on October 2 and will remain on recess through the election and return on November 16. The United States Senate went home for recess on October 26 through the election and will return to session on November 9.

II. Election

In this presidential election year, early voting is smashing records. On Tuesday, October 27, half the number of votes cast in 2016 was reached and there is one week to go before election day.

Tuesday, November 3, is election day. Vote! Vote early! Mask up! Stay safe!

Listen to your state and local election officials for official information on polling places.

There may be attempts to spread disinformation and fear to deter people from coming to the polls. Be sure to follow official communications from your local officials. If you see something or experience irregularities in your voting process, make sure to report it to your local officials.

Make sure you know where your polling place is for in-person early voting and on election day and where drop boxes are located or where your county clerk's office is if you want to drop off your ballot.

With possible delays in U.S. mail, do not mail your ballot at this time.

Make a plan to vote! Help your relatives! Stay safe!

Update: On October 26, the Supreme Court ruled (5-3) in *Democratic National Committee v. Wisconsin State Legislature* to reject an order from the Governor of Wisconsin, over the objection of the Wisconsin legislature, modifying election rules that would among other things, extend the deadline for Wisconsin to accept absentee ballots. As a result, Wisconsin cannot count any mail-in ballots received after November 3.

III. Post-Election

We may not have results on election night. There may be legal challenges and complications in finalizing results. There may need to be more time to count ballots. In any event, we should all want all the ballots counted in our democracy.

There may be razor thin margins across the board. We may not know if there will be democratic or republican majority of the United States Senate. One race to watch is the Georgia Senate race where both Senate seats are up for grabs. Under Georgia law, candidates need to win by at least 50 percent of the vote otherwise there will be a run-off election in January 2021.

The period of time between the election and the new year, where Congress will start a new session, is called "Lame Duck." This may be a time of intense gridlock on productivity. It all depends on the results of the election and the mood of the "winners" and "losers," the desire to get some accomplishments under their belt and their level of cooperation or lack thereof.

This is the time to watch for opportunities for deals to be made and pending legislation to pass including a pandemic package. Indian Country needs to be ready to make sure their priorities are addressed.

IV. Transition

The new Congress will be sworn in on January 3, 2021 including 435 House Members and 35 Senators.

The Presidential Inauguration will be held on January 20, 2021. The three-story platform on the west side of the U.S. Capitol is being constructed so what will inauguration look like in a pandemic?

If there is a second Trump administration, there may be some fresh faces in the White House, cabinet and other positions. But we can expect much of the same.

If there is a new Biden administration, there will be a great deal of change as transition teams “parachute” into each agency and the new President takes the helm. And things will likely look a lot different from the past four years.

In either event, Indian Country needs to be ready, build new relationships, reinforce existing relationships and get to work.

Big Fire will keep you posted along the way.

Mask Up!

Stay Safe.

Get Out and Vote!

If you would like to discuss any of these matter, please contact your Big Fire attorney.

**Wendy Helgemo
Sheila Corbine
Leonika Charging
Nicole Ducheneaux**

**whelgemo@bigfirelaw.com
scorbine@bigfirelaw.com
lcharging@bigfirelaw.com
nducheneaux@bigfirelaw.com**

TRIBAL ADVOCACY WITH INTEGRITY