



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE ADOPTING AMENDMENTS TO THE *ELECTION CODE* (2 HCC § 6)

#### RESOLUTION 05-08-12C

- WHEREAS,** On November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** The Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") grants the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(f) of the Constitution grants the Legislature the power to set the salaries, terms and conditions of employment for all governmental personnel; and
- WHEREAS,** Article V, Section 2(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its Legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and
- WHEREAS,** Article V, Section 3 of the Constitution provides that the Legislature shall adopt Codes governing Membership, Open Meetings, Elections, Ethics including conflicts of interest, nepotism, and the conduct of all elected and appointed officials and employees, and other Codes as deemed necessary; and
- WHEREAS,** Article VIII, Section 3 of the Constitution requires that the Legislature enact an Election Code governing all necessary election procedures at least one hundred and twenty (120) days before the election; and
- WHEREAS,** the Legislature enacted an Election Ordinance and Code governing all necessary election procedures in 1995; and
- WHEREAS,** the Legislature adopted by Resolution 9/01/98A the *Election Ordinance*, which was last Amended by Resolution 1/04/11G;
- WHEREAS,** amendments were presented to the Legislature at a duly called and convened meeting on December 6, 2011; and
- WHEREAS,** on December 6, 2011 multiple amendments were presented and quick passage was request by the Ho-Chunk Nation Election Board by and through their Attorney, Wendi Huling, Department of Justice; and

#### **Executive Offices**

W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615  
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

**WHEREAS,** on December 6, 2011, the Legislature made the motion to place the election Code out for forty-five (45) Day Public Review; and

**WHEREAS,** comments were received during the forty-five (45) day public review period and are as follow:

Page 6 of 45, Ch. I, 3. Definitions., ii. "Primary Elections" striking, ~~when three (3) or more candidates are running for the same office.~~ And replace with and/or Special Elections.

Page 8 of 45, Ch. I, 5. Elections. A. Primary Election. (1) striking ~~when three (3) or more candidates are running for the same position.~~

Page 10 of 45, Ch. II, 6. Election Board., a. Appointment of Election Board. Implement staggered terms for Board members, still retaining their 2 year terms. For instance, amend subsection a(7) to require that terms shall be staggered the Election Board to implement staggered terms for its members.

Page 12 of 45, Ch. II, 6. Election Board., (2) Obligations., (f) striking ~~District's.~~

Page 18 of 45, Ch. II, 6. Election Board., 8. Qualifications., e. Certification of Qualifications. Adding "upon submission of completed candidacy forms the candidate has ten (10) business days to complete Federal background check by fingerprint scan. If after the send (2<sup>nd</sup>) fingerprint scan failed, a name only Federal background check will be completed"

Page 42 of 45, Ch. V, Appendix A (election Board Forms) – striking ~~Election board Form 3 (Certification of Nomination Form)~~ and renumber forms for consistency.

The words "prime meridian" and "ante meridiem" shall be stricken from all Election Code; and

**WHEREAS,** other comments include the following:

- Chapter II, Section 8 e. Certification of Qualifications. Add language in sub. (1), as follows: After the third sentence add the words "In reviewing qualifications, the Election Board is authorized to obtain information from or through the Nation's Compliance Department related to any pending investigation or violation of the Nation's laws concerning a candidate, and the Board may rely on such information when making an eligibility determination. The Election Board shall inform all candidates of this when they complete the necessary documents to run for office."
- Chapter IV, Section 23. Resignations of Elected officials. Amend sub. A as follows: "All resignations from the Legislature, President, or Judiciary shall be done by the official in writing, or memorialized by the Legislature, President, or Judiciary to confirm the resignation of such official(s)."

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, adopts the proposed amendments (noted above and also attached in full text herewith) to the *Election Code* (2 HCC § 6), as presented before the Legislature.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary of the Ho-Chunk Nation Legislature, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 11 constituting a quorum were present at a meeting duly called and convened and held on the **8<sup>th</sup> day of May, 2012**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **10 members, 0 opposed, and 1 abstaining**, pursuant to the authority of Article V, Section 2 (a) through (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

Hope B. Smith  
Hope B. Smith, Tribal Secretary

May 8, 2012  
Date

