



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE PLACING PROPOSED AMENDMENTS TO THE ELECTION CODE (2 HCC § 6) OUT FOR FORTY-FIVE DAY PUBLIC COMMENT RESOLUTION 12 -22-08 B

- 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(g) of the Constitution grants the Legislature the authority to set its own procedures, select its officers, and to enact laws governing attendance of its members, including penalties for absences; and
- WHEREAS,** Article V, Section 2(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation; and
- WHEREAS,** Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; 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 "[t]he 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,** the Legislature adopted by Resolution 9/01/98A the *Amended and Restated Ho-Chunk Nation Election Ordinance*, which was last amended by Resolution 11/19/02A; and
- WHEREAS,** as required by Article VIII, Section 4 of the Constitution, the *Election Code* (2 HCC § 6) establishes an Election Board; and
- WHEREAS,** the Election Board, working in conjunction with the Department of Justice, has reviewed the Election Code and provided proposed Amendments to it to the Legislature; and

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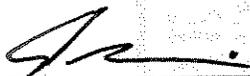
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- WHEREAS, the Legislative Counsel's Office reviewed the proposed Amendments and made changes to the proposed Amendments to the Election Code to conform the law to other laws of the Nation; and
- WHEREAS, on November 25, 2008 the Legislature held an off-site to review the proposed Amendments to the Election Code; and
- WHEREAS, Members of the Election Board and the Attorney General participated in the off-site; and
- WHEREAS, the *Legislative Organization Act* (2 HCC § 13) controls the process for Amendments to laws of the Nation; and
- WHEREAS, Section 31, subparagraph d (1) (a) of the *Legislative Organization Act* provides that the Public Review period will typically be forty-five days.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority places the proposed Amendments to the *Election Code* (2 HCC § 6) out for forty-five day public comment.

CERTIFICATION

I, the undersigned, as Tribal Secretary, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **8** constituting a quorum were present at a meeting duly called and convened and held on the **22nd day of December, 2008**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **8 members, 0 opposed, and 0 abstaining**, pursuant to the authority of Article V, Section 2(a) and (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.



Elliott Garvin, Tribal Secretary

12-22-08

Date