



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE APPOINTMENTS TO SERVE ON THE SECRETARIAL ELECTION BOARD AND REQUEST OF SECRETARIAL ELECTION BOARD FOR UPCOMING SECRETARIAL ELECTION RESOLUTION 2-17-09 F

- 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, pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") gives the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(d) of the Constitution grants the Legislature to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; 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(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 XIII, Section 2 of the Constitution provides that "[i]t shall be the duty of the Secretary of the Interior to call and hold an election [a Secretarial Election] on any proposed amendment to this Constitution at the request of two thirds (2/3) of the entire Legislature, at the request of the General Council, or upon presentation of a petition signed by thirty (30) percent of the eligible voters of the Ho-Chunk Nation."; and
- WHEREAS,** the Legislature passed by the required number of votes Resolution 11-05-08 A entitled "REQUEST TO BIA TO CONDUCT A SECRETARIAL ELECTION."; and
- WHEREAS,** Each proposed Amendment to the Constitution will be voted on separately. If adopted, the proposed Amendments would:
- (1) require DNA testing for enrollment applicants;
  - (2) add another Executive Department to the government;
  - (3) change the requirement of the Legislature to conduct redistricting from at least once every five years to at least once every ten years; or
  - (4) require Legislators to possess a four-year baccalaureate degree from a college.

#### **Executive Offices**

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**WHEREAS,** By a letter dated January 30, 2009, the Midwest Regional Office of the Bureau of Indian Affairs (hereinafter "BIA") authorized the Superintendent of the Great Lakes Agency of the BIA to call and conduct a Secretarial Election; and

**WHEREAS,** Secretarial Elections are held pursuant to regulations found in 25 CFR § 81; and

**WHEREAS,** Twenty-five CFR § 81.8 entitled "Election Board" subsection (a) provides:

There shall be an election board [hereinafter "Secretarial Election Board"] consisting of the officer in charge acting as chairman and at least two representatives of the tribal governing body or an authorized representative committee. Where such persons may be unwilling or unable to serve, the chairman shall select at least two adult members of the tribe to serve. In addition, the officer in charge may appoint an interpreter and as many clerks and poll watchers as he/she deems necessary, but they shall not be members of the board.

**WHEREAS,** Twenty-five CFR § 81.8 entitled "Election Board" subsection (b) provides:

It shall be the duty of the board to conduct elections in compliance with the procedures described in this part and in particular:

- (1) To see that the name of each person offering to vote is on the official list of registered voters;
- (2) To keep the ballot boxes locked at all times except when ballots are being counted;
- (3) To see that ballots are cast only by registered voters and that the voting list is checked to indicate this;
- (4) To begin to count the regularly cast ballots immediately after the close of the polls and then the absentee ballots, pursuant to §81.21;
- (5) To post and certify the election returns;
- (6) To return the following to the officer in charge:
  - (i) The ballots (in marked and locked boxes);
  - (ii) All unused ballots; and
  - (iii) The completed Certificate of Results of Election. The officer in charge shall retain the ballots and other material among official records for at least one year. At the end of one year, the officer in charge shall forward the contents of the boxes and other related material to the appropriate Federal Records Center.

**WHEREAS,** Twenty-five CFR § 81.10 entitled "District Election Board" provides:

(a) Where voting districts have been established by the tribal constitution, ordinance, resolution, or by the election board, the election board shall appoint district election boards for each district, which shall have the duties prescribed above for the election board except that they shall return to the election board: (1) The ballots (in marked and locked boxes), (2) All unused ballots, and (3) Their certifications of the district election results on the certification forms prescribed by the election board.

(b) The board will compile the election results for the entire reservation and transmit them together with the aforementioned ballots and ballot boxes to the officer in charge.

**WHEREAS,** Article V, Section (1) (b) of the Ho-Chunk Nation Constitution establishes voting districts for the Ho-Chunk Nation; and

**WHEREAS,** the Ho-Chunk Nation *Election Ordinance* (2 HCC § 6) establishes an Election Board [hereinafter "Ho-Chunk Nation Election Board"].

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority and the requirements of 25 CFR § 81.8, appoints to serve on the Secretarial Election Board the following individuals:

1. the Chairperson of the Ho-Chunk Nation Election Board,
2. the Office Administrator of the Ho-Chunk Nation Election Board,
3. the Chairperson of the General Council Agency,
4. the Office Administrator of the General Council, and
5. the paralegal of the Ho-Chunk Nation Legislature.

**BE IT FURTHER RESOLVED** that the Legislature, pursuant to its Constitutional authority, requests that the Secretarial Election Board appoint Members of the Ho-Chunk Nation Election Board to serve as the district election boards for each district.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies that the Legislature of the Ho-Chunk Nation, composed of 11 members of whom 9 constituting a quorum were present at a meeting duly called and convened and held that on the 17<sup>th</sup> day of February, 2009, that the foregoing resolution was adopted at said meeting by an affirmative vote of 9 members, 0 opposed, and 0 abstaining, pursuant to the 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 the foregoing 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

2-17-09  
Date

