



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE REQUEST TO BIA FOR CONTRACT AID TO TRIBAL GOVERNMENTS PROGRAM FOR FUNDS TO CONDUCT A SECRETARIAL ELECTION

#### RESOLUTION 12-22-11 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(b) of the Constitution grants the Legislature the power to "establish Executive Departments, and to delegate legislative powers to the Executive branch to be administered by such Departments, in accordance with the law; any Department established by the Legislature shall be administered by the Executive; the Legislature reserves the power to review any action taken by virtue of such delegated power;" 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 IV, Section (1) of the Constitution provides that "the People of the Ho-Chunk Nation hereby grant all inherent sovereign powers to the General Council. All eligible voters of the Ho-Chunk Nation are entitled to participate in General Council;" and
- WHEREAS**, Article IV, Section (2) provides that "[t]he General Council hereby authorizes the legislative branch to make laws and appropriate funds in accordance with Article V. The General Council hereby authorizes the executive branch to enforce the laws and administer funds in accordance with Article VI. The General Council hereby authorizes the judicial branch to interpret and apply the laws and Constitution of the Nation in accordance with Article VII;" and

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**WHEREAS**, Article IV, Section (3) provides that “(a) The General Council retains the power to set policy for the Nation.

(b) The General Council retains the power to review and reverse actions of the Legislature except those enumerated in Section 4 of this Article. The General Council shall return such reversals to the Legislature for reconsideration consistent with the action of the General Council. The General Council retains the power to review and reverse decisions of the Judiciary which interpret actions of the Legislature. The General Council does not retain the power to review and reverse decisions of the Judiciary which interpret this Constitution.

(c) The General Council retains the power to propose amendments in accordance with Article XIII, including those which reverse decisions of the Judiciary interpreting this Constitution.

(d) The General Council retains the power to establish its own procedures in accordance with this Constitution.

(e) The General Council retains the power to call a Special Election.

(f) Actions by the General Council shall be binding;” and

**WHEREAS**, Article XIII, Section 1 provides that “[t]his Constitution may be amended by a majority vote of the qualified voters of the Ho-Chunk Nation voting at an election called for that purpose by the Secretary of Interior, provided, that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until approved by the Secretary of the Interior or until deemed approved by the Secretary by operation of law. If the voters adopt the amendment(s), the Secretary of Interior shall approve such amendment(s), within forty-five (45) days after the election unless the amendment(s) are contrary to applicable law.

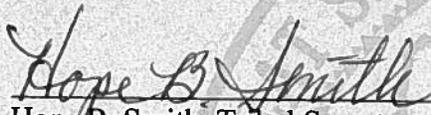
**WHEREAS**, Article XIII, Section 2 provides that “it shall be the duty of the Secretary of Interior to call and hold an election on any proposed amendment to this Constitution at the request of two thirds (2/3) of the entire Legislature, at the request of the General Council, or upon presentation of a petition signed by thirty (30) percent of the eligible voters of the Ho-Chunk Nation.”

**WHEREAS**, the Nation requests a contract with the BIA’s Aid to Tribal Governments Program for the purpose of receiving funds to conduct the Secretarial Election.

**NOW THEREFORE, BE IT RESOLVED** that the Legislature requests that a contract with the the Bureau of Indian Affairs from their Aid to Tribal Governments Program be initiated to conduct a Secretarial Election on proposed amendments to the Constitution under Article XIII, Section 2 of the Constitution to the following General Council Resolutions.

### CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13 members**, of whom **12** constituting a quorum were present at a meeting duly called and convened and held on the **22th day of December, 2011**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **11 members, 0 opposed, and 1 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.

  
\_\_\_\_\_  
Hope B. Smith, Tribal Secretary

  
\_\_\_\_\_  
Date

