



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
ADOPTING CONFORMING AMENDMENTS
TO THE *ELECTION CODE* (2 HCC § 6)
CONSISTENT WITH THE HO-CHUNK NATION CONSTITUTION**

RESOLUTION 1-04-11 G

- 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 11/17/09K;
- WHEREAS,** the Ho-Chunk Nation held a Secretarial Election, conducted in conjunction with the Bureau of Indian Affairs, on May 6, 2009, wherein the tribal membership voted to amend the Constitution

Res. 1-4-11 G

Executive Offices

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(known as Amendment IV) to add a requirement that members of the Legislature shall possess a four-year baccalaureate degree conferred by an accredited institution of higher education; and

WHEREAS, the Bureau of Indian Affairs certified the results of the Secretarial Election, confirmed the adoption of Amendment IV, and indicated an effective date of June 20, 2009; and

WHEREAS, as a result of the adoption of Amendment IV to the Constitution, the qualifications for Legislators to become elected as Representatives of the Nation are in effect for the Nation's elections in the Spring of 2011 (which is the first General Election that has been held since enactment of Amendment IV); and

WHEREAS, to conform the Nation's Election Code with the Constitution, the Election Board proposed amendments and sent these proposed amendments to the Department of Justice for review and then forwarded them to the Legislative Counsel's Office in August 2009; and

WHEREAS, the Administration Committee of the Legislature reviewed the proposed amendments to the Election Code on December 10, 2009 and tabled for further review and comment; and

WHEREAS, the Nation's Election Board has called for the Nation's General Election to take place on June 7, 2011, and the General Primary Election to take place on March 8, 2011, pursuant to the Nation's Constitution; and

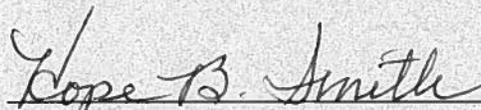
WHEREAS, the amended qualifications for Legislators are set forth in the Nation's Constitution and, by operation of such Supreme Law, must be followed by the Nation and Election Board; and

WHEREAS, the Legislature finds it necessary to amend the Election Code to conform to Amendment IV of the Constitution;

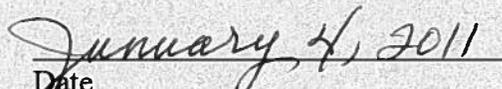
NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, adopts the amendments to the *Election Code* (2 HCC § 6), as reflected in the language proposed by the Election Board in August 2009 and, more recently, on January 4, 2011 before the Legislature.

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 9 constituting a quorum were present at a meeting duly called and convened and held on the 4th day of **January, 2011**, that the foregoing resolution was adopted at said meeting by an affirmative vote of 9 members, 0 opposed, and 0 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, Tribal Secretary



Date