



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
RESCISSION OF RESOLUTION 10-4-11B
REGARDING REQUEST FOR A SECRETARIAL ELECTION
PURSUANT TO GENERAL COUNCIL RESOLUTION 09-17-2011 12**

RESOLUTION 10-18-11C

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(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 1 of the Constitution 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.;" and

WHEREAS, Article XIII, Section 2 of the Constitution 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.;" and

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WHEREAS, the Ho-Chunk Nation President called an Annual General Council meeting which was held on September 17, 2011; and

WHEREAS, the Ho-Chunk Nation is composed of 5256 members of whom 1587 registered for voting purposes; and

WHEREAS, "A Resolution to Amend the Constitution Repealing Amendment V, Which Requires a Bachelors Degree to Serve as a Legislator" was presented at duly called General Council 2011 with an affirmative vote of 762 eligible voting member, 757 opposed, and 68 abstaining; and

WHEREAS, the Ho-Chunk Nation Legislature recognizes that **Resolution 09-17-2011 12** is a request by the General Council and are therefore entitled to go through the Secretarial Election process, but that passage of this resolution shall not be seen as an endorsement of any General Council resolution by the Legislature; and

WHEREAS, the Legislature adopted *Resolution 10-4-11B* at its Session on October 4, 2011 to request that the Secretary of the Interior call and conduct a Secretarial Election to amend the Nation's Constitution consistent with the wishes of the General Council expressed in Resolution 9-17-2011 12; and

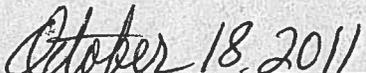
WHEREAS, after adoption of *Resolution 10-4-11B*, the Legislature reconsidered its position and adopted a motion to rescind *Resolution 10-4-11B* so that a separate resolution could be adopted that furthers the same request for Secretarial Election, but on an expedited basis with the Secretary of the Interior.

NOW THEREFORE, BE IT RESOLVED that the Legislature rescinds *Resolution 10-4-11B* in light of the Legislature's post-resolution determination to make the same request, but on an expedited basis to the Secretary of the Interior.

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 10 constituting a quorum were present at a meeting duly called and convened and held on the **18th day of October, 2011**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **7 members, 3 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