



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE CALL FOR THE ELECTION BOARD TO RECONSIDER IT'S DECISION AND CONDUCT A GENERAL ELECTION IN DISTRICT 4 RESOLUTION 1-06-09 C

- 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,** on November 18, 2008 the Election Board conducted a Special Election for Redistricting that enabled eligible Ho-Chunk Nation voters to vote for one of eight Redistricting Scenarios; and
- WHEREAS,** on November 19, 2008 the Election Board certified the Election results; and
- WHEREAS,** Redistricting Scenario 5 received the most votes; and
- WHEREAS,** the Trial Court dismissed all legal challenges to Redistricting Scenario 5; and
- WHEREAS,** on December 29, 2009 the Election Board posted an official Notice that it called for a General Primary Election for March 14, 2009; and
- WHEREAS,** The Notice provided for General Elections for District 1 (Seats 1 & 3), District 2 (Seats 2 & 3), District 3 (Seat 2), and District 5 (Seats 1, 3, & 4), but did not provide for a General Election for District 4; and
- WHEREAS,** pursuant to the holding of *Robert Mudd v. Ho-Chunk Nation Legislature et. al.* Case No. SU03-02 (April 8, 2003), the notice is constitutional and there is no constitutional requirement that District 4 have a General Election; and
- WHEREAS,** while Constitutional the Legislature is concerned that not holding a General Election for District 4 in the upcoming election will not provide District 4 with a Legislator who lives within that District for the next two years; and
- WHEREAS,** another alternative would be for the Election Board to hold General Elections for District 1 (2 Seats); District 2 (1 Seat); District 3 (1 Seat); District 4 (1 Seat); and District 5 (3 Seats); and
- WHEREAS,** the Legislature believes that there are a number of advantages to this second alternative including that District 4 will have a Legislator who resides in District 4 for the next two years and beyond; and

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WHEREAS, while the Legislature believes that the second alternative is better, it does not possess the authority to overrule the Election Board's decision; and

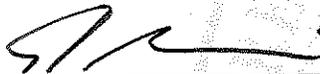
WHEREAS, Article VIII, Section 4 of the Constitution provides that "[t]he Election Board shall conduct all General and Special Elections. At least sixty (60) days before the election, the Election Board may adopt rules and regulations governing elections."; and

WHEREAS, the Election Board already scheduled a meeting for January 10, 2009.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional Authority, request that at its January 10, 2009 meeting the Election Board reconsider its decision and conduct a General Election in District 4.

CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **7** constituting a quorum were present at a meeting duly called and convened and held on the **6th day of December, 2008**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **6 members, 1 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

1-6-09
Date

