

******DEFEATED RESOLUTION******

**HO-CHUNK NATION LEGISLATURE
ADOPTING AMENDMENTS
TO THE *ELECTION CODE* (2 HCC § 6)
RESOLUTION 5-05-09 A**

- 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(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation; 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 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.
- WHEREAS,** the Legislature adopted by Resolution 9/01/98A the *Election Code* (2 HCC § 6), which was last Amended by Resolution 11/19/02A.
- WHEREAS,** the Election Board proposed Amendments to the *Election Code* and sent these proposed Amendments to the Department of Justice for review and then forwarded them to the Legislative Counsel’s Office; and
- WHEREAS,** the Legislative Counsel’s Office reviewed the proposed Amendments and the Legislature sent the proposed Amendments to the Administration Committee; and
- WHEREAS,** the Administration Committee reviewed the proposed Amendments and sent them to the full Legislature; and

WHEREAS, on November 25, 2008 the Legislature conducted an off-site and Election Board Members participated in the off-site; and

WHEREAS, on December 22, 2008 the Legislature passed a Resolution to place the *Election Code* out for forty-five day public comment; and

WHEREAS, during the forty-five day public comment period, the Election Board held two meetings to go over the proposed Amendments to the *Election Code* and provided the Election Board's comments on the *Election Code*.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, adopts the Amendments to the *Election Code* (2 HCC § 6), which shall only be effective for elections occurring after the June 2, 2009 General Elections.

CERTIFICATION

I, the undersigned, as Tribal Secretary, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **8** constituting a quorum were present at a meeting duly called and convened and held on the **5th day of May, 2009**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **3 members, 4 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.

Elliott Garvin, Tribal Secretary

Date