



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
PLACING PROPOSED AMENDMENTS TO THE
ELECTION ORDINANCE (2 HCC § 6) OUT FOR
FORTY-FIVE DAY PUBLIC COMMENT
RESOLUTION 9-09-09 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(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(g) of the Constitution grants the Legislature the authority to set its own procedures, select its officers, and to enact laws governing attendance of its members, including penalties for absences; 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 "[t]he 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,** the Legislature adopted the *Election Code* (2 HCC § 6), which was last amended on June 23, 2009; and
- WHEREAS,** the *Election Code* calls for eleven Election Board Members and the Election Board Members to be selected at each District Meeting; and
- WHEREAS,** Resolution 07-21-09 H increased the number of District Meetings from eleven to twelve and provided that Indian Heights shall have a District Meeting; and

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W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

WHEREAS, in order to make sure that each District Meeting has an opportunity to select an Election Board Member and that each location with a District Meeting has a polling site on election day the Legislature must amend the *Election Code*; and

WHEREAS, the *Legislative Organization Act* (2 HCC § 13) controls the process for amendments to laws of the Nation; and

WHEREAS, section 31, subparagraph d (1) (a) of the *Legislative Organization Act* provides that the Public Review period will typically be forty-five days.

NOW THEREFORE BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority places the proposed amendments to the *Election Ordinance* (2 HCC § 6) out for forty-five day public comment.

CERTIFICATION

I, the undersigned, as Tribal Secretary, 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 9th day of September, 2009, that the foregoing resolution was adopted at said meeting by an affirmative vote of 12 members, 0 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.

Hope B. Smith
Hope B. Smith, Tribal Secretary

9-09-09
Date

