



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE SUBMISSION OF FINAL PROPOSAL ON REDISTRICTING TO THE ELECTION BOARD AND NOTIFICATION OF SPECIAL ELECTION TO HO-CHUNK TRIBAL MEMBERS RESOLUTION 9-23-08 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(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions; and
- WHEREAS,** Article V, Section 4 provides that "[t]he Legislature shall have the power to redistrict or reapportion including changing, establishing, or discontinuing Districts."; and
- WHEREAS,** Article V, Section 4 provides that "[t]he Legislature shall redistrict and reapportion at least once every five (5) years beginning in 1995, in pursuit of one-person/one-vote representation ... [a]ny redistricting or reapportionment shall be completed at least six (6) months prior to the next election, and notice shall be provided to the voters."; and
- WHEREAS,** the last redistricting occurred on October 20, 2004; and
- WHEREAS,** pursuant to Article VIII, Section 8, the next General Election is scheduled for June 2, 2009; and
- WHEREAS,** Any redistricting must be completed by December 2, 2008 which is six months prior to the next General Election; and
- WHEREAS,** the Legislature started to work on the process of creating different Redistricting Scenarios and presented five Redistricting Scenarios at Area Meetings in the month of July and August of 2008; and
- WHEREAS,** the Legislature also placed information surrounding Redistricting in the official newspaper of the Nation, the *Hocak Worak*, and on the Nation's website; and
- WHEREAS,** the Legislature encouraged Ho-Chunk Members to comment on the proposed Redistricting Scenarios and create their own Redistricting Scenario(s); and
- WHEREAS,** to comply with the requirements of the Constitution, the Legislature placed a deadline of September 12, 2008 for Ho-Chunk Members to comment on the proposed Redistricting Scenarios and create their own Redistricting Scenario(s); 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,** Ho-Chunk Members made comments on the five proposed Redistricting Scenarios and created three Redistricting Scenarios; and
- WHEREAS,** Article V, Section 4 provides that “[t]he Legislature shall exercise this power [the power to Redistrict] only by submitting a final proposal to the vote of the People by Special Election which shall be binding and which shall not be reversible by the General Council.”; and
- WHEREAS,** in *Mr. Chloris Lowe Jr. and Mr. Stewart J. Miller v. Ho-Chunk Nation Legislature Members Elliot[t] Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone, in their official capacity and individually; and Ho-Chunk Nation Election Board CV 00-104 (Nov. 3, 2000)*, the Ho-Chunk Nation Trial Court held that “[t]he Court holds that designating three (3) scenarios as a final proposal without reserving any subsequent right to amend represents a permissible construction of the constitutional requirement. A final proposal may reasonably include component parts, and the presence of more than one choice on the ballot may prove in the best interests of the membership.”; and
- WHEREAS,** the Court also noted in that case that “[l]astly, the ‘one-person/one-vote’ principle assures relative equality in the legislative process which undertakes to accommodate the foregoing [effective representation] through just and fair compromise.”; and
- WHEREAS,** pursuant to the requirements of the *Legislative Organization Act (2 HCC § 11)*, the Legislature conducted an Off-Site to determine which Redistricting Scenarios to present as the Legislature’s final proposal; and
- WHEREAS,** at the Off-Site, it was determined to present all Eight Redistricting Scenarios as the Legislature’s final proposal; and
- WHEREAS,** at the Off-Site, it was determined that presenting all Eight Redistricting Scenarios for vote at the upcoming Special Election would best enable the Ho-Chunk Members to determine the structure of their government and allowing voters to vote on all Eight Redistricting Scenarios was in the best interest of the Ho-Chunk Members.

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its Constitutional Authority, submits a final proposal containing eight component parts [Redistricting Scenarios 1-8] to the Ho-Chunk Nation Election Board for the Election Board to conduct a Special Election;

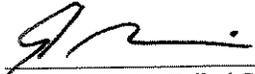
BE IT FURTHER RESOLVED that the Special Election shall be completed prior to December 2, 2008;

BE IT FURTHER RESOLVED that notice of the Special Election shall occur through the following methods:

- (a) The IT Department of the Nation, working in conjunction with the Legislative Counsel’s Office, shall place all Eight Redistricting Scenarios, along with a legal description of the Eight Redistricting Scenarios, on the Legislative Section of the Nation’s website;
- (b) The Election Board shall post an Official Notice of the Special Election at the ten Polling Places;
- (c) The *Hocak Worak*, working in conjunction with the Legislative Counsel’s Office, shall run a Special Edition related to the issue of Redistricting to inform the Ho-Chunk Nation Members about the Special Election and the Eight Redistricting Scenarios; and
- (d) The Legislative Counsel’s Office shall work with Legislators to make presentations on the Eight Redistricting Scenarios at the upcoming Area Meetings in the months of October and November.

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 **8** constituting a quorum were present at a meeting duly called and convened and held on the **23rd day of September, 2008**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **5 members, 1 opposed, and 2 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

9-23-08

Date

