

# **CONSTITUTION of the HO-CHUNK NATION**

## **PREAMBLE**

We the People, pursuant to our inherent sovereignty, in order to form a more perfect government, secure our rights, advance the general welfare, safeguard our interests, sustain our culture, promote our traditions and perpetuate our existence, and secure the natural and self-evident right to govern ourselves, do ordain and establish this Constitution for the Ho-Chunk Nation.

## **ARTICLE I - TERRITORY AND JURISDICTION**

Section 1. Territory. The territory of the Ho-Chunk Nation shall include all lands held by the Nation or the People, or by the United States for the benefit of the Nation or the People, and any additional lands acquired by the Nation or by the United States for the benefit of the Nation or the People, including but not limited to air, water, surface, subsurface, natural resources and any interest therein, notwithstanding the issuance of any patent or right-of-way in fee or otherwise, by the governments of the United States or the Ho-Chunk Nation, existing or in the future.

Section 2. Jurisdiction. The jurisdiction of the Ho-Chunk Nation shall extend to all territory set forth in Section 1 of this Article and to any and all persons or activities therein, based upon the inherent sovereign authority of the Nation and the People or upon Federal law.

## **ARTICLE II - MEMBERSHIP**

Section 1. Requirements. The following persons shall be eligible for membership in the Ho-Chunk Nation, provided, that such persons are not enrolled members of any other Indian nation:

- (a) All persons of Ho-Chunk blood whose names appear or are entitled to appear on the official census roll prepared pursuant to the Act of January 18, 1881 (21 Stat. 315), or the Wisconsin Winnebago Annuity Payroll for the year one thousand nine hundred and one (1901), or the Act of January 20, 1910 (36 Stat. 873), or the Act of July 1, 1912 (37 Stat. 187); or

- (b) All descendants of persons listed in Section 1(a), provided, that such persons are at least one-fourth (1/4) Ho-Chunk blood.
- (c) DNA must prove parentage. “DNA” means deoxyribonucleic acid. **[Amendment II adopted on May 6, 2009 which became effective June 20, 2009 by operation of law.]**
- (d) Beginning the date this amendment is approved, the Ho-Chunk Nation shall no longer consider or accept for enrollment any person who has previously been enrolled as a member of another Tribe (including the Winnebago Tribe of Nebraska). **[Amendment I adopted on January 26, 2000 and approved by the Secretary on March 3, 2000.]**

Section 2. Relinquishment of Membership and Re-enrollment. Enrollment in any other Indian Nation shall constitute voluntary relinquishment of membership. Adult members may relinquish their membership or the membership of their minor children. Relinquishment of membership shall be done in writing. Any adult member who has voluntarily requested to be removed from the Membership Roll shall not be eligible for re-enrollment. Any minor whose membership has been relinquished by a parent shall be eligible for re-enrollment upon reaching the age of eighteen (18).

Section 3. Re-enrollment by General Council. Any person at least one-fourth (1/4) Ho-Chunk blood who has relinquished membership under Section 2 of this Article may be re-enrolled into membership by a two-thirds (2/3) vote of the General Council, provided, that such individual is not an enrolled member of any other Indian Nation.

Section 4. Membership Roll. The Legislature shall maintain one official roll of all tribal members.

Section 5. Membership Code. The Legislature shall have the power to enact laws not inconsistent with this Article to govern membership. Removal of any person who is not eligible for membership from the Membership Roll shall be done in accordance with the Membership Code. Removal of any person from the Membership Roll shall be determined by the Judiciary. The rule of law shall be applied based on the evidence and DNA evidence. All decisions of the Judiciary shall be final. **[Amendment XVI adopted on January 26, 2016 which became effective on February 11, 2016 by operation of law.]**

Section 6. Appeals. Any person who has been rejected for enrollment or who has been removed from the Membership Roll shall have the right to appeal to the Judiciary for a remedy in equity consistent with this Constitution.

## **ARTICLE III - ORGANIZATION OF THE GOVERNMENT**

Section 1. Sovereignty. The Ho-Chunk Nation possesses inherent sovereign powers by virtue of self-government and democracy.

Section 2. Branches of Government. The government of the Ho-Chunk Nation shall be composed of four (4) branches: General Council, Legislature, Executive, and Judiciary.

Section 3. Separation of Functions. No branch of the government shall exercise the powers or functions delegated to another branch.

Section 4. Supremacy Clause. This Constitution shall be the supreme law over all territory and persons within the jurisdiction of the Ho-Chunk Nation.

## **ARTICLE IV - GENERAL COUNCIL**

Section 1. Powers of the General Council. The People of the Ho-Chunk Nation hereby grant all inherent sovereign powers to the General Council. All eligible voters of the Ho-Chunk Nation are entitled to participate in General Council.

Section 2. Delegation of Authority. The General Council hereby authorizes the legislative branch to make laws and appropriate funds in accordance with Article V. The General Council hereby authorizes the executive branch to enforce the laws and administer funds in accordance with Article VI. The General Council hereby authorizes the judicial branch to interpret and apply the laws and Constitution of the Nation in accordance with Article VII.

Section 3. Powers Retained by the General Council.

- (a) The General Council retains the power to set policy for the Nation. This policy shall be resolutions proposed and approved at Annual Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council. This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within forty-five (45) days after a majority vote of the qualified voters of the Ho-Chunk Nation General Council at Annual Meetings and Special Meetings. The Executive Branch shall enforce this policy within sixty (60) days of the majority vote of the qualified voters of the Ho-Chunk Nation General Council. In the event that this policy is not enacted by the Legislative Branch or enforced by the Executive Branch within fifteen (15) days of

the aforementioned deadlines, the Ho-Chunk Nation General Council shall file suit in the Ho-Chunk Nation Tribal Court against elected officials of the Ho-Chunk Nation branch of government. The Supreme Court of the Ho-Chunk Nation shall have original jurisdiction within fifteen (15) days of filing date of suit. **[Amendment X adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]**

- (b) The General Council retains the power to review and reverse actions of the Legislature except those enumerated in Section 4 of this Article. The General Council shall return such reversals to the Legislature for reconsideration consistent with the action of the General Council. The General Council retains the power to review and reverse decisions of the Judiciary which interpret actions of the Legislature. The General Council does not retain the power to review and reverse decisions of the Judiciary which interpret this Constitution.
- (c) The General Council retains the power to propose amendments in accordance with Article XIII, including those which reverse decisions of the Judiciary interpreting this Constitution.
- (d) The General Council retains the power to establish its own procedures in accordance with this Constitution.
- (e) The General Council retains the power to call a Special Election.
- (f) Actions by the General Council shall be binding.
- (g) General Council Branch delegates authority to General Council Agency to select, hire manage and supervise General Council Branch personnel to accomplish the tasks mandated by General Council. **[Amendment VI adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]**

Section 4. Excepted Powers. The General Council does not retain the power to review actions relating to the hiring or firing of personnel.

Section 5. Annual Meetings. The People shall meet in General Council at least one time each year, which shall be called by the President, and at other times as provided in Section 6 of this Article. Notice shall be provided by the President for all Annual Meetings of the General Council.

Section 6. Special Meetings. Special Meetings of the General Council shall be called by the President upon petition by twenty (20) percent of the eligible voters, or upon written request of a majority of the Legislature, or

when deemed necessary by the President. Notice shall be provided by the President for all Special Meetings of the General Council.

Section 7. Procedures. Twenty (20) percent of the eligible voters of the Nation present in General Council shall constitute a quorum. Each action of the General Council shall require the presence of a quorum. The President shall call all Annual and Special General Council Meetings, except those meetings called pursuant to Article IX, Section 2. When a quorum is attained, the General Council shall select either the President or another person to conduct the meeting. A secretary shall be appointed to record the minutes of all General Council meetings, including any votes taken. The secretary shall transmit the minutes of General Council meetings to the Legislature.

## ARTICLE V - LEGISLATURE

Section 1. Composition of the Legislature.

- (a) Legislative powers shall be vested in the Legislature.
- (b) The Legislature shall be composed of Representatives from the following Districts, subject to Section 4 of this Article: the Black River Falls District, consisting of Clark, Eau Claire and Jackson counties, which shall elect three (3) members; the Wisconsin Dells District, consisting of Wood, Juneau, Adams, Columbia, and Sauk counties, which shall elect three (3) members; and the La Crosse-Tomah District, consisting of La Crosse, Monroe, Vernon, and Crawford counties, which shall elect one (1) member; and the Wittenberg District, consisting of Marathon and Shawano counties, which shall elect one (1) member; and three (3) members which shall be elected at-large from outside the Districts listed above. [**See appended Resolution 05-21-2019 I**]
- (c) The Legislature shall select from among its Members a Vice President to serve throughout such Member's term. The President shall preside over meetings of the Legislature. The Vice President shall preside over meetings of the Legislature in the absence of the President and at such times the Vice President shall retain the power to vote.

Section 2. Powers of the Legislature. The Legislature shall have the power:

- (a) To make laws, including codes, ordinances, resolutions, and statutes;
- (b) To establish Executive Departments, and to delegate legislative powers to the Executive branch to be administered by such Departments, in accordance with the law; any Department established by the

Legislature shall be administered by the Executive; the Legislature reserves the power to review any action taken by virtue of such delegated power;

- (c) To constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature;
- (d) To authorize expenditures by law and appropriate funds to the various Departments in an annual budget;
- (e) To raise revenue, including the power to levy and collect taxes and license fees;
- (f) To set the salaries, terms and conditions of employment for all government personnel;
- (g) To set its own procedures, select its officers, and to enact laws governing attendance of its members, including penalties for absences;
- (h) To enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation;
- (i) To negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals;
- (j) To authorize and appropriate funds to employ legal counsel in accordance with applicable law;
- (k) To acquire or purchase lands for the benefit of the Nation and its members;
- (l) To enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets;
- (m) To enact laws to prevent the sale, disposition, or encumbrance of Ho-Chunk lands, or other Ho-Chunk assets;
- (n) To purchase under condemnation proceedings any lands within the jurisdiction of the Ho-Chunk Nation;
- (o) To enact laws to regulate and zone any lands within the jurisdiction of the Ho-Chunk Nation;
- (p) To enact laws to create and regulate a system of property including but

not limited to use, title, deed, estate, inheritance, transfer, conveyance, and devise;

- (q) To issue charters of incorporation, to charter corporations and other organizations for economic or other purposes, and to regulate their activities;
- (r) To protect and foster Ho-Chunk religious freedom, culture, language, and traditions;
- (s) To promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation;
- (t) To enact laws governing law enforcement on lands within the jurisdiction of the Nation;
- (u) To enact laws to regulate domestic relations of persons within the jurisdiction of the Nation;
- (v) To establish and maintain headquarters for the Ho-Chunk Nation;
- (w) To enact laws to regulate hunting, fishing, trapping, recreation and all other related activities on lands within the Nation's jurisdiction;
- (x) 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.
- (y) The Legislature may overturn any Presidential Veto, by a 2/3 supermajority vote. The Legislature must exercise its veto within fourteen calendar days (14) after the President notifies the Legislature of the veto. The President shall serve notice of the veto to the Vice-President and in the absence of the Vice-President notice will be provided to the full Legislature by placing the veto on the agenda under New Business at the next legislative meeting. **[Amendment IX adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]**

Section 3. Codes. 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.

Section 4. Redistricting or Reapportionment. The Legislature shall have the power to redistrict or reapportion including changing, establishing, or discontinuing Districts. The Legislature shall maintain an accurate census for the purposes of redistricting or reapportionment. The Legislature shall redistrict and reapportion at least once every ten (10) years beginning in 1995, in pursuit of one-person/one-vote representation. The Legislature shall exercise this power 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. Any redistricting or reapportionment shall be completed at least six (6) months prior to the next election, and notice shall be provided to the voters. **[Amendment IV adopted on May 6, 2009 which became effective June 20, 2009 by operation of law. This section was changed to require redistricting and reapportionment once every ten (10) years.]**

Section 5. Compensation. Members of the Legislature shall receive reasonable compensation. No increase or decrease in compensation for Legislators shall take effect until after the next General Election. No member of the Legislature shall receive compensation as an employee or in any other capacity within the Executive branch during their term of office.

Section 6. Terms of Office. Members of the Legislature shall serve four (4) year terms not to exceed two (2) consecutive four (4) year terms, which shall be staggered, unless the Legislator's first term is filling a vacancy under Article IX of Constitution, it will not count as a term for purposes of this section. Legislators shall represent their respective Districts until their successors have been sworn into office except if the Legislator has been successfully removed or recalled in accordance with this Constitution. Members of the Legislature shall be elected by a majority vote of the eligible voters from their respective Districts. **[Amendment VII adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]**

Section 7. Qualifications. Members of the Legislature shall be at least twenty five (25) years old and eligible to vote. No person shall become a member of the Ho-Chunk Nation Legislature if otherwise employed by the Ho-Chunk Nation. No person convicted of a felony shall serve as a Legislator unless pardoned. **[Amendment XIII adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]**

Section 8. Meetings. The Legislature shall hold regular monthly meetings. The Legislature may hold special meetings as necessary. Members of the Legislature shall hold and attend regularly scheduled meetings in their respective Districts. Failure to attend such monthly or District meetings on a

regular basis may constitute grounds for removal or recall. The Legislature shall not schedule a special meeting at the same time as a regularly scheduled District meeting.

Section 9. Open Meetings. All meetings of the Legislature shall be open to all members of the Nation, except when in Executive Session.

Section 10. Executive Session. The Legislature may, upon duly recorded vote, go into executive session. At such sessions, all persons, except members of the Legislature and its officers, shall be excluded from the meeting chamber, except any person whose presence shall be required by the Legislature.

Section 11. Quorum. A majority of the Legislature shall constitute a quorum. A quorum shall be necessary to transact official business of the Legislature. Each session of the Legislature shall require a quorum.

Section 12. Voting. A majority vote of the quorum shall be necessary to exercise the powers of the Legislature, except as otherwise provided by this Constitution. The votes of each member of the Legislature shall be recorded in the minutes of the meeting.

Section 13. Budget. The Legislature shall enact an annual budget. The budget shall include an appropriation of operating funds for each branch of the government. The Legislature shall not appropriate funds which have not been authorized by law. No item shall be included in the budget if it is not authorized by law.

## ARTICLE VI - EXECUTIVE

### Section 1. Composition of the Executive Branch.

- (a) The Executive power of the Ho-Chunk Nation shall be vested in the President of the Ho-Chunk Nation.
- (b) The Executive Branch shall be composed of any administrative Departments created by the Legislature, including a Department of the Treasury, Justice, Administration, Housing, Business, Health, Social Services, Education, Labor, and Personnel, and other Departments deemed necessary by the Legislature. Each Department shall include an Executive Director, a Board of Directors, and necessary employees. The Executive Director of the Department of Justice shall be called the Attorney General of the Ho-Chunk Nation. The Executive Director of the Department of the the Treasury shall be called the Treasurer of the Ho-Chunk Nation. **[Amendment III adopted May 6, 2009 which**

**became effective June 20, 2009 by operation of law which separated the Department of Health and Social Services into two (2) separate departments – Department of Health and the Department of Social Services.]**

Section 2. Powers of the President. The President shall have the power:

- (a) To execute and administer the laws of the Ho-Chunk Nation, including the right to veto within fourteen (14) calendar days any action of the Legislature unless overturned by the Legislature pursuant to Article V Section 2(y). The President cannot retroactively veto Legislation passed before enactment of this Amendment. [**Amendment IX adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.**]
- (b) To make recommendations to the Legislature on matters of interest or benefit to the Nation;
- (c) To propose legislation and an annual budget to the Legislature;
- (d) To administer all Departments, boards, and committees created by the Legislature;
- (e) To nominate the Executive Directors of each Department subject to confirmation by the Legislature except that if a confirmation vote is not taken by the Legislature within ninety (90) days the nomination shall be deemed confirmed;
- (f) To remove an Executive Director of a Department or to reassign an Executive Director to another position;
- (g) To select and hire personnel in accordance with applicable law;
- (h) To preside over meetings of the Legislature;
- (i) To cast the deciding vote in the Legislature in case of a tie;
- (j) To call Annual and Special Meetings of the General Council;
- (k) To represent the Ho-Chunk Nation on all matters that concern its interests and welfare;
- (l) To execute, administer, and enforce the laws of the Ho-Chunk Nation necessary to exercise all powers delegated by the General Council and the Legislature, including but not limited to the foregoing list of powers.

Section 3. Qualifications. The President shall be at least thirty-five (35) years old and eligible to vote. No person convicted of a felony shall serve as President unless pardoned.

Section 4. Compensation. The President shall receive reasonable compensation. No increase or decrease in compensation for the office of President shall take effect until after the next General Election.

Section 5. Term of Office. The President shall serve four (4) year terms not to exceed two (2) consecutive four (4) year terms, which shall be staggered unless the President's first term is filling a vacancy under Article IX of Constitution, it will not count as a term for purposes of this section. The President shall serve until a successor has been sworn into office. The President shall be elected by a majority of the eligible voters of the Ho-Chunk Nation. **[Amendment VIII adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]**

## ARTICLE VII - JUDICIARY

Section 1. Composition of the Judiciary. There shall be a Supreme Court of the Ho-Chunk Nation, a Trial Court of the Ho-Chunk Nation, such other lower courts of special jurisdiction as deemed necessary by the Legislature, and other forums of special jurisdiction for traditional dispute resolution as deemed necessary by the Legislature.

Section 2. Composition of the Supreme Court. There shall be one Chief Justice and two Associate Justices of the Supreme Court.

Section 3. Composition of the Trial Court. There shall be one Chief Judge of the Trial Court and other Associate Judges as deemed necessary by the Legislature.

Section 4. Powers of the Judiciary. The judicial power of the Ho-Chunk Nation shall be vested in the Judiciary. The Judiciary shall have the power to interpret and apply the Constitution and laws of the Ho-Chunk Nation.

Section 5. Jurisdiction of the Judiciary.

- (a) The Trial Court shall have original jurisdiction over all cases and controversies, both criminal and civil, in law or in equity, arising under the Constitution, laws, customs, and traditions of the Ho-Chunk Nation, including cases in which the Ho-Chunk Nation, or its officials and employees, shall be a party. Any such case or controversy arising within the jurisdiction of the Ho-Chunk Nation shall be filed in the Trial Court

before it is filed in any other court. This grant of jurisdiction by the General Council shall not be construed to be a waiver of the Nation's sovereign immunity.

- (b) The Supreme Court shall have appellate jurisdiction over any case on appeal from the Trial Court.

#### Section 6. Powers of the Trial Court.

- (a) The Trial Court shall have the power to make findings of fact and conclusions of law. The Trial Court shall have the power to issue all remedies in law and in equity including injunctive and declaratory relief and all writs including attachment and mandamus.
- (b) The Trial Court shall have the power to declare the laws of the Ho-Chunk Nation void if such laws are not in agreement with this Constitution.

#### Section 7. Powers of the Supreme Court.

- (a) The Supreme Court shall have the power to interpret the Constitution and laws of the Ho-Chunk Nation and to make conclusions of law. The Supreme Court shall not have the power to make findings of fact except as provided by enactment of the Legislature.
- (b) The Supreme Court shall have the power to establish written rules for the Judiciary, including qualifications to practice before the Ho-Chunk courts, provided such rules are consistent with the laws of the Ho-Chunk Nation.
- (c) Any decision of the Supreme Court shall be final.

#### Section 8. Qualifications.

- (a) The Chief Justice of the Supreme Court shall be at least forty (40) years old, and an attorney admitted to practice in any State and before the Ho-Chunk courts, a member of the Ho-Chunk Nation, and shall possess all qualifications required by enactment of the Legislature. No person convicted of a felony shall serve as Chief Justice of the Supreme Court unless pardoned. **[Amendment XI adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]**
- (b) Associate Justices of the Supreme Court shall have been admitted to practice before the Ho-Chunk Courts and shall possess all qualifications required by enactment of the Legislature. No person convicted of a felony shall serve as Associate Justice of the Supreme Court unless pardoned.

(c) The Chief Judge and Associate Judges of the Trial Court shall possess all qualifications required by enactment of the Legislature. No person convicted of a felony shall serve as Chief Judge or Associate Judge of the Trial Court unless pardoned.

Section 9. Terms of Office. The Chief Justice of the Supreme Court shall be elected to serve for six (6) years and until such time as an election is held and a successor has been sworn into office. At the first election for positions on the Supreme Court, the candidate receiving the highest number of votes for the position of Associate Justice shall serve a four year term; the candidate receiving the second highest number of votes shall serve a two year term. Thereafter, Associate Justices shall serve for four (4) year staggered terms. A Supreme Court Justice shall serve until a successor has been sworn into office.

Section 10. Election of Supreme Court Justices. Supreme Court Justices shall be elected by a majority vote of the eligible voters of the Ho-Chunk Nation, in accordance with the General Election provisions in Article VIII, Section 1, unless otherwise provided.

Section 11. Election of Trial Court Judges. The Chief Trial Judge and any Associate Judges to the Trial Court shall be elected by a majority vote of the eligible voters of the Ho-Chunk Nation in accordance with the General Election provisions in Article VIII Section 1, unless otherwise provided. All candidates shall be a member of the Ho-Chunk Nation. Trial Judges shall serve staggered four (4) year terms and shall serve until a successor has been sworn into office except if the Trial Court Judge has been successfully recalled or removed. In the event a Trial Court Judge is removed, the Legislature may appoint an Interim Trial Court Judge, until a successor has been sworn into office. **[Amendment XII adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]**

Section 12. Compensation. Supreme Court Justices and Trial Court Judges shall receive reasonable compensation. No increase or decrease in compensation for Justices or Judges shall take effect until after the next General Election or appointment to that office.

Section 13. Conflict of Interest. Any Justice or Judge with a direct personal or financial interest in any matter before the Judiciary shall recuse; failure to recuse constitutes cause for removal in accordance with Article IX, Section 4. The Legislature shall appoint a Justice or Judge pro tempore to fill any vacancy due to recusal.

Section 14. Right to Appeal. Any party to a civil action, or a defendant in a criminal action, who is dissatisfied with the judgement or verdict may

appeal to the Supreme Court. All appeals before the Supreme Court shall be heard by the full Court.

## **ARTICLE VIII - ELECTIONS**

Section 1. General Elections. General Elections shall be held on the first Tuesday in June of odd numbered years. Offices of the Legislature, Executive, and Judiciary shall be filled at General Elections.

Section 2. Special Elections. Special Elections shall be held when called for by the General Council, the Legislature, or by this Constitution or appropriate ordinances. In all Special Elections, notice shall be provided to the voters.

Section 3. Election Code. The Legislature shall enact an Election Code governing all necessary election procedures at least one hundred and twenty (120) days before the election.

Section 4. Election Board. The Legislature shall enact a law creating an Election Board. The 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. Election Board members shall serve for two (2) years. Election Board members may serve more than one term. The Legislature may remove Election Board members for good cause.

Section 5. Eligible Voters. Any member of the Ho-Chunk Nation who is at least eighteen (18) years old and who meets all other requirements established by the Ho-Chunk Nation shall be eligible to vote.

Section 6. Certification of Election Results. The Election Board shall certify election results within three (3) days after the date of the election.

Section 7. Challenges of Election Results. Any member of the Ho-Chunk Nation may challenge the results of any election by filing suit in the Trial Court within ten (10) days after the Election Board certifies the election results. The Trial Court shall hear and decide a challenge to any election within twenty (20) days after the challenge is filed in the Trial Court.

Section 8. Oath of Office. The Election Board shall administer the oath for the offices of President, Legislature, and Judiciary on the 4th Wednesday following the election after the Election Board certifies the Election results.

## **ARTICLE IX - REMOVAL, RECALL AND VACANCIES**

Section 1. General Council Removal of Legislators. The General Council may remove any member of the Legislature for malfeasance. No vote by the General Council to remove a member of the Legislature shall take place before such Legislator has been given reasonable notice of the impending action and has had a reasonable opportunity to be heard.

Section 2. General Council Removal of the President. The General Council may remove the President for malfeasance. No vote by the General Council to remove the President shall take place before such President has been given reasonable notice of the impending action and has had a reasonable opportunity to be heard.

Section 3. Legislative Removal of Legislators. The Legislature may remove a member of the Legislature for good cause. Any member of the Legislature subject to removal shall be informed of the charges, be given adequate notice of the impending removal action, and given an opportunity to prepare and present a defense including presenting witnesses and other evidence. An affirmative vote of three-fourths (3/4) of the entire Legislature shall be required for all Legislative removal actions under this Section. The Legislator subject to removal shall not vote.

Section 4. Legislative Removal of Judges. The Legislature may remove a Judge for good cause. A Judge subject to removal shall be informed of the charges, be given adequate notice of the impending removal action, and given an opportunity to prepare and present a defense including presenting witnesses and other evidence. An affirmative vote of three-fourths (3/4) of the entire Legislature shall be required for all legislative removal actions under this Section.

Section 5. Recall by General Council. The President, Legislators, and Members of the Judiciary shall be removable by recall vote at a Special Election requested by the General Council. At the request of the General Council, the Election Board shall hold a Special Election not less than thirty (30) days and not more than ninety (90) days from the date of the General Council request. If the Election Board fails to hold such Special Election within ninety (90) days, any eligible voter of the Nation may request the Trial Court to order such Special Election. In any Special Election, no more than three (3) persons shall be subject to recall vote.

Section 6. District Recall of Legislators. A member of the Legislature shall be removable by a recall vote called by a petition of thirty (30) percent of all eligible voters of the District which elected such member of the Legislature. A petition shall be submitted to the Election Board, which shall

hold a Special Election not less than thirty (30) days and not more than ninety (90) days from the date a petition is duly submitted. If the Election Board fails to hold such Special Election within ninety (90) days, any eligible voter of the Nation may request the Trial Court to order such Special Election.

Section 7. Removal for Felony Conviction while in Office. Any person serving as President, Legislator, or a member of the Judiciary, who is convicted of a felony while in office, shall be removed from office and such office shall be deemed vacant.

Section 8. Vacancies in the Judiciary. If a vacancy occurs in an office of the Supreme Court because of death, mental or physical incapacity, removal or recall vote, resignation, felony conviction, or any other reason, such vacancy shall be filled in the following manner:

- (a) If twelve (12) months or more remain before the next General Election, the Election Board shall call a Special Election in accordance with Article VIII.
- (b) If less than twelve (12) months remains before the next General Election, the Legislature shall fill the office by appointment.

Section 9. Vacancy of the Office of the President. If the office of the President becomes vacant by reason of death, mental or physical incapacity, removal or recall vote, resignation, felony conviction, or for any other reason, such vacancy shall be filled in the following manner:

- (a) If twelve (12) months or more remain before the next General Election, the Vice President shall serve as President pro tempore and the Election Board shall call a Special Election in accordance with Article VIII. Upon election of a President at a Special Election, the Vice President shall reassume his seat on the Legislature for the remainder of his term, if any.
- (b) If less than twelve (12) months remain before the next General Election, the Vice President shall serve as President pro tempore. If less than twelve (12) months but more than three (3) months remain before the next General Election, the Election Board shall call a Special Election in the appropriate District within thirty (30) days to fill the seat vacated by the Vice President. Upon election of a President at the next General Election, the Vice President shall reassume his seat on the Legislature for the remainder of his term, if any.
- (c) If less than three (3) months remain before the next General Election, the office shall remain vacant.

- (d) A Vice President serving in the capacity of President pro tempore shall not vote in the Legislature except to cast the deciding vote in case of a tie.
- (e) In the event both the Office of the President and Vice-President becomes vacant, the Representative currently serving in the Legislature who has served the longest, shall immediately call a special meeting of the Legislature for the purpose of selecting from its remaining members a Vice-President, pro tempore to serve pursuant to this Article. **[Amendment XV adopted on January 26, 2016 which became effective on February 11, 2016 by operation of law.]**

Section 10. Vacancies in the Legislature. If a vacancy occurs in the Legislature because of death, mental or physical incapacity, removal or recall vote, resignation, felony conviction, or for any other reason, such vacancy shall be filled in the following manner:

- (a) If three (3) months or more remain before the next General Election, the Election Board shall call a Special Election in the appropriate District to be held within thirty (30) days.
- (b) If less than three (3) months remains before the next General Election, the seat shall remain vacant, except when the Vice President assumes the office of the President pursuant to Section 9(b) of this Article, an election to fill that vacancy shall be held within thirty (30) days.

Section 11. Terms for Vacancies. Persons elected or appointed to fill a vacancy in the Judiciary, the Office of the President, or the Legislature shall serve out the term of the person whom they are replacing.

## ARTICLE X - BILL OF RIGHTS

Section 1. Bill of Rights.

- (a) The Ho-Chunk Nation, in exercising its powers of self-government, shall not:
  - (1) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
  - (2) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor

issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

- (3) subject any person for the same offense to be twice put in jeopardy;
- (4) compel any person in any criminal case to be a witness against himself;
- (5) take any private property for a public use without just compensation;
- (6) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense and to have these rights explained at the time of arrest;
- (7) require excessive bail, impose excessive fines, or inflict cruel and unusual punishments;
- (8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
- (9) pass any bill of attainder or ex post facto law; or
- (10) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

## **ARTICLE XI - STATUTES AND RESOLUTION**

Section 1. Statutes. All final decisions of the Legislature on matters of permanent interest shall be embodied in statutes. Such enactments shall be available for inspection by members of the Nation during normal business hours.

Section 2. Resolutions. All final decisions on matters of temporary interest where a formal expression is needed shall be embodied in a resolution, noted in the minutes, and shall be available for inspection by members of the Nation during normal business hours.

Section 3. Form. All statutes and resolutions shall be dated and numbered and shall include a certificate of verification.

Section 4. Review. The Legislature shall submit statutes and resolutions to the Secretary of Interior for approval when required by Federal law.

## ARTICLE XII - SOVEREIGN IMMUNITY

Section 1. Immunity of Nation from Suit. The Ho-Chunk Nation shall be immune from suit except to the extent that the Legislature expressly waives its sovereign immunity, and officials and employees of the Ho-Chunk Nation acting within the scope of their duties or authority shall be immune from suit. Except suits brought in Article IV Section 3(a). [**Amendment X adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.**]

Section 2. Suit Against Officials and Employees. Officials and employees of the Ho-Chunk Nation who act beyond the scope of their duties and authority shall be subject to suit in equity only for declaratory and non-monetary injunctive relief in Tribal Court by persons subject to its jurisdiction for purposes of enforcing rights and duties established by this constitution or other applicable laws.

## ARTICLE XIII - AMENDMENTS

Section 1. Requirements. This 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 Ho-Chunk Nation Election Board, provided, that at least thirty (30) percent of those entitled to vote shall vote in such election.

Section 2. Requests for a Secretarial Election. It shall be the duty of the Ho-Chunk Nation Election Board 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. [**Amendment XIV adopted on January 26, 2016 which became effective on February 11, 2016 by operation of law.**]

## ARTICLE XIV - SAVINGS CLAUSE

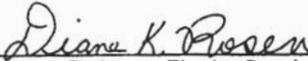
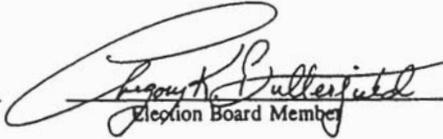
All actions of the Nation, formerly known as the Wisconsin Winnebago Tribe, taken before the effective date of this Constitution, including elections and terms of office, shall remain in full force and effect to the extent that they are consistent with this Constitution.

## **ARTICLE XV - ADOPTION OF CONSTITUTION**

This Constitution, when adopted by a majority vote of the registered voters voting at a Special Election authorized by the Secretary of the Interior in which at least thirty (30) percent of those registered in accordance with Secretarial regulations to vote shall vote, shall be submitted to the Secretary of the Interior for approval and, if approved by the Secretary of the Interior or by operation of law, shall be effective from the date of such approval.

## ARTICLE XVI - CERTIFICATE OF ADOPTION

Pursuant to a Secretarial election authorized by the Deputy Commissioner of Indian Affairs on May 27, 1994, the Constitution of the Ho-Chunk Nation of Wisconsin was submitted to the qualified voters of the Wisconsin Winnebago Tribe and on September 17, 1994, was duly adopted/rejected by a vote of 356 for, and 122 against, and 2 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 880 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

 Chairman, Election Board	
 Election Board Member	 Election Board Member
 Election Board Member	 Election Board Member
 Election Board Member	 Election Board Member

### APPROVAL

I, Ada E. Deer, Assistant Secretary - Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D.M. 2.4, do hereby approve the Constitution of the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe. This Constitution is effective as of this date; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.



Ada E. Deer  
Assistant Secretary - Indian Affairs

Washington, D.C.

Date: **NOV 01 1994**

**AMENDMENT NUMBER I**  
**ARTICLE II - MEMBERSHIP**

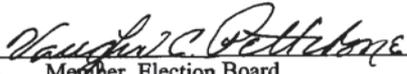
Section 1. Requirements.

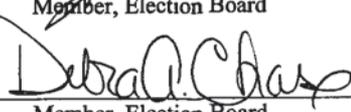
- (c) Beginning the date this amendment is approved, the Ho-Chunk Nation shall no longer consider or accept for enrollment any person who has previously been enrolled as a member of another Tribe (including the Winnebago Tribe of Nebraska).

**CERTIFICATE OF RESULTS OF ELECTION**

Pursuant to an order issued by Larry Morrin, Minneapolis Area Director, on September 24, 1999, this Proposed Amendment "A" was submitted to the qualified voters of the Ho-Chunk Nation on January 25, 2000, and was duly adopted by a vote of 229 for, and 77 against, and 0 cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 718 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
\_\_\_\_\_  
Chairman, Election Board

  
\_\_\_\_\_  
Member, Election Board

  
\_\_\_\_\_  
Member, Election Board

Date: **JAN 26 2000**

**CERTIFICATE OF APPROVAL**

I, **LARRY MORRIN**, Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby approve Amendment A, now designated as Amendment Number I, to the Constitution of the Ho-Chunk Nation. This amendment is effective as of this date: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

  
\_\_\_\_\_  
Regional Director

Date: **MAR 03 2000**

**AMENDMENT NUMBER II TO THE  
CONSTITUTION  
OF THE  
HO-CHUNK NATION**

**ARTICLE II—MEMBERSHIP**

Section 1. Requirements.

The following persons shall be eligible for membership in the Ho-Chunk Nation, provided, that such persons are not enrolled members of any other Indian nation:

- (a) All persons of Ho-Chunk blood whose names appear or are entitled to appear on the official census roll prepared pursuant to the Act of January 18, 1881 (21 Stat. 315), or the Wisconsin Winnebago Annuity Payroll for the year one thousand nine hundred and one (1901), or the Act of January 20, 1910 (36 Stat. 873), or the Act of July 1, 1912 (37 Stat. 187); or
- (b) All descendants of persons listed in Section 1(a), provided that such persons are at least one-fourth (1/4) Ho-Chunk blood.
- (c) **DNA must prove parentage. “DNA” means deoxyribonucleic acid.**
- (d) Beginning the date this amendment is approved, the Ho-Chunk Nation shall no longer consider or accept for enrollment any person who has previously been enrolled in another Tribe (including the Winnebago Tribe of Nebraska). [New section adopted by Amendment I on January 26, 2000 and approved by the Secretary on March 3, 2000.]

Having been duly adopted and approved, this proposed Amendment A is hereby designated as Amendment Number II to the Constitution of the Ho-Chunk Nation.

## AMENDMENT II - CERTIFICATE OF APPROVAL

Pursuant to an order issued by De Springer, Acting Midwest Regional Director, on January 30, 2009, this **Proposed Amendment A** was submitted to the eligible voters of the Ho-Chunk Nation on May 5, 2009, and was duly ~~adopted~~ rejected by a vote of 294 for, and 01 against, and 0 cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 951 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
Chairman, Election Board

  
Member, Election Board

  
Member, Election Board

  
Member, Election Board

  
Member, Election Board

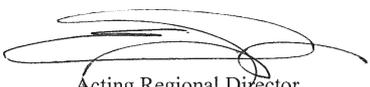
  
Member, Election Board

Date: May 6, 2009

### CERTIFICATE OF APPROVAL

I, **Eufrona O'Neill**, Acting Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby recognize as approved by operation of law, **Amendment A**, now designated as "**Amendment Number II**", to the Constitution of the Ho-Chunk Nation. This amendment is effective as of June 20, 2009: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Date: 6/24/09

  
Acting Regional Director

**AMENDMENT NUMBER III TO THE  
CONSTITUTION  
OF THE  
HO-CHUNK NATION**

**ARTICLE VI-EXECUTIVE**

Section 1. Composition of the Executive Branch

- (b) The Executive Branch shall be composed of any administrative Department created by the Legislature, including a Department of the Treasury, Justice, Administration, Housing, Business, **Health, Social Services**, Education, Labor, and Personnel, and other Departments deemed necessary by the Legislature. Each Department shall include an Executive Director, a Board of Directors, and necessary employees. The Executive Director of the Department of Justice shall be called the Attorney General of the Ho-Chunk Nation. The Executive Director of the Department of Treasury shall be called the Treasurer of the Ho-Chunk Nation.

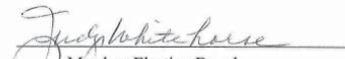
Having been duly adopted and approved, this proposed Amendment B is hereby designated as Amendment Number III to the Constitution of the Ho-Chunk Nation.

## AMENDMENT III - CERTIFICATE OF APPROVAL

Pursuant to an order issued by De Springer, Acting Midwest Regional Director, on January 30, 2009, this **Proposed Amendment B** was submitted to the eligible voters of the Ho-Chunk Nation on May 5, 2009, and was duly adopted/~~rejected~~ by a vote of 259 for, and 114 against, and 0 cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 851 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
Chairman, Election Board

  
Member, Election Board

  
Member, Election Board

  
Member, Election Board

  
Member, Election Board

  
Member, Election Board

Date: May 6, 2009

### CERTIFICATE OF APPROVAL

I, **Eufrona O'Neill**, Acting Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby recognize as approved by operation of law, **Amendment B**, now designated as "**Amendment Number III**", to the Constitution of the Ho-Chunk Nation. This amendment is effective as of June 20, 2009: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Date: 6/24/09

  
Acting Regional Director

**AMENDMENT NUMBER IV TO THE  
CONSTITUTION  
OF THE  
HO-CHUNK NATION**

**ARTICLE V–LEGISLATURE**

**Section 4. Redistricting or Reapportionment**

The Legislature shall have the power to redistrict including changing, establishing, or discontinuing Districts. The Legislature shall maintain an accurate census for the purposes of redistricting or reapportionment. The Legislature shall redistrict and reapportion at least once every ten **(10) years** beginning in 1995, in pursuit of one-person/one-vote representation. The Legislature shall exercise this power 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. Any redistricting or reapportionment shall be completed at least six (6) months prior to the next election, and notice shall be provided to the voters.

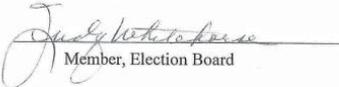
Having been duly adopted and approved, this proposed Amendment C is hereby designated as Amendment Number IV to the Constitution of the Ho-Chunk Nation.

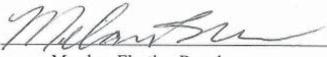
## AMENDMENT IV - CERTIFICATE OF APPROVAL

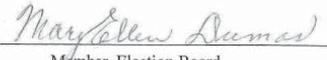
Pursuant to an order issued by De Springer, Acting Midwest Regional Director, on January 30, 2009, this **Proposed Amendment C** was submitted to the eligible voters of the Ho-Chunk Nation on May 5, 2009, and was duly adopted/rejected by a vote of 300 for, and 86 against, and 0 cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 051 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
Chairman, Election Board

  
Member, Election Board

  
Member, Election Board

  
Member, Election Board

  
Member, Election Board

  
Member, Election Board

Date: May 6, 2009

### CERTIFICATE OF APPROVAL

I, **Eufrona O'Neill**, Acting Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby recognize as approved by operation of law, **Amendment C**, now designated as "**Amendment Number IV**", to the Constitution of the Ho-Chunk Nation. This amendment is effective as of June 20, 2009: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Date: 6/24/09

  
Acting Regional Director

**AMENDMENT NUMBER V TO THE  
CONSTITUTION  
OF THE  
HO-CHUNK NATION**

**ARTICLE V–LEGISLATURE**

**Section 7. Qualifications**

Members of the Legislature shall be at least twenty five (25) years old and eligible to vote **and shall possess a four-year baccalaureate degree conferred by an accredited institution of higher education.** No person shall become a member of the Ho-Chunk Nation Legislature if otherwise employed by the Ho-Chunk Nation. No person convicted of a felony shall serve as a Legislator unless pardoned.

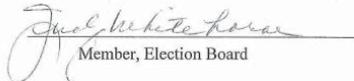
Having been duly adopted and approved, this proposed Amendment D is hereby designated as Amendment Number V to the Constitution of the Ho-Chunk Nation.

## AMENDMENT V - CERTIFICATE OF APPROVAL

Pursuant to an order issued by De Springer, Acting Midwest Regional Director, on January 30, 2009, this **Proposed Amendment D** was submitted to the eligible voters of the Ho-Chunk Nation on May 5, 2009, and was duly adopted rejected by a vote of 217 for, and 168 against, and 0 cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 851 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
Chairman, Election Board

  
Member, Election Board

  
Member, Election Board

  
Member, Election Board

  
Member, Election Board

  
Member, Election Board

Date: May 6, 2009

### CERTIFICATE OF APPROVAL

I, **Eufrona O'Neill**, Acting Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby recognize as approved by operation of law, **Amendment D**, now designated as "**Amendment Number V**", to the Constitution of the Ho-Chunk Nation. This amendment is effective as of June 20, 2009: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Date: 6/24/09

  
Acting Regional Director

**AMENDMENT NUMBER VI TO THE  
CONSTITUTION  
OF THE  
HO-CHUNK NATION**

**ARTICLE IV—GENERAL COUNCIL**

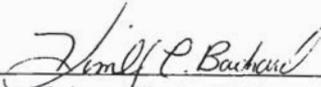
Section 3. Powers Retained by the General Council.

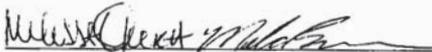
- (g) General Council Branch delegates authority to General Council Agency to select, hire, manage and supervise General Council Branch personnel to accomplish the tasks mandated by General Council.

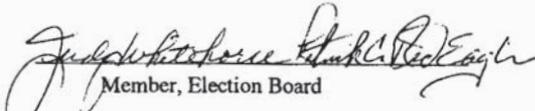
Having been duly adopted and approved, this proposed Amendment A is hereby designated as Amendment Number VI to the Constitution of the Ho-Chunk Nation.

## AMENDMENT VI - CERTIFICATE OF APPROVAL

Pursuant to an order issued by Diane Rosen, Midwest Regional Director, on April, 12 2012, this **Proposed Amendment A** was submitted to the eligible voters of the Ho-Chunk Nation on August 14, 2012, and was duly ~~adopted~~ rejected by a vote of 275 for, and 216 against, and 7 cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 1,111 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
Chairman, Election Board

  
Member, Election Board

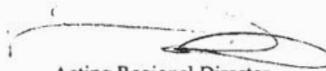
  
Member, Election Board

Date: 8/14/12

## CERTIFICATE OF APPROVAL

I, **Tammie Poitra**, Acting Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby recognize as approved by operation of law, **Amendment A**, now designated as "**Amendment Number VI**", to the Constitution of the Ho-Chunk Nation. This amendment is effective as of September 28, 2012: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Date: NOV 15 2012

  
Acting Regional Director

**AMENDMENT NUMBER VII TO THE  
CONSTITUTION  
OF THE  
HO-CHUNK NATION**

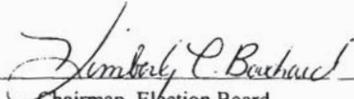
**ARTICLE V-LEGISLATURE**

Section 6. Terms of Office: Members of the Legislature shall serve four (4) year terms **not to exceed two (2) consecutive four (4) year terms**, which shall be staggered, **unless the Legislator's first term is filling a vacancy under Article IX of Constitution, it will not count as a term for purposes of this section.** Legislators shall represent their respective Districts until their successors have been sworn into office except if the Legislator has been successfully removed or recalled in accordance with this Constitution. Members of the Legislature shall be elected by a majority vote of eligible voters from their respective Districts.

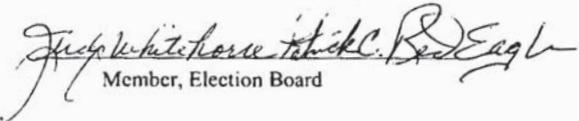
Having been duly adopted and approved, this proposed Amendment B is hereby designated as Amendment Number VII to the Constitution of the Ho-Chunk Nation.

## AMENDMENT VII - CERTIFICATE OF APPROVAL

Pursuant to an order issued by Diane Rosen, Midwest Regional Director, on April 12, 2012, this **Proposed Amendment B** was submitted to the eligible voters of the Ho-Chunk Nation on August 14, 2012, and was duly ~~adopted~~ rejected by a vote of 395 for, and 92 against, and 6 cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 4,111 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
Chairman, Election Board

  
Member, Election Board

  
Member, Election Board

Date: 8/14/12

## CERTIFICATE OF APPROVAL

I, **Tammie Poitra**, Acting Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby recognize as approved by operation of law, **Amendment B**, now designated as "**Amendment Number VII**", to the Constitution of the Ho-Chunk Nation. This amendment is effective as of September 28, 2012: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Date: NOV 15 2012

  
Acting Regional Director

**AMENDMENT NUMBER VIII TO THE  
CONSTITUTION  
OF THE  
HO-CHUNK NATION**

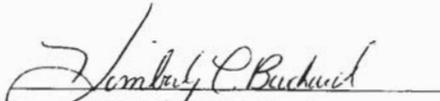
**ARTICLE VI-EXECUTIVE**

**Section 5. Term of Office: The President shall serve four (4) year terms not to exceed two (2) consecutive four (4) year terms, which shall be staggered unless the President's first term is filling a vacancy under Article IX of Constitution, it will not count as a term for purposes of this section. The President shall serve until a successor has been sworn into office. The President shall be elected by a majority vote of eligible voters of the Ho-Chunk Nation.**

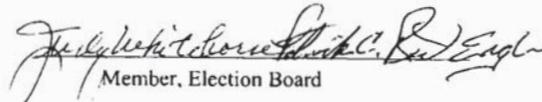
Having been duly adopted and approved, this proposed Amendment C is hereby designated as Amendment Number VIII to the Constitution of the Ho-Chunk Nation.

## AMENDMENT VIII - CERTIFICATE OF APPROVAL

Pursuant to an order issued by Diane Rosen, Midwest Regional Director, on April 12, 2012, this **Proposed Amendment C** was submitted to the eligible voters of the Ho-Chunk Nation on August 14, 2012, and was duly adopted/rejected by a vote of 376 for, and 111 against, and 6 cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 1,111 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
Chairman, Election Board

  
Member, Election Board

  
Member, Election Board

Date: 8/14/12

## CERTIFICATE OF APPROVAL

I, **Tammie Poitra**, Acting Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby recognize as approved by operation of law, **Amendment B**, now designated as "**Amendment Number VII**", to the Constitution of the Ho-Chunk Nation. This amendment is effective as of September 28, 2012: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Date: NOV 15 2012

  
Acting Regional Director

**AMENDMENT NUMBER IX TO THE  
CONSTITUTION  
OF THE  
HO-CHUNK NATION**

**ARTICLE VI-EXECUTIVE**

Section 2(a). To execute and administer the laws of the Ho-Chunk Nation, including the right to veto within fourteen (14) calendar days any action of the Legislature unless overturned by the Legislature pursuant to Article V Section 2(y). The President cannot retroactively veto Legislation passed before enactment of this Amendment.

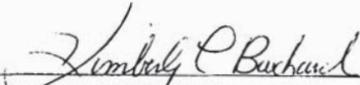
**ARTICLE V-LEGISLATURE**

Section 2(y). The Legislature may overturn any Presidential Veto, by a 2/3 supermajority vote. The Legislature must exercise its veto within fourteen calendar days (14) after the President notifies the Legislature of the veto. The President shall serve notice of the veto to the Vice-President and in the absence of the Vice-President notice will be provided to the full Legislature by placing the veto on the agenda under New Business at the next legislative meeting.

Having been duly adopted and approved, this proposed Amendment D is hereby designated as Amendment Number IX to the Constitution of the Ho-Chunk Nation.

## AMENDMENT IX - CERTIFICATE OF APPROVAL

Pursuant to an order issued by Diane Rosen, Midwest Regional Director, on April 12, 2012, this **Proposed Amendment D** was submitted to the eligible voters of the Ho-Chunk Nation on August 14, 2012, and was duly ~~adopted~~ rejected by a vote of 367 for, and 119 against, and 9 cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 1,111 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
Chairman, Election Board

  
Member, Election Board

  
Member, Election Board

Date: 8/14/12

## CERTIFICATE OF APPROVAL

I, **Tammie Poitra**, Acting Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby recognize as approved by operation of law, **Amendment D**, now designated as "**Amendment Number IX**", to the Constitution of the Ho-Chunk Nation. This amendment is effective as of September 28, 2012: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Date: NOV 15 2012

  
Acting Regional Director

**AMENDMENT NUMBER X TO THE  
CONSTITUTION  
OF THE  
HO-CHUNK NATION**

**ARTICLE XII-SOVREIGN IMMUNITY**

Section 1. Immunity of Nation from Suit. The Ho-Chunk Nation shall be immune from suit except to the extent that the Legislature expressly waives its sovereign immunity, and officials and employees of the Ho-Chunk Nation acting within the scope of their duties or authority shall be immune from suit. **Except suits brought in Article IV Section 3(a).**

**ARTICLE IV-GENERAL COUNCIL**

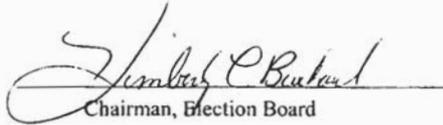
Section 3. Powers Retained by the General Council

(a) The General Council retains the power to set policy for the Nation. **This policy shall be resolutions proposed and approved at Annual Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council. This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within forty-five (45) days after a majority vote of the qualified voters of the Ho-Chunk Nation General Council at Annual Meetings and Special Meetings. The Executive Branch shall enforce this policy within sixty (60) days of the majority vote of the qualified voters of the Ho-Chunk Nation General Council. In the event that this policy is not enacted by the Legislative Branch or enforced by the Executive Branch within fifteen (15) days of the aforementioned deadlines, the Ho-Chunk Nation General Council shall file suit in the Ho-Chunk Nation Tribal Court against elected officials of the Ho-Chunk Nation branch of government. The Supreme Court of the Ho-Chunk Nation shall have original jurisdiction within fifteen (15) days of filing date of suit.**

Having been duly adopted and approved, this proposed Amendment E is hereby designated as Amendment Number X to the Constitution of the Ho-Chunk Nation.

## AMENDMENT X - CERTIFICATE OF APPROVAL

Pursuant to an order issued by Diane Rosen, Midwest Regional Director, on April 12, 2012, this **Proposed Amendment E** was submitted to the eligible voters of the Ho-Chunk Nation on August 14, 2012, and was duly ~~adopted~~ rejected by a vote of 307 for, and 180 against, and 5 cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 1,111 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
Chairman, Election Board

  
Member, Election Board

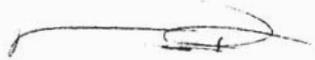
  
Member, Election Board

Date: 8/14/12

### CERTIFICATE OF APPROVAL

I, **Tammie Poitra**, Acting Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby recognize as approved by operation of law, **Amendment E**, now designated as "**Amendment Number X**", to the Constitution of the Ho-Chunk Nation. This amendment is effective as of September 28, 2012: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Date: NOV 15 2012

  
Acting Regional Director

**AMENDMENT NUMBER XI TO THE  
CONSTITUTION  
OF THE  
HO-CHUNK NATION**

**ARTICLE VII-JUDICIARY**

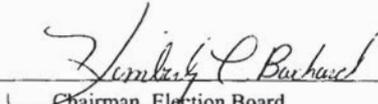
Section 8. Qualifications.

- (a)The Chief Justice of the Supreme Court shall be at least forty (40) years old, an attorney admitted to practice in any State and before the Ho-Chunk courts, a **member of the Ho-Chunk Nation**, and shall possess all qualifications required by enactment of the Legislature. No person convicted of a felony shall serve as Chief Justice of the Supreme Court unless pardoned.

Having been duly adopted and approved, this proposed Amendment F is hereby designated as Amendment Number XI to the Constitution of the Ho-Chunk Nation.

## AMENDMENT XI - CERTIFICATE OF APPROVAL

Pursuant to an order issued by Diane Rosen, Midwest Regional Director, on April 12, 2012, this **Proposed Amendment F** was submitted to the eligible voters of the Ho-Chunk Nation on August 14, 2012, and was duly ~~adopted~~ rejected by a vote of 355 for, and 115 against, and 5 cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 1,111 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
Chairman, Election Board

  
Member, Election Board

  
Member, Election Board

Date: 8/14/12

### CERTIFICATE OF APPROVAL

I, **Tammie Poitra**, Acting Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby recognize as approved by operation of law, **Amendment F**, now designated as "**Amendment Number XI**", to the Constitution of the Ho-Chunk Nation. This amendment is effective as of September 28, 2012: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Date: **NOV 15 2012**

  
Acting Regional Director

**AMENDMENT NUMBER XII TO THE  
CONSTITUTION  
OF THE  
HO-CHUNK NATION**

**ARTICLE VII-JUDICIARY**

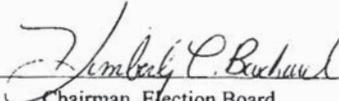
Section 9.

**Section 11. Election of Trial Court Judges.** The Chief Trial Judge and any Associate Judges to the Trial Court shall be elected by a majority vote of the eligible voters of the Ho-Chunk Nation in accordance with the General Election provisions in Article VIII Section 1, unless otherwise provided. All candidates shall be a member of the Ho-Chunk Nation. Trial Judges shall serve staggered four (4) year terms and shall serve until a successor has been sworn into office except if the Trial Court Judge has been successfully recalled or removed. In the event a Trial Court Justice is removed, the Legislature may appoint an Interim Trial Court Judge, until a successor has been sworn into office.

Having been duly adopted and approved, this proposed Amendment G is hereby designated as Amendment Number XII to the Constitution of the Ho-Chunk Nation.

## AMENDMENT XII - CERTIFICATE OF APPROVAL

Pursuant to an order issued by Diane Rosen, Midwest Regional Director, on April 12, 2012, this **Proposed Amendment G** was submitted to the eligible voters of the Ho-Chunk Nation on August 14, 2012, and was duly ~~adopted~~ rejected by a vote of 366 for, and 99 against, and 7 cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 1,111 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
Chairman, Election Board

  
Member, Election Board

  
Member, Election Board

Date: 8/14/12

## CERTIFICATE OF APPROVAL

I, **Tammie Poitra**, Acting Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby recognize as approved by operation of law, **Amendment G**, now designated as "**Amendment Number XII**", to the Constitution of the Ho-Chunk Nation. This amendment is effective as of September 28, 2012: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Date: NOV 15 2012

  
Acting Regional Director

**AMENDMENT NUMBER XIII TO THE  
CONSTITUTION  
OF THE  
HO-CHUNK NATION**

**ARTICLE V-LEGISLATURE**

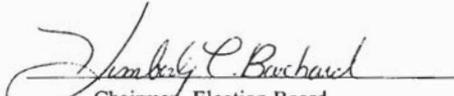
**Section 7. Qualifications**

Members of the Legislature shall be at least twenty five (25) years old and eligible to vote. No person shall become a member of the Ho-Chunk Nation Legislature if otherwise employed by the Ho-Chunk Nation. No person convicted of a felony shall serve as a Legislator unless pardoned.

Having been duly adopted and approved, this proposed Amendment H is hereby designated as Amendment Number XIII to the Constitution of the Ho-Chunk Nation.

# AMENDMENT XIII - CERTIFICATE OF APPROVAL

Pursuant to an order issued by Diane Rosen, Midwest Regional Director, on April 12, 2012, this **Proposed Amendment H** was submitted to the eligible voters of the Ho-Chunk Nation on August 14, 2012, and was duly ~~adopted~~ rejected by a vote of 266 for, and 216 against, and 8 cast ballots found separated or mutilated, in an election in which at least thirty percent (30%) of the 1,111 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
Chairman, Election Board

  
Member, Election Board

  
Member, Election Board

Date: 8/14/12

## CERTIFICATE OF APPROVAL

I, **Tammie Poitra**, Acting Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby recognize as approved by operation of law, **Amendment H**, now designated as "**Amendment Number XIII**", to the Constitution of the Ho-Chunk Nation. This amendment is effective as of September 28, 2012: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Date: NOV 15 2012

  
Acting Regional Director

**AMENDMENT NUMBER XIV TO THE  
CONSTITUTION  
OF THE  
HO-CHUNK NATION**

The Constitution shall be amended at Article XIII, Sections 1 and 2, by removing the Secretary of the Interior from the process of amending the Ho-Chunk Nation Constitution. Sections 1 and 2 shall be amended to read as follows:

**ARTICLE XIII – AMENDMENTS**

**Section 1. Requirements.**

This 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 Ho-Chunk Nation Election Board, provided, that at least thirty (30) percent of those entitled to vote shall vote in such election.

**Section 2. Request for a Secretarial Election.**

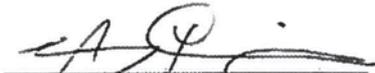
It shall be the duty of the Ho-Chunk Nation Election Board to call and hold an election on any proposed amendment to this Constitution at the request of two thirds (2/3) of the entire Legislature, at the request of the General Council, or upon presentation of a petition signed by thirty (30) percent of the eligible voters of the Ho-Chunk Nation.

Having been duly adopted and approved, this proposed Amendment A is hereby designated as Amendment Number XIV to the Constitution of the Ho-Chunk Nation.

## AMENDMENT XIV - CERTIFICATE OF APPROVAL

Pursuant to a May 21, 2015 Secretarial election authorization issued by Scott Sufficool, Acting Midwest Regional Director, this Proposed Amendment A was submitted to the qualified voters of the Ho-Chunk Nation on January 26, 2016, and was duly ~~adopted~~ rejected by a vote of 251 for, and 122 against, and 8 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 1071 members entitled to vote, cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
Chairman, Election Board

  
Member, Election Board

  
Member, Election Board

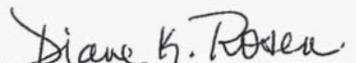
  
Member, Election Board

  
Member, Election Board

### CERTIFICATE OF APPROVAL

I, **Diane K. Rosen**, Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby approve **Amendment A**, now designated as "**Amendment Number XIV**", to the Constitution of the Ho-Chunk Nation. This amendment is effective as of this date: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Date: 2/11/16

  
Regional Director

**AMENDMENT NUMBER XV TO THE  
CONSTITUTION  
OF THE  
HO-CHUNK NATION**

The Constitution shall be amended at Article IX, by adding subsection (e) to Section 9 to establish the process to fill vacancies for the President and Vice-President. Article IX, Section 9 (e), shall be amended to read as follows:

**ARTICLE IX – REMOVAL, RECALL AND VACANCIES**

- (e) In the event both the Office of the President and Vice-President becomes vacant, the Representative currently serving in the Legislature who has served the longest, shall immediately call a special meeting of the Legislature for the purpose of selecting from its remaining members a Vice-President, pro tempore to serve pursuant to this Article.

Having been duly adopted and approved, this proposed Amendment B is hereby designated as Amendment Number XV to the Constitution of the Ho-Chunk Nation.

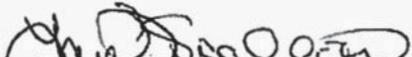
## AMENDMENT XV - CERTIFICATE OF APPROVAL

Pursuant to a May 21, 2015 Secretarial election authorization issued by Scott Sufficool, Acting Midwest Regional Director, this Proposed Amendment B was submitted to the qualified voters of the Ho-Chunk Nation on January 26, 2016, and was duly adopted/rejected by a vote of 300 for, and 70 against, and 5 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 671 members entitled to vote, cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
Chairman, Election Board

  
Member, Election Board

  
Member, Election Board

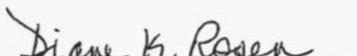
  
Member, Election Board

  
Member, Election Board

## CERTIFICATE OF APPROVAL

I, **Diane K. Rosen**, Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby approve **Amendment B**, now designated as "**Amendment Number XV**", to the Constitution of the Ho-Chunk Nation. This amendment is effective as of this date: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Date: 2/11/16

  
Regional Director

**AMENDMENT NUMBER XVI TO THE  
CONSTITUTION  
OF THE  
HO-CHUNK NATION**

The Constitution shall be amended at Article II, Section 5, by removing the General Council from the disenrollment process. Article II, Section 5, shall be amended to read as follows:

**ARTICLE II – MEMBERSHIP**

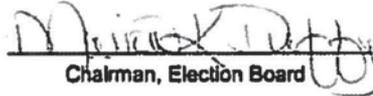
**Section 5. Membership Code.**

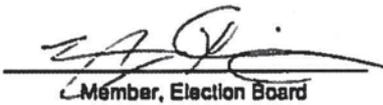
The Legislature shall have the power to enact laws not inconsistent with this Article to govern membership. Removal of any person who is not eligible for membership from the Membership Roll shall be done in accordance with the Membership Code. Removal of any person from the Membership Roll shall be determined by the Judiciary. The rule of law shall be applied based on the evidence and DNA evidence. All decisions of the Judiciary shall be final.

Having been duly adopted and approved, this proposed Amendment C is hereby designated as Amendment Number XVI to the Constitution of the Ho-Chunk Nation.

## AMENDMENT XVI - CERTIFICATE OF APPROVAL

Pursuant to a May 21, 2015 Secretarial election authorization issued by Scott Sufficool, Acting Midwest Regional Director, this Proposed Amendment C was submitted to the qualified voters of the Ho-Chunk Nation on January 26, 2016, and was duly adopted rejected by a vote of 279 for, and 90 against, and 8 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 671 members entitled to vote, cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

  
Chairman, Election Board

  
Member, Election Board

  
Member, Election Board

  
Member, Election Board

  
Member, Election Board

### CERTIFICATE OF APPROVAL

I, **Diane K. Rosen**, Regional Director, Midwest Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby approve **Amendment C**, now designated as "**Amendment Number XVI**", to the Constitution of the Ho-Chunk Nation. This amendment is effective as of this date: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Date: 2/11/16

  
Regional Director

**HO-CHUNK NATION LEGISLATURE  
REDISTRICTING AND REAPPORTIONMENT  
ARTICLE V, SECTION 1(B) OF THE  
CONSTITUTION OF THE HO-CHUNK NATION  
RESOLUTION 2-05-03 C**

**WHEREAS**, on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Nation; 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 Constitution grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes; and

**WHEREAS**, Article V, Section 1(b) of the Constitution provides for the composition of the Legislature by establishing Legislative Districts; and

**WHEREAS**, Article V, Section 4 of the Constitution requires the Legislature to redistrict and reapportion at least once every five (5) years; and

**WHEREAS**, the People of the Ho-Chunk Nation, by a vote of 265 for and 172 against, approved new Legislative Districts at a Special Election for Redistricting and Reapportionment on January 12, 2002; and

**WHEREAS**, a Legislative History of the Nation’s Redistricting or Reapportionment is required; and

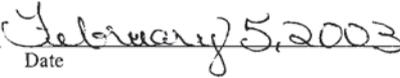
**WHEREAS**, Article V, Section 1(b) of the Constitution should be annotated to reference the new Legislative Districts.

**NOW THEREFORE, BE IT RESOLVED** that the Ho-Chunk Nation Legislature, pursuant to its constitutional authority, hereby approves and ratifies the attached Legislative History of the Nation’s Legislative Districts showing the new Districts approved by the Ho-Chunk People at the Special Election for Redistricting and Reapportionment held on January 12, 2002.

**BE IT FURTHER RESOLVED** that this Resolution with the attached Legislative History be appended to the Constitution of the Ho-Chunk Nation.

## CERTIFICATION

I, the undersigned, as Secretary for the Ho Chunk Nation Legislature, hereby certify that the Legislature of the Ho Chunk Nation, composed of **11 members**, of whom **11** constituting a quorum were present at a meeting duly called and convened and held on **5<sup>th</sup> day of February, 2003**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **11members, 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.

   
Marlene Gamroth, Legislative Secretary                      Date

**HO-CHUNK NATION LEGISLATURE  
REDISTRICTING AND REAPPORTIONMENT  
ARTICLE V, SECTION 1(B) OF THE  
CONSTITUTION OF THE HO-CHUNK NATION  
RESOLUTION 03-03-09 K**

**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 Legislature the power to make laws, including codes, ordinances, resolutions, and statutes; and

**WHEREAS,** Article V, Section 1(b) of the Constitution provides for the composition of the Legislature by establishing Legislative Districts; and

**WHEREAS,** Article V, Section 4 of the Constitution requires the Legislature to redistrict and reapportion at least once every five (5) years; and

**WHEREAS,** the People of the Ho-Chunk Nation approved new Legislative Districts at a Special Election for Redistricting and Reapportionment on November 18, 2008; and

**WHEREAS,** the People of the Ho-Chunk Nation voted for one of eight Redistricting Scenarios; and

**WHEREAS,** of the 495 votes cast, Scenario 5 received the most votes with 122; and

**WHEREAS,** on November 19, 2008 the Election Board certified the Election results; and

**WHEREAS,** the Election Board certified Redistricting Scenario 5 as having received the most votes; and

**WHEREAS,** As a result of Redistricting Scenario 5 receiving the most votes the Legislature shall be composed of thirteen (13) Legislators elected from the following Districts:

District 1: Wisconsin Counties of Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Jackson, Langlade, Lincoln, Marinette, Menominee, Oconto, Oneida, Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vilas and Washburn.

District 2: Wisconsin Counties of Crawford, Columbia, Dane, Grant, Iowa, La Crosse, Lafayette, Monroe, Richland, Sauk, and Vernon.

District 3: Wisconsin Counties of Adams, Brown, Calumet, Door, Fond du Lac, Green Lake, Juneau, Kewaunee, Manitowoc, Marathon, Marquette, Outagamie, Portage, Shawano, Sheboygan, Waupaca, Waushara, Winnebago and Wood.

District 4: Wisconsin Counties of Dodge, Green, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha.

District 5: Outside the State of Wisconsin.

**WHEREAS**, a Legislative History of the Nation's Redistricting or Reapportionment is required; and

**WHEREAS**, Article V, Section 1(b) of the Constitution should be annotated to reference the new Legislative Districts; and

**WHEREAS**, future printings of the Constitution with the annotation of Section 1(b), Article V to reflect the new Legislative Districts requires Legislative approval as to form and content.

**NOW THEREFORE BE IT RESOLVED** that the Ho-Chunk Nation Legislature, pursuant to its Constitutional authority, hereby approves and ratifies the attached Legislative History of the Nation's Legislative Districts showing the new Districts approved by the Ho-Chunk People at the Special Election for Redistricting and Reapportionment held on November 18, 2008.

**BE IT FURTHER RESOLVED** that this Resolution, along with the attached Legislative History, is appended to the Constitution of the Ho-Chunk Nation.

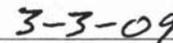
**BE IT FURTHER RESOLVED** that the Legislature requires any future printings of the Constitution to contain the attached language, along with the attached Legislative History.

**BE IT FURTHER RESOLVED** that the Legislature requires that the copy of the Constitution on the Nation's website shall be immediately changed to include the attached language, along with the attached Legislative History.

### CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies 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 that on the **3rd day of March, 2009**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **3 members, 2 opposed, and 2 abstaining**, pursuant to the 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 the foregoing 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



**HO-CHUNK NATION LEGISLATURE**  
*Governing Body of the Ho-Chunk Nation*

**HO-CHUNK NATION LEGISLATURE  
REDISTRICTING AND REAPPORTIONMENT  
ARTICLE V, SECTION 1(b) OF THE  
CONSTITUTION OF THE HO-CHUNK NATION**

**RESOLUTION 05-21-19 I**

- 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 Legislature the power to make laws, including codes, ordinances, resolutions, and, statutes; and
- WHEREAS,** Article V, Section 1(b) of the Constitution provides for the composition of the Legislature by establishing Legislative Districts; and
- WHEREAS,** Article V, Section 4 of the Constitution requires the Legislature to redistrict and reapportion at least once every ten (10) years; and
- WHEREAS,** the People of the Ho-Chunk Nation voted on October 12, 2018 for new Legislative Districts at a Special Election for Redistricting and Reapportionment by voting for one (1) of three (3) Redistricting Scenarios; and
- WHEREAS,** on October 13, 2018 the Election Board certified the Election results of Redistricting Scenario 10 receiving the most votes with 237 of the 544 total votes cast; and
- WHEREAS,** as a result of Redistricting Scenario 10 receiving the most votes the Legislature shall be composed of thirteen (13) Legislators elected from the following Districts:

District 1: Wisconsin Counties of Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Jackson, Langlade, Lincoln, Marathon, Marinette, Menominee, Oconto, Oneida, Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vilas and Washburn.

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

District 2: Wisconsin Counties of Crawford, Grant, Iowa, La Crosse, Lafayette, Juneau, Monroe, Richland, Sauk, and Vernon.

District 3: Wisconsin Counties of Adams, Brown, Columbia, Calumet, Dane, Dodge, Door, Fond du Lac, Green, Green Lake, Jefferson, Kenosha, Kewaunee, Manitowoc, Marquette, Milwaukee, Outagamie, Ozaukee, Portage, Racine, Rock, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago and Wood.

District 4: Outside the State of Wisconsin.

**WHEREAS,** a Legislative History of the Nation’s Redistricting or Reapportionment is required; and

**WHEREAS,** Article V, Section 1(b) of the Constitution should be annotated to reference the new Legislative Districts; and

**WHEREAS,** future printings of the Constitution with the annotation of Section 1(b), Article V to reflect the new Legislative Districts requires Legislative approval as to form and content;

**NOW THEREFORE BE IT RESOLVED** that the Ho-Chunk Nation Legislature, pursuant to its Constitutional authority, hereby approves and ratifies the attached Legislative History of the Nation’s Legislative Districts showing the new Districts approved by the Ho-Chunk People at the Special Election for Redistricting and Reapportionment held on October 12, 2018;

**BE IT FURTHER RESOLVED** that this Resolution, along with the attached Legislative History, is appended to the Constitution of the Ho-Chunk Nation;

**BE IT FURTHER RESOLVED** that the Legislature requires any future printings of the Constitution to contain the attached language, along with the attached Legislative History;

**BE IT FURTHER RESOLVED** that the Legislature requires that the copy of the Constitution on the Nation’s website shall be immediately changed to include the attached language, along with the attached Legislative History.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies 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 that on the **21<sup>st</sup> day of May, 2019**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **12 members, 0 opposed, and 0 abstaining**, pursuant to the 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 the foregoing resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.



Andrea Estebo, Tribal Secretary

05.21.2019

Date

05.21.19

**LEGISLATIVE HISTORY OF  
REDISTRICTING AND REAPPORTIONMENT  
SECTION 1(b), ARTICLE V - LEGISLATURE  
CONSTITUTION OF THE HO-CHUNK NATION**

**ARTICLE V - LEGISLATURE**

Section 1. Composition of the Legislature.

**October 12, 2018** (New Districts)

Section 1(b). The Legislature shall be composed of the thirteen (13) Representatives elected from the following four (4) Districts established pursuant to the October 12, 2018 Special Election for Redistricting and Reapportionment and subject to Section 4 of this Article.

1. District 1, consisting of the Wisconsin counties of Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Jackson, Langlade, Lincoln, Marathon, Marinette, Menominee, Oconto, Oneida, Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vilas and Washburn, which shall elect (3) members;

2. District 2, consisting of the Wisconsin counties of Crawford, Grant, Iowa, La Crosse, Lafayette, Juneau, Monroe, Richland, Sauk, and Vernon, which shall elect three (3) members;

3. District 3, consisting of the Wisconsin counties of Adams, Brown, Columbia, Calumet, Dane, Dodge, Door, Fond du Lac, Green, Green Lake, Jefferson, Kenosha, Kewaunee, Manitowoc, Marquette, Milwaukee, Outagamie, Ozaukee, Portage, Racine, Rock, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago and Wood, which shall elect three (3) members.

4. District 4, consisting of all the area outside the State of Wisconsin, which shall elect four (4) members.

Section 1. Composition of the Legislature.

**November 18, 2008** (Old Districts)

Section 1(b). The Legislature shall be composed of the thirteen (13) Representatives elected from the following five (5) Districts established pursuant to the November 18, 2008 Special Election for Redistricting and Reapportionment and subject to Section 4 of this Article.

1. District 1, consisting of the Wisconsin counties of Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Jackson, Langlade, Lincoln, Marinette, Menominee, Oconto, Oneida, Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vilas and Washburn, which shall elect (3) members;

2. District 2, consisting of the Wisconsin counties of Crawford, Columbia, Dane, Grant, Iowa, La Crosse, Lafayette, Monroe, Richland, Sauk, and Vernon, which shall elect three (3) members;

3. District 3, consisting of the Wisconsin counties of Adams, Brown, Calumet, Door, Fond du Lac, Green Lake, Juneau, Kewaunee, Manitowoc, Marathon, Marquette, Outagamie, Portage, Shawano, Sheboygan, Waupaca, Waushara, Winnebago and Wood, which shall elect two (2) members.

4. District 4, consisting of the Wisconsin counties of Dodge, Green, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha, which shall elect one (1) member.

5. District 5, consisting of all the area outside the State of Wisconsin, which shall elect four (4) members.

Section 1. Composition of the Legislature.

**January 12, 2002** (Old Districts)

Section 1(b). The Legislature shall be composed of the eleven (11) Representatives elected from the following five (5) Districts established pursuant to the January 12, 2002 Special Election for Redistricting and Reapportionment and subject to Section 4 of this Article.

(1) District 1, consisting of Wisconsin counties of Barron, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Jackson, Pepin, Pierce, Polk, Rusk, St. Croix, and Trempealeau, which shall elect three (3) members;

(2) District 2, consisting of the Wisconsin counties of Crawford, Grant, Iowa, La Crosse, Lafayette, Monroe, Richland, and Vernon, which shall elect one (1) member;

(3) District 3, consisting of Wisconsin counties of Ashland, Bayfield, Brown, Burnett, Calumet, Door, Douglas, Florence, Fond du Lac, Forest, Iron, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Menominee, Oconto, Oneida, Outagamie, Portage, Price, Sawyer, Shawano, Sheboygan, Taylor, Vilas, Washburn, Waupaca, Waushara, and Winnebago, which shall elect one (1) member;

(4) District 4, consisting of the Wisconsin counties of Adams, Columbia, Dane, Dodge, Green, Green Lake, Jefferson, Juneau, Kenosha, Marquette, Milwaukee, Ozaukee, Racine, Rock, Sauk, Walworth, Washington, Waukesha, and Wood, which shall elect three (3) members;  
and

(5) District 5, consisting of all the area outside of the State of Wisconsin, which shall elect three (3) members.

**November 1, 1994** (Old Districts)

Section 1(b). The Legislature shall be composed of Representatives from the following Districts, subject to Section 4 of this Article: the Black River Falls District, consisting of Clark, Eau Claire and Jackson counties, which shall elect three (3) members; the Wisconsin Dells District, consisting of Wood, Juneau, Adams, Columbia, and Sauk counties, which shall elect three (3) members; and the La Crosse-Tomah District, consisting of La Crosse, Monroe, Vernon, and Crawford counties, which shall elect one (1) member; and the Wittenberg District, consisting of Marathon and Shawano counties, which shall elect one (1) member; and three (3) members which shall be elected at-large from outside the Districts listed above.