



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE PLACING PROPOSED AMENDMENTS TO THE HO-CHUNK NATION ELECTION CODE OUT FOR FORTY-FIVE DAY PUBLIC COMMENT

RESOLUTION 11-06-12K

- WHEREAS,** on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") grants the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(b) of the Constitution grants the Legislature the power 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; and
- WHEREAS,** Article V, Section 2(f) of the Constitution grants the Legislature the power to set the salaries, terms and conditions of employment for all governmental personnel; and
- WHEREAS,** Article V, Section 2(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its Legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and
- WHEREAS,** the Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11); and
- WHEREAS,** the *Legislative Organization Act* (2 HCC § 13) controls the process for amendments to laws of the Nation; and
- WHEREAS,** section 31, subparagraph d (1) (a) of the *Legislative Organization Act* provides that the Public Review period will typically be forty-five days; and
- WHEREAS,** Article V, Section 3 of the Constitution provides that the Legislature shall adopt Codes governing Membership, Open Meetings, Elections, Ethics including conflicts of interest, nepotism, and the conduct of all elected and appointed officials and employees, and other Codes as deemed necessary; and

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WHEREAS, Article VIII, Section 3 of the Constitution requires that the Legislature enact an Election Code governing all necessary election procedures at least one hundred and twenty (120) days before the election; and

WHEREAS, the Legislature enacted an Election Ordinance and Code governing all necessary election procedures in 1995; and

WHEREAS, the Legislature has amended the Nation's Election Ordinance at various times over the years, as circumstances have required;

WHEREAS, the Ho-Chunk Nation held a Secretarial Election, conducted in conjunction with the Bureau of Indian Affairs, on August 14, 2012, wherein the tribal membership voted to amend the Constitution in several areas; and

WHEREAS, although all proposed amendments to the Constitution were approved by the voters in the Secretarial Election, the results were challenged at the federal level and have not yet been finally certified;

WHEREAS, the Nation's Election Board has reviewed and prepared various amendments to the Nation's Election Code, in anticipation of the BIA certifying the results of the Secretarial Election; and

WHEREAS, the amendments to the Nation's Constitution, should be become final, will require changes to the Nation's Election Code; and

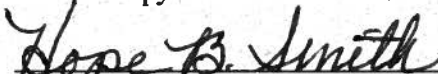
WHEREAS, the Election Board has requested that the Legislature consider enactment of its proposed amendments to the Election Code, since the tribal elections anticipated for the Spring of 2013 would need to be governed by any new legal provisions;

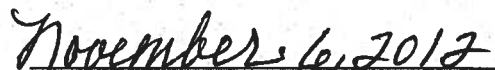
NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, authorizes placing the *Election Code* out for a 45 day public comment review period, as prescribed in the Legislative Organization Act, in order to ensure the Nation is prepared for any final results of the Secretarial Election and for the tribal elections in Spring 2013;

BE IT FURTHER RESOLVED, that the public comment period shall begin to run at the point when the Election Code is posted on the Nation's website.

CERTIFICATION

I, the undersigned, as Tribal Secretary, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members, of whom 8 constituting a quorum were present at a meeting duly called and convened and held on the 6th day of November, 2012, approved the foregoing resolution, which was adopted at said meeting by an affirmative vote of 8 members, 0 opposed, and 0 abstaining, pursuant to the authority of Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.


Hope B. Smith, Tribal Secretary


Date