

St. Croix Tribal Council

COUNCIL

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RESOLUTION NO. 94-7-6-1

for
al Chairman
d Lake Community

erty Benjamin
-Chairman
-ury Community

is Bearhart
-etary/Treasurer
-e Plain Community

. Butler
-al Administrator
-d Lake Community

rlis Lowe
-rber
-nd Lake Community

ECUTIVE SECRETARY

ry Hartmann

MPROLLER

ice E. Plaster

COUNTANT

omas J. Murphy

NG DEPARTMENT

Hartmann

IDENTAL BRANCH

vid Merrill
-dge

temate Judge

TRIAL ATTORNEY

onard J. Bichler

erge Morrison
-gal Affairs Specialist

ilie A. Nelson
-unt Clerk

IOLOGIST

Elizabeth Greff

ENTERPRISES

St. Croix Casino
Turtle Lake
-ote In The Wall Casino
Danbury
Chippewa Corners Cafe
-r -erry Bingo
Lake Bingo
Plain Bingo
-nd Lake Bingo & Casino

Ojibwa Construction Co.

WHEREAS, the St. Croix Chippewa Indians of Wisconsin is a federally recognized Tribe organized under 25 U.S.C. part 476, and is governed under the terms of the Constitution and ByLaws adopted by the tribal members on August 29, 1942, and approved by the Secretary of the Interior on November 12, 1942; and

WHEREAS, Article IV, Section 1 of the said Constitution and By-Laws provide that the St. Croix Council (herein referred to as the Tribal Council), shall be the governing body for the Tribe; and

WHEREAS, the Tribal Council has the authority under the Constitution and ByLaws to promulgate ordinances, resolution, institute regulations, and consider various legal matters that fall within the authority of a federally recognized Indian Tribe; and

WHEREAS, the Tribal Council has the authority under the Constitution and ByLaws regulate its own procedure and to promote the general welfare of the Tribe by regulating the conduct of trade and the use and disposition of property upon the tribal lands; and

WHEREAS, each of the Tribe and Tribal Council has the authority pursuant to Article VI of the Constitution to implement the right of referendum; and

WHEREAS, the Tribal Council wishes to implement the right of referendum as provided for and in accordance with Article VI of the Constitution.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council adopts the attached Referendum Ordinance.

Certification

I, the undersigned as Secretary of the St. Croix Tribal Council, do hereby certify that the Council is composed of five (5) members of whom 5 were present, constituting a quorum, at a meeting duly called, convened and held this 6 day of July, 1994, and that the foregoing Resolution was adopted at said meeting by an affirmative vote of 5 members for, 0 against, and 0 members abstaining from the vote, and that said Resolution has not been rescinded or amended in any way.

Curtis Bearhart
Curtis Bearhart, Secretary/Treasurer

ST. CROIX CHIPPEWA INDIANS
OF WISCONSIN

REFERENDUM ORDINANCE

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History Note:

Current Ordinances

Adopted _____, Tribal Resolution No. _____
effective immediately.

ST. CROIX CHIPPEWA INDIANS
OF WISCONSIN

REFERENDUM ORDINANCE

Contents:

101. Purpose and Authority.

The purpose of this ordinance is to implement the right of referendum as provided for and in accordance with Article VI of the Constitution of the St. Croix Chippewa Indians of Wisconsin. this ordinance is enacted pursuant to Article V, Section 1(f) and 2 of said constitution.

102. Definitions. As used in this ordinance:

(1) "Constitution" means the St. Croix Chippewa Indians of Wisconsin's Constitution and By-Laws adopted by the tribal members on August 29, 1942 and approved by the Secretary of the Interior on November 12, 1942.

(2) "Eligible Voter" or "those entitled to vote" shall mean any enrolled member of the Tribe whose name is shown upon the tribal membership role.

(3) "Notice" means publication of a tribal resolution or ordinance made available to the Eligible Voters by posting the resolution or ordinance in a public place, by first class mail or enclosed with per capita payment along with an explanation of the resolution or ordinance and a response form that informs the Eligible Voter that if the provisions of Section 104 of this ordinance are not followed, the right to a referendum vote on the resolution or ordinance terminates.

(4) "Secretary" means the Secretary of the Tribe and includes any and all staff acting under the direction of the Secretary.

(5) "Tribal Council" means the duly elected governing body of the Tribe pursuant to Article IV of the Constitution.

(6) "Tribe" shall mean the St. Croix Chippewa Indians of Wisconsin, a federally recognized Indian Tribe organized under 25 U.S.C. part 476.

103 Submission by the Tribal Council.

(1) The Tribal Council may submit any proposed ordinance or resolution to a popular referendum by resolution adopted by an affirmative vote of a majority of the Tribal Council.

Such resolution shall establish the date of the referendum election and the wording of the referendum question to appear on the ballot.

(2) The date for a referendum election conducted pursuant to this Section may be on any date after the adoption of the Tribal Council resolution setting the referendum and may, but need not, be conducted at the time of a general election. In no event, however, shall the time period between the mailing of referendum ballots and the deadline for the return of such ballots be less than ten (10) days.

104 Submission by Petition of Members.

(1) An ordinance or resolution enacted by the Tribal Council shall, after Notice, be submitted to a popular referendum upon written petition of not less than one-third of the Eligible Voters presented to the Tribal Council in accordance with this Section and pursuant to Article VI of the Constitution.

(2) The petition submitted shall be in substantially the following form:

"We, the undersigned Eligible Voters, request a referendum on [name of ordinance and number of resolution enacting ordinance, or number of ordinance or number of resolution] enacted by the Tribal Council on [date of enactment].

The petition shall bear the name and address of each signatory in legible form. The name and address of each signatory in legible form. The name and address of the person circulating the petition shall also be included.

(3) All petitions must be received at the office of the Secretary, no later than the close of business of the next business day following the expiration of ten (10) calendar days from the date of enactment of the ordinance or resolution of the Tribal Council which is the subject of the petition. This provision is mandatory and jurisdictional. Each petition submitted must contain the original signatures; no copies, duplications or facsimiles may be submitted.

(4) As soon as practicable after receipt of a petition, the Secretary shall consult with the Tribal Council and review tribal registration records to determine whether the petition contains the requisite number of signatures. The Secretary shall report to the Tribal Council on the matter at its next regular meeting or a special meeting called for that purpose.

(5) The Tribal Council shall determine whether the petition is valid not later than thirty (30) days after receipt of the petition. If the petition is determined to be valid, the Tribal Council shall establish a deadline for mailing of ballots to Eligible Voters not more than forty (40) days after receipt of the petition by the Tribal Council and shall provide for distribution and receipt of ballots. In no event shall the deadline for receipt of ballots exceed sixty (60) days from the receipt of the petition by the Tribal Council.

(6) The referendum question on the ballot shall be worded substantially as follows:

"Do you approve or disprove of [name of ordinance or number of resolution]?"

_____ approve

_____ disapprove"

(7) The Tribal Council may, in its sole discretion, suspend the effectiveness of any ordinance which is the subject of a referendum petition pending the referendum election. If the board does not act affirmatively to suspend such ordinance or resolution, it shall continue in effect during the pendency of the referendum election.

105 Conduct of Referendum Election.

(1) The referendum election shall be conducted by a Tribal Election Board appointed by the Tribal Council. The Tribal Council shall appoint twelve (12) judges from among the Eligible Voters to comprise the Tribal Election Board. It shall be the duty of the Tribal election Board to conduct the referendum in accordance with Article VI of the Constitution.

(2) The referendum election shall be conducted by the Tribal Election Board by first class mail.

(3) The Tribal Election Board may develop a short, objective explanatory statement of a referendum question and may place such statement directly on the ballot or as a separate insert accompanying the ballot.

106 Election Contest.

Any member of the Tribe may contest the results of a referendum election. The contest must be received by the Tribal Election Board within seven (7) days from the date of the referendum election. The written notice of contest must state in writing with specificity the grounds upon which the referendum election is being contested. The Tribal Election Board has seven (7) days to review the merits of the written notice of contest. The Tribal election Board shall, in its sole discretion, either certify the referendum election results or conduct another referendum election pursuant to Section 105.

107 Referendum Result.

(1) In the event that less than thirty percent (30%) of the Eligible Voters cast ballots in the referendum election, such election shall be null and void and of no consequence or effect. The result of any uncontested or certified referendum election in which at least thirty percent (30%) of the Eligible Voters cast ballots shall be valid and binding and conclusive upon the Tribe.

(2) The effective date of referendum election shall be upon the expiration of the period for filing an election contest, if no such contest is filed or, if such contest is filed, upon the certification of the referendum election by the Tribal Election Board.

(3) Any ordinance or resolution enacted by the Tribal Council which shall be disapproved at a valid referendum election by a majority of Eligible Voters voting in such referendum shall be repealed upon the effective date of the result of the referendum election.

(4) Any proposed ordinance or resolution submitted for referendum by the Tribal Council pursuant to Section 103 which shall be approved at a valid referendum election shall be thereafter enacted by the Tribal Council and be effective upon the effective date of the referendum election or on the date provided in such ordinance or resolution, whichever is later.