

**WHITE EARTH RESERVATION TRIBAL COUNCIL
A/K/A WHITE EARTH BUSINESS COMMITTEE
WHITE EARTH BAND OF CHIPPEWA INDIANS**

Resolution No. 001-17-018

- WHEREAS,** the White Earth Reservation Tribal Council is the duly elected governing body of the White Earth Reservation pursuant to Article VI, Section 1, of the revised constitution of the Minnesota Chippewa Tribe, as amended, and organized under Section 16, of the Act of June 18, 1934 (48 Stat. 984), and
- WHEREAS,** the White Earth Reservation Tribal Council, also known as the White Earth Reservation Business Committee, is the duly authorized governing body of the White Earth Band, and
- WHEREAS,** the White Earth Reservation Tribal Council has the responsibility to set policy and authorize regulations that pertain to the operations of the various departments of the White Earth Tribal government, and
- WHEREAS,** the White Earth Reservation Tribal Council has reviewed a proposed Referendum Ordinance which provides orderly procedures for the conduct of referendums in order to implement the MCT constitutional provision, and
- WHEREAS,** the White Earth Reservation Tribal Council placed this matter before the Tribal membership for public comment and input pursuant to Tribal Council policy for a thirty (15) day initial review period, and
- WHEREAS,** the White Earth Reservation Tribal Council reviewed all comments and input received following such public posting; and the White Earth Reservation Tribal Council finds that the procedures set forth in the Referendum Ordinance properly facilitate the referendum process.

NOW THEREFORE BE IT RESOLVED, that the White Earth Reservation Tribal Council hereby approves the White Earth Referendum Ordinance.

We do hereby certify that the foregoing resolution was adopted by a vote of 4 for, 0 against, 0 silent, a quorum being present at a special meeting of the White Earth Reservation Tribal Council held on August 7, 2017 in White Earth, Minnesota.



Terrence "Terry" Tibbetts, Chairman



Tara Mason, Secretary/Treasurer

WHITE EARTH BAND OF CHIPPEWA INDIANS

REFERENDUM ORDINANCE

Section 1. Purpose and Authority.

The purpose of this Ordinance is to implement the right of referendum as provided for and in accordance with Article XIV of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe (hereafter "Tribal Constitution". This ordinance is enacted pursuant to Article XIV, Section 2 of the Revised Constitution of the Minnesota Chippewa Tribe; and Article VI, Section 2 of the Bylaws of the Minnesota Chippewa Tribe.

Section 2. Findings and Declaration.

The Tribal Council finds and declares that:

- (1) Article XIV of the Tribal Constitution provides for a referendum on any Tribal ordinance or resolution on submission by the Reservation Business Committee or upon petition by eligible voters after adoption by the RBC.
- (2) Article XIV specifically provides that "the Reservation Business Committee shall call such referendum and prescribe the manner of conducting the vote". It is therefore necessary for the Tribal Council to enact an ordinance providing orderly procedures for the conduct of referendums in order to implement the constitutional provision.
- (3) Orderly procedures, including a time limit for petition by eligible voters, will promote the transaction of Tribal Governmental and commercial business. The Tribe conducts a large amount of its commercial and governmental activities by resolution, and the absence of procedures and a time limit would jeopardize Tribal contractual arrangements, create uncertainty in the conduct of Tribal commercial and governmental business, impair the ability of the Tribe to serve its members, and subject the Tribe to potential liability for breach or impairment of contract.
- (4) The procedures set forth in this Ordinance protect the right of referendum and are reasonable and necessary to protect Tribal commercial and governmental operations as well.

Section 3. Relation to Election Ordinance.

The provisions of this Ordinance shall govern the conduct of referendum elections. Referendum elections shall also be governed by the provisions of the Minnesota

Chippewa Tribe Election Ordinance, to the extent expressly provided in this Chapter and to the extent that the provisions of the Election Ordinance are not inconsistent with the provisions of this Ordinance.

Section 4. Definitions.

As used in this Ordinance:

- (1) "Tribal Council" or "Reservation Business Committee" means the governing body of the White Earth Band.
- (2) "Eligible Voter" or "those entitled to vote" means any enrolled member of the White Earth Band eighteen years of age or older.
- (3) "Secretary/Treasurer" means the Secretary/Treasurer of the Tribal Council and includes staff acting under the direction of the Secretary/Treasurer.
- (4) "Tribe" means the White Earth Band of Chippewa Indians.

Section 5. Submission by Reservation Business Committee.

- (1) The Reservation Business Committee may submit any enacted or proposed ordinance or resolution to a popular referendum by resolution adopted by an affirmative vote of a majority of the RBC. The resolution shall establish the date of the referendum election and the wording of the referendum question on the ballot.
- (2) The date for a referendum election conducted pursuant to this section shall be established by the RBC by the adoption of a resolution setting the referendum and may be conducted at the time of a general election. In no event, however, shall the date of a referendum election be scheduled so that the time period between the mailing of absentee ballots and the deadline for the return of ballots be less than twenty (20) days.

Section 6. Submission of Petition of Eligible Voters.

- (1) An ordinance or resolution enacted by the RBC shall be submitted to a popular referendum upon petition of at least 20% of the resident voters of the White Earth Reservation presented to the RBC in accordance with this section.
- (2) Alternatively, an initiative proposed by tribal members that has not yet been enacted by the RBC, may be the subject of a petition; and such petition shall be supported by the signatures of at least 20% of the resident voters of the White Earth Reservation.

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

“WE, THE UNDERSIGNED ELIGIBLE VOTERS OF THE WHITE EARTH RESERVATION REQUEST A REFERENDUM ON [NAME OF ORDINANCE AND NUMBER OF RESOLUTION ENACTING ORDINANCE, OR NUMBER OF RESOLUTION] ENACTED BY THE RBC [DATE OF ENACTMENT]”.

OR

“WE, THE UNDERSIGNED ELIGIBLE VOTERS OF THE WHITE EARTH RESERVATION REQUEST A REFERENDUM ON [DESCRIBE THE INITIATIVE SOUGHT TO BE THE SUBJECT OF THE REFERENDUM ELECTION]”.

- (4) The petition shall bear the signature, name and address, and enrollment number (if known) of each signatory in legible form. The name and address of the person circulating the petition shall also be included.
- (5) All petitions must be received at the main White Earth administrative office in the town of White Earth by no later than the close of business of the next calendar business day following the expiration of thirty (90) calendar days from the date of enactment of the ordinance or resolution of the RBC 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.
- (6) As soon as practicable after receipt of a petition, the Secretary/Treasurer shall consult with the MCT Enrollment Office and review Tribal enrollment records maintained by the MCT to determine whether the petition contains the requisite number of signatures. The Secretary/Treasurer shall report to the RBC on the matter at its next work session or at a special meeting called for that purpose.
- (7) The RBC 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 RBC shall establish a date for the referendum election and a deadline for mailing absentee ballots. The deadline for mailing absentee ballots by the Election Board shall not be less than twenty (20) days before the date of the referendum election. In no event shall the date of the referendum election exceed ninety (90) days from the receipt of the petition.
- (8) The referendum question on the ballot shall be worded substantially as follows:

“DO YOU APPROVE OR DISAPPROVE OF [NAME OF ORDINANCE OR NUMBER OF RESOLUTION] OR [DESCRIPTION OF INITIATIVE]?”

_____APPROVE

_____DISAPPROVE

- (9) The RBC may, in its sole discretion, suspend the ordinance or resolution which is the subject of the referendum petition pending the results of the referendum election. If the RBC does not act affirmatively to suspend such ordinance or resolution, it shall continue in effect during the pendency of the referendum election.

Section 7. Conduct of Referendum Election.

- (1) For purposes of this Ordinance, shall consist of five (5) members. Each member of the RBC shall have one appointment to the Election Board.
- (2) Precincts for the referendum election shall be the same as the precincts utilized for elections held pursuant to the MCT Election Ordinance.
- (3) Absentee voting shall be permitted for referendum elections. Absentee voters must make a written request for an absentee ballot, and such request shall include the full name, date of birth, address, enrollment number (if known) and signature of the voter.
- (4) No absentee ballot will be counted if received after the business day immediately preceding the date of the referendum election.
- (5) The majority of the votes cast in the referendum shall be conclusive and binding on the RBC.
- (6) The 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.

Section 8. Election Contest.

- (1) Any enrolled White Earth member may contest the results of a referendum election. The contest must be received by the Election Board within seven (7) calendar days from the date of the referendum election. The contest must state in writing and with specificity the grounds upon which the results of the referendum election are being contested.
- (2) The Election Board shall have seven (7) days from the receipt of the notice of contest to determine the merits of the contest. The Election Board shall have discretion to determine whether any hearing shall be held on the contest.

- (3) The decision of the Election Board to either certify the results of the referendum election, or to hold another referendum election shall be final.

Section 9. Referendum Result.

- (1) The majority of the votes cast in a referendum election shall be conclusive and binding on the RBC.
- (2) The effective date of the result of a valid 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 final disposition of the election contest pursuant to this Ordinance.
- (3) Any ordinance or resolution enacted by the RBC 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, or initiative question submitted for referendum by the RBC which shall be approved at a valid referendum election by a majority of eligible voters voting in such referendum shall be enacted upon the effective date of the referendum election or on the date provided in such ordinance or resolution, whichever is later.

Section 10. Effective Date.

This Ordinance shall take effect immediately upon its enactment by resolution of the RBC. The provisions of this Ordinance shall apply to a referendum by petition of the eligible voters on this Ordinance or the resolution enacting this Ordinance.