

**PRAIRIE ISLAND INDIAN COMMUNITY
IN THE STATE OF MINNESOTA**

REFERENDUM ORDINANCE

101. Purpose and Authority.

The purpose of this ordinance is to implement the right of referendum as provided for and in accordance with Article VIII of the Prairie Island Indian Community in the state of Minnesota's Constitution. This ordinance is enacted pursuant to Article V (i), (j) (k), and (l) of said Constitution.

102. Definitions.

As used in this Ordinance:

- (1) "Community" shall mean the Prairie Island Indian Community in the State of Minnesota, a federally recognized Indian Tribe organized under 25 U.S.C. § 476.
- (2) "Community Council" or "Tribal Council" means the duly elected governing body of the Prairie Island Indian Community pursuant to Article IV of the Constitution.
- (3) "Constitution" shall mean Prairie Island Indian Community in State of Minnesota's Constitution and By Laws adopted by the tribal members on May 23, 1936, approved by the Secretary of Interior on June 20, 1936.
- (4) "Eligible Voter" or "those entitled to vote" shall mean any enrolled member of the Community who is shown upon the tribal membership roll.
- (5) "Secretary" means the Secretary of the Community and includes any and all staff acting under the direction of the Secretary.
- (6) "Notice" means publication of a tribal resolution or ordinance to the eligible voters by posting the resolution or ordinance in a public place at the Community Center or 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 voter that if the provisions of section 104 are not followed, the right to a referendum vote on the resolution or ordinance terminates.

103. Submission by the Community Council.

(1) The Community Council may submit any proposed ordinance or resolution to a popular referendum by resolution adopted by an affirmative vote of a majority of the Community Council. 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 need not be set within sixty (60) days of the adoption of the Community Council resolution setting the

referendum and may be conducted at the time of a general election. In no event, however, shall the time period between the mailing of the ballots and the deadline for the return of ballots be less than twenty (20) days.

104. Submission of Petition of Members.

(1) An ordinance or resolution enacted by the Community Council with proper notice shall be submitted to a popular referendum upon written petition of not less than 25% of the total number of voters in the last regular election presented to the Community Council in accordance with this section and pursuant to Article VIII of the Constitution.

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

“We, the undersigned eligible voters of the Community, request a referendum on [name of ordinance and number of resolution enacting ordinance, or number of ordinance or number of resolution] enacted by the Community Council on [date of enactment].

The petition shall bear 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 Community Center, 1158 Island Blvd., Welch, MN 55089, by no later than the close of business of the next business day following the expiration of twenty (20) calendar days from the date of enactment of the ordinance or resolution of the Community Council which is the subject of the petition. This provision is mandatory and jurisdictional. Each petition submitted must contain the original signature; no copies, duplications or facsimiles may be submitted.

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

(5) The Community 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 Community Council shall establish a deadline for mailing of ballots to eligible voters of not less than forty (40) days after receipt of the petition and shall provide for receipt of ballots. In no event shall the deadline for receipt of ballots exceed sixty (60) days from the receipt of the petition.

(6) 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)?

_____ approve _____ disapprove”

(7) The Community Council may, in its sole discretion, suspend the ordinance or resolution which is the subject of the 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 the Tribal Election Board appointed by the Community Council. The Community Council shall appoint three judges from the qualified voters to sit on the Tribal Election Board. It shall be the duty of those judges to conduct the referendum in accordance with Article VIII 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 protest must state in writing with specificity the grounds upon which the referendum election is being protested. The Tribal Election Board has seven (7) days to review the merits of the protest. The Tribal Election Board has the discretion to certify the referendum election results or to hold another referendum election.

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 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 the results 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 disposition of the election contest by the Tribal Election Board.

(3) Any ordinance or resolution enacted by the Community 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 Community Council pursuant to Section 103 which shall be approved at a valid referendum election by a majority of eligible voters voting in such referendum election shall be enacted upon the effective date of the referendum election or on the date provided in such ordinance or resolution, whichever is later.

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History Note:

Current Ordinance:

Adopted _____, Tribal Resolution No. _____,
effective immediately.