

CONSTITUTION
OF THE
CITIZEN POTAWATOMI NATION

PREAMBLE

We, the Citizen Potawatomi Nation, sometimes designated as the Potawatomi Tribe of Oklahoma, in furtherance of our inherent powers of self-government, in order to take advantage of the opportunities for economic independence and social advancement offered by the Thomas-Rogers Oklahoma Indian Welfare Act of June 26, 1936, (49 Stat. 1976), do hereby adopt this Constitution pursuant to the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967) which shall supersede the constitution approved by the Secretary of the Interior on October 17, 1938, and ratified on December 12, 1938, and amended on September 27, 1956, December 27, 1960, April 24, 1961, September 21, 1970, April 20, 1983, and April 8, 1996, with ratification.

ARTICLE 1 – NAME

The official name of this Tribe shall be the Citizen Potawatomi Nation.

ARTICLE 2 – OBJECTIVES

Section 1. The objective of the Citizen Potawatomi Nation in organizing under this Constitution shall be:

- (a) To promote the general welfare of the Citizen Potawatomi Nation and its members by exercising to the fullest extent the inherent powers of self-government vested in the Tribe since time immemorial and any additional powers of self-government vested in the Tribe by Federal or state law.
- (b) To secure for the Tribe and its members the powers, benefits, rights, and privileges provided for in Article 1, Section 8 of the Constitution of the United States, the Act of June 18, 1934 (48 Stat. 984) and the Oklahoma Indian Welfare Act of June 26, 1936, (49 Stat. 1967).

- (c) To secure the powers, benefits, rights, and privileges as provided by any laws of the United States now or hereafter enacted for the benefit of Indians or other citizens of the United States.

- (d) To secure, for the Citizen Potawatomi Nation, a Charter of Incorporation from the Secretary of the Interior that allows the tribe to enjoy, those powers specifically mentioned in the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967).

ARTICLE 3 – MEMBERSHIP OF TRIBE

Section 1. The membership of the Citizen Potawatomi Nation shall consist of the following persons:

- (a) All persons of Indian blood who were bona fide members of the Citizen Potawatomi Nation and who were enrolled or were entitled to be enrolled on the official census roll of the Band on January 1, 1937.

- (b) Each child of Citizen Potawatomi Nation Indian blood born since the date of said roll whose parents is, or was, a member of the Tribe.

- (c) Each child of the Citizen Potawatomi Nation Indian blood of a marriage between a member of the Tribe and any other person.

- (d) As used in this Article, the term “a member of the Tribe” means a member of the Tribe at the time of the child’s birth, or, in the case of a posthumous child, if membership rights are claimed through the deceased parent, the parent was a member of the Tribe at the time of death.

- (e) The burden of proof as to eligibility for membership in the Citizen Potawatomi Nation will be on the claimant for membership in each case.

- (f) The Business Committee shall have power to prescribe rules and regulations covering future membership including adoptions and the loss of membership,

subject to confirmation by a majority of the votes cast for a General Council referendum containing such rules and regulations in a regular or special election.

- (g) No member of the Citizen Potawatomi Nation may hold membership in any other Indian tribe.

ARTICLE 4 – TRIBAL JURISDICTION

Section 1. The jurisdiction and governmental powers of the Citizen Potawatomi Nation shall, consistent with applicable Federal law, extend to all persons and to all real and personal property, including lands and natural resources, and to all waters and air space within the Indian country, as defined in 18 U.S.C. section 1151 or its successor, over which the Citizen Potawatomi Nation has authority.

Section 2. The jurisdiction and governmental powers of the Citizen Potawatomi Nation shall also, consistent with applicable Federal law, extend outside the exterior boundaries of the Citizen Potawatomi Nation to all tribal members. These powers shall also extend to any persons or property which are, or as may hereafter be, included with the jurisdiction of the Citizen Potawatomi Nation under any laws of the Citizen Potawatomi Nation, any State, or the United States.

Section 3. The jurisdiction and governmental powers of the Citizen Potawatomi Nation shall be exercised by three separate branches of Tribal Government: Legislative, Executive Officers and Judicial. All legislative powers are embodied in the Tribal Legislature (also called the Business Committee), including appropriation of all tribal moneys. All executive powers are embodied in the Executive, including the management of the business of the Tribe, supervision of tribal employees, enforcement of tribal law, and expenditure of all tribal moneys. All judicial powers are embodied in the Judiciary. Appropriate legislation shall be adopted to provide for a tribal law enforcement agency and other appropriate administrative agencies of the Tribe.

ARTICLE 5 – Citizen Potawatomi Nation Indian Council

Section 1. There shall be a Citizen Potawatomi Nation Indian Council (Council). The membership of the Citizen Potawatomi Nation Indian Council shall be all Citizen Potawatomi Nation Indians, 18 years of age or older who have not been adjudged incompetent by a court of competent jurisdiction.

Section 2. The Business Committee shall provide for the Citizen Potawatomi Nation Indian Council rules of procedure, subject to this Constitution, by appropriate legislation, and the Citizen Potawatomi Nation Indian Council shall exercise such authority and powers as are delegated to it by this Constitution.

Section 3. There is reserved to the Citizen Potawatomi Nation Indian Council the authority to approve all actions of the Business Committee, or to delegate specific authority to the Business Committee to take particular actions, prior to any such action of the Business Committee becoming effective, which results in:

- (a) the appropriation and budgeting of moneys of the Council held in trust by the Tribe as the proceeds of any claim against the United States, including interest earned thereon for expenditure for the benefit of the tribe;
- (b) the sale of any land or interest in lands, and in connection with the purchase of lands or interest in lands, to authorize and cause to be executed a mortgage or encumbrance covering or extending to property not being purchased.
- (c) approval of any settlement of treaty claim of the Citizen Potawatomi Nation against the United States.

ARTICLE 6 – EXECUTIVE OFFICERS

Section 1. The Executive Officers of the Tribe shall be the Chairman, Vice-Chairman, and a Secretary/Treasurer who shall serve for four year terms of office and until their successor shall be qualified and installed in office.

Section 2. It shall be the duty of the Chairman to preside at all meetings of the Council and the Business Committee and perform all duties appertaining to the office, and the Chairman shall see that the laws of the Tribe are faithfully enforced. The Chairman shall have general supervision of the affairs of the Council and of the Business Committee. The Chairman may veto acts of the

Business Committee, which can be overridden by a 10 vote majority of the Business Committee, exclusive of the Chairman, within thirty (30) days.

Section 3. The Vice-Chairman shall perform the duties of the Chairman in his absence or during his incapacity to act as defined by law, and shall undertake such other duties as may be assigned to him by the Chairman or by law.

Section 4. The Secretary/Treasurer shall correctly record the proceedings of all meetings. He shall have custody of the records and all papers of the Council, which records and papers shall be open to inspection during business hours, in his presence, by any member of the Council desiring to read them. He shall keep a correct list of all members of the Council and a correct list of all enrolled members of the Tribe, shall authenticate all accounts or orders of the Council and in the absence of the Chairman and Vice-Chairman, shall call the meetings to order until a Chairman pro tem is selected. He shall render a written report at the annual meeting, and at the expiration of his term of office, the records and all papers in his possession shall be turned over to his successor. He shall issue notices of all meetings and conduct all general correspondence, as directed by the Council or the Business Committee.

The Secretary/Treasurer shall verify all moneys of the Council for an accurate account of receipts and disbursements. The Secretary/Treasurer shall verify all Council moneys entrusted to his care in one or more tribal accounts as may be provided by legislation of the Business Committee, and shall endorse all disbursements therefrom. The Secretary/Treasurer shall require an annual audit by a competent independent Certified Public Accountant of all moneys of the Council - moneys formerly held in trust by the Bureau of Indian Affairs and subsequent appreciation - which shall be submitted to the General Council annually.

ARTICLE 7 – BUSINESS COMMITTEE

Section 1. There shall be a Business Committee, hereinafter called Tribal Legislature, which shall consist of the Executive Officers as provided in Article 6, five (5) Legislators elected from Oklahoma, and eight (8) Legislators elected from Legislative Districts equally apportioned, within 30%, by population in the remaining States of the United States. Legislators shall serve four (4) year terms of office and until their successors shall be qualified and installed in office.

Section 2. Subject to any limitations in this Constitution, and except for those powers expressly reserved to the Citizen Potawatomi Nation Indian Council by this Constitution, or

delegated to another tribal entity by this Constitution, the Legislature is empowered to enact legislation, transact business, and otherwise speak or act on behalf of the Citizen Potawatomi Nation in all matters on which the Tribe is empowered to act now or in the future including the authority to hire legal counsel to represent the Tribe, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior so long as such approval is required by Federal law.

ARTICLE 8 – RECALL

Section 1. The Legislature shall enact a law entitled: The Recall and Removal Act. This legislation shall establish the procedures to be followed in consideration of recall actions. Said Recall and Removal Act shall contain the definitions of misconduct in office which shall subject a tribal officer to a Recall Election. Thereafter, this Act may be amended or repealed only by the Citizen Potawatomi Nation Indian Council at an election conducted pursuant to Articles 9 and 12 of this Constitution. Such Act shall provide that not more than two recall proceedings may be pending in the Tribal Court at any time. A recall proceeding shall not include more than one official, unless the Court consolidates two or more actions for a good cause shown. The Recall and Removal Act shall include the following:

(a) The Court, pursuant to the rules or civil procedure, shall hear complaints brought by a person alleging misconduct in office by members of the Legislature or Judicial Officers of the Tribe. The Court shall require, prior to hearing any such action, that the complaining party post a bond in such amount as the Court shall deem proper to guarantee the costs, damages, and attorney fees of the person complained of in the event that the recall action was filed without probable cause to believe misconduct in office had occurred or that the recall action was otherwise filed in bad faith.

(b) In any such recall action, the Court shall have power, to hear the evidence of the complaining party or parties and to determine whether the act or acts of misconduct in office have been shown by clear and convincing evidence so that a recall election should be held. If the Court determines that a Recall Election should be held, a two-thirds (2/3) majority of those voting in an election held pursuant to Article 12, Section 9, shall be necessary to recall the officer from his office. Any appeal taken of the judgment of the Trial Court ordering a recall election shall be expedited by the Supreme Court.

Section 2. No person may be recalled pursuant to this Article unless at least 5% of the members of the Citizen Potawatomi Nation Council cast ballots in the Recall Election.

ARTICLE 9 — REMOVAL AND FORFEITURE

Section 1. The Legislature, and the Supreme Court in the case of any judicial officers, shall remove any of its members, or a member of the Executive branch, from office for misconduct in office, as defined in the Recall and Removal Act, or upon conviction of such member by any Court of competent jurisdiction of a felony or other offense involving dishonesty or moral turpitude, or if such member becomes ineligible to hold his office under this constitution, by a unanimous vote of the remaining members of that body.

Section 2. Such removal action shall be taken only upon proof by clear and convincing evidence at a formal hearing during which a verbatim transcript and record of the proceeding is made, and at which the party complained of shall have the right to not less than thirty (30) days notice, the right to counsel at his own expense, the opportunity to cross examine witnesses against him, introduce any evidence in his favor, and to otherwise be accorded due process of law.

Section 3. A person removed in such a proceeding shall have the right to appeal the removal directly to the Supreme Court upon the record established at the hearing. During such appeal, which shall be expedited by the Court, the officer shall be deemed suspended but not removed from office until a final decision of the Court. For purposes of this Article, removal of an Executive Officer from the Legislature shall also be deemed a removal from his Executive Office whether or not specifically stated in the removal action.

ARTICLE 10 – INITIATIVE AND REFERENDUM

Section 1. The members of the Citizen Potawatomi Nation shall have the authority to enact legislation, consistent with this Constitution's delegation of specific powers, by petition to the Legislature bearing the language of the proposed tribal law, the signatures, roll numbers, and current address of at least ten percent (10%) of the Citizen Potawatomi Nation Indian Council, provided, that in the general election upon such proposed legislation which shall be called by the Legislature within ninety (90) days of the receipt of a valid petition, a majority of the voters who cast ballots in such election vote in favor of the proposed legislation. Notice of such referendum election shall be given to the registered voters at least fifteen (15) days prior to such election. The Legislature shall be bound by a vote enacting such proposed legislation into law from the date of the election at which such legislation was enacted until it expires by its own terms or until changed by voters at a subsequent election.

Section 2. The members of the Citizen Potawatomi Nation shall have the authority to reject any legislation action taken by the Legislature by referendum petition to the Legislature bearing the language of the tribal law sought to be rejected, the signatures, roll numbers, and current address of at least ten percent (10%) of the Citizen Potawatomi Nation Indian Council, provided, that in the general election upon such legislation, which shall be called by the Legislature within ninety (90) days of the receipt of a valid petition, a majority of the voters who casts ballots in such election vote against the legislation as enacted by the Legislature. Notice of such initiative election shall be given to the registered voters at least fifteen (15) days prior to such election. If the legislation is rejected by such vote, that enactment is null and void as of the date of referendum.

ARTICLE 11 – COURT

Section 1. The judicial power of the Citizen Potawatomi Nation is hereby vested in one Supreme Court consisting of seven (7) Justices and such inferior courts as may be established by Tribal law.

Section 2. The Courts of the Citizen Potawatomi Nation shall be courts of general jurisdiction and shall further have jurisdiction in all cases arising under the constitution, laws, and treaties of the Citizen Potawatomi Nation. The Supreme Court shall have original jurisdiction in such cases as may be provided by law, and shall have appellate jurisdiction in all cases.

Section 3. The Tribal Courts, in any action brought before them, shall have the power of judicial review, in appropriate cases, in order to declare that legislative enactments of the Legislature or the Council, are unconstitutional under this Constitution or prohibited by Federal statutes and void. In such cases, the Court shall have the authority to declare such act void and to issue injunctive relief. In cases initiated by the Tribal Chairman prior to enforcement of a legislative act, the court shall rule presuming a case in controversy.

Section 4. The Supreme Court Justices and Tribal Court Judges shall be selected by the Legislature and confirmed by the Citizen Potawatomi Nation Indian Council at a general election called for that purpose, and shall serve six (6) year terms and until their successor be duly confirmed and installed. At the expiration of such term, each Justice or Judge may, at his option, be considered for reconfirmation to a new term by the Council.

Section 5. Vacancies in Tribal Judicial Offices may be filled by appointment of the Legislature for the remainder of the unexpired term. Such appointment shall be valid for not more than one

hundred twenty (120) days unless the Citizen Potawatomi Nation Indian Council confirms the appointee to complete the remainder of the unexpired term. If no Citizen Potawatomi Nation Indian Council election is called to act upon such appointment within the one hundred twenty (120) day period, the appointment of that person shall not be renewed.

ARTICLE 12 – ELECTIONS

Section 1. The Chairman, Vice Chairman and Secretary/Treasurer shall be elected to a four (4) year term of office and until their successors be qualified and installed in office by a majority vote at an election to be conducted by secret ballot, with absentee voting, on the date of the annual Citizen Potawatomi Nation Indian Council meeting. All elections shall be conducted pursuant to an Election Ordinance adopted by the appropriate legislation of the Citizen Potawatomi Nation Legislature. At the time of their election they shall be not less than thirty-five (35) years of age, and residents of the State of Oklahoma not less than six (6) months prior to taking office, and not have been convicted of a felony or other serious crime involving incarceration for moral turpitude in any court of competent jurisdiction, or have been incarcerated for a crime for more than six (6) months within ten (10) years previous to the date of the election, unless pardoned.

Section 2. No person shall be allowed to run for, or hold, more than one (1) elected tribal position at any one time.

Section 3. The Legislature serving at the time of this Amendment shall adopt legislation within ten (10) days of adoption of this Amendment describing eight (8) Legislative Districts of equal proportion, within 30%, of members of the Citizen Potawatomi Nation Indian Council living outside of Oklahoma. They shall be numbered one (1) through eight (8) for those Legislative Districts outside of the State of Oklahoma and nine (9) through thirteen (13) for those Legislators within the State of Oklahoma.

Section 4. In order to provide for staggered terms of office, in a special election held within 120 days of the adoption of this Amendment in which thirteen (13) Legislators will be elected, one (1) Legislator’s first term shall coincide respectively with the term of office of the former Councilman #1 and both of whom shall, at the time of their election and thereafter, be residents of the State of Oklahoma. Two (2) Legislators’ first term shall coincide respectively with the terms of office of the former Councilman #2 and all three of whom shall, at the time of their election and thereafter, be residents of the State of Oklahoma. Four (4) Legislators’ first term of office shall coincide with the term of office of the Tribal Chairman and all four (4) Legislators shall, at the time of their election and thereafter, not be residents of the State of Oklahoma. Four (4)

Legislators' first term of office shall coincide with the terms of office of the Vice Chairman and the Secretary/Treasurer, and all four (4) Legislators shall, at the time of their election and thereafter, not be residents of the State of Oklahoma. Business Committee members in office at the time of this Amendment will serve out their terms of office and may stand for reelection at the next regular election.

Section 5. Legislators whose first term of office expires at the same time as the Tribal Chairman shall reside, one each, in Legislative Districts 1,2,3 and 4. Legislators whose first term of office shall expire at the same time as the term of office as the Tribal Vice Chairman and Secretary/Treasurer shall reside, one each, in Legislative Districts 5,6,7 and 8. Legislators who live in Oklahoma shall live be Legislators 9, 10, 11, 12 and 13.

Section 6. Apportionment of the Legislative Districts and any boundary changes necessary to reflect reapportionment shall occur every ten (10) years, after the initial apportionment and boundary descriptions set by appropriate legislation of the Legislature serving at the time of the adoption of this Amendment.

Section 7. The newly elected officers shall be installed immediately upon their election or at such time as may be provided in the Election Ordinance approved by the Council, or as soon thereafter as any period provided by law for a challenge to the election has expired or as soon thereafter as any dispute regarding the election be finally resolved as provided by law.

Section 8. The incumbent officers as of the date of adoption of this Constitution shall continue to serve until the normal expiration of their terms as provided for in Section 3 of this Article, and the election held upon expiration of those terms shall be the first regular election held pursuant to this Constitution.

Section 9. Special elections for the Recall of Tribal Officials shall be conducted on order of the court by an independent Election Board to be established pursuant to a Recall Election Ordinance prescribed by the Legislature and concurred on by the Council, provided that at least 5% of the members of the Citizen Potawatomi Nation Indian Council, must vote in order for the Recall Election to be valid. Other special elections shall be conducted by the Election Board as required in Article 9 or Article 12, or upon request by resolution of the Legislature.

ARTICLE 13 – MEETINGS OF THE COUNCIL

Section 1. Annual meetings of the Citizen Potawatomi Nation Indian Council shall be held on the last Saturday of June of each year for receiving reports and any other business which may come regularly before the Council. The purpose of the Citizen Potawatomi Nation Indian Council meetings shall be to give information and to discuss any matter pertaining to the Citizen Potawatomi Nation. Any actions taken with respect to the authority reserved to the Council by this Constitution shall be made only by a subsequent election held in accordance with, and within the time specified in the Election Ordinance, which election shall be open to all members of the Council.

Section 2. Such meeting shall be held at the Tribal Office Building designated for that purpose at the Citizen Potawatomi Nation Capital Complex south of Shawnee, Oklahoma, unless some other point under the jurisdiction of the Citizen Potawatomi Nation is specifically designated in the call.

Section 3. Special meetings of the council may be called at the discretion of the Chairman, and shall be called by him upon the written request of the majority of the Legislature or the written request of five percent (5%) of the members of the Council.

Section 4. The principal object of the special meeting must be stated in the call for same and may include the words “and for the discussion of other business that may be presented. Unless these words are added, no other business can be discussed except for the object stated in the call. Any actions taken with respect to the authority reserved to the Council by this Constitution shall be made only by a subsequent election held in accordance with, and within the time specified in, the election ordinance, which election shall be open to all members of the Council.

Section 5. Notice of meetings of the Citizen Potawatomi Nation Indian Council shall be given through all appropriate means by the Secretary/Treasurer of the Nation at least ten (10) days prior to the date of such meeting.

Section 6. The agenda for each meeting of the Citizen Potawatomi Nation Indian Council shall be compiled by the Tribal Chairman. Following completion of discussion on all agenda items other tribal business may be discussed, subject to the requirements of Section 4 of this Article.

Section 7. As required, following the meetings of the Citizen Potawatomi Nation Indian Council, the election board shall conduct an election pursuant to the election ordinance to decide the issues approved by the Council.

ARTICLE 14 – MEETINGS OF THE LEGISLATURE

Section 1. The regular meetings of the Legislature shall be held the last Thursday in February, May, August, and November unless otherwise provided by resolution.

Section 2. Special meetings of the Legislature may be called by the Chairman at his discretion, and shall be called by him upon the written request of nine (9) members of the Legislature.

ARTICLE 15 – VACANCIES

Section 1. The Chairman, subject to the approval of the majority of the remaining members of the Legislature, whether or not the number of remaining members would constitute a quorum shall have the authority to appoint persons to fill any vacancies in any elective office on an interim basis until the next regular election at which time a person shall be elected to serve the remainder of the unexpired term or for a new term in its regular order as the case may be.

Section 2. In case of vacancy in the office of Chairman, the Vice-Chairman shall succeed at once to the office of the Chairman until the next regular election at which the office of Chairman shall be filled for the remainder of the unexpired term or for a new term in its regular order as the case may be.

Section 3. During the period in which the Vice-Chairman serves as Chairman under these circumstances, the Vice-Chairman's office shall not be considered vacant and he/she shall return to serve the unexpired portion of his/her own term of office (if any) upon election and installation of a Chairman. Should the Vice-Chairman be elected, to the chairmanship, his vacancy shall be filled according to Article 12, Section 1.

ARTICLE 16 – RIGHTS OF PERSONS

Section 1. The Citizen Potawatomi Nation shall not:

- (a) 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 peaceable to assemble or to petition for a redress of grievances.
- (b) Violate the rights of the people to be secure in their persons, houses, papers, and effects against unreasonable searches 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.

- (c) Subject any person for the same offense to be twice put in jeopardy.
- (d) Compel any person in any criminal case to be a witness against himself.
- (e) Take any private property for a public use without just compensation.
- (f) 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.
- (g) Require excessive bail, impose excessive fines, or inflict cruel and unusual punishment.
- (h) 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.
- (i) Pass any bill of attainder or ex post facto law.
- (j) 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 (6) persons.

ARTICLE 17 – QUORUM

Section 1. Nine (9) members of the Legislature shall constitute a quorum at any meeting.

Section 2. Five percent (5%) of the members of the Citizen Potawatomi Nation Indian Council shall constitute a quorum to transact business at a meeting. Should a quorum not be achieved at a duly-called meeting of the Council, the Legislature may initiate a referendum election on any agenda items which require action by the Council under the authority reserved to it by this constitution. Such referendum election shall be conducted pursuant to the provisions of the election ordinance.

ARTICLE 18 – TRIBAL ENACTMENTS

Section 1. All final decisions of the Council on constitutionally delegated matters shall be embodied in resolutions approved by a referendum election to be held within ninety (90) days. Every resolution of the Council shall begin with the words, “Now, therefore be it resolved by the Council of the Citizen Potawatomi Nation . (Added)

Section 2. All final decisions of the Legislature on matters of temporary interest or matters relating to particular circumstances, officials, or individuals shall be embodied in resolutions. Every resolution of the Legislature shall begin with the words, “Now, therefore be it resolved by the Legislature of the Citizen Potawatomi Nation .

Section 3. All final decisions of the Council of the Citizen Potawatomi Nation upon ongoing matters necessary to the orderly administration of its delegated powers and authority shall be embodied in ordinances, which may be called statutes, approved by a referendum election held within ninety (90) days. Every ordinance shall begin with the words, “Be it enacted by the Council of the Citizen Potawatomi Nation .

Section 4. All final decisions of the Legislature of the Citizen Potawatomi Nation upon ongoing matters necessary to the orderly administration of tribal affairs, or having general or continuing application shall be embodied in ordinances, which may be called statutes. Every ordinance shall begin with the words, “Be it enacted by the Legislature of the Citizen Potawatomi Nation .

ARTICLE 19 – AMENDMENTS

Amendments of this Constitution may be proposed by a unanimous vote of the Legislature or by a petition signed by thirty percent (30%) of the members of the Tribal Council, shall be submitted to a referendum vote of the members of the Tribe, and shall be effective if ratified by a 2/3 majority vote of those registering and voting in an election called for that purpose under the supervision of the Election Committee.

ARTICLE 20 – SAVINGS CLAUSE

Any previous ordinances or resolutions enacted by the Tribe shall continue in full force and effect to the extent they are not in conflict with this Constitution unless revoked or amended in the future.

ARTICLE 21 – RATIFICATION

This Constitution, when ratified by a majority vote of the qualified voters of the Citizen Potawatomi Nation voting at an election called for that purpose, in which at least thirty percent (30%) of those entitled to vote shall cast their ballots, shall be effective from the date of ratification.

COMPARISON OF PROPOSED CONSTITUTIONAL AMENDMENTS WITH CURRENT CONSTITUTION

<u>CURRENT CONSTITUTION</u>	<u>PROPOSED CONSTITUTION</u>
<p align="center">ARTICLE 3 MEMBERSHIP OF THE TRIBE</p> <p>Section 1(f). The Business Committee shall have power to prescribe rules and regulations, subject to the approval of the Secretary of the Interior or his authorized representative, covering future membership including adoptions and the loss of membership.</p>	<p align="center">ARTICLE 3 MEMBERSHIP OF THE TRIBE</p> <p>Section 1(f). The Business Committee shall have power to prescribe rules and regulations covering future membership including adoptions and the loss of membership, subject to confirmation by a majority of the votes cast for a General Council referendum containing such rules and regulations in a regular or</p>

	<p>special election.</p> <p>Section 1(g) No member of the Citizen Potawatomi Nation may hold membership in any other Indian tribe.</p>
<u>CURRENT CONSTITUTION</u>	<u>PROPOSED CONSTITUTION</u>
<p>ARTICLE 4 TRIBAL JURISDICTION</p>	<p>ARTICLE 4 TRIBAL JURISDICTION AND GOVERNMENTAL POWERS</p>
<p>Section 3. The jurisdiction and governmental powers of the Citizen Potawatomi Nation shall be exercised by appropriate legislation enacted by the Tribe, to establish or provide for a tribal judicial system, a tribal law enforcement agency, and other appropriate administrative agencies of the Tribe.</p>	<p>Section 3. The jurisdiction and governmental powers of the Citizen Potawatomi Nation shall be exercised by three separate branches of Tribal Government: Legislative, Executive Officers, and Judicial. All legislative powers are embodied in the Tribal Legislature (also called the Business Committee), including appropriation of all tribal moneys. All executive powers are embodied in the Executive, including the management of the business of the Tribe, supervision of tribal employees, enforcement of tribal law, and expenditure of all tribal moneys. All judicial powers are embodied in the Judiciary. Appropriate legislation shall be adopted to provide for a tribal law enforcement agency and other appropriate administrative agencies of the Tribe.</p>

<u>CURRENT CONSTITUTION</u>	<u>PROPOSED CONSTITUTION</u>
<p>ARTICLE 6 EXECUTIVE OFFICERS</p>	<p>ARTICLE 6 EXECUTIVE OFFICERS</p>
<p>Section 2. It shall be the duty of the Chairman to preside at all meetings of the Council and the Business Committee and perform all duties appertaining to the office, and the Chairman shall see that the laws of the Tribe are faithfully enforced. The Chairman shall have general supervision of the affairs of the Council and of the Business Committee.</p> <p>Section 3. The Vice Chairman shall perform the duties of the Chairman in his absence or during his incapacity to</p>	<p>Section 2. It shall be the duty of the Chairman to preside at all meetings of the Council and the Business Committee and perform all duties appertaining to the office, and the Chairman shall see that the laws of the Tribe are faithfully enforced. The Chairman shall have general supervision of the affairs of the Council and of the Business Committee. The Chairman may veto acts of the Business Committee, which can be overridden by a 10 vote majority of the Business Committee, exclusive of the Chairman, within 30 days.</p> <p>Section 3. The Vice Chairman shall perform the duties of the Chairman in his absence or during his incapacity to</p>

<p>act, and shall undertake such other duties as may be assigned to him by the Chairman or by the law.</p> <p>Section 4. ... The Secretary/Treasurer shall receive and keep all moneys of the Council and an accurate account of receipts and disbursements. The Secretary/Treasurer shall keep all tribal moneys entrusted to his care in one or more tribal accounts as may be provided by legislation of the Business Committee, and all disbursements therefrom should be made by check. At any time that such account(s) shall amount to more than \$50.00, he shall file a bond satisfactory to the Business Committee and the Commissioner of Indian Affairs. The cost of such bond shall be paid out of tribal moneys.</p>	<p>act as defined by law, and shall undertake such other duties as may be assigned to him by the Chairman or by law.</p> <p>Section 4. ... The Secretary/Treasurer shall verify all moneys of the Council for an accurate account of receipts and disbursements. The Secretary/Treasurer shall verify all Council moneys entrusted to his care in one or more tribal accounts as may be provided by legislation of the Business Committee, and shall endorse all disbursements therefrom. The Secretary/Treasurer shall require an annual audit by a competent independent Certified Public Accountant of all moneys of the Council - moneys formerly held in trust by the Bureau of Indian Affairs and subsequent appreciation - which shall be submitted to the General Council annually.</p>
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CURRENT CONSTITUTION	<u>PROPOSED CONSTITUTION</u>
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<p>ARTICLE 7 BUSINESS COMMITTEE</p> <p>Section 1. There shall be a Business Committee which shall consist of the Executive Officers as provided in Article 6 and two (2) Councilmen who shall serve for four (4) year terms and until their successors shall be qualified and installed in office.</p>	<p>ARTICLE 7 BUSINESS COMMITTEE</p> <p>Section 1. There shall be a Business Committee, hereinafter called The Tribal Legislature, which shall consist of the Executive Officers as provided in Article 6, five (5) Legislators elected from Oklahoma, and eight (8) Legislators elected from Legislative Districts equally apportioned, within 30%, by population in the remaining States of the United States. Legislators shall serve four (4) year terms of office and until their successors shall be qualified and installed in office.</p>
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<u>CURRENT CONSTITUTION</u>	<u>PROPOSED CONSTITUTION</u>
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<p>ARTICLE 8 RECALL</p> <p>Section 1. The Business Committee shall enact a Recall and Removal Ordinance establishing the procedures to be followed in consideration of recall actions. Said Recall and Removal Ordinance shall contain the definitions of misconduct in office which shall subject a tribal officer to a recall election.</p>	<p>ARTICLE 8 RECALL</p> <p>Section 1. The Legislature shall enact a law entitled: The Recall and Removal Act. This legislation shall establish the procedures to be followed in consideration of recall actions. Said Recall and Removal Act shall contain the definitions of misconduct in office which shall subject a tribal</p>
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Thereafter, this Ordinance may be amended or repealed only by the Council at an election conducted pursuant to Articles 10 or 13 of this Constitution. Such Ordinance shall provide that not more than two recall proceedings may be pending in the Court at any time. A recall proceeding shall not include more than one official, unless the Court consolidates two or more actions for a good cause shown.

(a) There shall be a Grievance Committee which shall consist of three members of the Citizen Potawatomi Nation Indian Council. The function of the Grievance Committee shall be to act as a fact finding body and to present the facts to the courts of the Tribe in cases in which the Grievance Committee determines that there is probably cause to believe that misconduct in office had occurred.

(1) The Grievance Committee, pursuant to such procedures as shall be provided in the Recall and Removal Ordinance, shall hear complaints of misconduct in office by members of the Business Committee or Judicial Officers of the Tribe. Upon showing of probable cause that misconduct in office has occurred, the Grievance Committee shall file and prosecute a civil action in the Court of the Tribe to determine and act upon such complaints, and shall undertake other such duties as it may be assigned by appropriate tribal law.

(2) In any recall action filed by the Grievance Committee, the Court, pursuant to the rules of civil procedures, shall have power, to hear the evidence and to determine whether the act or acts of misconduct in office have been shown by clear and convincing evidence so that a recall election should be held. If the Court determines that a recall election should be held, a two-thirds (2/3) majority of those voting in a special

officer to a Recall Election. Thereafter, this Act will may be amended or repealed only by the Citizen Potawatomi Nation Indian Council at an election conducted pursuant to Articles 9 and 12 of this Constitution. Such Act shall provide that not more than two recall proceedings may be pending in the Tribal Court at any time. A recall proceeding shall not include more than one official, unless the Court consolidates two or more actions for a good cause shown. The Recall and Removal Act shall include the following

(a) STRIKE ENTIRE PORTION

(1) STIKE ENTIRE PORTION

(2) STRIKE ENTIRE PORTION

election held pursuant to Article 12, Section 6, shall be necessary to recall the officer from his office. Any appeal taken of the judgment of the Trial Court ordering a recall election shall be expedited by the Supreme Court.

- (b) If the Grievance Committee refuses to bring the action in the Court after a complaint is brought before them, the complaining party may proceed individually pursuant to this subparagraph (b) of this Article if he so desires. In the alternative, a complaining party, in his discretion, may bring an immediate court action pursuant to his subparagraph (b) without previous action by the Grievance Committee.
 - (1) The Court, pursuant to the rules or civil procedure, shall hear complaints brought by a person alleging misconduct in office by members of the Business Committee or Judicial Officers of the Tribe. The Court shall require, prior to hearing any such action, that the complaining party post a bond in such amount as the Court shall deem proper to guarantee the costs, damages, and attorney fees of the person complained of in the event that the recall action was filed without probable cause to believe misconduct in office had occurred or that the recall action was otherwise filed in bad faith.
 - (2) In any such recall action, the Court shall have power, to hear the evidence of the complaining party or parties and to determine whether the act or acts of misconduct in office have been shown by clear and convincing evidence so that a recall election should be held. If the Court determines that a recall election should be held, a two-thirds (2/3) majority of those voting in an election held pursuant to Article 12, Section 6, shall be

(b) STRIKE ENTIRE PORTION

- (a) The Court, pursuant to the rules or civil procedure, shall hear complaints brought by a person alleging misconduct in office by members of the Legislature or Judicial Officers of the Tribe. The Court shall require, prior to hearing any such action, that the complaining party post a bond in such amount as the Court shall deem proper to guarantee the costs, damages, and attorney fees of the person complained of in the event that the recall action was filed without probable cause to believe misconduct in office had occurred or that the recall action was otherwise filed in bad faith.

<p>necessary to recall the officer from his office. Any appeal taken of the judgment of the Trial Court ordering a recall election shall be expedited by the Supreme Court.</p> <p>Section 2. No person may be recalled pursuant to this Article unless at least one hundred fifty (150) persons cast ballots in the recall election.</p> <p>Section 3. Grievance Committee members may be recalled from office according to the same rules and procedures established in the Recall and Removal Ordinance except that the Business Committee shall act in the capacity of the Grievance Committee in such cases.</p>	<p>(b) In any such recall action, the Court shall have power, to hear the evidence of the complaining party or parties and to determine whether the act or acts of misconduct in office have been shown by clear and convincing evidence so that a recall election should be held. If the Court determines that a Recall Election should be held, a two-thirds (2/3) majority of those voting in an election held pursuant to Article 12, Section 9, shall be necessary to recall the officer from his office. Any appeal taken of the judgment of the Trial Court ordering a recall election shall be expedited by the Supreme Court.</p> <p>Section 2. No person may be recalled pursuant to this Article unless at least 5% of the members of the Citizen Potawatomi Nation Council cast ballots in the Recall Election.</p> <p>Section 3. STRIKE ENTIRE SECTION</p>
<p>CURRENT CONSTITUTION</p>	<p><u>PROPOSED CONSTITUTION</u></p>
<p>ARTICLE 10 INITIATIVE AND REFERENDUM</p>	<p>ARTICLE 10 INITIATIVE AND REFERENDUM</p>
<p>Section 1. The members of the Citizen Potawatomi Nation shall have the authority to enact legislation consistent with this Constitution by petition to the Business Committee bearing the language of the proposed tribal law, the signatures, roll numbers, and current address of at least ten percent (10%) of the Citizen Potawatomi Nation Indian Council, residing in the Counties of Pottawatomie, Seminole, Pontotoc, McClain, Oklahoma, Lincoln, Cleveland, Okfuskee, State of Oklahoma, <u>provided</u>, that in the general election upon such proposed legislation which shall be called by the Business Committee within ninety (90) days of the receipt of</p>	<p>Section 1. The members of the Citizen Potawatomi Nation shall have the authority to enact legislation, consistent with this Constitution's delegation of specific powers, by petition to the Legislature bearing the language of the proposed tribal law, the signatures, roll numbers, and current address of at least ten percent (10%) of the Citizen Potawatomi Nation Indian Council, <u>provided</u>, that in the general election upon such proposed legislation which shall be called by the Legislature within ninety (90) days of the receipt of a valid petition, a majority of the voters who cast ballots in such election vote in favor of the proposed legislation. Notice of such</p>

<p>a valid petition, a majority of the voters who cast ballots in such election vote in favor of the proposed legislation. Notice of such referendum election shall be given to the registered voters at least fifteen (15) days prior to such election. The Business Committee shall be bound by a vote enacting such proposed legislation into law from the date of the election at which such legislation was enacted until it expires by its own terms or until changed by voters at a subsequent election.</p> <p>Section 2. The members of the Citizen Potawatomi Nation shall have the authority to reject any legislation action taken by the Business Committee by referendum petition to the Business Committee bearing the language of the tribal law sought to be rejected, the signatures, roll numbers, and current address of at least ten percent (10%) of the Citizen Potawatomi Nation Indian Council residing within the Counties of Pottawatomie, Seminole, Pontotoc, McClain, Oklahoma, Lincoln, Cleveland, Okfuskee, State of Oklahoma, <u>provided</u>, that in the general election upon such legislation which be called by the Business Committee within ninety (90) days of the receipt of a valid petition, a majority of the voters who casts ballots in such election vote against the legislation as enacted by the Business Committee. Notice of such initiative election shall be given to the registered voters at least fifteen (15) days prior to such election. If the legislation is rejected by such vote, that enactment is null and void as of the date of referendum.</p>	<p>referendum election shall be given to the registered voters at least fifteen (15) days prior to such election. The Legislature shall be bound by a vote enacting such proposed legislation into law from the date of the election at which such legislation was enacted until it expires by its own terms or until changed by voters at a subsequent election.</p> <p>Section 2. The members of the Citizen Potawatomi Nation shall have the authority to reject any legislation action taken by the Legislature by referendum petition to the Legislature bearing the language of the tribal law sought to be rejected, the signatures, roll numbers, and current address of at least ten percent (10%) of the Citizen Potawatomi Nation Indian Council, <u>provided</u>, that in the general election upon such legislation, which shall be called by the Legislature within ninety (90) days of the receipt of a valid petition, a majority of the voters who casts ballots in such election vote against the legislation as enacted by the Legislature. Notice of such initiative election shall be given to the registered voters at least fifteen (15) days prior to such election. If the legislation is rejected by such vote, that enactment is null and void as of the date of referendum.</p>
<p>CURRENT CONSTITUTION</p>	<p><u>PROPOSED CONSTITUTION</u></p>
<p style="text-align: center;">ARTICLE 12 ELECTIONS</p> <p>Section 1. The Chairman, Vice Chairman, Secretary/Treasurer and two (2) Councilman shall be elected for a four (4) year term of office and until their successors be qualified and installed in office by a majority vote at an election to be conducted by secret ballot, with absentee voting, on the date of the annual Citizen Potawatomi Nation Indian Council meeting. All elections shall be conducted pursuant to an Election Ordinance adopted by the appropriate legislation of the Citizen Potawatomi Nation Business Committee. At the time of their election they shall be: a member of the Citizen Potawatomi Nation</p>	<p style="text-align: center;">ARTICLE 12 ELECTIONS</p> <p>Section 1. The Chairman, Vice Chairman and Secretary/Treasurer shall be elected to a four (4) year term of office and until their successors be qualified and installed in office by a majority vote at an election to be conducted by secret ballot, with absentee voting, on the date of the annual Citizen Potawatomi Nation Indian Council meeting. All elections shall be conducted pursuant to an Election Ordinance adopted by the appropriate legislation of the Citizen Potawatomi Nation Legislature. At the time of their election they shall be not less than thirty-five (35)</p>

Indian Council, not less than twenty-one (21) years of age, reside within the Counties of Pottawatomie, Seminole, Pontotoc, McClain, Oklahoma, Lincoln, Cleveland or Okfuskee, State of Oklahoma, and not have been convicted of a felony or other crime involving moral turpitude in any court of competent jurisdiction within ten (10) years previous to the date of the election, unless pardoned.

Section 2.

No person shall be allowed to run for, or hold, more than one (1) elected tribal position at any one time.

Section 3.

In order to provide for staggered terms of office, in the next regular election, following the adoption of this Amendment (April, 1989), the Councilman #2 position shall be filled in 1989 for a two (2) year term to 1991, and thereafter for four (4) year terms; The Councilman #1 position shall be filled in 1989 for a three (3) year term to 1992, and thereafter for four (4) year terms; in 1989 and thereafter the Chairman's position shall be filled for four (4) year terms; and in 1990 and thereafter, the Vice-Chairman and Secretary/Treasurer positions shall be filled for four (4) year terms. The Grievance Committee members shall continue to be elected for two (2) year terms of office in the same sequence as in effect at the time this Amendment is adopted.

Section 4.

The newly elected officers shall be installed immediately upon their election or at such time as may be provided in the Election Ordinance approved by the Council, or as soon thereafter as any period provided by law for a challenge to the election has expired or as soon thereafter as any dispute regarding the election be finally resolved as provided by law.

years of age, and residents of the State of Oklahoma not less than six (6) months prior to taking office, and not have been convicted of a felony or other serious crime involving incarceration for moral turpitude in any court of competent jurisdiction, or have been incarcerated for a crime for more than six (6) months within ten (10) years previous to the date of the election, unless pardoned.

Section 2.

No person shall be allowed to run for, or hold, more than one (1) elected tribal position at any one time.

Section 3.

The Legislature serving at the time of adoption of this Amendment shall adopt legislation within ten (10) days of adoption of this Amendment describing eight (8) Legislative Districts of equal proportion, within 30%, of members of the Citizen Potawatomi Nation Indian Council living outside of Oklahoma. They shall be numbered one (1) through eight (8) for those Legislative Districts outside of the State of Oklahoma and nine (9) through thirteen (13) for those Legislators within the State of Oklahoma.

Section 4.

In order to provide for staggered terms of office, in a special election held within 120 days of the adoption of this Amendment in which thirteen (13) Legislators will be elected, one (1) Legislator's first term shall coincide respectively with the term of office of the former Councilman #1 and both of whom shall, at the time of their election and thereafter, be residents of the State of Oklahoma. Two (2) Legislators' first term shall coincide respectively with the terms of office of the former Councilman #2 and all three of whom shall, at the time of their election and thereafter, be residents of the State of Oklahoma. Four (4) Legislators' first term of office shall coincide with the term of office of the Tribal Chairman and all four (4) Legislators shall, at the time of their election and thereafter, not be residents of the State of Oklahoma. Four (4)

<p>Section 5. The incumbent officers as of the date of adoption of this Constitution shall continue to serve until the normal expiration of their terms as provided for in Section 3 of this Article, and the election held upon expiration of those terms shall be the first regular election held pursuant to this Constitution.</p> <p>Section 6. Special elections for the recall of Tribal Officials shall be conducted by an independent Election Board, to be established pursuant to an Election Ordinance prescribed by the Business Committee and concurred on by the Council, on order of the Court provided that at least one hundred fifty (150) persons must vote in order for the recall election to be valid. Other special elections shall be conducted by the Election Board as required in Article 10 or Article 13 or upon request by resolution of the Business Committee.</p>	<p>Legislators' first term of office shall coincide with the terms of office of the Vice Chairman and the Secretary/Treasurer, and all four (4) Legislators shall, at the time of their election and thereafter, <u>not</u> be residents of the State of Oklahoma. Legislative members in office at the time of the adoption of this Amendment will serve out their terms of office and may stand for reelection at the next regular election.</p> <p>Section 5. Legislators whose first term of office expires at the same time as the Tribal Chairman shall reside, one each, in Legislative Districts 1,2,3 and 4. Legislators whose first term of office shall expire at the same time as the term of office as the Tribal Vice Chairman and Secretary/Treasurer shall reside, one each, in Legislative Districts 5,6,7 and 8. Legislators who live in Oklahoma shall be Legislators 9, 10, 11, 12 and 13.</p> <p>Section 6. Apportionment of the Legislative Districts and any boundary changes necessary to reflect reapportionment shall occur every ten (10) years after the initial apportionment and boundary descriptions by appropriate legislation of the Legislature serving at the time of the adoption of this Amendment.</p> <p>Section 7. The newly elected officers shall be installed immediately upon their election or at such time as may be provided in the Election Ordinance approved by the Council, or as soon thereafter as any period provided by law for a challenge to the election has expired or as soon thereafter as any dispute regarding the election be finally resolved as provided by law.</p> <p>Section 8. The incumbent officers as of the date of adoption of this Constitution shall continue to serve until the normal expiration of their terms as provided for in Section 3 of this Article, and the election held upon</p>
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	<p>expiration of those terms shall be the first regular election held pursuant to this Constitution.</p> <p>Section 9. Special elections for the Recall of Tribal Officials shall be conducted on order of the Court by an independent Election Board, to be established pursuant to an Election Ordinance prescribed by the Legislature and concurred on by the Council, provided that at least 5% of the members of the Citizen Potawatomi Nation Indian Council, must vote in order for the Recall Election to be valid. Other special elections shall be conducted by the Election Board as required in Article 9 or Article 12, or upon request by resolution of the Legislature.</p>
<u>CURRENT CONSTITUTION</u>	<u>PROPOSED CONSTITUTION</u>
<p style="text-align: center;">ARTICLE 18 TRIBAL ENACTMENTS</p> <p>Section 1. All final decisions of the Council on matters of temporary interest or matters relating to particular circumstances, officials, of individuals shall be embodied in resolutions. Every resolution of the Council shall begin with the words, “Now therefore be it resolved by the Council of the Citizen Potawatomi Nation; .</p> <p>Section 3. All final decisions of the Council of the Citizen Potawatomi Nation upon ongoing matters necessary to the orderly administration of tribal affairs, or having general or continuing application shall be embodied in ordinances, which may be called statutes. Every Ordinance shall begin with the words, “Be it enacted by the Council of the Citizen Potawatomi Nation: .</p> <p style="text-align: center;">ARTICLE 19 AMENDMENTS</p> <p>Amendments of this Constitution may be proposed by a majority of the Business Committee or by a petition signed by thirty percent (30%) of the adult members of the Tribe, and if approved by the</p>	<p style="text-align: center;">ARTICLE 18 TRIBAL ENACTMENTS</p> <p>Section 1. All final decisions of the Council on constitutionally delegated matters shall be embodied in resolutions approved by a referendum election to be held within ninety (90) days. Every resolution of the Council shall begin with the words, “Now therefore be it resolved by the Council of the Citizen Potawatomi Nation .</p> <p>Section 3. All final decisions of the Council of the Citizen Potawatomi Nation upon ongoing matters necessary to the orderly administration of its delegated powers shall be embodied in ordinances, which may be called statutes, approved by a referendum election held within ninety (90) days. Every ordinance shall begin with the words, “Be it enacted by the Council of the Citizen Potawatomi Nation .</p> <p style="text-align: center;">ARTICLE 19 AMENDMENTS</p> <p>Amendments of this Constitution may be proposed by a unanimous vote of the Legislature or by a petition signed by thirty percent (30%) of the members of the Tribal Council, shall be submitted</p>

<p>Secretary of the Interior, shall be submitted to a referendum vote of the members of the Tribe, and shall be effective if ratified by a majority vote.</p>	<p>to a referendum vote of the members of the Tribe, and shall be effective if ratified by a 2/3 majority vote of those registering and voting in an election called for that purpose under the supervision of the Election Committee.</p>
<p style="text-align: center;">ARTICLE 21 RATIFICATION</p> <p>This Constitution, when approved by the secretary of the interior and ratified by a majority vote of the qualified voters of the Citizen Potawatomi Nation voting at an election called for that purpose by the Secretary of the Interior, in which at least thirty percent (30%) of those entitled to vote shall cast their ballots, shall be effective from the date of ratification.</p>	<p style="text-align: center;">ARTICLE 21 RATIFICATION</p> <p>This Constitution, when ratified by a majority vote of the qualified voters of the Citizen Potawatomi Nation voting at an election called for that purpose, in which at least thirty percent (30%) of those entitled to vote shall cast their ballots, shall be effective from the date of ratification.</p>