

**CONSTITUTION
OF THE
KIOWA TRIBE**

PREAMBLE

We the people of the Kiowa Tribe, pursuant to our inherent sovereignty and under the guidance of Daw-Kee (our almighty God), seek to improve, promote, and maintain our language, culture, traditions, and the independence of our people, to guarantee individual rights and freedom of religion, to preserve our right of self-government, to promote the social and economic welfare of our members, and to utilize, increase, and protect our tribal resources, maintain peace and order, and safeguard individual rights, do ordain and establish this Constitution.

ARTICLE I – BILL OF RIGHTS

Section 1. Bill of Rights. The government of the Tribe shall not make or enforce any law which:

- (a) infringes upon religious or cultural beliefs or prohibits the free exercise thereof including the right to possess and use peyote for religious purposes, nor establishes religion;
- (b) prohibits the freedom of speech, expression, or of the press, or the right of the People peaceably to assemble, and to petition the government for redress of grievances;
- (c) violates the right of the People to be secure in the privacy of their persons, houses, papers, electronic and telecommunications information, vehicles, and effects against unreasonable searches and seizures, nor issue warrants but upon probable cause, supported by oath or affirmation signed by a Judge and particularly describing the place, person, house, or things to be searched, the object and scope of such search, and the person or thing to be seized, nor executes an arrest without probable cause, nor exercise a detention without reasonable suspicion;
- (d) subjects any persons to search without probable cause, to interrogation while in custody, or to arrest without informing them of their rights to remain silent, to have access to an attorney, to be informed that anything they say can be held against them in a court of law, to have these rights explained at the time of arrest, and to ask the arrested individuals if they understand these rights;
- (e) subjects any person to criminal prosecution or punishment more than once for the same offense arising out of the same incident, nor compels any person in any criminal case to be a witness against himself or herself;
- (f) discharges any person from employment without due process, or takes any private property or possessory interest in private property for public use without due process and just compensation;
- (g) discharges any person from employment or takes any other retaliation against an employee who makes public any information of misconduct by officials or employees of the Tribe;
- (h) denies 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 or her, to have compulsory process for obtaining witnesses in his or her favor, and to have the assistance of counsel for his or her defense subject to income guidelines and availability of funds;
- (i) denies to any person in a civil proceeding the right to a speedy trial, and a public trial unless otherwise restricted by law;
- (j) requires excessive bail, imposes excessive fines, or inflicts cruel and unusual methods of interrogation or punishment;

- (k) denies to any person within its jurisdiction the equal protection, application, or opportunity under the law or deprive any person of liberty or property without due process of law; provided, that the government shall have the power to enact and implement laws that provide employment preferences;
- (l) directs a criminal proceeding against a specific individual or group, or punishes conduct after the fact through the enactment of laws or resolutions which criminalize such conduct;
- (m) denies to any person accused of an offense punishable by imprisonment the right upon request, to a trial by an impartial jury of not less than six persons, and all persons so charged shall be presumed innocent until proven guilty in a court of law;
- (n) denies to any person the access to his or her own personal information maintained by the Tribe;
- (o) discriminates against any person based on age, gender, religion, disability, familial status, sexual orientation, or social or economic status.

Section 2. Reserved Powers. Powers not granted to the Government shall be reserved to the People.

ARTICLE II – ORGANIZATION OF THE GOVERNMENT

Section 1. Sovereignty. The Tribe possesses inherent sovereign powers of government by virtue of territorial integrity and democracy. The Constitution of the Tribe shall be the supreme law of the land. All the existing laws of the Tribe shall remain in full force and effect unless such laws are contrary to the terms of this Constitution.

Section 2. Branches of Government. The power of the government shall be divided into four branches: Kiowa Indian Council, Executive, Legislative, and Judicial.

Section 3. Separation of Powers. No official of any branch of Government shall exercise any power granted in this Constitution or properly delegated by law to any other branch of Government except as expressly directed or permitted by this Constitution.

ARTICLE III – TERRITORY AND JURISDICTION

Section 1. Territory. The Territory of the Tribe shall include any and all lands which are held by, and any additional lands acquired by, the Tribe, and any lands held by the United States for the benefit of the Tribe or the People. The lands within the Territory shall include all water, property, airspace, surface rights, subsurface rights, natural resources, and any interests therein, notwithstanding the issuance of any patent or right-of-way in fee or otherwise, held by the government of the United States, a State or its subdivisions, or the Tribe, existing or in the future.

Section 2. Jurisdiction. The Jurisdiction of the Tribe shall extend to all persons, activities, and property within the Territory based upon inherent sovereignty. Any person who enters the Territory shall, by entering, be deemed to have consented to the Jurisdiction of the Tribe. Every license or permit issued under the authority of the Tribe shall include a provision submitting all parties and their assignees to the Jurisdiction of the Tribe. Any employee of the Tribe shall, by accepting employment, be deemed to have submitted to the Jurisdiction of the Tribe. The Legislature shall have the power to assert the Sovereignty and Jurisdiction of the Tribe by law over all matters that affect the interests of the Tribe. Nothing in this Article shall be construed to limit the ability of the Tribe to exercise its Jurisdiction based upon its inherent sovereignty as an Indian tribe.

ARTICLE IV - MEMBERSHIP

Section 1. Qualifying Membership. The membership of the Tribe shall consist of the following persons, regardless of their residence:

- (a) Upon approval of this Constitution, all original allottees of Kiowa Indian blood and/or Kiowa Captive blood shall be entitled to be enrolled as Members of the Tribe; provided, they are not disqualified for membership under Section 6 of this Article.
- (b) Descendants of persons identified in Section 1(a) of this Article shall be eligible for enrollment; provided, they file an application for enrollment with the Enrollment Office and possess at least one-fourth degree Kiowa Indian and/or Kiowa Captive blood. Upon determination by the Enrollment Office that an individual meets the requirements for membership, the individual shall be enrolled as a Member of the Tribe.

Section 2. Allottee Blood Quantum. All persons identified in Section 1(a) of this Article shall be deemed to possess four-fourths degree Kiowa Indian and/or Kiowa Captive blood for the purposes of computing eligibility of their descendants for membership under Section 1(b) of this Article.

Section 3. Acceptable Evidence. Persons whose parent or parents are not recorded on official records as Kiowa Indian(s) or Kiowa Captive(s) must prove by other acceptable evidence that they possess the required degree of Kiowa Indian and/or Kiowa Captive blood. Changes in degree of Indian blood from that shown in any records may be made in accordance with procedures established by the Legislature by law; provided, that any changes in blood degree shall be subject to the approval of the Bureau of Indian Affairs or its authorized representative.

Section 4. Application Process. Applications for membership must be supported by birth certificates or authenticated copies thereof and/or other records, as required by the circumstances of each application as required by law. All evidence submitted with an application for membership shall be retained by the Records Management Office.

Section 5. Adoption. Persons adopted by Kiowa Tribal Members shall not be eligible for membership in the Tribe unless they otherwise qualify for enrollment.

Section 6. Dual Enrollment Restriction. Persons who are enrolled as a member of another tribe shall not be eligible for enrollment with the Tribe if such person has, by virtue of such enrollment, received benefits of land or money. Any person who is enrolled as a member of another tribe and who has not received benefits of land or money shall be eligible for membership in the Tribe; provided, that such person files with both Tribes a formal relinquishment of membership in the other tribe.

Any person found to be enrolled as a member of another Indian tribe shall be notified of such dual enrollment status by certified mail, return receipt requested. If such person has not received benefits of land or money as defined in Section 6 above, such person shall be given ninety days from the date of receipt of the notice in which to elect the tribe in which they wish to retain their membership. In the event such person does not notify the Enrollment Office as specified above, the name of such person shall be removed from the membership roll.

Section 7. Enrollment Officer. The Chairman shall nominate an Enrollment Officer who shall be subject to confirmation by the Legislature; provided, that if the Legislature takes no action on the nomination within thirty days of presentment, then the nomination shall be deemed confirmed. The Enrollment Officer shall implement the laws enacted by the Legislature regarding membership.

Section 8. Membership Laws. The Legislature shall have the power to enact laws governing the loss of membership and future membership, including adoptions, consistent with this Constitution.

Section 9. Minors and Relinquishment of Membership. Notwithstanding the provision of Article IV, Section 6, any person who, as a minor, accepted land or monetary benefits as a member of another Indian tribe, shall have the option of relinquishing membership in the other Indian tribe and becoming a Member of the Tribe, no later than one year after such person attains the age of eighteen.

ARTICLE V – KIOWA INDIAN COUNCIL

Section 1. Composition. The Kiowa Indian Council shall be composed of all Members of the Tribe age eighteen and older.

Section 2. Office of the Council.

- (a) An Office of the Council is hereby established. A part-time Coordinator shall be selected by the Council at the Annual Meeting of the Council or at a Special Meeting of the Council as needed. Members of the Tribe interested in serving in the position of Coordinator shall submit an application to the Chairman at least sixty days prior to the Annual Meeting of the Council. The Chairman shall publish all applications for Coordinator at least thirty days prior to the Annual Meeting of the Council.
- (b) The Coordinator shall serve in accordance with terms and conditions established by the Council.

Section 3. Reserved Powers.

- (a) The Council shall have the power to establish its own rules of order and procedure.
- (b) The Council shall have the following powers; provided, that no such action of the Council shall become effective until the voters approve such matter in a subsequent election:
 - (i) The Council shall have the power to set policy for the Tribe.
 - (ii) The Council shall have the power to authorize the Chairman to enter into treaties, compacts, or contracts, and such authorization may include the power to waive Sovereign Immunity.
 - (iii) The Council shall have the power to initiate the process to amend the Constitution by voting to call a Special Election to place before the voters the text of a proposed amendment along with the question of whether such proposed amendment should be placed before the voters in a subsequent Special Election to be held within one year and following the requirements of Article XIV of this Constitution.

Section 4. Annual Meetings and Special Meetings.

- (a) An Annual Meeting of the Council shall be held on the first Saturday in April. No other meetings of the Tribe shall be held on the first Saturday in April including a Special Meeting of the Council or a Session or meeting of the Legislature. The Annual Meeting of the Council shall be held at the Tribe Headquarters.
- (b) Special Meetings of the Council may be called upon request of six Legislators or by petition signed by four-hundred Members of the Tribe who are eighteen years of age and older. The purpose of the Special Meeting shall be indicated in the request for the Special Meeting and no other business shall be conducted at the Special Meeting. The Election Commission shall validate petitions for Special Meetings. All requests for a Special Meeting shall be submitted to the Coordinator of the Office of the Council. Upon receipt of a request from the Legislature or a valid petition of the People, the Coordinator shall call the Special Meeting.
- (c) The Coordinator shall provide notice of all Regular Meetings and Special Meetings of the Council at least fifteen days before such Meeting.

Section 5. Procedures.

- (a) A quorum of the Council shall consist of at least one-hundred fifty Members of the Tribe age eighteen or older.
- (b) At the beginning of each Council meeting, the Council shall select a Chairman to preside at the meeting and to facilitate the meeting, and a Secretary to record the decisions of the Council and

publish the minutes of the meeting. The Secretary shall provide a copy of the decisions and minutes to the Coordinator.

- (c) All decisions of the Council shall be embodied in a written resolution. All proposed resolutions shall be submitted to the Coordinator for consideration by the Council in accordance with the requirements of this Constitution. The Coordinator for the Office of the Council shall accept proposed resolutions which are submitted at least forty-five days before a Meeting, and all such resolutions shall be placed on the agenda of the Special Meeting called to consider such resolution, or upon the agenda of the next Annual Meeting. No item shall be placed on an agenda for a Tribal Council Meeting unless such item has been submitted to the Coordinator in writing at least forty-five days before the Tribal Council Meeting. The Coordinator shall publish all resolutions to be considered at a Meeting of the Council at least thirty days before the Meeting. The Coordinator shall submit all approved resolutions within ten days of passage to the Election Commission, and the Election Commission shall call and hold an election for the voters to approve or disapprove such resolution or resolutions.

ARTICLE VI – LEGISLATIVE BRANCH

Section 1. Composition. The Legislative Branch shall be comprised of one Legislature. The Legislature shall be a body comprised of representatives of the People whose duty is shall be to monitor the actions of the government, access the needs of the People, and make laws toward better government to address the needs of the People. The Legislature shall consist of seven Kiowa Tribal Districts: District I: Ah-Kaw-Lay; District II: Zoltone/Carnegie; District III: DoHau-doy/Medicine Bluff; District IV: Qop-aydle/Jimmy Creek; District V: P’au-aydle/P’au-gul/Red River; District VI: Qocau P’au/Elk Creek; District VII: Cauigu/All Kiowa. Each District shall have one Legislator. The Legislature shall select a Speaker from among its Members.

Section 2. Districts.

- (a) The District boundaries shall be more or less as follows:

District I: Ah-Kaw-Lay/Anadarko

Northern Boundary:	Washita River
Southern Boundary:	Highway 19
Eastern Boundary:	Highway 81
Western Boundary:	Highway 281/Apache Wye/Redstone Roads

District 2: Zoltone/Carnegie

Northern Boundary:	Washita River
Southern Boundary:	Highway 19
Eastern Boundary:	Highway 281/Apache Wye/Redstone Roads
Western Boundary:	Highway 54

District 3: DoHau-doy/Medicine Bluff

Northern Boundary:	Highway 19
Southern Boundary:	Highway 7
Eastern Boundary:	Highway 81
Western Boundary:	I-44 to Highway 58

District 4: Qop-aydle/Jimmy Creek

Northern Boundary: Highway 19
Southern Boundary: Highway 62
Eastern Boundary: Highway 281 & I-44
Western Boundary: Highway 54

District 5: P’au-aydle/P’au-gul/Red River

Northern Boundary: Highway 62 & Highway 7 (Cache Rd)
Southern Boundary: Red River
Eastern Boundary: Highway 81
Western Boundary: Highway 183

District 6: Qocau P’au/Elk Creek

Northern Boundary: Washita River
Southern Boundary: Red River
Eastern Boundary: Highway 54 to Highway 62 to Highway 183
Western Boundary: North Fork of the Red River

District 7: Cauigu/All Kiowa

At Large

(b) The District boundaries may be altered as follows:

(i) Notwithstanding the District boundaries established by this Section 2(a), the eligible voters in the seven Districts shall be permitted to alter the boundaries of each of the six Districts to achieve an equitable distribution of voters among the seven Districts.

(ii) A proposal to alter the District boundaries shall be initiated by petition signed by at least thirty percent of the eligible voters of the Tribe. Upon request by a Member of the Tribe, the Election Commission shall prepare and issue an Official Petition Form at no charge along with the names and addresses of the eligible voters of the Tribe listed according to Districts including the minimum number of signatures required for a valid petition under this Section. Members of the Tribe shall have ninety calendar days to collect the required number of signatures on the petition.

(iii) A completed petition shall be submitted to the Election Commission. Upon submission, the Election Commission shall have thirty calendar days to rule on the validity of the signatures on the petition. If valid, the Election Commission shall submit the proposed new boundaries of the Districts to a vote in a Special Election which shall be held within forty-five days. The majority of votes cast shall determine the success or failure of the proposed new boundaries of the Districts. If successful, the decision shall be binding until altered by the voters in a subsequent Special Election.

Section 3. Terms. Legislators shall serve four year terms of office. A Legislator shall be eligible to serve three consecutive terms. Upon completing the third consecutive term, the Legislator shall not be eligible to serve in the Legislature until a period of three years has elapsed. A partial term of seven-hundred-thirty calendar days or more shall be considered a full term for purposes of counting the three-term limit.

Section 4. Qualifications: Districts 1-6.

- (a) At the time of filing, each candidate for District Legislator shall be an enrolled Member of the Tribe, shall have attained the age twenty-one or older, and shall possess a High School degree or its equivalent.
- (b) No person convicted of a felony shall be eligible to be a candidate for Legislator or serve as a Legislator. Each candidate for Legislator shall be required to submit to a criminal background check conducted by the Election Commission.
- (c) At the time of filing a nomination petition, a candidate for District Legislator shall physically reside in such District. Verification of residence, such as a driver's license, a utility bill, or similar documents, shall be filed with the Election Commission at the time of nomination. Each District Legislator shall reside in the District from which they are elected for the duration of the term. Each District Legislator shall be a registered voter in the District from which they are elected.
- (d) At time of filing, a candidate for District Legislator cannot owe any monetary debts to the Tribe if such debts are in arrears or in default.
- (e) No Legislator shall be otherwise employed in any governmental capacity.
- (f) Candidates who run for Districts 1-6 Legislator seats shall be prohibited from running as a candidate in District 7 at the same time.

Section 5. Qualifications: District 7.

- (a) At the time of filing for candidacy, each candidate for District 7 Legislator shall be an enrolled Member of the Tribe, shall have attained the age twenty-one or older, and shall possess a High School degree or its equivalent.
- (b) No person convicted of a felony shall be eligible to be a candidate for District 7 Legislator. Each candidate for Legislator shall be required to submit to a criminal background check conducted by the Election Commission.
- (c) The Legislator from District 7 shall reside outside of the six voting Districts. Only qualified Members who reside outside of the boundaries set for District 1 through 6 shall vote for the District 7 Legislator. Verification of residence, such as a driver's license, a utility bill, or similar documents, shall be filed with the Election Commission at the time of nomination.
- (d) At time of filing, a candidate for District 7 Legislator cannot owe any monetary debts to the Tribe if such debts are in arrears or in default.
- (e) No District 7 Legislator shall be otherwise employed in any governmental capacity.

Section 6. Powers.

- (a) The Legislature shall have the power to make laws and resolutions in accordance with the requirements of the Constitution. All legislative actions by the Legislature shall be embodied in a written law or resolution. All actions by the Legislature shall be made by a majority vote of the Legislators present, unless otherwise specified in this Constitution. Laws and resolutions which have been enacted shall remain valid until amended or repealed.
- (b) The Legislature shall have the power to pass an annual budget or budget modification subject to the following conditions:
 - (i) The Legislature shall have the power to consider any budget proposals presented to the Legislature by the Chairman. The Legislature shall have the power to accept the budget proposal presented by the Chairman or develop its own budget proposals, and the Legislature shall have

the power to pass an annual budget and budget modifications pursuant to the Legislative Process; provided, that the Election Commission shall promptly place any budget or budget modification approved by the Legislature, or deemed approved by the Legislature, before the voters for approval or disapproval. No budget or budget modification shall be valid until approved by the voters in an election.

(ii) The annual budget shall include an appropriation of operating funds for the Council, the Legislature, the Executive Branch, and the Judicial Branch. The annual budget shall include all revenue and funds controlled by the Tribe including government funding, grants, business revenue, gaming revenue, and all revenue and funds received by the Tribe from any and all sources.

(iii) Any modification of an approved budget shall be approved in the same manner as the annual budget. The Legislature shall have the power to enact budget modifications twice per year by law; provided, that budget modifications to obtain new grants, appropriate matching funds for new grants, or to expend new grant funds may be done at any time by law. No budget modification shall be valid if such modification violates the requirements of this subsection 6(b).

(iv) The Tribe shall operate on a fiscal year beginning July 1st and ending June 30th.

(v) The Legislature shall have the power to raise revenue and appropriate funds for expenditure. Every funding item in the annual budget must have been previously authorized by law. No monies shall be drawn from the Treasury except by signature of the Chairman and except upon authorization and appropriation by law.

(vi) If the Legislature fails to approve an annual budget within sixty days of presentment of a proposed annual budget by the Chairman to the Legislature by February 1st, then the annual budget presented by the Chairman shall be deemed approved for the purpose of placing such budget before the voters for approval or disapproval. If a new annual budget is not approved by the beginning of the fiscal year, then the most recently approved budget shall remain in effect until a new budget is approved.

- (c) The Legislature shall have the power to pass Legislative Orders to approve internal administrative and operational matters, and other specified matters. Legislative Orders shall be used by the Legislature to approve or reject a veto override of a law or budget, to call Special Meetings of the Council, and to confirm or deny nominations made by the Chairman. The Legislature may, upon reasonable notice, convene at any time to consider and approve Legislative Orders. A Legislative Order passed by the Legislature shall not be presented to the Chairman for signature or veto.
- (d) The Legislature shall have the power to override an Executive veto by six affirmative votes from the Legislators present.
- (e) The Legislature shall have the power to set its own procedures consistent with this Constitution. During an official session of the Legislature, a quorum of four Legislators shall be required to pass bills pursuant to the Legislative Process.
- (f) The Legislature shall have the power to employ Legislative staff, and the power to establish Legislative Committees comprised exclusively of Legislators.
- (g) The Legislature shall have the authority to authorize per capita payments to Members of the Tribe by law.
- (h) The Legislature shall have the power to establish regulatory Commissions by law. Any Commission established by the Legislature or by the Constitution shall be located in the Executive Branch of government. No Member of the Legislature may also be a member of any Commission established by the Legislature. All Commissions shall be subject to the laws of the Tribe. Any Commission created by the Legislature shall have the authority to promulgate written

regulations permitted by law and in accordance with legislative due process. Members of all Commissions shall be selected by nomination from the Chairman, subject to confirmation of the Legislature.

- (i) The Legislature shall have the power to establish Executive Boards by law. Any Board established by the Legislature shall be located in the Executive Branch of government, shall be subject to the powers of the Executive Branch, and shall carry out and execute the duties called for in the laws. All Board shall be subject to the laws of the Tribe. No Member of the Legislature may also be a member of any Board established by the Legislature. Members of all Boards shall be nominated by the Chairman, subject to confirmation of the Legislature.
- (j) The Legislature shall not be authorized to enact a private law.

Section 7. Sessions.

- (a) The Legislature shall convene at the Tribe Headquarters for twelve Regular Sessions of up to two consecutive days beginning on the second Saturday of each month beginning at 9:00 a.m. Legislative Committees may convene at any time.
- (b) The Chairman may call Special Sessions of the Legislature. All Special Sessions of the Legislature shall be held within a voting District, other than District 7. The purposes of the Special Session shall be stated in a notice published not less than five days prior to the Special Session and the Legislature shall not consider any other subject not within such purposes.
- (c) A Special Session of the Legislature shall be held annually in the spring at a time set by the Legislature by Legislative Order. The purpose of the Special Session shall be to meet and counsel with all society and/or church organizations and/or traditional leadership regarding the needs and welfare of the Tribe and its Members. All Cultural and/or Traditional Leadership shall receive an invitation to the Special Session.
- (d) The Legislature shall have the power to convene at any time to consider Legislative Orders.

Section 8. Legislative Process.

- (a) The Legislature shall adopt and follow an open public legislative process for enacting all laws and resolutions which shall include the following:
 - (i) All legislative proposals shall be formally introduced as written Bills. All Bills shall include a statement identifying the specific law, if any, to be superseded, repealed, or amended.
 - (ii) All Bills shall be read into the Legislative Record. All Bills shall be published in a Legislative Calendar for at least thirty days prior to action on the Bill. All Bills shall be made the subject of a public legislative hearing prior to action on the Bill.
 - (iii) All decisions of the Legislature shall be made by a majority vote of the Legislators present unless otherwise specified in this Constitution. The Legislature shall vote on each individual Bill separately by roll call vote. The names and votes of each Legislature shall be recorded and published. Proxy voting shall be prohibited.
 - (iv) All Bills passed by the Legislature shall be presented to the Chairman for signature or veto. All laws shall take effect upon signature by the Chairman or veto override by the Legislature, or at a later time indicated in the law.
 - (v) The Office of Records Management shall compile all laws and resolutions into a comprehensive Code that shall be published annually.
 - (vi) Any action by the Legislature which does not follow the Legislative process shall be deemed void and shall not be implemented or enforced by the government, Chairman, or any official or employee.

Section 9. Compensation. Legislators shall be paid a reasonable compensation as established by law. No increase or decrease in compensation shall take effect until after the next General Election except for generally applicable cost of living increases.

ARTICLE VII – EXECUTIVE BRANCH

Section 1. Composition.

- (a) The Executive Branch shall be comprised of a Chairman and Vice-Chairman.
- (b) The Chairman and Vice-Chairman shall be elected by the eligible voters of the Tribe. Candidates for Chairman and Vice-Chairman shall seek office as a team and both their names shall appear on the ballot together. In recognition that the People elect a Chairman and a Vice-Chairman who is subordinate to the Chairman together on the same ballot, the Chairman shall have the right to dismiss the Vice-Chairman for cause; provided, that the Vice Chairman shall be provided with a written statement of the charges and an opportunity to publically respond to the charges prior to any decision on dismissal.
- (c) The Executive Branch shall be comprised of no more than four divisions each headed by one Executive Director who shall be nominated by the Chairman and subject to confirmation by the Legislature; provided, that if the Legislature takes no action on a nomination within thirty days of presentment, then such nominee shall be deemed confirmed. The divisions shall be complemented by departments established by law; provided, that a Department of Law Enforcement is hereby established and vested with law enforcement powers of the Tribe subject to the power and direction of the Chairman. The Department of Law Enforcement shall enforce court orders.
- (d) In order to provide the people with immediate law enforcement services, the Chairman shall have the power to select an interim Chief of Police who shall serve as the interim head of the Department of Law Enforcement until properly replaced in accordance with the requirements of this Constitution.

Section 2. Terms. The Chairman and Vice-Chairman shall serve four year terms or until a successor has been sworn into office. The Chairman and Vice-Chairman may serve as many terms in succession or otherwise as decided by the voters.

Section 3. Qualifications.

- (a) At time of filing, each candidate for Chairman and Vice-Chairman shall be enrolled Members of the Tribe, shall have attained the age of least thirty-five or older, and shall each possess at least a Bachelor degree from an accredited college or university as determined by law, or in absence of law regarding accreditation, then in accordance with regulations promulgated by the Election Commission.
- (b) No person convicted of a felony shall be eligible to be a candidate for Chairman or Vice-Chairman or serve as a Chairman or Vice-Chairman. Each candidate for Chairman or Vice-Chairman shall be required to submit to a criminal background check conducted by the Election Commission.
- (c) At time of filing a nomination petition, a candidate for Chairman or Vice-Chairman shall physically reside in a voting District other than District 7. Verification of residence, such as a driver's license, a utility bill, or similar documents, shall be filed with the Election Commission at the time of nomination. The Chairman and Vice-Chairman shall be residents of a voting District, other than District 7, for the duration of their terms.

- (d) At time of filing, each candidate for Chairman and Vice-Chairman shall submit copies of their Federal income tax returns for the previous five years and provide a written list of all of their personal and real property in excess of ten thousand dollars to the Election Commission.
- (e) At time of filing, candidates for Chairman or Vice-Chairman cannot owe any monetary debts to the Tribe if such debts are in arrears or in default.

Section 4. Powers.

- (a) The Executive power of the Tribe shall be vested in the Chairman. The Chairman shall execute, administer, and enforce the laws. The Chairman shall enforce court orders. The Chairman shall make projections of revenues for a two-year period and shall develop and present an annual budget to the Legislature no later than February 1st. Each Department shall prepare and present a proposed annual departmental budget of all proposed revenues and expenditures, including any contributions required of the Tribe in any grant proposal, to assist the Chairman in the preparation of the annual budget. The annual budget shall include all projected revenue and funds controlled by the Tribe including gaming revenue, and all revenue and funds received by the Tribe from any and all sources. Monies that have been appropriated by law shall not be drawn from the Treasury except by signature of the Chairman and any other executive officers subordinate to the Chairman as required by the Legislature by law. No expenditure shall be made unless included in an approved budget.
- (b) The Chairman shall have the power to negotiate and sign a treaty, contract, compact, or gaming management contract which has been previously and specifically authorized by the Council. No treaty, contract, compact, or gaming management contract shall be valid which has not been previously authorized by the Council or Legislature by law. A treaty, compact, and gaming management contract signed by the Chairman shall be subject to ratification by the Legislature.
- (c) The Chairman shall have the power to negotiate and sign a contract, other than a gaming management contract, which has been previously authorized by the Council or Legislature by law. No contract shall be valid which has not been previously authorized by the Council or Legislature by law. In the event of a conflict between the acts of the Council and the Legislature regarding the authorization to contract, the act of the Council shall govern.
- (d) The Chairman shall have the power to nominate a Treasurer subject to confirmation by the Legislature; provided, that if the Legislature takes no action on the nomination within thirty days of presentment, then such nominee shall be deemed confirmed. The Treasurer shall act at the direction of the Chairman and shall safeguard and be responsible for the financial assets and financial practices of the Tribe. The Treasurer shall be bonded in a sufficient amount to protect the financial assets of the Tribe.
- (e) The Chairman shall ensure that an annual audit of the Tribe is conducted as prescribed by law by an independent certified public accountant. No auditor shall be employed by the Tribe for more than three consecutive years.
- (f) The Chairman shall have the power to sign any enactment passed by the Legislature into law or to veto with written explanations any enactment passed by the Legislature within ten days of passage and presentment of a certified enactment from the Legislature to the Chairman; provided, that if the Chairman takes no action within ten days, the enactment shall become law in accordance with this Constitution.
- (g) The Chairman shall have the power to nominate an Executive Director for a division, subject to confirmation by the Legislature; provided, that if the Legislature takes no action on the nomination within thirty days of presentment, then such nominee shall be deemed confirmed.

Executive Directors shall be directly responsible to the Chairman and shall be subject to dismissal by the Chairman at any time and for any reason.

- (h) The Chairman shall serve as the representative of the Tribe for purposes of representing the Tribe in negotiations with other governments.

Section 5. Compensation. The Chairman and Vice-Chairman shall receive reasonable compensation as established by law. No increase or decrease in compensation for the Chairman and Vice-Chairman shall take effect until after the next General Election except for generally applicable cost of living increases.

ARTICLE VIII – JUDICIAL BRANCH

Section 1. Composition.

- (a) The Judicial Branch shall be comprised of one Supreme Court, one Trial Court, and such other lower courts of special jurisdiction as deemed necessary by the Legislature by law.
- (b) The Supreme Court shall be comprised of one Chief Justice and four Associate Justices.
- (c) The Trial Court shall be comprised of one Chief Judge, one Senior Associate Judge, and other Associate Judges as deemed necessary by the Legislature by law. If the Chief Judge or an Associate Judge is unable to hear a case, then the Chief Judge shall select a judge pro tempore to hear the case.
- (d) In order to provide the people with immediate access to the Tribe's judicial system, the Chairman shall have the power to select and install an Interim Chief Judge who shall have all rights and responsibilities of a Chief Judge until replaced in accordance with the requirements of this Constitution. If the Chairman fails to appoint an Interim Chief Judge within thirty days of the adoption of this Constitution, then the Legislature shall have the power to appoint an Interim Chief Judge. Upon assuming office, the interim Chief Judge shall appoint three qualified individuals to serve as the interim Supreme Court to hear appeals from the Trial Court and who shall serve until properly replaced in accordance with the requirements of this Constitution.

Section 2. Selection. Each Judge and Justice shall be selected upon nomination by the Chairman, subject to confirmation by the Legislature; provided, that if the Legislature takes no action on the nomination within thirty days of presentment, then the nominee shall be deemed confirmed.

Section 3. Terms.

- (a) The Chief Justice and each Associate Justice of the Supreme Court shall serve four year staggered terms or until a successor is nominated, confirmed, and sworn into office. The staggered terms shall be established by law.
- (b) The Chief Judge, Senior Associate Judge of the Trial Court, and any other Associate Judges of the Trial Court shall serve four year staggered terms established by law.

Section 4. Qualifications.

- (a) The Chief Justice and Chief Judge shall be at least thirty years of age.
- (b) The Chief Justice and Chief Judge shall each possess a law degree and be members in good standing of a recognized bar association.
- (c) The Chief Justice and Chief Judge shall reside within the Territory or within one hundred miles of the territorial boundaries during his or her term of office.
- (d) No person convicted of a felony shall serve as a Justice or Judge.

Section 5. Jurisdiction.

- (a) The Trial Courts shall have original jurisdiction over all cases and controversies, both criminal and civil, in law or in equity, arising under the Constitution, laws, and customs of the Tribe, including cases in which the Tribe or its officials and employees shall be a party. Any such case or controversy arising within the jurisdiction of the Tribe shall be filed in the Trial Court before it is filed in any other court. This grant of jurisdiction shall not be construed to be a waiver of the Sovereign Immunity of the Tribe.
- (b) The Supreme Court shall have appellate jurisdiction over any case on appeal from the Trial Court. The Supreme Court shall have original and exclusive jurisdiction over any final determination by the Election Commission on a protest or challenge of the results of an election, and such jurisdiction shall include the power to make findings of fact and conclusion of law, and to issue all remedies in law and equity.
- (c) The Trial Court and the Supreme Court shall not have jurisdiction over traditional religious matters such as the conduct of ceremonies or the possession of sacred objects.
- (d) Until such time as the Tribe enacts a law and order code establishing criminal offenses and criminal procedures, as well as laws establishing civil procedures governing civil causes of action, the Courts of the Tribe shall apply the criminal offenses, criminal procedures, and procedures governing civil actions contained in the U.S. Code of Federal Regulations.

Section 6. Powers and Duties.

- (a) The Trial Court shall have the power to make findings of fact, to interpret the Constitution and laws of the Tribe, and to make conclusions of law. The Trial Court shall have the power to issue all remedies in law and in equity.
- (b) The Trial Court shall have the power to declare the laws of the Tribe void if such laws are not in agreement with this Constitution.
- (c) The Supreme Court shall have the power to interpret the Constitution and laws of the Tribe and to make conclusions of the law. The Supreme Court shall have the power to issue all remedies in law and in equity. Decisions of the Supreme Court shall be final. The Supreme Court shall convene at least once every three months.
- (d) The Supreme Court shall have the power to declare the laws of the Tribe void if such laws are not in agreement with this Constitution.
- (e) All orders, opinions, and decisions of the Supreme Court shall be written and published.
- (f) The Courts shall render a final disposition in all cases properly filed.
- (g) The Judicial Branch shall have the power to administer funds appropriated by law for the Judicial Branch.
- (h) The Supreme Court shall establish rules for the Judicial Branch subject to the power of the Judicial Commission to modify such rules. The Legislature shall have the power to establish rules for the Judicial Branch by law notwithstanding the power of the Supreme Court or Judicial Commission to establish rules.

Section 7. Right to Appeal. Any party to a civil action, or a defendant in a criminal action, who is dissatisfied with the judgment or verdict may appeal to the Supreme Court. All appeals that are accepted for review by the Supreme Court shall be heard by the full court.

Section 8. Compensation. Justices and Judges shall receive reasonable compensation as established by law. No increase or decrease in compensation for Justices and Judges shall take effect until after the next General Election except for generally applicable cost of living increases.

Section 9. Judicial Commission.

- (a) There shall be a Judicial Commission comprised of five Members of the Tribe nominated by the Chairman subject to confirmation by the Legislature; provided, that if the Legislature takes no action on the nomination within thirty days of presentment, then such nominee shall be deemed confirmed. No person who has been convicted of a felony may serve as a Judicial Commission Member. Judicial Commission Members shall serve four year staggered terms as determined by law.
- (b) The Judicial Commission shall adopt a Code of Ethics for the Judges, Justices, attorneys, and advocates. The Judicial Commission shall hear any complaints regarding Judges, Justices, attorneys, and advocates. The Judicial Commission shall have the power to make recommendations to the Chief Justice to discipline an Associate Justice, Associate Judge, or Special Judge. The Judicial Commission shall have the power to make recommendations to the Justice to discipline or remove any Court clerk or other Court staff. The Judicial Commission shall have the power to make recommendations to the Legislature to remove a Judge or Justice in accordance with this Constitution. The Judicial Commission shall provide each person subject to discipline or removal with due process.
- (c) The Judicial Commission shall have the power to regulate the conduct of lawyers and advocates licensed to practice in the Courts. A denial or revocation of a license to practice in the Courts may be appealed to the Judicial Commission; provided, that any decision by the Judicial Commission regarding such license may be appealed to the Chief Justice who shall make a final decision in writing.
- (d) The Judicial Commission shall receive reasonable compensation as established by law.

ARTICLE IX – ELECTIONS

Section 1. Voters. Members of the Tribe age eighteen or older shall be eligible to vote in an election.

Section 2. Voter Registration.

- (a) Voters shall register to vote in the District in which they reside. Voters who do not reside within a District shall register to vote in any District; provided, that once registered in such District, the voter shall not be permitted to change Districts unless he or she establishes residency in another District.
- (b) A Member who is properly registered to vote in a District shall not be required to re-register to vote unless the Member establishes residency in another District.

Section 3. Election Commission.

- (a) There shall be an Election Commission vested with the responsibility to conduct all elections in a fair and impartial manner in accordance with this Constitution and laws of the Tribe. The Election Commission shall annually select one of its members to serve as the Chairman of the Election Commission. The Legislature shall not have executive or administrative authority over the Election Commission.
- (b) The Election Commission shall consist of one Member from each District selected upon nomination by the Chairman and confirmation by the Legislature. Elected officials of the Tribe shall not be eligible to serve on the Election Commission.
- (c) Each Member of the Election Commission shall possess, at a minimum, a High School degree or its equivalent.

- (d) No person convicted of a felony shall serve as an Election Commission Member. An Election Commission Member who, while in office, is convicted of a felony, convicted of a crime involving dishonesty, convicted of violating the election laws, or violates Article XII, Section 1 of this Constitution, shall forfeit office.
- (e) Election Commission Members shall serve four year staggered terms. An Election Commission Member shall be eligible to serve two consecutive terms under this Constitution. Upon completing the second consecutive term, the Election Commission Member shall not be eligible to serve on the Election Commission until a period of two years has elapsed. A partial term of seven-hundred-thirty calendar days or more shall be considered a full term.

Section 4. Nominations. Each candidate for elective office shall file a nomination petition with the Election Commission. Each nomination petition shall contain at least fifty signatures of Members of the Tribe who are qualified to vote in the respective District.

Section 5. Candidates. Any employee of the Tribe, who is a candidate for elective office in a Primary Election or General Election, shall be granted leave without pay for ten working days prior to any Primary Election or General Election.

Section 6. Polling Sites. All votes shall be cast at a District polling site. There shall be at least one but no more than three polling sites in each District. Polling sites shall be established by the Election Commission.

Section 7. Ballots.

- (a) All elections shall be conducted by secret ballot.
- (b) Absentee voting shall be permitted for eligible voters who are registered in a District and who are unable to vote at the polls for reasons established by law, or in absence of the law, by regulations promulgated by the Election Commission.
- (c) The Election Commission shall properly account for all official ballots and shall utilize an electronic identification or equivalent system to ensure the integrity of the official ballots.

Section 8. Compensation. The Election Commission Members shall receive reasonable compensation as established by law. No increase or decrease in compensation for the Election Commission shall take effect until after the next General Election except for generally applicable cost of living increases.

Section 9. Procedures.

- (a) Nominations for elective office shall be open to qualified candidates. The Election Commission shall make all determinations regarding the eligibility of candidates. Any Member of the Tribe may challenge a name on, or the omission of a name from, the preliminary list of candidates by filing a written protest with the Election Commission, which shall decide all written protests to the preliminary list of candidates. The Election Commission shall publish a final list of candidates.
- (b) The Election Commission shall publish a preliminary list of eligible voters. The Enrollment Department and the Election Commission shall cooperate in the development of the preliminary list of eligible voters. Any Member of the Tribe may challenge a name on, or the omission of a name from, the preliminary list of eligible voters by filing a written protest with the Election Commission. The Election Commission shall decide all written protests to the preliminary list of eligible voters. The Election Commission shall publish a final list of eligible voters.
- (c) During the Primary Election and General Election, the Election Commission shall ensure that all ballots are properly secured and sealed to ensure the integrity of the ballots.

- (d) During the General Election, the candidate or question receiving the greatest number of votes cast shall prevail.
- (e) For purposes of enforcing election laws of the Tribe, the Election Commission shall be subject to suit for non-monetary, equitable relief exclusively in the Judicial Branch.

Section 10. Primary Election. A Primary Election for the Chairman/Vice-Chairman Team, and Legislators shall be held on the first Saturday in May in odd numbered years when such terms are set to expire. If three or more candidates for the Office of Chairman/Vice Chairman, or a Legislator seat are vying for the same office, then the two candidates who receive the highest number of votes in the Primary Election shall proceed to the General Election. If a candidate for the Office of Chairman/Vice-Chairman, or a Legislator seat receives fifty-one percent or more of the votes cast in the Primary Election, then that person or Team shall be declared candidate(s)-elect, shall not be required to run-off in a General Election, and shall be seated at the expiration of the term of the incumbent(s).

Section 11. General Election. A General Election for Chairman and Vice-Chairman, and Legislators shall be held on the first Saturday in June in odd numbered years when such terms are set to expire. The candidates receiving the highest number of votes in the General Election shall be seated. Any tie vote in a General Election shall be decided by lottery.

Section 12. Special Election. A Special Election shall be held when called for by the Legislature by law or by this Constitution.

Section 13. Certification of Election Results. The Election Commission shall certify all election results within twenty-four hours of the close of the polls.

Section 14. Election Challenges. All protests and challenges to the results of an election shall be initially filed with the Election Commission. The Election Commission shall render a final determination on any protest or challenge within forty-eight hours setting forth in writing separate findings of fact and conclusions of law. If the Election Commission fails to render a final determination on an election protest or challenge within forty-eight hours, the original certification of the election results shall be deemed final for purposes of judicial review. An appeal of a final determination made by the Election Commission on any protest or challenge to the results of the election may be filed directly with the Supreme Court; provided, that a non-refundable fee of one thousand dollars in the form of a cashier's check or money order is filed with the appeal. The Supreme Court shall hear and decide all election appeals within thirty calendar days: provided, that, if the Supreme Court fails to decide such appeals within thirty calendar days, then the decision of the Election Commission shall be final and no subsequent judicial review shall be permitted.

Section 15. Oath of Office. A Justice of the Supreme Court shall administer the Oath of Office for all newly elected officials of the Tribe on July 15th following an election. The Oath of Office shall require all elected officials to swear an oath and allegiance to serve all the People of the Tribe, to refuse all gifts or favors in exchange for official action, to refrain from providing any gifts, favors, or money in exchange for political gain, and to uphold the Constitution of the Tribe.

Section 16. First Elections.

- (a) Upon the adoption of this Constitution, the incumbent Chairman and Vice-Chairman shall be considered the Chairman and Vice-Chairman under this Constitution and shall serve until the General Election is held in June 2018 or until successors have been sworn into office.
- (b) Upon the adoption of this Constitution, the incumbent Business Committee Members shall be considered District Legislators under this Constitution, and shall serve until their terms expire in June 2017 or June 2018 as the case may be or until their successors are sworn into office.

- (c) In order to establish staggered terms of office, in the First Election held under this Constitution in June 2017, District 2, District 5, District 6, and District 7 shall be filled and shall have three year terms of office. In the First Election held under this Constitution in June 2018, the Chairman and Vice-Chairman team, District 1, District 3, and District 4 shall be filled and shall have four year terms of office. After the completion of the First Elections held in June 2017 and June 2018, the terms of office for all Legislators and the Chairman and Vice-Chairman team shall be four years.
- (d) Legislators serving up to the June 2017 election shall be subject to recall pursuant to the process outlined in Article XII, Section 5 (b), (c), (d), and (e), and Section 6 of this Constitution. Legislators serving up to the June 2018 election shall be subject to recall pursuant to the process outlined in Article XII, Section 5 (b), (c), (d), and (e), and Section 6 of this Constitution. Legislators elected from a District after the June 2017 election and the June 2018 election shall be subject to recall pursuant to the terms of this Constitution.
- (e) The Election Commission shall conduct the First Elections in 2017 and 2018. If the Chairman and Legislature are unable to agree on the selection of at least four Election Commission Members, then the most recently seated members of the General Election Board shall serve until properly replaced; provided, that in such circumstances, a quorum of the General Election Board shall not be required in order to conduct business.

ARTICLE X – SOVEREIGN IMMUNITY

Section 1. Sovereign Immunity. The Tribe shall possess Sovereign Immunity. Nothing in this Constitution shall be deemed to waive Sovereign Immunity from suit. Only the Legislature and the Council may authorize a waiver of Sovereign Immunity by law. Any authorization by the Legislature to waive Sovereign Immunity shall be specific, for a limited scope and duration, in writing, and shall be limited to a maximum of one hundred thousand dollars per party. Any authorization by the Council to waive Sovereign Immunity shall be specific, for a limited scope and duration, in writing, and in accordance with the requirements of Article V of this Constitution.

Section 2. Immunity from Suit by Parties outside the Jurisdiction of the Tribe. The Tribe and its Officials and Employees acting in their official capacity or within the scope of their authority shall be immune from suit brought by any party not subject to the Jurisdiction of the Tribes except to the extent waived in accordance with law.

Section 3. Immunity from Suit by Parties within the Jurisdiction of the Tribe. The Tribe and its Officials and Employees acting in their official capacity or within the scope of their authority shall be immune from suit except for suits in equity filed exclusively in the Courts of the Tribe by any party subject to the Jurisdiction of the Tribe to enforce rights and duties established by law or this Constitution. Any Member of the Tribe may bring a suit to enforce the provisions of this Constitution without the need to show standing or particularized harm. Sovereign Immunity shall not extend to Officials and Employees acting outside their official capacity or beyond the scope of their authority.

Section 4. Suits against the Legislature and Legislators. Because the Legislature has no authority to take executive actions except those specifically authorized by this Constitution, the Legislature and individual legislators acting in their official capacity shall be immune from suit in law and equity. When the Legislature is exercising an executive function specifically authorized by this Constitution, the Legislature shall not be immune from suit in equity filed exclusively in the Judicial Branch by any party subject to the Jurisdiction of the Tribe.

Section 5. Suits against Judges. Judges and Justices shall be immune from suit in law and equity for actions taken in their official capacity.

ARTICLE XI – REFERENDUM AND INITIATIVE

Section 1. Popular Vote. The citizens of the Tribe reserve the right to require a popular vote on any law or proposed law by binding Referendum or Initiative.

Section 2. Referendum. Upon receipt of a valid petition signed by four hundred qualified voters protesting an enacted law, the Election Commission shall, after validating the signatures on the petition, call and hold a special Referendum to vote on whether the enactment shall thereafter be in effect. Such petition shall be filed no later than sixty days following the questioned enactment. The majority of the votes cast in such Referendum shall be conclusive and binding; provided, that at least four hundred votes are cast. If the law is rejected by such vote, then that enactment shall be null and void as of the date of the Referendum.

Section 3. Initiative. The voters reserve the right to enact legislation by popular vote; provided, that initiatives on spending and budgets shall be prohibited. An Initiative is put into motion by a petition. Upon receipt of a valid petition, signed by at least four hundred eligible voters, the Election Commission shall conduct a Special Election within forty-five days. In any conflict between an election initiated by petition of the voters and an election called by the Council, the results of the election called by the Council shall govern.

Section 4. Referendum and Initiative Procedures.

- (a) All petitions seeking a Referendum or Initiative vote on a law or budget as permitted by this Constitution shall be submitted to the Election Commission. Upon request, the Election Commission shall prepare and issue a petition form to a Petitioner along with the names and addresses of the eligible voters of the Tribe listed according to Districts including the minimum number of signatures required for a valid petition. The Election Commission shall provide a list of names and addresses within seven days of the request.
- (b) Any voter may submit a Referendum or Initiative petition to the Election Commission. The Election Commission shall have thirty calendar days to rule on the validity of the signatures on the petition, and if valid, the Election Commission shall submit the law or proposed law to a popular vote in a Special Election which shall be held within forty-five days.
- (c) The majority of votes cast by the voters in a Special Election shall determine the success or failure of the Referendum or Initiative, and if successful, the results shall be binding on the Tribe; provided, that six hundred or more voters participated in the election.

Section 5. Referendum by the Legislature. The Legislature shall have the power to call a Referendum or Initiative election under this Article by six affirmative votes of Legislators.

ARTICLE XII – FORFEITURE, REMOVAL, RECALL, AND VACANCIES

Section 1. Forfeiture. Any elected or appointed official of the Tribe who, during the term for which he or she is elected or appointed, is convicted in any Tribe, State, or Federal court of a felony, a crime involving dishonesty, or a misdemeanor involving moral turpitude shall automatically forfeit his or her office effective on the date of his/her initial conviction in court and the seat shall be declared vacant. If more than six months remain in the unexpired term, then the Election Commission shall conduct a Special Election to fill the vacancy. If less than six months remain in the unexpired term, then the Chairman shall nominate a qualified candidate to serve in an interim capacity and who shall be subject to confirmation by the Legislature.

Section 2. Removal of Legislators by Referral to Recall Election. The Legislature shall have the power to seek the removal of a Legislator for good cause by a unanimous vote of the remaining Members of the Legislature. Upon a decision by the Legislature to seek the removal of a Legislator, such Legislator shall stand for re-election within thirty days of such decision. The Legislature shall have the burden of proving good cause beyond a reasonable doubt. A Legislator subject to removal by referral to a Special Election

shall be provided with adequate notice, be informed of the charges in writing, be given opportunity to address the Legislature in a public hearing, and be given an opportunity to contest the charges, and prepare and present a defense including presenting witnesses and other evidence. The process to seek the removal of Legislator shall not extend beyond ninety days. No more than one Legislator shall be subject to removal by referral to a Special Election at the same time. No more than one attempt to remove a Legislator by referral to a Special Election shall be permitted during a term.

Section 3. Impeachment and Removal of a Chairman and Vice-Chairman. The Legislature shall have the power to impeach and remove a Chairman or Vice-Chairman for good cause beyond a reasonable doubt by a unanimous vote of the Legislature. The Legislature shall have the burden of proving good cause beyond a reasonable doubt. A Chairman or Vice-Chairman subject to removal shall be provided with adequate notice, be informed of the charges in writing, be given an opportunity to address the Legislature in a public hearing, and be given an opportunity to contest the charges, and prepare and present a defense including presenting witnesses and other evidence. The process to seek the impeachment and removal of the Chairman or Vice-Chairman shall not extend beyond ninety days. The Chairman and Vice-Chairman shall not be subject to impeachment and removal at the same time.

Section 4. Impeachment and Removal of a Judge or Justice. The Legislature shall have the power to impeach and remove a Judge or Justice for good cause by a unanimous vote of the Legislature. The Legislature shall have the burden of proving good cause beyond a reasonable doubt. A Judge or Justice subject to impeachment and removal shall be provided with adequate notice, be informed of the charges in writing, be given an opportunity to address the Legislature in a public hearing, and be given an opportunity to contest the charges, and prepare and present a defense including presenting witnesses and other evidence. The process to seek the impeachment and removal of the Judge or Justice shall not exceed beyond ninety days. No more than one Judge or Justice shall be subject to impeachment and removal at the same time.

Section 5. Recall.

- (a) A Legislator shall be subject to a recall vote in a Special Election called by petition of at least thirty percent of the number of registered voters in their respective District. If approved for a recall vote, only registered voters within the Legislator's District shall participate in the recall election.
- (b) A Chairman or Vice-Chairman shall be removable by recall vote in a Special Election called by petition of at least thirty percent of the number of registered voters in the Tribe.
- (c) A voter seeking the recall of a Legislator, Chairman, or Vice-Chairman shall submit a nonrefundable Recall Fee of one thousand dollars to the Election Commission. Upon receipt of the recall fee, the Election Commission shall issue a dated official recall petition form to the Petitioner along with a list of names and addresses of eligible voters of the Tribe listed according to Districts. The Petitioner shall have ninety days to collect the requisite number of signatures on the petition. A separate petition shall be required for each person subject to recall. The Chairman and Vice-Chairman shall not be subject to recall at the same time.
- (d) Upon receipt of the completed recall petition within the ninety day time limit, the Election Commission shall verify the validity of the signatures on the petition within thirty days. If the petition is valid, the Election Commission shall hold a recall election within sixty days.
- (e) A majority of the votes cast in the recall election shall determine the success or failure of the recall election; provided, that the total number of votes cast in support of the recall must be at least the same number of votes that elected that person to office. Upon a successful recall, the Election Commission shall declare the seat vacant.

Section 6. Recall Limits.

- (a) An official who is successfully recalled from office shall be ineligible to serve as an elected or appointed official of the Tribe until a period of four years has elapsed.
- (b) No recall petition shall be initiated against any elected official until six months has elapsed from their inauguration into office.

Section 7. Vacancy in the Office of Legislator. Any vacancy in the Office of Legislator shall be filled as follows:

- (a) If less than six months remain in the term, the Chairman shall appoint a qualified person, subject to confirmation by the Legislature, to serve until the next General Election.
- (b) If more than six months remain in the term, the Election Commission shall conduct a Special Election to fill the vacancy within forty-five days of the vacancy.

Section 8. Vacancy in the Office of Chairman. Any vacancy in the Office of Chairman shall be filled by the Vice-Chairman who shall serve for the remainder of the unexpired term.

Section 9. Vacancy in the Office of Vice-Chairman. Any vacancy in the Office of Vice-Chairman shall be filled by appointment by the Chairman.

Section 10. Vacancies in the Judicial Branch. Any vacancy in the Office of Judge or Justice shall be filled in accordance with the requirements for selecting judges and justices as required by this Constitution.

Section 11. Vacancies on the Election Commission.

- (a) A vacancy on the Election Commission shall be filled upon nomination of the Chairman subject to confirmation by the Legislature; provided, that if the Legislature takes no action on a nomination within thirty days of presentment, then such nominee shall be deemed confirmed.
- (b) Prior to nomination, the Chairman shall publish a notice announcing a vacancy on the Election Commission. The Chairman shall allow thirty days for Members of the Tribe to submit a letter of interest to the Chairman seeking an appointment to the Election Commission.

ARTICLE XIII KIOWA COMANCHE & APACHE LAND USE AUTHORITY

Section 1. Kiowa, Comanche, and Apache Intertribal Land Use Committee. The Chairman or his or her designated representatives shall work in conjunction with representatives of the Kiowa-Apache and Comanche Tribes to transact business regarding common property belonging to the three tribes.

ARTICLE XIV – AMENDMENTS

Section 1. Request for an Election. The Council may initiate the process to amend the Constitution by voting to take such action at a valid Council Meeting where the matter has been properly placed on the agenda. The Legislature may initiate the process to amend the Constitution by a unanimous vote calling a Special Election by law. The Election Commission shall call and hold a Special Election to amend the Constitution within ninety days of receipt of a request from the Council pursuant to approval by the voters or the Legislature.

Section 2. Requirements for Passage. The Constitution may be amended by a majority vote of the voters who vote in the Special Election; provided, that at least thirty percent of the voters cast a vote in the Special Election. Amendments approved by the voters shall become effective immediately unless otherwise indicated in the amendment.

ARTICLE XV - OATH OF OFFICE

Section 1. Oath of Office. All elected and appointed officials, including the Chairman, Vice-Chairman, and Legislators, shall take an oath of office and pledge to support and defend the Constitution of the

Kiowa Tribe prior to assuming the duties of his office. The oath of office shall be administered by a Judge or Justice. The following oath shall be administered:

I, _____, do hereby solemnly affirm that I will support and defend the Constitution of the Kiowa Tribe against all enemies and will carry out faithfully and impartially the duties of my office to the best of my ability and will promote and protect the best interests of the Kiowa Tribe in accordance with the Constitution.