

CONSTITUTION AND BYLAWS OF THE SOUTHEASTERN MVSKOKE NATION

Preamble

We, the Southeastern Mvskoke People, in order to safeguard our Traditions, Land, and the Mvskoke Way of Life, and in remembrance of our Ancestors who came before, and in acknowledgement of the inherent sovereignty and right of self-determination retained by all Indigenous Peoples, and in recognition of the Tribe's government to government relationship with the State of Alabama and the Tribes of Alabama, do hereby ordain and adopt this amended Constitution on Tribal Land at the headwaters of the Conecuh and Choctawhatchee Rivers, in order to promote the common good and well-being of the Tribal Nation and its members, protect and preserve Southeastern Mvskoke sovereignty; promote self-determination, language, culture, practices, skills, and traditions; protect our land, water, and natural resources; and foster the development of Tribal economic, political, and societal growth and development in perpetuity.

Certified by:


Secretary, Southeastern Mvskoke Nation

On this 14th day of January, in the year of 2023.

Upon certification by the Tribal Council, in accordance with Article IX of the January 2016 Governing Document adopted June 13, 2015, which had empowered amendment by majority vote of the Tribal Council, all prior Constitutions and Bylaws shall be declared null and void and supplanted by this document, which shall be recorded with the Alabama Secretary of State by the Secretary of the Southeastern Mvskoke Nation now and upon any subsequent amendments authorized to the Constitution herein, but not the Bylaws or Collected Resolutions, in accordance with the government to government relationship maintained between the two sovereigns states, until a similar relationship is reestablished with the Federal government. All references to Constitutions and Bylaws in the Nation's Articles of Incorporation shall be construed to refer to the signed copy of this document as currently maintained by the Secretary of the Nation and those Ordinances and Resolutions created pursuant to this document.

Table of Contents

ARTICLE I – ORGANIZATION OF THE NATION	4
SECTION 1, ORGANIZATION.....	4
SECTION 2, STRUCTURE.....	4
SECTION 3, OFFICIAL SEAL.....	4
ARTICLE II – TERRITORY AND JURISDICTION	4
SECTION 1, TERRITORY.....	4
SECTION 2, JURISDICTION.....	4
ARTICLE III – CITIZENSHIP.....	5
SECTION 1, ELIGIBILITY.....	5
SECTION 2, RIGHTS OF CITIZENSHIP	5
SECTION 3, LOSS OF CITIZENSHIP.....	5
SECTION 4, REINSTATEMENT OF CITIZENSHIP.....	5
SECTION 5, APPEAL.....	5
SECTION 5, CITIZENSHIP ROLL.....	5
SECTION 6, ASSOCIATES.....	6
SECTION 7, VOTING RIGHTS	6
ARTICLE IV – TRIBAL COUNCIL.....	6
SECTION 1, COMPOSITION.....	6
SECTION 2, TERMS OF OFFICE.....	6
SECTION 3, QUALIFICATIONS.....	6
SECTION 4, CONFLICT OF INTEREST.....	6
SECTION 5, POWERS OF THE TRIBAL COUNCIL.....	7
SECTION 6, POWERS OF EACH OFFICE.....	9
ARTICLE V – TRIBAL COURT	10
SECTION 1, ESTABLISHMENT	10
SECTION 2, JURISDICTION.....	10
SECTION 3, APPOINTMENT.....	10
SECTION 4, REMOVAL	11
SECTION 5, PROCEDURES.....	11

ARTICLE VI – TRIBAL ADMINISTRATION.....	11
SECTION 1, DEPARTMENTS.....	11
SECTION 2, DEPARTMENT CREATION.....	11
SECTION 3, DEPARTMENT OVERSIGHT.....	11
SECTION 4, RULEMAKING AUTHORITY	12
ARTICLE VII – GENERAL ASSEMBLY (ELECTIONS, INITIATIVE, AND REFERENDA).....	12
SECTION 1, ELECTIONS	12
SECTION 2, BALLOTS	12
SECTION 3, CERTIFICATION.....	12
SECTION 4, RECALL.....	12
SECTION 5, POPULAR REFERENDUM.....	12
SECTION 6, RESERVED POWERS OF THE GENERAL ASSEMBLY.....	13
ARTICLE VIII – BILL OF RIGHTS.....	13
ARTICLE IX – MEETINGS.....	13
SECTION 3, TRIBAL COUNCIL MEETINGS.....	14
SECTION 4, SPECIAL COUNCIL MEETINGS	14
ARTICLE X: BYLAWS, COLLECTED RESOLUTIONS:.....	14
SECTION 1, COMPILATION.....	14

ARTICLE I – ORGANIZATION OF THE NATION

SECTION 1, ORGANIZATION: The government of the Southeastern Mvskoke Nation (the “Nation” or the “Tribe”) shall include a Tribal Council, a Tribal Court, and a Tribal Administration. This document shall be cited as the Southeastern Mvksoke Nation Constitution (the “Constitution”).

SECTION 2, STRUCTURE: Until such a time as the Nation is recognized by the United States of America as a sovereign Indian nation, the Southeastern Mvskoke Nation shall be incorporated as a not-for-profit entity in the State of Alabama. The Nation was incorporated on October 21, 1981 in Pike County, Alabama, under applicable Alabama law. The Articles of Incorporation are hereby incorporated into this Constitution by reference and made a part hereof as if set forth herein, in accordance with applicable local, state, and federal law.

SECTION 3, OFFICIAL SEAL: The official seal of the Southeastern Mvskoke Nation shall be a four-pointed star, as if a compass rose, wherein the northern point is white and contains within it a ceremonial pipe symbolizing the White Peace of the smoke which ascends to the heavens bearing our prayers; the eastern point is yellow and contains within it the Sun, which rises in the east each morning to illuminate the Dawn, so that the Creator might oversee the day’s Work; the southern point is red and contains within it a cob of Maize, which has sustained the vitality and strength of our People since the Corn Mother first provided Herself as sustenance; the western point is black and contains the four-log fire, which was carried west to Oklahoma and back again, and symbolizes the unity of our People. The colors of the pointed star symbolize the Winds, their Medicines, and the Directions from which they are sent, while changed appropriately to protect that sacred medicine. Within the center of the seal is a badge bearing the name of the Nation atop the seal and the motto of the Nation “People of One Fire” along the bottom half of the seal. In the center of the seal is an Eagle, wings and talons outstretched in flight, upon a blue sky.

ARTICLE II – TERRITORY AND JURISDICTION

SECTION 1, TERRITORY: The Territory of the Southeastern Mvskoke Nation shall include, to the fullest extent possible consistent with applicable law, all lands, water, property, airspace, surface rights, subsurface rights, and all other resources which the Nation now or in the future has any interest, which are owned now or in the future by the Nation, or held in trust by the United States for the benefit of the Nation or its citizens. The Nation recognizes that its territory once extended to the greater portion of the States of Alabama, Georgia, North Florida, and South Carolina, but its present claim on those lands has been settled by the Indian Land Claims Commission’s 1950 award to the Eastern Creeks, of which this Tribe is a successor organization.

SECTION 2, JURISDICTION: Tribal Law applies to Tribal citizens and those non-citizens who have consented to its application, to Tribal Land and its appurtenances, and to the extent authorized by intergovernmental agreements and memoranda of

understanding. As enumerated in the choice of forum clause agreed to by Tribal members upon the annual renewal of Tribal citizenship, the Tribal Court is the proper forum for the resolution of all disputes between Tribal members, whether arising from this document or otherwise. Further, Tribal Court will retain jurisdiction over all disputes arising from agreements in which the parties mutually agreed to resolution of their disputes in Tribal Court, or actions and events arising from the same. And finally, the Tribal Court is the proper forum for the resolution of all disputes arising from the interpretation of this or other laws of the Nation. Nothing in this Article shall be construed to limit the ability of the Nation to exercise its inherent sovereignty or right to self-determination.

ARTICLE III – CITIZENSHIP:

SECTION 1, ELIGIBILITY: Any individual who is a descendant of the federal Eastern Creek base roll used for the 1950 Indian Land Claims Commission action shall be eligible for citizenship in the Southeastern Mvskoke Nation. No person who is an enrolled citizen of another State or Federally recognized Native American Tribe shall be eligible for citizenship in the Nation. No decree of any Court purporting to determine citizenship in the Nation, paternity, or degree of Indian blood shall be recognized as a determination of citizenship in the Southeastern Mvskoke Nation. The Tribal Council reserves the right to adopt into the Tribe adoptive children, grandchildren, or siblings of Tribal members and other persons who are determined to be of Mvskoke Creek heritage but whose ancestors were not captured by Bureau of Indian Affairs agents in the aforementioned base roll, upon the signed and supported recommendation of the Citizenship Department, and the unanimous vote of the Tribal Council.

SECTION 2, RIGHTS OF CITIZENSHIP: All persons accepted as citizens under Section 1, above, shall have the same rights as all other Tribal citizens in accordance with this Constitution.

SECTION 3, LOSS OF CITIZENSHIP: All relinquishments of citizenship in the Nation must be voluntary, accompanied by the signature of the former citizen and the Secretary of the Tribal Council, except where the citizen has become a citizen of another State or Federally recognized Native American Tribe, which shall also constitute a voluntary relinquishment of citizenship.

SECTION 4, REINSTATEMENT OF CITIZENSHIP: The Tribal Council shall reinstate any person who relinquishes his or her citizenship in the Nation pursuant to Section 3, above, upon written and signed request by the former citizen, provided that the former citizen is in good standing with the Nation and its laws.

SECTION 5, APPEAL: Any person whose application for enrollment or reinstatement is rejected shall have the right to appeal to the Tribal Court in accordance with Article II, Section 2, Jurisdiction.

SECTION 5, CITIZENSHIP ROLL: The Tribal Citizenship Department shall maintain a citizenship roll of all current and former Tribal citizens. This roll shall be private and confidential. Disclosures of information contained therein are permitted only with the

unanimous consensus of the Tribal Council and any persons whose information is concerned.

SECTION 6, ASSOCIATES: Associates of the Nation shall consist of (a) any person whose legal spouse is a Tribal Citizen or (b) any child adopted by a Tribal Citizen, provided that sufficient documentation of the legal relationship is provided to the Tribal Council. Associates shall be entitled to the same rights as Tribal citizens, including the right to petition the Tribal Court and utilize Tribal services, but excluding the right to vote on Tribal business. This associate status reflects the Nation's obligation to the relatives of our relatives, affirms that relationality, and shows respect for the parents of Tribal children and the children of Tribal parents.

SECTION 7, VOTING RIGHTS: Citizens 18 years of age, who are current on all assessments and administration fees as set by the Tribal Council, are "ACTIVE" citizens and have the right to vote in all matters of the General Assembly.

ARTICLE IV – TRIBAL COUNCIL

SECTION 1, COMPOSITION: The governing body of the Nation, which is that body otherwise known as the Board of the Directors of the Southeastern Mvskoke Nation in the Nation's Articles of Incorporation, shall consist of between 5 and 9 members, including at least the Chief, Vice Chief, Secretary, and Treasurer. All members of the Tribal Council shall be enrolled citizens of the Nation who are selected by eligible voters in accordance with this Constitution.

SECTION 2, TERMS OF OFFICE: The Chief of the Tribal Council shall serve for a term of four years, while all other officers of the Tribal Council are to serve for two years. There shall be no limitation on terms of office but for the democratic process by which each officer is voted in. This provision (Art. IV Sec. 2) shall only apply to councilmembers elected subsequent to the enactment of this amended Constitution, and councilmembers currently serving on January 15, 2023 will be bound by the term limits (2 terms) of the prior Governing Document, which is now void and supplanted by this Constitution.

SECTION 3, QUALIFICATIONS: All Tribal Council members must be qualified to vote, be 21 years of age or older as of the election date (but 25 in the case of the office of Chief), have been a citizen of the Tribe for at least three years by the election date, not have been convicted of a felony, and agree, if elected, to take the Oath of Office set forth in this Constitution. Candidates for Chief and Vice Chief must live in the State of Alabama or within 200 miles of the center of the Nation's lands along County Road 41, Pike County, Alabama.

SECTION 4, CONFLICT OF INTEREST: No member of the Tribal Council shall negotiate, discuss, or vote on any matter wherein he, she, or they, or a member of his, her, or their immediate family has a direct or indirect personal or financial interest in its approval. Such conflicts shall be disclosed to the Council at the time the said matter is raised for consideration, and the interested party shall recuse themselves from further

deliberation concerning the matter. The Minutes shall record all such disclosures and ensuing compliance.

SECTION 5, POWERS OF THE TRIBAL COUNCIL: Two thirds (2/3) of the elected Tribal Council members shall constitute a quorum sufficient for voting on business before the Council.

SECTION 5(a), ORDINANCES: A simple majority (greater than 1/2) shall be required to enact an Ordinance, which shall be recorded in the Bylaws of the Tribe, binding onto those persons within the jurisdiction of the Nation. The Tribal Council is empowered to enact Ordinances on all those matters authorized by the Constitution.

SECTION 5(b), RESOLUTIONS: A simple majority (greater than 1/2) shall be required to enact a Resolution, which shall reflect the position of the Council but shall not be binding except on the Administrative Departments of the Nation. The Tribal Council is empowered to enact Resolutions on all those matters authorized by the Constitution.

SECTION 5(c), CALLING MEETINGS AND QUORUM: A simple majority (greater than 1/2) of the Council is required to convene a Tribal Council or General Assembly meeting, with at least one week notice to Tribal citizens as described in Article IX. Also as described in Article IX, the Tribal Council may convene a special meeting by two thirds (2/3) supermajority without notice. All meetings may be convened either in person, online, or a hybrid of the two, provided that the modality of the meeting is included in the notice to Tribal citizens when notice of the time and location is being provided. The citizens considered to be present at meetings convened as online or hybrid meetings include those participating online as well as those participating in person. All references to pluralities, majorities, supermajorities, consensus votes, quorums, and the like in relation to the General Assembly or Tribal Council shall be construed to refer to the share of those persons authorized to vote who are (1) in the case of attendance, in attendance virtually or in person, (2) in the case of a General Assembly vote, participating through ballot or timely absentee ballot, or (3) in the case of a Tribal Council vote, shall indicate their vote in signed and dated writing or shall do so verbally when recorded by the acting Tribal Secretary in signed and dated writing.

SECTION 5(d), CONSTITUTIONAL AMENDMENTS BY COUNCIL INITIATIVE: A simple majority (greater than 1/2) of the Council may propose an amendment to the Constitution, which will require two thirds (2/3) supermajority approval by the General Assembly at the next convocation of the General Assembly. Notice of the amendment together with absentee ballots must be sent out to Tribal citizens 21 days before the General Assembly votes.

SECTION 5(e), DELEGATION TO COMMITTEES: Subject to the terms and conditions of this Constitution, the Tribal Council may temporarily establish and appoint such committees as the Tribal Council deems appropriate to carry out duties otherwise held by the Tribal Council or its members. All committees shall be composed entirely of Tribal members, serve at the direction of the Tribal Council and General Assembly, and provide reports at each regularly scheduled Tribal Council meeting. Committees are not authorized to spend Tribal funds

without approval by the Tribal Council, regardless of the authority delegated. Committees must be renewed annually by a majority vote of the Tribal Council.

SECTION 5(f), DELEGATION TO DEPARTMENTS:

- (1) Subject to the terms and conditions of this Constitution, the Tribal Council is authorized to permanently establish such departments at the Council deems necessary to carry out duties otherwise held by the Tribal Council or the General Assembly. All Departments shall serve at the direction of the Tribal Council and provide reports at each regularly scheduled Tribal Council meeting, as well as submitting financial reports on a quarterly basis to the Treasurer. Departments may be delegated limited authority to spend tribal funds. Departments may be distinct corporate identities organized under the umbrella of the Nation and may employ persons who are not citizens of the Tribe provided that their departments make regular reports to the Tribal Council and Treasurer as required herein.
- (2) Departments must be authorized by a Tribal Council Resolution specifically outlining the bounds and limits of the Department's authority, reporting obligations, and provide clear direction as to the department's purpose. In order to appoint a Department Director, the Tribal Council must install the candidate by (2/3) two-thirds supermajority vote. The same proportion is required for removal of the Director(s). Departments may be administered by a single Director or a Board of Directors as suits the responsibilities of the department. In the absence of an approved Director, the Council's nominee may serve as Interim-Director of a Department.
- (3) The following Departments are authorized together with the enactment of this Constitution, or formally recognized by the same if already established: the Corporation Department, the Land Management Department, the Education Department, the Citizenship Department, and the Housing Department. The Tribal Council is empowered to nominate Directors to each department in accordance with the above noted procedure. Those Departments which already have Directors at the time of the enactment of this Constitution are unaffected.

SECTION 5(g), DELEGATION TO REPRESENTATIVES: The Tribal Council may delegate the authority of the Council to represent the Tribe in diplomatic fora to a representative chosen by a majority vote of the Tribal Council. This delegable authority includes but is not limited to representatives for the Alabama Indian Affairs Commission. Delegation must be formally made by resolution and must specify the term of the delegation, the authority provided to the representative, and the reporting obligations of the representative to the Council.

SECTION 5(h), DIPLOMACY: The Tribal Council, or its designee(s), is empowered as the Diplomatic representatives of the Nation.

SECTION 5(i), POLICE POWERS: The Tribal Council is empowered to safeguard the health, welfare, and political integrity of the Tribe in defense of the community to the extent permitted by applicable law.

SECTION 5(j), CONTRACTING: The Tribal Council is empowered to consult, negotiate, and enter into contracts, memoranda of understanding, treaties, compacts, and other agreements with state, local, and tribal governments, individuals, associations, corporations, or enterprises, on all matters within the authority of the Council. All such agreements must be approved by supermajority (2/3) of the Tribal Council.

SECTION 5(k), LAND: The Tribal Council is empowered to purchase, accept, manage, lease, permit, or otherwise deal in Tribal lands or other Tribal assets and interests, provided that Tribal lands shall not be permanently alienated without the assent of a (2/3) supermajority of the General Assembly.

SECTION 5(l), LAND LEGISLATION: The Tribal Council is empowered to enact ordinances regulating the use, disposition, and inheritance of all property within the territory of the Nation, provided that those laws are construed as Bylaws of the Nation subject to applicable law.

SECTION 5(m), CONSULTANTS: The Tribal Council is empowered to employ legal or governmental, financial or actuarial, consultants or representatives to effectuate the business of the Nation.

SECTION 5(n), BUSINESS: The Tribal Council is empowered to engage in business to further the economic well-being of the citizens of the Nation or undertake any programs for the economic advancement of the people. The Tribal Council is further empowered to regulate the activities of persons or entities who have consented to the laws and jurisdiction of the Nation and its Court.

SECTION 5(o), TAXATION: The Tribal Council is empowered to levy and collect taxes, duties, fees, and special assessments from any citizen or other person or entity who has consented to the laws and jurisdiction of the Nation and its Court.

SECTION 5(p), APPROPRIATION: The Tribal Council is empowered to appropriate and regulate the use of Tribal funds in accordance with an annual budget presented to the General Assembly.

SECTION 5(q), COMPENSATION: The Tribal Council is empowered to set compensation for all Directors, Officers, Agents, Representatives, Consultants, and Employees of the Nation.

SECTION 5(r), AWARDS: The Tribal Council is empowered to bestow awards on Tribal citizens, including but not limited to Chief Emeritus and Life Time Achievement.

SECTION 5(s), NECESSARY AND PROPER: The Tribal Council is empowered to take any and all actions necessary and proper for the exercise of the foregoing powers and duties, and for all powers and duties now or hereafter delegated to the Tribal Council by the General Assembly or this Constitution.

SECTION 6, POWERS OF EACH OFFICE:

SECTION 6(a), CHIEF: The Chief shall serve as the Chief Executive Officer of the Nation and shall preside over and direct the floor at all meetings, shall manage, administer, and direct all activities of the Tribe, shall report on the activities of the office at each Tribal Council meeting.

SECTION 6(b), VICE-CHIEF: In the absence of the Chief, the Vice-Chief shall serve as interim Chief until the next regularly scheduled election or the return of the Chief, whichever is sooner. Should the Vice Chief be serving as Chief for a

length of 2 months or more, an interim councilmember shall be appointed by the Tribal Council by a supermajority (2/3) vote.

SECTION 6(c), SECRETARY: The Secretary shall record the Minutes of all authorized meetings, issue notices of all upcoming meetings, maintain all records of the Tribe, including but not limited to Minutes, Historical Artifacts and Objects of Cultural Patrimony, and the Archives of the Nation, inclusive of citizenship applications, genealogical records, any legal proceedings, deeds, and public records. In the absence of the Treasurer, the Secretary is to perform the duties of the Treasurer in addition to the duties enumerated in this paragraph. In the case of a prolonged vacancy, an interim councilmember shall be appointed by the Tribal Council by a supermajority (2/3) vote until the next regularly scheduled election.

SECTION 6(d), TREASURER: The Treasurer shall supervise the financial affairs of the Tribe, prepare an annual budget for presentment at the Annual Meeting, be responsible for the custody and disbursement of funds and securities, be responsible for adequate keeping of accounts, be responsible for the creation of all financial statements and tax returns as may be required by applicable law, and provide current financial reporting at all Tribal Council meetings, and maintain a current list of citizens eligible to vote. In the absence of the Secretary, the Treasurer is to perform the duties of the Treasurer in addition to the duties enumerated in this paragraph. In the case of a prolonged vacancy, an interim councilmember shall be appointed by the Tribal Council by a supermajority (2/3) vote until the next regularly scheduled election.

SECTION 6(e), COUNCILORS-AT-LARGE: Other councilmen and councilwomen may be appointed to the Tribal Council, provided that the total offices in the Council remains between 5 and 9 members. In order to install an additional Councilor-at-Large, the Tribal Council must agree by consensus (100%) vote to create the position. The newly created position will then be filled by vote of the General Assembly at the next Annual Meeting. In the case of a prolonged vacancy by a Councilor-at-Large, an interim councilmember shall be appointed by the Tribal Council by a supermajority (2/3) vote until the next regularly scheduled election.

ARTICLE V – TRIBAL COURT

SECTION 1, ESTABLISHMENT: The Judicial power of the Southeastern Mvskoke Nation shall be vested in the Tribal Court system, which shall include a Trial Court and an Appeals Court which shall be the court of last resort for all cases filed within the Tribal Court System.

SECTION 2, JURISDICTION: The jurisdiction of the Court is limited to that which is outlined in Article II, Section 2.

SECTION 3, APPOINTMENT: The Tribal Council is empowered to nominate by majority vote candidates for the Trial Court and the Appeals Court. The Trial Court may have up to three sitting judges and a minimum of one, and the Appeals court may have up to three sitting judges and a minimum of one. Judges must be qualified by either having

served on the Tribal Council, being a traditional maker of Medicine, or having received a Doctorate in Law. The nominee of the Tribal Council must be approved by a simple majority (1/2) of the General Assembly.

SECTION 4, REMOVAL: The Tribal Council is empowered to remove only those Judges which are convicted of a felony while serving in their office, have converted Tribal properties or moneys for personal use, have created unnecessary or repeated delays in hearing matters filed in the Courts, or who have violated the standards of ethical conduct held in common in the Tribe. The Judge may appeal their removal to the Appeals Court, upon which that Judge shall not sit. If no other Judges have been appointed to the Appeals Court other than the one who has been removed, the Trial Judge shall sit as Appeals Court judge for the purposes of the removal appeal proceeding.

SECTION 5, PROCEDURES: The Tribal Court shall establish procedures governing actions in the Court, subject to approval by a supermajority (2/3) of the Tribal Council.

ARTICLE VI – TRIBAL ADMINISTRATION

SECTION 1, DEPARTMENTS: In order to effectuate the efficient management of affairs in the Nation, the Tribal Council has the authority, subject to the limitations in Article IV Section 5, to create departments and nominate directors for confirmation by the General Assembly.

SECTION 2, DEPARTMENT CREATION: As outlined in duplicate in Article IV Section 5(f)(1-2),

“Subject to the terms and conditions of this Constitution, the Tribal Council is authorized to permanently establish such departments at the Council deems necessary to carry out duties otherwise held by the Tribal Council or the General Assembly. All Departments shall serve at the direction of the Tribal Council and provide reports at each regularly scheduled Tribal Council meeting, as well as submitting financial reports on a quarterly basis to the Treasurer. Departments may be delegated limited authority to spend tribal funds. Departments may be distinct corporate identities organized under the umbrella of the Nation.”

“Departments must be authorized by a Tribal Council Resolution specifically outlining the bounds and limits of the Department’s authority, reporting obligations, and provide clear direction as to the department’s purpose. In order to appoint a Department Director, the Tribal Council must install the candidate by (2/3) two-thirds supermajority vote. The same proportion is required for removal of the Director(s). Departments may be administered by a single Director or a Board of Directors as suits the responsibilities of the department. In the absence of an approved Director, the Council’s nominee may serve as Interim-Director of a Department.”

SECTION 3, DEPARTMENT OVERSIGHT: All Departments are subject to oversight by the Tribal Council. Department directors are removable for cause, to include mismanagement, violations of the ethical standards held common within the Tribe, failure to follow Council directives, or failure to uphold the fiduciary duty owed by all departmental directors to the Tribe. Director removal is appealable to the Tribal Court.

SECTION 4, RULEMAKING AUTHORITY: All Departments may issue rules and guidance, consistent with the Resolution creating the Department, which do not exceed the directive provided to the Department by the Council.

ARTICLE VII – GENERAL ASSEMBLY (ELECTIONS, INITIATIVE, AND REFERENDA)

SECTION 1, ELECTIONS: All elections are to be performed at the Annual Meeting. Approvals of Tribal Council nominees for Court or Department Directors may be conducted at regular General Assembly meetings. The Tribal Council shall appoint an Election Board to supervise elections which is not composed of Tribal Council members or candidates. All active Tribal citizens may nominate any other active Tribal citizen who is qualified to hold a position (as outlined in this Constitution), the nominee must then be notified by the election board. The nominee must file a letter of intent to run with the election board at least 30 days before the election. A full list of qualified candidates must be published, mailed, or sent to all active Tribal citizens. Any citizen may challenge the results of an election within 7 days of the election, subject to prompt review by the Appeals Judge within the 30 days subsequent. All elections are by plurality (most votes) rather than majority (more than half of votes), unless otherwise specified. Tie votes will be settled by a run-off election.

SECTION 2, BALLOTS: All votes occurring at General Assembly shall be done by secret written ballot. Each qualified citizen shall be allowed to cast only one vote for each matter. Absentee Ballots shall be sent, with the newsletter if reasonable, at least 21 days prior to the election or any vote which should occur and shall be postmarked by the citizen to the Tribal Council no later than 7 days prior to the election.

SECTION 3, CERTIFICATION: The Election Board shall certify the results of an election prior the adjournment of the meeting during which the election is held. The Tribal Court must install the certified winner by administering the oath of office within 30 days of the election. "I, Name, shall protect and uphold the laws and Constitution of the Southeastern Mvskoke Nation from all threats internal and external, present or potential, and shall maintain those standards of ethics and decency common to our Nation, on penalty of removal." All elections not certified consistent with this Article shall be deemed null and void.

SECTION 4, RECALL: Any Tribal member, with the signatures of at least 30% of the active citizenship, may petition for the recall of any Councilor or Director, or any Judge if the Judge has violated the standards necessary for removal by the Tribal Council in Art. V Sec. 4. The recall will be placed on the ballot at the next election for a vote by the citizenship, and will require a supermajority (2/3) to succeed.

SECTION 5, POPULAR REFERENDUM: Any Tribal member including a Tribal Council member may submit to the General Assembly a legislative referendum proposing to change the laws of the Nation, including an amendment to a Constitution. The referendum will be placed on the ballot for the next feasible General Assembly meeting.

and notice and absentee ballots must be sent out 21 days before the next General Assembly convocation, with the next newsletter if reasonable. In order to alter the Bylaws, to include Ordinances, a simple majority (greater than 1/2) is needed. In order to alter the Constitution, by amendment, a supermajority (2/3) is needed.

SECTION 6, RESERVED POWERS OF THE GENERAL ASSEMBLY: All those powers not expressly or impliedly delegated to the Tribal Council in this document are reserved to the General Assembly of all voting citizens, and may only be dispensed with by popular referendum.

ARTICLE VIII – BILL OF RIGHTS

Notwithstanding this articles of this Constitution, Tribal members:

1. Shall be free to exercise or not exercise their religion, beliefs, or traditions;
2. Shall be free from unreasonable search and seizure without probable cause, supported by warrant, which particularly describes the place to be searched or person or thing to be seized.
3. Shall be free from prosecution of a crime or penalty already finally adjudicated;
4. Shall be free from forced self-incrimination.
5. Shall be free from any ex post facto law or bill of attainder;
6. Shall have a right to a jury trial of citizens upon request, of not less than 3 Tribal citizens, whose decision will guide the decision of the Judge;
7. Shall be free from disenrollment or banishment from the Tribe, absent the most grievous of offenses, and a consensus (100%) vote of the Tribal Council.
8. Shall have the right to appeal all official decisions in the Tribal Courts.

ARTICLE IX – MEETINGS

SECTION 1, GENERAL ASSEMBLY MEETINGS: Unless provided otherwise by the majority of the Tribal Council, with at least two weeks' notice to the citizenship, General Meetings shall be held on the second Saturday of the months at such time determined by the Tribal Council. The Tribal Council and Departments of the Tribal Administration shall present a summary of their work in the time since the last General Meeting, and all new and unfinished business raised by Tribal citizens shall be addressed. As governed by Article VII, citizens may introduce referenda for vote by the General Assembly, which is composed of all Tribal citizens present for the duly scheduled General Meeting, including those in attendance through virtual mediums. The Tribal Council may table particular matters for the next General Meeting or adjourn the meeting by a majority vote. One third (1/3) of the Tribal members eligible to vote shall constitute a quorum for voting.

SECTION 2, ANNUAL MEETINGS: One duly scheduled General Meeting each year is to be designated as the Annual Meeting, which is to be the proper forum for regular elections. One third (1/3) of the Tribal members eligible to vote shall constitute a quorum for voting.

SECTION 3, TRIBAL COUNCIL MEETINGS: Regular meetings of the Tribal Council meetings shall be convened by a majority vote the Tribal Council, with at least one week notice to the Tribal citizens. All Tribal Council meetings shall be public to Tribal citizens. Minutes of Tribal Council meetings must be recorded and available as Tribal record upon request by a citizen. Two thirds (2/3) of the Tribal Council shall constitute a quorum for voting.

SECTION 4, SPECIAL COUNCIL MEETINGS: Special meetings of the Tribal Council shall be convened by two thirds (2/3) supermajority vote of the Tribal Council at any time without notice, on subjects which require immediate attention or particular confidentiality, but are closed to Tribal citizens. Votes at special council meetings may not officially propose to amend the Constitution as described in Article IV. Minutes of special meetings must be recorded and available for in camera review by the Tribal Court upon request of a litigant who has satisfied the procedural rules for bringing a case in Tribal Court. The Court must find that a councilmember violated the Constitution upon preponderance of the evidence in order to disclose the minutes from that meeting, redacted as necessary to preserve privacy of individuals provided that the Court shall not redact any violation of the Constitution or information necessary to interpret it with reasonable accuracy. Two thirds (2/3) of the Tribal Council shall constitute a quorum for voting during special council meetings.

ARTICLE X: BYLAWS, COLLECTED RESOLUTIONS:

SECTION 1, COMPILATION: All Ordinances, Resolutions, and Department Rules or Guidance are to be codified and collated in a document to be made available with this Constitution together with a copy of the Secretary's certification of the enactment of each Ordinance or Resolution or the Department Director's certification of a Department Rule or Guidance.

- (a) Ordinances are to be numbered with the final two numbers of the calendar year, followed by a hyphen, followed by the numerical order of those ordinances enacted in the same year (e.g. the third ordinance in 2022 shall be codified as Ordinance No. 22-3). Those Ordinances shall be the Bylaws of the Tribe.
- (b) Resolutions are to be numbered and cited in the same manner, but collated together appendant to the Bylaws, and referred to as the Collected Resolutions of the Tribal Council.
- (c) Department Rules and Guidance are to be grouped by Department and named in the same manner (e.g. CORPORATION DEPARTMENT RULE No. 22-3) and appended following the Bylaws and Collected Resolutions.