

**CONSTITUTION**  
**OF THE**  
**FORT BELKNAP INDIAN COMMUNITY**  
**OF THE**  
**FORT BELKNAP RESERVATION**  
**OF**  
**MONTANA**

**PREAMBLE**

**We, the duly enrolled members of the Fort Belknap Reservation in the State of Montana, in order to secure to ourselves and our descendants the management of our own affairs, and to perpetuate this reservation as an abiding place for the members of this Community, do establish this Constitution of the Fort Belknap Indian Community.**

**ARTICLE I - OBJECTIVES**

It shall be the object of the Fort Belknap Indian Community:

- (a) To establish and maintain, with the aid of the Federal Government, a form of home rule that shall promote the advancement and welfare of the Indians of the Fort Belknap Reservation.
- (b) To establish and enforce such rules as may be necessary to safeguard Indian property for the use of present and future generations.
- (c) To obtain for all Indians of this Community of the present and future generations, lands needed for home and livelihood.

## ARTICLE II - TERRITORY

The jurisdiction of the Fort Belknap Indian Community shall extend to all lands now contained within the Fort Belknap Reservation and to any lands that may in the future be added thereto.

## ARTICLE III - MEMBERSHIP

**Section 1. Original Members of Community.** Every living person whose name appears on the Allotment Roll of the Fort Belknap Reservation prepared and approved pursuant to the Act of March 3, 1921 (41 Stat. 1355), shall be entitled to membership in the Fort Belknap Indian Community.

**Section 2. Descendants of Allottees.** Each person of one-eighth (1/8) or more Indian blood, regardless of residence, born heretofore or hereafter to any member or descendant of a member of the Community whose name was or is on the Allotment Roll of the Fort Belknap Reservation prepared and approved pursuant to the Act of March 3, 1921 (41 Stat. 1355), shall automatically be entitled to membership in the Community. (As amended May 1, 2001)

**Section 3. Adoption.** The Community may by a majority of the votes cast by the members of the Community, adopt as a member of the Community any person of one-eighth (1/8) degree or more Indian blood who is a descendant of a member of the Fort Belknap Community and/or an allottee; **PROVIDED**, That any person to be eligible for adoption must have resided at least three (3) consecutive years upon the Fort Belknap Reservation, and **PROVIDED, FURTHER**, That such person has not received membership in any other tribe of Indians.

**Section 4. Loss of Membership.** In no case shall a member lose his membership other than by personal request in writing to the Community Council or by reason of his having established legal residence in a foreign country.

**Section 5. Definition.** Wherever the term "Indian blood" is used in this Article it shall be determined to mean the blood of either or both the Assiniboine or the Gros Ventre Tribe of the Fort Belknap Reservation.

**Section 6. Current Membership Roll.** The membership roll of the Fort Belknap Indian Community shall be kept current by striking therefrom the names of persons who have relinquished in writing their membership in the Community or have established legal residence in a foreign country and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Community Council, and by adding thereto the names of persons who meet the membership requirements and who comply with the procedures for enrollment as members of the Community.

**Section 7. Appeals.** Any person who has been rejected for enrollment as a member of the

Community, EXCEPT those rejected under Section 3, shall have the right to appeal within 60 days from the date of written notice of rejection to the Secretary of the Interior from the decision of the Community Council, and the decision of the Secretary of the Interior shall be final.

**Section 8. Rules of Procedure.** The Community Council shall have the authority to prescribe rules to be followed in compiling a membership roll in accordance with the provisions of this Article, the completed roll to be approved by the Fort Belknap Community Council, and in case of distribution of Community assets, the roll shall be submitted to the Secretary of the Interior for final approval.

#### **ARTICLE IV - ORGANIZATION OF COMMUNITY COUNCIL**

**Section 1. Composition.** The Community Council shall be composed of eight (8) members, all of whom shall be chosen every second year to popular vote, a President and Vice President who shall be chosen every four (4) years by popular vote, and a Secretary-Treasurer who shall be appointed in accordance with Section 4 of this Article. Every candidate for elected office shall pay a filing fee of \$10.00. (As amended May 1, 2001.)

**Section 2. Defining Council Seats.** There shall be created by the Community Council two (2) Gros Ventre and two (2) Assiniboine voting districts on the reservation. The actual enumeration for each district shall be made prior to July 1st of each election year. Representation on the Community Council shall consist of four (4) Gros Ventre and four (4) Assiniboine members, with one representative from each tribe residing in each district and having been elected by the members of his or her tribe in that district, one (1) Gros Ventre Council person, elected at large by the members of the Gros Ventre Tribe, one (1) Assiniboine Council person, elected at large by members of Assiniboine Tribe, one (1) Gros Ventre Council person, elected at large by members of both Tribes and (1) Assiniboine Council person, elected at large by members of both Tribes. Each at-large Council person elected must reside on the reservation. The President and Vice-President shall be a team of one (1) Gros Ventre and one (1) Assiniboine, elected as a team at-large. Changes to the number of Council seats shall be implemented at the next regularly scheduled election following adoption of these changes to the number of Council seats. (As Amended May 1, 2001.)

**Section 3. Tenure.** The Gros Ventre and Assiniboine candidates for each district and at-large Council seat shall be elected for a two (2) year term and may succeed themselves at will. The President and Vice President shall be elected for a four (4) year term and may succeed themselves at will. (As Amended May 1, 2001.)

**Section 4. Officers.** The officers of the Community Council shall consist of a President and Vice President who shall be elected at-large, and a Secretary-Treasurer, who shall be appointed by the President and confirmed by a majority vote of the Council when properly convened, and who shall be an enrolled member of either the Gros Ventre or Assiniboine Tribes, qualified to perform the financial and administrative duties of Secretary-Treasurer as defined by the

Community Council. The Secretary-Treasurer of the Community Council, as a non-elected officer, shall not be entitled to vote on matters before the Community Council. Once confirmed, the Secretary-Treasurer shall serve at the pleasure of the President. (As Amended May 1, 2001.)

## ARTICLE V - POWERS OF THE COMMUNITY COUNCIL

**Section 1. Enumerated Powers.** The Council of the Fort Belknap Community shall have the following powers, the exercise of which shall be subject to popular referendum as provided hereafter:

- (a) To negotiate with the Federal, State and local governments on behalf of the Community and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Fort Belknap Community.
- (b) To employ legal counsel for the protection and advancement of the rights of the Community and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.
- (c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior or his duly authorized representatives, PROVIDED, That no Community lands shall ever be sold or encumbered, but may be leased for any purpose for periods consistent with existing law.
- (d) To admit through proper government channels recommendations for the expenditure of Federal funds for tribal support, reimbursable assistance reservational improvements, health, education, and other necessary activities looking toward the advancement of the members of this Community.
- (e) To borrow money from the Federal Government in accordance with the terms of a corporate charter to be issued to the Fort Belknap Indian Community.
- (f) To manage the economic affairs of the Community and to appropriate available funds for public purposes.
- (g) To assess fees against members of the Community or their property to obtain funds for payment of expenses of the Community Council or for carrying on any project that in the Council's opinion may be beneficial to the Community as a whole, PROVIDED, HOWEVER, That any district, not directly benefited by any project under contemplation, may by a majority vote of the people of the district, exempt itself from such assessment. In case of dispute as to whether a certain district is benefited by a given project, any party may appeal to the Commissioner

of Indian Affairs for a final determination.

- (h) To exclude from the territory of the Community persons not legally entitled to reside therein under ordinances which shall be subject to review by the Secretary of the Interior.
- (i) To establish ordinances, subject to review by the Secretary of the Interior, governing law enforcement on the reservation, and to set up courts for the trial and punishment of offenders against such ordinances, in cases that do not fall within the jurisdiction of the Federal Court.
- (j) To purchase land of members of the Community for public purposes, under condemnation proceedings in courts of competent jurisdiction.
- (k) To prohibit the overgrazing of lands or other depletion of the capital or natural resources of the Community by ordinances which shall be subject to approval by the Secretary of the Interior.
- (l) To establish ordinances relating to the assignment, use or transfer of tribal lands within the territory of the Community.
- (m) To regulate the inheritance of real and personal property, other than allotted lands, within the territory of the Community.
- (n) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the Community.
- (o) To regulate the domestic relations of members of the Community.
- (p) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.
- (q) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.
- (r) To appoint subordinate boards and tribal officials, and to provide for the popular election of subordinate district councils, and to delegate to such boards, councils, or officials or to cooperative associations which are open to all members of the Community any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.
- (s) To promulgate ordinances, subject to review by the Secretary of the Interior, providing for the assessment and collection of license fees from nonmembers

doing business, or obtaining any other special right or privilege within the reservation, including town sites therein.

**Section 2. Manner of Review.** Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior who may within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Community Council of such rescission.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten (10) days after its enactment, he shall advise the Community Council of his reasons therefore. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinances or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

**Section 3. Future Powers.** The Council of the Fort Belknap Community may exercise, subject to popular referendum, such further powers as may in the future be delegated to the Community by the Secretary of the Interior, or by any other duly authorized official or agency of government.

**Section 4. Reserved Powers.** Any rights and powers heretofore vested in the tribes of the Fort Belknap Indian Community but not expressly referred to in this constitution shall not be abridged by this Article but may be exercised by the people of the Fort Belknap Community through the adoption of appropriate bylaws and constitutional amendments.

## **ARTICLE VI - INITIATIVE AND REFERENDUM**

Whenever a matter of great importance comes before the Council the councilmen shall, by resolution duly passed, submit the matter to the vote of the people. If they do not so agree to submit the question, any two (2) members of the Council, or one hundred members of the Community, may within thirty (30) days after the vote of the Council, call such a popular referendum, but no councilman shall call more than two (2) referendum elections during any calendar year. When a referendum election has been called, the question to be voted on shall be posted at the voting places for at least ten (10) days prior to the election. The notice shall contain the ordinance or resolution to be voted on with the accompanying words: "Shall the ordinance (or resolution) be approved. Yes ( ). No ( )." The will of the majority of those voting shall be the law, PROVIDED at least one-third of the eligible voters actually vote.

## ARTICLE VII - ELECTIONS

**Section 1. Right to Vote.** All members of the Community of either sex, eighteen (18) years of age or over, are entitled to vote at any election when he or she presents himself or herself at any polling place in the voting district wherein the member resides, or in the case of nonresidents, absent or inform eligible voters, by absentee ballot, which shall be mailed to such voters upon written request. Eligible nonresident members of the Community shall also be entitled to vote in the district they are assigned by the Council utilizing the duly enacted Election Ordinance during the enumeration process. Each member of the Community shall be entitled to vote for one candidate from their designated tribe for the Council seat from their designated district, as well as for an at-large representative from their tribe, and the two at-large representatives from each tribe. Each member of the Community shall be entitled to one vote for the President and Vice President, who shall run for office as a team and be elected by all voters at-large. (As Amended May 1, 2001.)

**Section 2. Time of Elections.** A primary election shall be held for each Council seat. The two (2) candidates for each seat receiving the most votes shall progress to a general election in which the candidate receiving the majority of the votes shall be elected and seated. For the offices of President and Vice President, the two (2) teams receiving the most votes at-large shall progress to a general election in which the team receiving the majority of votes at-large shall progress to a general election in which the team receiving majority of the votes at-large shall be elected and seated. Primary elections for membership on the Community Council shall be held on the first Tuesday in October of the second year, and the general elections shall be held on the first Tuesday in November of the same year. Duly elected Council members shall take office immediately upon certification of the election results. (As Amended May 1, 2001.)

**Section 3. Manner and Place of Elections.** Elections shall be taken by ballot, and polling places in each district shall be established by the Council. Absentee ballots, including those of nonresidents, shall be counted in the district and with the tribal affiliation to which the voter has been designated in the enumeration process. The Council shall appoint three (3) election judges to serve at each polling place for each election, and the judges shall certify the results of the election. (As Amended May 1, 2001.)

**Section 4. Nominations.** Candidates for election to membership on the Community Council shall give public notice of such intention at least sixty (60) days prior to the primary election date and at the same time file with the Secretary-Treasurer of the Council a certificate of such intention including, a statement of tribal affiliation for such office, a statement verifying reservation residency, an endorsement by five (5) duly qualified electors other than immediate relatives, from the same tribe and same districts, if a district seat, and, for district representatives, a statement of residency in the district within which he or she wishes to run for office. Candidates for election to the Presidency and Vice Presidency shall give public notice of such intention at least sixty (60) days prior to the primary election date and at the same time file with the Secretary-Treasurer of the Council a certificate of such intention, including a statement of

reservation residency, a statement of affiliation of one (1) member of the team as a Gros Ventre and one (1) as an Assiniboine, and an endorsement of the team by five (5) duly qualified electors from each tribe, other than immediate relatives. (As Amended May 1, 2001.)

## **ARTICLE VIII - REMOVAL FROM OFFICE**

**Section 1. Forfeiture of Office.** Any member of the Community Council who shall be absent from three (3) consecutive regular meetings of the Council, unless such absence shall be excused for cause, or who shall be convicted of any offense involving dishonesty, shall automatically forfeit his office.

**Section 2. Impeachment.** The Council may expel a member for cause by a two-thirds vote, after due notice of charges and allowing an opportunity to be heard.

**Section 3. Vacancies.** When vacancies on the Council exist more than 270 days before an election to fill Council seats, the President shall issue a write of election to fill such vacancies. At least thirty (30) days notice of such election shall be given, and if more than two (2) candidates file for a vacancy, the Council may conduct a primary to reduce the number of candidates to two (2) for the position. In the event there occurs a vacancy in the office of President, the Vice President shall assume the office of President and shall then appoint a Vice President from within the tribe of the former President. In the event there occurs a vacancy in the office of Vice President, the President shall appoint a Vice President from within the tribe of the former Vice President.

### **Section 4. Recall.**

(A) Any person elected to the Council, including the President and Vice President as a team, shall be subject to recall from that office. In the case of a councilman, recall shall be initiated by a petition signed by no less than forty percent (40%) of the number of votes cast by tribal members in the councilman's district for that position in the last general election preceding the recall petition. In the case of recall of the President and Vice President, recall shall be initiated by a petition signed by no less than forty percent (40%) of the total number of at-large votes cast for the position at the last general election preceding the recall petition.

(B) Every recall petition must contain a general statement of cause, in not more than two hundred (200) words, of the grounds of such demand for recall, and must be filed at the office of the Secretary-Treasurer of the Council. The subject of the recall petition shall immediately be served with a copy of the recall petition and shall have ten (10) days from the date of service to file his/her response to the general statement of cause, in not more than two hundred (200) words, with the Secretary-Treasurer of the Council. Each signatory must add to his or her signature the date of signing, his or her residency and tribal affiliation.



(C) If the subject of recall offers his or her resignation, it shall be accepted by the Council. If he or she does not resign within ten (10) days after a recall petition is filed, a special recall election shall be ordered and held, not less than twenty (20) or more than thirty (30) days after such filing, to determine whether the subject should be recalled. On the ballots at said election the reasons set forth in the recall petition together with the subject's response, is not more than two hundred (200) words, shall be printed for review by the voters. The subject shall continue to hold office until the results of the election are officially declared by the Council. The subject shall be recalled in the event that a majority of the voters in the special recall election vote for such recall. Such action to certify the election results shall be taken as soon as possible after the election.

(D) No recall petition shall be circulated against a councilman until he or she has been in office for a period of eight (8) months. Should a recall petition fail, the subject shall not be subjected to further recall action within one (1) year of the special recall election.

## **ARTICLE IX - AMENDMENTS**

This constitution and bylaws may be amended by a majority vote of the qualified voters of the Community voting at an election called for that purpose by the Secretary of the Interior, PROVIDED, that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of the Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the Community.

## **ARTICLE X - JUDICIARY**

**JUDICIARY:** There is hereby established the Fort Belknap Indian Community Tribal Court, which shall have the general power, limited only by applicable law, to adjudicate all cases and controversies which arise within the jurisdiction of the Fort Belknap Indian Community. The court shall include an Appellate Court which shall insure litigants a review of decisions made by the Trial Court. Judges of the Fort Belknap Indian Community Tribal Court shall be appointed through procedures established by the Tribal Council, which shall guarantee an independent judiciary. Nothing contained in this Article shall be construed as a waiver of the Tribal Council's sovereign immunity, which may be waived only with the consent of the Council.

As Amended May 1, 2001.

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