



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS

Southern Plains Regional Office
Post Office Box 368
Anadarko, Oklahoma 73005

IN REPLY REFER TO:
Tribal Government Services

MAY 24 2011

George Blanchard, Governor
Absentee-Shawnee Tribe of Indians of Oklahoma
2025 South Gordon Cooper Drive
Shawnee, Oklahoma 74801

Dear Governor Blanchard:

The Absentee-Shawnee Tribe of Indians of Oklahoma incorporated the amendments into the Constitution of the Absentee-Shawnee Tribe of Indians of Oklahoma and submitted to this office for approval. We have reviewed the Constitution and hereby accept the Constitution as submitted.

Should you have questions, please contact Suzanne Chaney, Community Services Officer at 405/247-1537.

Sincerely,

Acting Regional Director

CONSTITUTION
OF THE
ABSENTEE SHAWNEE TRIBE OF INDIANS
OF
OKLAHOMA

** (Language that appears in italics and that is surrounded by parenthesis is reference material only. It is not intended to be a part of this Constitution nor should it be used to interpret the intent of any of the provisions of the Constitution.)*

PREAMBLE

We, the people of the Big Jim and White Turkey Bands of the Shawnee Nation of American Indians initially organized pursuant to a constitution and bylaws ratified December 5, 1938, as the Absentee

Shawnee Tribe of Indians of Oklahoma, in order to protect our just claims and rights of treaties and treaty agreements with the United States; to protect our culture, heritage and religion; to protect and maintain our reserved, allotted, and other lands; to manage our tribal land and property; to transact our tribal business and economic enterprises in domestic and foreign trade; to negotiate with representatives of Federal, State, local and tribal governments, in regard to all matters of ourselves and our posterity, do hereby establish this Constitution.

ARTICLE I - NAME

The name of this federally recognized Indian tribe shall be the Absentee-Shawnee Tribe of Indians of Oklahoma.

ARTICLE II - JURISDICTION

**(Amendment I, ratified August 9, 1988, Broadened jurisdiction, allowed for the development of tribal code law, and provided a set of rules for the judicial branch of government.)*

SECTION 1. The jurisdiction and governmental powers of the Absentee Shawnee Tribe of Indians of Oklahoma shall, consistent with applicable federal law, extend to all persons and to all real and personal property, including lands and natural resources, and to all waters and air space within the Indian Country as defined in 18 U.S.C. 1151 or its successor, over which the Absentee Shawnee Tribe of Indians of Oklahoma has authority within the boundary of the tribal jurisdiction established by Agreement dated June 26, 1890 and ratified by the Act of March 3, 1891 (26 Stat. 1019), and such other land or interest in land, which may be subsequently acquired.

SECTION 2. The jurisdiction and governmental powers of the Absentee Shawnee Tribe of Indians of Oklahoma shall also, consistent with the applicable Federal law, extend outside the exterior boundaries of the Absentee Shawnee Tribe of Indians of Oklahoma.

SECTION 3. The exercise by the tribe of its jurisdiction and governmental powers shall be incorporated in appropriate legislation enacted by the Tribe and embodied in a tribal code in order to promulgate procedural rules for a tribal judicial system, and to establish and provide for a tribal law enforcement agency, tribal regulatory bodies and other appropriate administrative agencies of the Tribe.

ARTICLE III – MEMBERSHIP

**(Amendment VI, ratified November 19, 2010, decreased blood degree from 1/4 to 1/8.)*

SECTION 1. The membership of the Absentee Shawnee Tribe of Indians of Oklahoma shall consist of the following persons:

- (a) All persons of Indian blood enrolled or who were entitled to be enrolled on the official census roll of the tribe as of January 1, 1937. All Indian blood shown on that roll shall be considered to be blood of the Absentee Shawnee Tribe.
- (b) All children of Absentee Shawnee blood born to any member of the tribe between January 1, 1937 and April 17, 1954, the effective date of Amendment II to the 1938 constitution and bylaws.
- (c) All individuals with at least one-eighth (1/8) degree Absentee Shawnee blood.

SECTION 2. From and after the effective date of this Constitution no person shall be enrolled as a member of the Absentee Shawnee Tribe unless he possesses at least one-eighth (1/8) degree Absentee Shawnee Indian blood.

SECTION 3. Any person entitled to membership who has been enrolled as a member of another tribe may be enrolled in the Absentee Shawnee Tribe; provided that person has not shared in land or money as a member of another tribe; and provided further, that person relinquishes in writing and officially terminates membership in the other tribe.

SECTION 4. All persons, desiring to be enrolled members of the tribe, who are not presently enrolled, must submit an enrollment application to the Secretary of the Executive Committee for subsequent approval or disapproval of the Executive Committee. Applications for membership must be supported by birth certificates or other records recognized by State or Federal officials. Such documents or copies thereof shall be kept by the Executive Committee for their permanent records.

SECTION 5. The General Council shall have power to prescribe rules and regulations by ordinance, covering future membership including adoptions and the loss of membership.

ARTICLE IV - TRIBAL GOVERNMENT

**(Amendment II; ratified August 9, 1988; redefined the function of the General Council. This Amendment also restructured the Tribal Court system.)*

The tribal government, as described in this Article, is composed of two (2) separate branches, i.e., the Judicial Branch and the Legislative/Executive Branch. In addition, there is an independent body charged with the responsibility for conducting tribal elections.

SECTION 1. The General Council of the Absentee Shawnee Tribe shall consist of all members of the Tribe eighteen (18) years of age or older, and shall exercise such powers as defined in this Constitution.

SECTION 2. Legislative/Executive Branch

(a) Executive Committee. There shall be an Executive Committee consisting of five (5) representatives including Governor, Lt. Governor, Secretary, Treasurer and a Representative, all of which shall be elected by referendum. Such committee shall have both legislative and executive powers as set forth in Article V.

(b) Previous Governing Body. The five (5) Business Committee members elected under the previous constitution shall serve until the expiration of their terms of office, unless earlier removed, or until their successors are duly elected and installed.

The first election for Executive Committee members and other elective officials under this Constitution shall be conducted by the Bureau of Indian Affairs and held on the third Saturday of June following the ratification of this Constitution. At that election the positions of Governor and Secretary shall each be filled for a two (2) year term, the offices of Lt. Governor, Treasurer and Representative shall be filled for a one (1) year term. Thereafter, there shall be annual elections in June and all terms shall be two (2) years in length.

SECTION 3. Judicial Branch The judicial power of the Absentee Shawnee Tribe of Oklahoma is hereby vested in one Supreme Court consisting of seven (7) Justices and such inferior courts as may be established by Tribal Law.

(a) The Courts of the Absentee Shawnee Tribe of Indians of Oklahoma shall be courts of general jurisdiction and shall further have jurisdiction in all cases arising under the Constitution, Laws and treaties of the Absentee Shawnee Tribe of Indians of Oklahoma. The Supreme Court shall have original jurisdiction in such cases as may be provided by law, and shall have jurisdiction in all cases.

(b) The Tribal Courts, in any action brought before them, shall have the power of judicial review, in appropriate cases, in order to declare that legislative enactments of the Executive Committee or the Council, are unconstitutional under this Constitution or prohibited by Federal statutes and void. In such cases, the

Court shall have the authority to declare such act void and to issue injunctive relief.

(c) The Supreme Court Justices and Tribal Court Judges shall be selected by the Executive Committee and shall serve six (6) year terms and until their successor be duly installed. At the expiration of any term, each Justice or Judge may, at his option, be considered for reconfirmation to a new term by the Executive Committee.

(d) Vacancies in tribal judicial offices may be filled by appointment of the Executive Committee for the remainder of the unexpired term.

(e) This Article shall be effective upon enactment of enabling legislation by the Executive Committee, and the installation in office of the Justices and Judges according to this Article.

ARTICLE V – POWERS

**(Amendment III; ratified August 9, 1988; redefines the authorities and responsibilities of the Executive Committee.)*

SECTION 1. The General Council of the Absentee Shawnee Tribe of Indians of Oklahoma reserves and shall exclusively exercise the following powers, unless such powers are specifically delegated to the Executive Committee or other appropriate tribal entity in accordance with the process set forth in Article IX:

- (a) Borrowing money which mortgages, encumbers or endangers any existing tribal properties, holdings or assets.
- (b) Purchase land or property with tribal trust assets.
- (c) Such additional powers, not so stipulated in this Constitution may be assigned and/or delegated to the various branches of government by referendum.

SECTION 2. Except for those powers expressly reserved to the General Council of the Absentee Shawnee Tribe of Indians of Oklahoma by this Constitution, the Executive Committee is empowered to enact legislation, transact business and otherwise speak or act on behalf of the Absentee Shawnee Tribe of Indians of Oklahoma in all matters on which the Tribe is empowered to act now or in the future, including the authority to hire legal counsel to represent the Tribe.

ARTICLE VI - ELECTIONS

**(Amendment IV; ratified August 9, 1988; changes the terms "voter registration" and "registered voter" to "eligible voter" throughout the Constitution.)*

SECTION 1. First Election The first election of tribal officials under this Constitution (on the third Saturday in June following its ratification) shall be conducted by the Bureau of Indian Affairs under procedures it develops. Such election shall include balloting to elect persons to

serve on the Executive Committee, the Tribal Court, the Appeals Court, and the Election Commission.

SECTION 2. Election Commission There shall be an Election Commission consisting of five (5) tribal members including Election Commissioner, Deputy Election Commissioner, Secretary, and two (2) Election Commission Members, all of which shall be elected by referendum. At the first election cited in Section 1 above, the positions of Election Commissioner and Election Secretary shall be filled for a three (3) year term, the offices of Deputy Election Commissioner and one (1) Member shall be filled for a two (2) year term; the remaining Member shall be elected to a one (1) year term of office. Thereafter, there shall be annual elections in June and all terms shall be three (3) years in length.

(a) Duties The Election Commission shall be available at all times during the year, as needed, to conduct any of the tribal elections provided for in this Constitution. Such elections shall be conducted pursuant to an Election Ordinance required by this Article. Also included among its duties is: Determine eligibility of prospective candidates for tribal offices (both elective and appointive), receive petitions and determine their validity, and perform all other functions necessary to insure that the democratic elective process is honestly and fairly administered.

(b) Installation of Officers Except for the first election under this Constitution, the Election Commissioner shall call the first meeting of the Executive Committee within thirty (30) days following the date of the June election and preside over the installation of newly elected officers which shall include those elected to the Judicial Branch and the Election Commission.

SECTION 3. Election Ordinance All tribal elections specified in this Constitution shall be conducted in accordance with an Election Ordinance to be drafted jointly by the Executive Committee and the Election Commission in cooperation with representatives of the Judicial Branch. That ordinance shall become effective upon its ratification by a referendum of the General Council. In order to have procedures available for the Election Commission to use in conducting the second annual election under this Constitution, a proposed Election Ordinance shall be presented to a referendum vote no later than October following the first annual election under this Constitution. Until an Election Ordinance is duly ratified, the Election Commission shall use those regulations developed for the first election.

The Election Ordinance shall be consistent with this Constitution and shall include, but not be limited to, the following provisions: Absentee balloting, secret ballots, settling of election disputes, avoidance of nepotism, handling of petitions which shall be signed only by eligible voters and which require the designation of a spokesman empowered to clarify the intent of such petition and shall require that a summary of the petition's objective shall appear on each sheet of the petition, the installation of newly elected officials, recall of officials, and any other matters relating to the responsibility of the Election Commission.

SECTION 4. Fees The Election Commission is empowered to establish reasonable fees which shall be required of all those who file as candidates for elective office, and shall be responsible for using such fees to pay for necessary costs in conducting the election process. The Commission shall adopt a procedure for the safe handling of all funds by a Treasurer it shall

elect from within the Commission membership, who shall be bonded in the manner provided for the Treasurer in Section 4 of Article XIII. The Commission shall have conducted an annual audit of its finances and present a copy of such audit report to the General Council at the October semi-annual meeting. Copies shall also be provided to the Executive Committee and, upon request, to any tribal member.

SECTION 5. Conflict of Interest Members of the Election Commission shall be responsible to disqualify themselves and withdraw from all functions of their positions during any election or process in which a conflict of interest exists. Such persons shall resume their duties only when there is no longer a conflict of interest. The Commission shall have authority, by majority vote, to disqualify any of its members in the event they continue to function in a conflict of interest situation.

The Election Ordinance shall describe what constitutes a conflict of interest. However, included in the description shall be the event where someone from the immediate family of a Commission Member is a candidate for any elective tribal office. Also to be included is a provision that Commission Members shall not be eligible to become candidates for any elective tribal Office, other than for reelection to the Commission, until one (1) year has passed following completion of their service on the Election Commission.

SECTION 6. Alternates In order to keep the Election Commission up to its full complement, that body is empowered to appoint alternates who shall attend meetings of that body and be available to function as regular members as the need arises during conflict of interest situations or other absences.

SECTION 7. Kinds of Elections.

(a) Annual Election: Held on the third Saturday in June primarily for the purpose of electing persons to fill those positions whose terms expire for the given year. It is conducted by the Election Commission. Voting is by secret ballot at polling places. Absentee voting is permitted. Unless provision is made in the Election Ordinance for a run off, the outcome of this election shall be decided by plurality.

(b) Tribal Referendum: An election conducted by voting at polling places rather than at a General Council meeting. Referendum elections are for the purpose of deciding on issues of major importance which are usually set forth in Tribal Ordinances. This is an opportunity for the eligible voters to participate in making Tribal laws pursuant to this Constitution. A majority of votes cast shall decide the issue. Certain kinds of issues are required by this Constitution to be decided by referendum. The Executive Committee or a General Council meeting may also refer issues or questions to the eligible voters for a referendum election. See Article IX.

(c) Initiative A referendum election which is initiated by the eligible voters in a manner set forth in Article IX.

(d) Recall An election initiated by the eligible voters through a petition for the purpose of voting on whether an elected official should be recalled from office. Upon its receipt of a valid petition as set forth in Article VII, the Election Commission is required to conduct a referendum election to consider recall of an elected official. A majority of ballots cast shall decide the matter. Any resulting vacancy shall be filled pursuant to Article VIII.

(e) General Council Election There are certain powers which, by terms of this Constitution, are to be exercised by the eligible voters of the tribe meeting in General Council. Voting at General Council meetings may be by secret ballot at the pleasure of the General Council.

**(Amendment V; ratified August 9, 1988; makes this section consistent with Amendment II.)*

(f) Constitutional Amendment Conducted by the Bureau of Indian Affairs pursuant to regulations of the Secretary of the Interior and provisions of Article XII of this Constitution.

ARTICLE VII - REMOVAL, RECALL AND FORFEITURE

**(Amendment IV; ratified August 9, 1988; changes the terms "voter registration" and "registered voter" to "eligible voter" throughout the Constitution.)*

SECTION 1. Removal. Each elected body of the government shall have the power to remove any of its members for a justifiable cause by an affirmative vote of three (3) of its members. The Judicial Branch and Executive Committee shall jointly enact regulations providing for such removals. These regulations shall be used in removal proceedings by each of the other elected bodies of the tribal government. Included in these regulations shall be procedures for the defendant to confront the plaintiff in answer to a written statement of the charges at a special meeting of the responsible committee, court, or commission, called for that purpose. The defendant shall be provided with the written statement of charges at least fifteen (15) days prior to the removal meeting.

SECTION 2. Recall Upon receipt of a valid petition signed by at least thirty percent (30%) of the eligible voters of the tribe, it shall be the duty of the Election Commission to call and conduct within sixty (60) days, an election for the purpose of recall of an elected tribal official. The election shall be conducted pursuant to the Election Ordinance. Only one (1) member of that elected body shall be considered for recall at any given recall election. This shall not prohibit one (1) member from each elected body from being considered for recall during a single election.

SECTION 3. Forfeiture It shall be the duty of the affected elected body to immediately declare a position within its body vacant and to promptly fill such vacancy in the manner provided in Article VIII when it is determined that the incumbent:

(a) Has tendered resignation:

(b) Has been convicted of a crime involving dishonesty in a court of competent jurisdiction;

(c) Has been convicted of a felony while in office by a court of competent jurisdiction;

(d) Has falsified his application or has omitted information concerning a conviction of a felony or any crime involving dishonesty, when filing to be a candidate for elective office.

ARTICLE VIII - VACANCIES

SECTION 1. Vacancies in any elective office shall be promptly filled by the remaining members of the affected body appointing a person who qualifies pursuant to Article XIV. Such appointee shall serve until a replacement is duly elected at the next annual election and installed in office, except as it relates to filling a vacancy in the office of Governor in Section 2 of Article XIII.

SECTION 2. An appointee shall not be used to temporarily fill a vacancy in either of the two (2) highest ranking positions on an elective body. Rather, it shall be the responsibility of that body to temporarily shift its members so that appointees shall serve in position of lesser rank.

SECTION 3. In the event two (2) vacancies exist in the Executive Committee, the authorities of that body are limited to the payment of utility bills and salaries until those vacancies have been filled by appointment.

ARTICLE IX - INITIATIVE AND REFERENDUM

**(Amendment IV; ratified August 9, 1988; changes the terms "voter registration" and "registered voter" to "eligible voter" throughout the Constitution.)*

SECTION 1. Initiative The procedure whereby eligible voters may exercise their right to enact legislation that will be binding on the Executive Committee and the Tribe. Upon receipt of a valid petition signed by at least twenty percent (20%) of the eligible voters, it shall be the duty of the Election Commissioner to call and conduct such initiative election within sixty (60) days, presenting to the eligible voters for their determination such issues or questions which are set forth in the petition. The decision of the majority of those voting shall be binding on the tribe.

SECTION 2. Referendum The procedure whereby all eligible voters of the tribe have an opportunity to express themselves directly by voting on any enacted or proposed legislation (see Section 7(b) of Article VI). Both secret balloting and an opportunity for absentee voting shall be provided in tribal referendum elections pursuant to the Election Ordinance.

ARTICLE X - BILL OF RIGHTS

The protections guaranteed to persons by Title II of the Civil Rights Act of 1968 (82 Stat. 77), against actions of a tribe in exercising its powers of self-government shall apply to the Absentee Shawnee Tribe of Indians of Oklahoma, its officers and all persons within its jurisdiction.

All members of the Absentee Shawnee Tribe of Indians of Oklahoma shall be accorded equal rights pursuant to tribal law. No member shall be denied any of the rights or guarantees enjoyed by citizens under the Constitution of the United States, including, but not limited to, freedom of religion and conscience, freedom of speech, the right to orderly association or assembly, the right to petition for action or the redress of grievances, and due process of law. Employment of legal counsel for the tribe shall be in accord with Title VI of the Civil Rights Act of 1968.

It is provided in this Constitution that the acceptance of the Indian Civil Rights Act (82 Stat. 77) does not waive the tribe's inherent right to immunity from suit.

ARTICLE XI - SAVINGS CLAUSE

All actions of the Business Committee taken under the previous Constitution shall remain in full force and effect except to the extent they are inconsistent with this Constitution.

ARTICLE XII - AMENDMENTS

**(Amendment IV; ratified August 9, 1988; changes the terms "voter registration" and "registered voter" to "eligible voter" throughout the Constitution.)*

Amendments to this Constitution may be proposed by a resolution of the Executive Committee, or by a petition signed by at least twenty percent (20%) of the eligible voters of the Tribe, and if approved by the Secretary of the Interior, shall be submitted to a referendum vote conducted pursuant to the secretary's regulations and shall be effective if ratified by a majority of those who cast ballots, provided at least twenty percent (20%) of those eligible to vote, cast ballots in such election.

ARTICLE XIII - DUTIES OF OFFICERS

Tribal officers may, from time to time, in carrying out their official responsibilities, be required to attend functions of National, State, local or private organizations as an official representative of the tribe. In such cases, it shall be the duty and responsibility of the tribal official to conduct himself in a manner befitting the office he holds and the people he represents.

SECTION 1. The Governor shall call and preside over all meetings of the General Council and the Executive Committee except as provided in Article XVI or any other applicable provision of this Constitution or subsequent ordinances, and shall be accountable for the exercise of those duties specially assigned to him by this Constitution, and such additional authorities which may be delegated by either the General Council or the Executive Committee. He shall be held responsible for executing the policies established by the General Council. A semi-annual report shall be given to the General Council at its April and October meetings. Such report shall be

given orally and in writing by the Governor as outlined in Article V. The Governor shall make an oral report on all of his activities, meetings, and conferences at the monthly Executive Committee meetings. The Governor shall file an agenda with the Executive Committee Secretary, three days prior to a regularly scheduled Executive Committee meeting. The Governor shall not vote except in the case of a tie.

SECTION 2. The Lieutenant Governor, in the absence of the Governor, or during procedures to remove or recall him, shall possess all of the privileges, authority, and responsibility of the office of Governor. In case of a vacancy in the office of the Governor, the Lieutenant Governor shall succeed at once to the office and shall serve for the remainder of the Governor's unexpired term. The resulting vacancy in the office of Lieutenant Governor shall be filled pursuant to Article VIII. The Lieutenant Governor shall have such other duties as may be delegated to him by the Governor, by actions of the Executive Committee, or General Council.

SECTION 3. The Secretary shall prepare an agenda for all meetings under the direction of the Governor. The Secretary shall be responsible for preparing timely notices of all meetings and the dissemination of such notices, as appropriate, to the Executive Committee and General Council. The Secretary shall prepare and read the minutes of the previous meeting and call to the attention of the Executive Committee any unfinished business. The Secretary shall read to the Committee all communications of official business which must be acted upon by the Executive Committee. The Secretary shall certify all official business transactions taken by the General Council and the Executive Committee. All records, minutes, documents and correspondence for which the Secretary is responsible shall be on file at the tribal headquarters at all times. The Secretary shall be custodian of the tribal membership roll and shall give priority to keeping it current. Responsibilities as tribal membership roll custodian shall be limited to the following:

- (a) The timely processing of new membership applications which shall be approved or disapproved by the Executive Committee.
- (b) Annotating the roll to reflect deceased members.
- (c) Recording official name changes and/or changes of address.
- (d) Prompt reply to questions and confirmation of enrollment.

The Secretary shall have a working knowledge of the Treasurer's duties and responsibilities. The Secretary shall accept and be responsible for other duties as assigned by the Executive Committee. In the absence of the Governor and Lieutenant Governor, the Secretary shall assume the position of Governor Pro-Temp, except in case of vacancies of the two (2) top positions.

SECTION 4. The Treasurer shall be custodian of all monies, and related bookkeeping functions, which come under the jurisdiction or control of the tribe. The Treasurer shall conserve, invest, and pay out money pursuant to the provisions of this Constitution. All expenditures shall be reviewed and approved or disapproved by the Executive Committee before payment. The authority to approve or disapprove such expenditures shall be based on constitutional authority and/or a duly adopted General Council resolution or ordinance pursuant to the provisions of this

Constitution. Subject to the limitations above, the Executive Committee shall render in writing such approval or disapproval that shall be maintained as a permanent part of the bookkeeping record. The Treasurer shall, upon receipt of written approval, be authorized to sign checks or otherwise make payment on behalf of the tribe. The Treasurer shall keep and maintain an accurate account of all receipts and disbursements and shall report the accurate amounts of each account to the Executive Committee at each regular meeting. The Treasurer shall submit financial reports and results of audits pursuant to the provisions in Article V. Such reports and audits shall be equivalent to National Accounting Association practices and standards. The Treasurer shall keep double-entry accounting records, which shall be fully implemented within one (1) year following the first election of officers under this Constitution. The financial records shall be maintained at the tribal headquarters. The Treasurer shall be bonded by a bona fide bonding company in any amount satisfactory to the Executive Committee and such bonding fees shall be paid from tribal funds or program funds if authorized by the funding agency.

SECTION 5. The Representative shall be a full voting member of the Executive Committee and shall perform such duties and responsibilities as may be delegated to him by the Executive Committee and/or the General Council.

SECTION 6. Judicial Branch Officials The duties of such officials shall be set forth in the Judicial Ordinance which shall be consistent with this Constitution. That ordinance shall include a provision for the Chief Justice to call and conduct any meeting or election that the Executive Committee or Election Commission has failed to call even though such meeting or election has been mandated by this Constitution or a valid petition, except as provided in Section 2, of Article XVI.

SECTION 7. Independent Commissions The duties of Election Commission officials shall be set forth in the Election Ordinance. Any future commissions, which may be established by referendum, shall be subject to a separate ordinance which shall be established pursuant to this Constitution and any limitations placed on it by the General Council within the scope of its stated purpose.

ARTICLE XIV - QUALIFICATIONS OF CANDIDATES

**(Amendment IV; ratified August 9, 1988; changes the terms "voter registration" and "registered voter" to "eligible voter" throughout the Constitution.)*

SECTION 1. Before being declared a candidate for any elective office, each prospective candidate must show that the following qualifications have been met:

- (a) An enrolled member of the tribe.
- (b) An eligible voter for purposes of voting in tribal elections.
- (c) At least twenty-one (21) years of age on the date of the election for which he desires to be a candidate.

(d) Physically reside within the following Oklahoma counties: Cleveland, Pottawatomie, Oklahoma, McClain, Garvin, Pontotoc, Seminole, Lincoln, or Okfuskee.

(e) In cases where a prospective candidate has been convicted of a felony, such person shall not be eligible for consideration as a candidate until at least five (5) years have passed following completion of the penalty for such conviction(s).

(f) Not more than one (1) member of an immediate family shall be a candidate for election to the same tribal elective body. Provisions shall be set forth in the Election Ordinance to deal with such concept.

SECTION 2. Specific qualifications, in addition to those in Section 1, may be imposed if approved by tribal referendum.

SECTION 3. Appointments to fill vacancies, or for any other purpose, shall be filled by persons who meet the qualifications of this Article and any specific qualifications which may be imposed pursuant to Section 2 of this Article.

ARTICLE XV - INSTALLATION OF OFFICERS

SECTION 1. First Election Within ten (10) days following certification of results of the first election under this Constitution, the Superintendent of the Bureau of Indian Affairs shall call and conduct a meeting of newly elected persons for the purpose of installing the successful candidates in their respective offices.

SECTION 2. After the first installation of officers, it shall be the duty of the Election Commissioner to call and conduct meetings of newly elected officials within ten (10) days following certification of election results, for purposes of installing them in office which shall include administering an oath of office. The content of such oath shall be set forth in the Election Ordinance.

ARTICLE XVI - MEETINGS

SECTION 1. General Council Meetings shall be held semi-annually in April and October on dates to be set by the Executive Committee. Notices shall be posted at appropriate places at least fifteen (15) days prior to each General Council meeting.

SECTION 2. Special General Council Meetings may be called by the Governor and shall be called and conducted by him when directed to do so by a majority vote of a quorum of the Executive Committee. In the event he refuses to call a meeting when so directed, the highest ranking official who favors calling the meeting, shall be empowered to exercise that authority.

SECTION 3. Executive Committee Meetings shall be held monthly at tribal headquarters on dates to be established by the Executive Committee by public notice. Written notification shall

be provided to each Committee Member at least (5) days in advance. The Committee may hold meetings at another location provided all members are so advised in the advance notice.

SECTION 4. Special Meetings of the Executive Committee may be called by the Governor as necessary with advance individual written notice. Any three (3) members of the Executive Committee may call a special meeting of that body by presenting a written notice to all members of the Committee. If the Governor fails to attend, the highest ranking of those who called the meeting shall be empowered to conduct the meeting, provided a quorum is present.

SECTION 5. All meetings of each of the tribal elective bodies are closed to non-tribal members unless they are on official business with the tribe, or are otherwise invited to attend by the respective body.

SECTION 6. Procedures for calling and conducting meetings of tribal elective bodies, other than the Executive Committee, shall be set forth by each such body in an appropriate resolution which shall be consistent with this Constitution.

SECTION 7. Except where otherwise provided in this Constitution, all meetings shall be conducted in accordance with adopted procedures.

SECTION 8. Legal notices shall be published in a local newspaper in the counties mentioned in Article XIV, Section 1(d).

ARTICLE XVII - QUORUM

**(Amendment IV; ratified August 9, 1988; changes the terms "voter registration" and "registered voter" to "eligible voter" throughout the Constitution.)*

SECTION 1. Executive Committee, Tribal Court, Appeals Court, and Election Commission Meetings. In any duly called meeting of the above elected bodies any three (3) members of that particular body shall constitute a quorum to transact business within the scope of authority of that body.

SECTION 2. General Council Meeting Fifty (50) members of the General Council, who are eligible tribal voters, shall constitute a quorum to transact business at any duly called General Council Meeting.

ARTICLE XVIII - TRIBAL LEGISLATION

**(Amendment IV; ratified August 9, 1988; changes the terms "voter registration" and "registered voter" to "eligible voter" throughout the Constitution.)*

The Executive Committee is the body primarily responsible for legislative functions. However, the General Council, by means of referendum, initiative, or in meetings of that body, has reserved to itself certain legislative authorities. Enactments of the General Council shall, in most cases, be set forth in ordinances. The Executive Committee, in implementing such ordinances, or in executing its legislative function, shall adopt resolutions. Recognizing that there are certain

actions or expressions each governing entity will make which do not specifically constitute tribal legislation, they shall be set forth in motions. A motion is an expression initiated in a General Council meeting by any eligible tribal voter, or in meetings of the Executive Committee by a member of that body.

The forms of tribal legislation are defined as follows:

Resolution. A formal written expression of opinion or will. Resolutions are subordinate to, and must be consistent with Tribal Ordinances and terms of this Constitution. Resolutions shall be used as necessary to set forth rules, regulations, and procedures for the purpose of implementing the intent of Tribal Ordinances.

Ordinance. An enactment of the General Council at a tribal referendum; a separate document which shall have long-range effect, such as, establishing procedures governing: the conduct of elections, removing elected officials or the manner of enrolling tribal members. Ordinances are tribal laws which shall have general application and shall remain in effect until amended or rescinded in the same manner in which they were enacted. Ordinances shall not conflict with this Constitution. In the event a subsequent constitutional amendment is enacted that would conflict with an ordinance, that ordinance, or conflicting portion thereof, shall be null and void.

ARTICLE XIX - RATIFICATION

This Constitution shall be effective when approved by the Secretary of the Interior, or his authorized representative, and ratified by a majority of the General Council of the tribe voting in an election authorized by the Secretary of the Interior and conducted under regulations promulgated pursuant to Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 stat. 1967).

APPROVAL

I, Acting Deputy, Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 26, 1936 (49 Stat. 1967, as amended, and delegated to me by 230 DM 1.1, do hereby approve the Constitution of the Absentee Shawnee Tribe of Indians of Oklahoma: provided that nothing in this approval shall be construed as authorizing any action under the Constitution that would be contrary to Federal Law.

Washington, D.C.

(SGD) Theodore Krenzke

Date: February 4, 1977

Acting Deputy Commissioner
of Indian Affairs

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an order approved February 4, 1977, by the Acting Deputy Commissioner of Indian Affairs, the foregoing Constitution of the Absentee Shawnee Tribe of Indians of Oklahoma was submitted for ratification to the adult members of the Absentee Shawnee Tribe of Indians of Oklahoma and was on June 4, 1977, duly ratified by a vote of 95 for, and 77 against, in an election in which a majority of the 172 qualified voters cast their ballots in accordance with Article X of the tribe's constitution and Section 3 of the Act of June 26, 1936 (40 Stat. 1967).

(SGD) John E. Taylor
Chairman, Election Board

(SGD) Esteline S. Schulenberg
Election Board Member

(SGD) Wallace C. Tyner
Election Board Member

Date: June 4, 1977