

Iowa Tribe of Kansas and Nebraska Constitution Committee 2022-24
UPDATED: May 2024

<p style="text-align: center;">Current Constitution</p> <p>(In this column, strikethrough represents language in the current Constitution that the Committee recommends be deleted or amended.)</p>	<p style="text-align: center;">Committee Recommendation</p> <p>(In this column, <u>underline</u> represents language that the Committee recommends be added or amended.)</p>	<p style="text-align: center;">Explanation</p>	<p style="text-align: center;">Response to Public Feedback</p> <p>The Committee advertised a website to which Tribal Members could send comments, and dedicated its March 12, 2024, meeting to gathering public comment. No comments were received via email. Three (3) comments received at the meeting are summarized below, <i>with the Committee's response in italics.</i></p>
<p>Preamble</p> <p>We, the members of the Iowa Tribe of Kansas and Nebraska, initially organized under a constitution and bylaws approved February 26, 1937, pursuant to the Indian Reorganization Act (IRA) of June 18, 1934 (48 Stat. 984), do hereby establish this constitution and bylaws under the authority of the IRA in order to form a more functional government, develop our tribal resources and promote the</p>	<p>We, the members of the Iowa Tribe of Kansas and Nebraska, initially organized under a <u>Constitution</u> approved February 26, 1937, pursuant to the Indian Reorganization Act (IRA) of June 18, 1934(48 Stat. 984), do hereby establish this <u>Constitution</u> under the authority of the IRA in order to form a more functional government, develop our tribal resources and promote the</p>	<p>First, two style changes:</p> <ul style="list-style-type: none"> • We no longer want to refer to “bylaws,” which bring to mind a corporate (rather than government) entity. • We wanted to be more consistent about capitalizing “Constitution.” <p>These changes are made throughout. For these and other style changes, we will explain them the first time they are made, but after that we simply refer to “style changes.”</p>	

<p>economic and social welfare of ourselves and our descendants.</p>	<p>economic and social welfare of ourselves and our descendants.</p> <p><u>The citizens of the Iowa Tribe of Kansas and Nebraska recognize the critical importance of Hina Maya (Mother Earth) to our existence as a people, our history and culture. Without Hina Maya, we cannot practice our traditional ways which are vital to our physical, mental, and spiritual health. Through Hina Maya we are connected to our past and our future is ensured.</u></p>	<p>Second, we thought that a statement recognizing the importance of Hina Maya was a good way to show a cultural priority. We thought that, by putting it in the Preamble and not in an Article, that would demonstrate the Tribe's commitment, without creating specific rights.</p>	
<p>Article I – Territory</p> <p>The jurisdiction of the Iowa Tribe shall extend to the territory within the confines of the Iowa Reservation as defined in the Treaty of March 6, 1861, and to such other lands as may be hereafter added thereto.</p>	<p>The jurisdiction of the Iowa Tribe shall extend to the territory within the confines of the Iowa Reservation as defined in the Treaty of March 6, 1861, and to such other lands as may be hereafter added thereto.</p>	<p>No changes.</p>	
<p>Article II – Membership</p>	<p>Article II – Membership, Citizenship, and Enrollment</p>	<p>We recommend using “member” and citizen” interchangeably, so we put both in the headline. Also, because membership and enrollment are separate subjects (they are not</p>	

<p><u>Section 1.</u> The membership of the Iowa Tribe of Kansas and Nebraska shall consist of the following:</p> <p>a. All persons of Indian blood whose names appear on the official census roll of the tribe as of January 1, 1937; provided that the roll may be corrected at any time by the General Council, subject to the approval of the Secretary of the Interior.</p> <p>b. All lineal descendants of persons enrolled under Section 1 (a), one of those parents is an enrolled member of the tribe and; provided such descendant possesses Iowa of Kansas and Nebraska Indian blood.</p>	<p><u>Section 1.</u> The membership of the Iowa Tribe of Kansas and Nebraska shall consist of the following:</p> <p>a. All persons of Indian blood whose names appear on the official census roll of the tribe as of January 1, 1937; provided that the roll may be corrected at any time by the General Council.</p> <p>b. All lineal descendants of persons enrolled under Section 1(a), one of <u>whose</u> parents is an enrolled member of the tribe and; provided such descendant possesses Iowa <u>Tribe</u> of Kansas and Nebraska Indian blood.</p> <p><u>Notwithstanding the foregoing, the membership of the Iowa Tribe of Kansas and Nebraska shall not include any person who has formally relinquished their membership.</u></p>	<p>the same thing), we put enrollment in the headline.</p> <p>Here, and elsewhere, we removed the Secretary’s approval.</p> <p>We corrected a typo (changed “those” to “whose”) in 1(b).</p> <p>We added an explicit provision that allows people to relinquish Tribal membership.</p>	
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<p><u>Section 2.</u> Persons who are enrolled as members of another Indian tribe shall not be eligible for enrollment with the Iowa Tribe of Kansas and Nebraska if they have, by virtue of enrollment as members of another Indian tribe, shared in assets of that tribe, including land or monetary benefits. Persons who are enrolled as members of another Indian tribe and have not shared in tribal assets as specified above, shall be eligible for membership with the Iowa Tribe of Kansas and Nebraska if they file a formal relinquishment of membership in the other tribe.</p> <p><u>Section 3.</u> The Executive Committee shall serve as the enrollment committee and shall approve membership with the Iowa Tribe of Kansas and Nebraska, subject to the</p>	<p><u>Section 2.</u> <u>Only citizens of the Iowa Tribe of Kansas and Nebraska shall be eligible for enrollment.</u> Persons who are <u>members or citizens of,</u> or enrolled <u>with,</u> another Indian tribe shall not be eligible for enrollment with the Iowa Tribe of Kansas and Nebraska if they have, by virtue of <u>membership in, citizenship of,</u> or enrollment with, another Indian tribe, shared in assets of that tribe, including land or monetary benefits. Persons who are <u>members or citizens</u> of or <u>enrolled with</u> another Indian tribe and have not shared in tribal assets as specified above, shall be eligible for <u>enrollment</u> with the Iowa Tribe of Kansas and Nebraska if they file a formal relinquishment of <u>such membership in, citizenship of, and enrollment with,</u> as <u>applicable,</u> the other tribe.</p> <p><u>Section 3.</u> The Executive Committee shall serve as the enrollment committee and shall approve <u>enrollment</u> with the Iowa Tribe of Kansas and Nebraska and shall have the</p>	<p>The changes to Sections 2-4 (pages 4-6) reflect the Committee's desire to more clearly distinguish membership from enrollment.</p>	
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<p>approval of the Secretary of the Interior; and shall have the authority to enact resolutions consistent with Article II of this constitution and to establish enrollment procedures.</p> <p><u>Section. 4.</u> Honorary tribal membership may be bestowed by the Executive Committee of the Iowa Tribe of Kansas and Nebraska. This honorary membership will entitle the individual to the title of "honorary tribal member" only, and does not qualify any such honorary member for tribal benefits, assets, or the right to vote as a member.</p>	<p>authority to enact resolutions consistent with Article II of this <u>Constitution</u> and to establish enrollment procedures.</p> <p><u>Section. 4.</u> Honorary tribal membership may be bestowed by the Executive Committee of the Iowa Tribe of Kansas and Nebraska. This honorary membership will entitle the individual to the title of "honorary tribal member" only, and does not qualify any such honorary member for tribal benefits, assets, or the right to vote as <u>an enrolled</u> member.</p> <p><u>Section 5.</u> References in this Constitution and the laws of the Iowa Tribe of Kansas and Nebraska to "members," "citizens," or "tribal citizens" of the Iowa Tribe of Kansas and Nebraska shall mean references to persons included in the membership of the Iowa Tribe of Kansas and Nebraska described in Article II, Section 1 of this Constitution. References to "enrolled</p>	<p>This proposed new section would make the terms "member" and "citizen" interchangeable, and would allow for continued use of existing resolutions, ordinances, etc., that use the term "member."</p>	
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	<p>members” or “enrolled citizens” are limited to those individuals enrolled with the Iowa Tribe of Kansas and Nebraska in accordance with this Article II.</p>		
<p>Article III – Bill of Rights</p> <p><u>Section 1.</u> The Iowa Tribe of Kansas and Nebraska in exercising its powers of self-government shall not:</p> <ul style="list-style-type: none"> a. Make of enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances; b. Violate the right of the people to be secure in their persons, houses, papers and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and 	<p><u>Section 1.</u> The Iowa Tribe of Kansas and Nebraska in exercising its powers of self-government shall not:</p> <ul style="list-style-type: none"> a. Make of enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances; b. Violate the right of the people to be secure in their persons, houses, papers and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be 	<p>Our current Constitution has several what appear to be “OCR (optical character recognition) typos,” for example in Section 1(b) here where the current constitution reads “thing tci be seized,” and it should read “thing to be seized.” Those will be designated as “OCR correction.”</p>	

<p>the person or thing to be seized;</p> <p>c. Subject any person for the same offense to be twice put in jeopardy;</p> <p>d. Compel any person in any criminal case to be a witness against himself;</p> <p>e. Take any private property for public use without just compensation;</p> <p>f. Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him or her, to have compulsory process for obtaining witnesses in his or her favor, and at his or her own expense to have the assistance of counsel for his or her defense;</p> <p>g. Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or</p>	<p>searched and the person or thing to be seized;</p> <p>c. Subject any person for the same offense to be twice put in jeopardy;</p> <p>d. Compel any person in any criminal case to be a witness against himself;</p> <p>e. Take any private property for public use without just compensation;</p> <p>f. Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against <u>them</u>, to have compulsory process for obtaining witnesses in <u>their</u> favor, and at <u>their</u> own expense to have the assistance of counsel for <u>their</u> defense;</p> <p>g. Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or</p>	<p>Also, the Committee felt it important that the Constitution's language be gender neutral. Here and elsewhere in the Constitution, we will designate that as "gender neutrality."</p>	
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<p>punishment greater than that permitted by the provisions of the Indian Civil Rights Act (25 U.S.C. Sections 1301 through 1303, as amended from time to time.)</p> <p><u>Section 2.</u> This Constitution shall not in any way alter, abridge or otherwise jeopardize the rights and privileges of the members of the tribe as citizens of any state or of the United States.</p> <p><u>Section 3.</u> The individual property rights of any member of the Iowa Tribe of Kansas and Nebraska shall not be altered, abridged, or otherwise affected by the provisions of this Constitution.</p>	<p>punishment greater than that permitted by the provisions of the Indian Civil Rights Act (25 U.S.C. Sections 1301 through 1303, as amended from time to time.)</p> <p><u>Section 2.</u> This Constitution shall not in any way alter, abridge or otherwise jeopardize the rights and privileges of the members of the tribe as citizens of any state or of the United States.</p> <p><u>Section 3.</u> The individual property rights of any member of the Iowa Tribe of Kansas and Nebraska shall not be altered, abridged, or otherwise affected by the provisions of this Constitution.</p>	<p>No changes recommended to Sections 2-3.</p>	
<p>Article IV – Governing Bodies</p> <p><u>Section 1.</u> The General Council, composed of all enrolled members who are at</p>	<p><u>Section 1.</u> The General Council, The General Council, composed of all enrolled</p>	<p>There are a few places in the current Constitution where it flows awkwardly from the title</p>	<p>At the March 12, 2024, committee meeting, one Tribal Member asked whether there is,</p>

<p>least eighteen (18) years of age, shall exercise those governing authorities specifically set out for its use in this Constitution and Bylaws, subject to any limitation imposed by the laws or Constitution of the United States.</p> <p><u>Section 2. The Executive Committee</u>, composed of five (5) members elected at large from the General Council for four-year terms of office, shall exercise those authorities delegated to it by this constitution and bylaws. The General Council shall elect, by secret ballot, a Chairman, Vice-Chairman, Secretary, Treasurer and member.</p>	<p>members who are at least eighteen (18) years of age, shall exercise those governing authorities specifically set out for its use in this Constitution, subject to any limitation imposed by the laws or Constitution of the United States.</p> <p><u>Section 2. The Executive Committee. The Executive Committee</u>, composed of five (5) members elected at large from the General Council for four-year terms of office, shall exercise those authorities delegated to it by this Constitution. The General Council shall elect, by secret ballot, a <u>Chairperson</u>, Vice-Chairperson, Secretary, Treasurer and <u>Member At Large</u>.</p>	<p>to the text (as here, where in the original The General Council appears to be both the title and part of the text). We designate these as “Title correction.”</p> <p>Also an OCR correction in Section 1</p> <p>Header correction, gender neutrality</p> <p>Also, this section renames the Member to Member At Large (in part so that there is no confusion between references to being a member of the Tribe and the Member of the Executive Committee).</p>	<p>or can be, a constitutional right “to sit in during tribal meeting.”</p> <p><i>It is not entirely clear what the Tribal Member is asking, but the Committee offers the following response. First, all enrolled Tribal Members of voting age are members of the General Council and, therefore, are allowed to attend General Council meetings; in addition, for many years now the Tribe has allowed non-members to attend General Council meetings, so long as they keep to the non-members area of the room.</i></p> <p><i>Second, Article VI, Section 1 (below) provides that all members of the General Council may attend any recall meetings.</i></p> <p><i>Third, Article XII, Section 3 (below) provides that Tribal Members may attend any and all meetings of the Executive Committee.</i></p> <p><i>The Committee believes that those protections, already</i></p>
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			<i>existing in the Constitution, are sufficient to guarantee the right of Tribal Members to attend meetings.</i>
<p>Article V - Powers</p> <p><u>Section 1. Enumerated Powers.</u> The Executive Committee of the Iowa Tribe of Kansas and Nebraska shall exercise the following powers, subject to any limitations imposed by the laws or the Constitution of the United States:</p> <p>a. To negotiate with Federal, State, and local governments and conclude contracts, grants, or other agreements including participation in the Farmers Home Administration Loan Program (84 Stat. 120);</p> <p>b. To employ legal counsel; the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior;</p> <p>c. To advise the Secretary of the interior with regard to all appropriation estimates or Federal projects for the benefit of the Iowa Tribe of Kansas and Nebraska prior</p>	<p><u>Section 1. Enumerated Powers.</u> The Executive Committee of the Iowa Tribe of Kansas and Nebraska shall exercise the following powers, subject to any limitations imposed by the laws or the Constitution of the United States:</p> <p>a. To negotiate with Federal, State, and local governments and conclude contracts, grants, or other agreements;</p> <p>b. To employ legal counsel;</p> <p>c. To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Iowa Tribe of Kansas and Nebraska prior</p>	<p>We didn't know any reason to single out this specific federal program, so we recommend taking it out.</p> <p>Deleting Secretary's approval.</p>	

<p>to the submission of such estimates to the Office of Management and Budget and to Congress;</p> <p>d. To lease triba<u>l</u> land in accordance with the law;</p> <p>e. To prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe;</p> <p>f. To regulate the conduct of the Executive Committee itself and of tribal meetings;</p> <p>g. To establish subordinate organizations for economic or social welfare purposes and to delegate to such organizations, or to any subordinate boards, committees, or officials of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power;</p> <p>h. To maintain law and order, and establish a tribal judicial system through enactment of codes and</p>	<p>to the submission of such estimates to the Office of Management and Budget and to Congress;</p> <p>d. To lease <u>tribal</u> land in accordance with the law;</p> <p>e. To prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe;</p> <p>f. To regulate the conduct of the Executive Committee itself and of tribal meetings;</p> <p>g. To establish subordinate organizations for economic or social welfare purposes and to delegate to such organizations, or to any subordinate boards, committees, or officials of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power;</p> <p>h. To maintain law and order, and establish a tribal judicial system through</p>	<p>OCR correction.</p> <p>Delete Secretary's approval.</p>	
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<p>ordinances subject to the approval of the Assistant Secretary Indian Affairs.</p> <p>i. To exercise any other authority in which the tribe is empowered to act now or in the future, except as otherwise provided in this constitution.</p> <p><u>Section 2. Reserved Powers.</u> Any rights and powers not expressly referred to in this constitution shall not be abridged by this article, but shall remain with the tribe in the General Council and may be exercised through the adoption of appropriate constitutional amendments.</p> <p><u>Section 3. Manner of Approval.</u> Any ordinance or resolution which by the terms of this constitution, or as required by law, is subject to approval by the Secretary of the Interior, shall be submitted to the Superintendent who shall promptly arrange for the appropriate official to either approve or disapprove such tribal enactment. It shall</p>	<p>enactment of codes and ordinances;</p> <p>i. To exercise any other authority in which the tribe is empowered to act now or in the future, except as otherwise provided in this Constitution.</p> <p><u>Section 2. Reserved Powers.</u> Any rights and powers not expressly referred to in this <u>Constitution</u> shall not be abridged by this article, but shall remain with the tribe in the General Council.</p> <p><u>Section 3. Manner of Approval.</u> Any ordinance or resolution which by the terms of this Constitution, or as <u>required by</u> law, is subject to approval by the Secretary of the Interior, shall be submitted to the <u>Superintendent</u> who shall promptly arrange for the appropriate official to either approve or disapprove such</p>	<p>Style.</p> <p>Also deleted language at the end of the section that we thought was unnecessary.</p> <p>OCR corrections, gender neutrality.</p>	
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<p>become effective only upon approval by the Secretary or his authorized representative.</p> <p><u>Section 4. Tribal Delegations.</u></p> <p>a. When it is necessary for a delegation to represent the Iowa Tribe of Kansas and Nebraska, the delegates are to be chosen by the Executive Committee. The number of delegation trips shall be held to a minimum as requirements dictate.</p> <p>b. When a delegation is authorized to meet with government officials by authority of the Executive Committee, said delegation shall provide a full report of its findings to the Executive Committee at its next regular meeting.</p>	<p>tribal enactment. It shall become effective only upon approval by the Secretary or <u>their</u> authorized representative.</p> <p><u>Section 4. Tribal Delegations.</u></p> <p>a. When it is necessary for a delegation to represent the Iowa Tribe of Kansas and Nebraska, the delegates are to be chosen by the Executive Committee. The number of delegation trips shall be held to a minimum as requirements dictate.</p> <p>b. When a delegation is authorized to meet with government officials by authority of the Executive Committee, said delegation shall provide a full report of its findings to the Executive Committee at its next regular meeting.</p>	<p>No changes to Section 4.</p>	
<p>Article VI – Removal, Recall, Referendum and Filling Vacancies</p> <p><u>Section 1. Removal.</u> Any member of the Executive Committee or other official of the Iowa Tribe of Kansas and</p>	<p><u>Section 1. Removal.</u> Any member of the Executive Committee or other official of the Iowa Tribe of Kansas and</p>	<p>Gender neutrality, OCR correction.</p>	

<p>Nebraska, who during the term for which he is elected or appointed, is convicted of a felony, shall automatically forfeit his office, effective on the date of his initial conviction in court. Any such official found guilty in any court, or by the Executive Committee, of behavior involving misconduct reflecting on the dignity and integrity of the tribal government, malfeasance in office, or gross neglect of duty, may be removed from office if at least four (4) members of the Executive Committee vote in favor of such removal. Voting must be by secret ballot and the Chairman is entitled to vote. If the accused is a member of the Executive Committee, the accused shall have the right to cast a secret ballot. Before any vote for removal from office is taken, such member or officer shall be given a written statement of the charges against him at least ten (10) days before the meeting of the Executive Committee at which he is to appear, and he shall be given an opportunity to answer</p>	<p>Nebraska, who during the term for which <u>they are</u> elected or appointed, is convicted of a felony, shall automatically forfeit <u>their</u> office, effective on the date of <u>their</u> initial conviction in court. Any such official found guilty in any court, or by the Executive Committee, of behavior involving misconduct reflecting on the dignity and integrity of the tribal government, malfeasance in office, or gross neglect of duty, may be removed from office if at least four (4) members of the Executive Committee vote in favor of such removal. Voting must be by secret ballot and the <u>Chairperson</u> is entitled to vote. If the accused is a member of the Executive Committee, the accused shall have the right to cast a secret ballot. Before any vote for removal from office is taken, such member or officer shall be given a written statement of the charges against <u>them</u> at least <u>fourteen (14)</u> days before the meeting of the Executive Committee at which <u>they</u> are to appear, and <u>they</u></p>	<p>We expanded this to 14 days (from 10).</p>	
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<p>any and all charges at the designated Executive Committee meeting.</p>	<p>shall be given an opportunity to answer any and all charges at the designated Executive Committee meeting. <u>Notice of such Executive Committee meeting and a statement of such charges shall be posted to the “members only” area of the Iowa Tribe of Kansas and Nebraska website for a period beginning at least fourteen (14) days prior to such Executive Committee meeting. Such meeting shall be open to the General Council of the Iowa Tribe of Kansas and Nebraska but shall be closed to persons who are not included in the General Council of the Iowa Tribe of Kansas and Nebraska; provided, however, that counsel for the accused and for the Iowa Tribe of Kansas and Nebraska may be present during such meeting for their sole purpose of conferring with their client.</u></p>	<p>Added language to provide additional notice and procedure.</p>	
<p>The decision of the Executive Committee shall be final, and such Executive Committee member or official shall not be returned to office unless duly elected by the General Council.</p>	<p>The decision of the Executive Committee shall be final, and such Executive Committee member or official shall not be returned to office unless duly elected by the General Council.</p>	<p>Gender neutrality.</p>	

<p>No member of the Executive Committee shall preside over the meeting at which his removal is being considered.</p> <p><u>Section. 2. Recall.</u> Upon receipt of a petition signed by at least seventy-five percent (75%) of the number of <u>—</u> voters who signed the register at the preceding election, it shall be the duty of the Chairman to call and conduct within thirty (30) days, a special meeting of the General Council to consider the recall of a member of the Executive Committee. Such meeting is subject to quorum provisions. Only one (1) member of the Committee shall be considered for recall at any given recall meeting. Once an individual is subjected to recall proceedings, he shall not again be considered for such action during the balance of his term of office. If the Chairman is the object of a recall petition, it shall be the duty of the Vice Chairman to call and conduct the special recall meeting. If the Vice-Chairman refuses to call and</p>	<p>No member of the Executive Committee shall preside over the meeting at which <u>their</u> removal is being considered.</p> <p><u>Section. 2. Recall.</u> Upon receipt of a petition signed by <u>a number of eligible voters which</u> is at least seventy-five percent (75%) of the number of <u>eligible</u> voters who signed the register at the preceding election, it shall be the duty of the <u>Chairperson</u> to call and conduct within thirty (30) days, a special meeting of the General Council to consider the recall of a member of the Executive Committee. Such meeting is subject to quorum provisions. Only one (1) member of the Committee shall be considered for recall at any given recall meeting. Once an individual is subjected to recall proceedings, <u>they</u> shall not again be considered for such action during the balance of <u>their</u> term of office. If the <u>Chairperson</u> is the object of a recall petition, it shall be the duty of the Vice <u>Chairperson</u> to call and conduct the special recall meeting. If the</p>	<p>Clarification. In the existing Constitution, it is not clear whether that’s 75% of the <i>number</i> of people who voted (100 people voted, any 75 will do), or 75% of the <i>actual</i> people who voted (need to find 75% of the previous voters). We clarified to the former—it’s the number that matters, not the actual voters.</p> <p>Also OCR corrections, gender neutrality.</p>	<p>At the March 12, 2024, committee meeting, one Tribal Member expressed concern that the percentage threshold would not be met if in the future mail-in votes are allowed.</p> <p><i>Two comments from the Committee: First, these proposed amendments <u>do not</u> by themselves allow for mail-in voting; instead, these proposed amendments merely make absentee voting possible. The current Constitution prohibits any form of absentee voting for any voter—even if the General Council or the Executive Committee wanted to permit absentee voting (either narrowly for certain Tribal Members, such as those in military service or in-patient medical care, or generally to allow all Tribal Members to vote absentee), the Constitution does not allow it. These proposed amendments would</i></p>
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<p>conduct such a meeting, the other officers in descending rank shall be empowered to do so. If each of the Executive Committee members refuses to call and conduct such a meeting, the spokesman for the petitioners shall be empowered to do so.</p>	<p>Vice-Chairperson refuses to call and conduct such a meeting, the other officers in descending rank shall be empowered to do so. If each of the Executive Committee members refuses to call and conduct such a meeting, the spokesman for the petitioners shall be empowered to do so.</p>		<p><i>simply put the issue back in the hands of the General Council and the Executive Committee. If these proposed amendments are approved, there <u>will not</u> be immediate absentee voting. The General Council or the Executive Committee still would need to approve any change in the Election Ordinance.</i></p> <p><i>Second, the proposed amendments <u>do not</u> change the percentage of the previous cycle's voters needed for a recall election. If 100 Tribal Members vote, then 75 (75% of 100) petition signatures are necessary; if 2,000 Tribal Members vote (which would be an excellent expression of our Tribe's sovereignty), then 1,500 (75% of 2,000) signatures would be needed. The high percentage—which remains the same in the existing Constitution and the proposed amendments—is necessary to protect the right of the Tribal Members to select their leadership. Recall should be a difficult process used only in</i></p>
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<p><u>Section 3. Initiative and Referendum.</u> Upon receipt of a petition signed by at least sixty (60) qualified voters, it shall be the duty of the Chairman to call and conduct within thirty (30) days, a special meeting of the General Council for the purpose of presenting to the voters for their determination any issue or question, except recall (See Section 2 of this Article for Recall). If the Chairman refuses to call such a meeting, the Vice-Chairman or other officer in descending rank shall be empowered to do so. If each of the Executive Committee members refuses to call and conduct such a meeting, the spokesman for the petitioners shall be empowered to do so. The decision of the majority of those voting shall be binding on the Executive Committee, provided a quorum is present. Once a petition concerning any issue or question has been submitted to</p>	<p><u>Section. 3. Initiative and Referendum.</u> Upon receipt of a petition signed by <u>a number of eligible voters which is at least fifty percent (50%) of the number of eligible voters who signed the register at the preceding election</u>, it shall be the duty of the <u>Chairperson</u> to call and conduct within thirty (30) days, a special meeting of the General Council for the purpose of presenting to the voters for their determination any issue or question, except recall. If the <u>Chairperson</u> refuses to call such a meeting, the Vice-<u>Chairperson</u> or other officer in descending rank shall be empowered to do so. If each of the Executive Committee members refuses to call and conduct such a meeting, the spokesman for the petitioners shall be empowered to do so. The decision of the majority of those voting shall be binding on the Executive Committee, provided a quorum is present.</p>	<p>The Committee felt that, in a Tribe with nearly 5,000 members (and rising), a mere 60 signatures was too low a threshold, so we change it so that it would be based on the number of people who voted in the past election. As before, it's the <i>number</i> of people, not the actual people.</p> <p>Gender neutrality and OCR corrections.</p> <p>The reference to Section 2 is unnecessary.</p>	<p><i>extreme circumstances, which would generate great interest among Tribal Members.</i></p>
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<p>a vote of the ___ tribal members and rejected, that same issue or question shall not again be considered for such action for at least six (6) months.</p> <p>The Chairman, upon written request by a majority of the Executive Committee, shall be required to call and conduct a special meeting of the General Council within thirty (30) days after receipt of such notice for the purpose of presenting to the voters for their determination, any issue or question except recall. (See Section 2 of this Article for Recall.) If the Chairman refuses to call such meeting, the Vice Chairman or other officer in descending rank shall be empowered to do so.</p> <p><u>Section. 4. Vacancies—</u> in the membership of the Executive Committee shall be filled as provided for in Article IX section 5. Vacancies in appointive positions shall be</p>	<p>Once a petition concerning any issue or question has been submitted to a vote of the <u>enrolled</u> tribal members and rejected, that same issue or question shall not again be considered for such action for at least six (6) months.</p> <p>The <u>Chairperson</u>, upon written request by a majority of the Executive Committee, shall be required to call and conduct a special meeting of the General Council within thirty (30) days after receipt of such notice for the purpose of presenting to the voters for their determination, any issue or question except recall. If the <u>Chairperson</u> refuses to call such meeting, the <u>Vice Chairperson</u> or other officer in descending rank shall be empowered to do so.</p> <p><u>Section. 4. Vacancies.</u> Any vacancies in the membership of the Executive Committee shall be filled as provided for in Article IX section 5. Vacancies in appointive positions shall be</p>	<p>Clarifying <i>enrolled</i> members.</p> <p>Gender neutrality.</p> <p>Reference to Section 2 is unnecessary.</p> <p>Title correction.</p>	
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<p>filled by appointment of the Executive Committee.</p>	<p>filled by appointment of the Executive Committee.</p>		
<p>Article VII – Conflicts of Interest</p> <p><u>Section 1.</u> Any Executive Committee member who may be personally interested in any matter before the Iowa Tribe of Kansas and Nebraska Executive Committee shall not vote on such matter without the consent of the remaining members. Failure to reveal to the Committee a personal interest in a matter before that body, not similarly shared by all members of the Committee, shall constitute dereliction of official duty, and may be cause for removal from office.</p>	<p><u>Section 1.</u> Any Executive Committee member who may be personally interested in any matter before the Iowa Tribe of Kansas and Nebraska Executive Committee shall not vote on such matter without the consent of the remaining members. Failure to reveal to the Committee a personal interest in a matter before that body, not similarly shared <u>by</u> all members of the Committee, shall constitute dereliction of official duty, and may be cause for removal from office.</p>	<p>OCR correction.</p>	
<p>Article VIII – Tribal Enactments</p> <p><u>Section 1. Ordinances.</u> All final decisions on matters of general and permanent interest to members of the tribe shall be</p>	<p><u>Section 1. Ordinances.</u> All final decisions on matters of general and permanent interest to members of the tribe shall be</p>		

<p>embodied in ordinances, such as an enrollment ordinance or an election ordinance.</p> <p>Such enactments shall be available for inspection by members of the tribe during normal office hours.</p> <p><u>Section. 2. Resolutions and Motions.</u> All final decisions on matters of short term or one time interest where a formal expression is needed, shall be embodied in resolutions. Other decisions of a temporary nature or relating to particular individuals, officials or committees shall be put in the form of motions and noted in the minutes of the committee deliberations and shall be available for inspection by enrolled members of the tribe during normal office hours.</p> <p><u>Section. 3.</u> All ordinances and resolutions shall be dated and numbered, and shall include a certification showing the presence of a quorum and the number of members voting for</p>	<p>embodied in ordinances, such as an enrollment ordinance or an election ordinance.</p> <p>Such enactments shall be available for inspection by <u>enrolled members</u> of the tribe during normal office hours.</p> <p><u>Section. 2. Resolutions and Motions.</u> All final decisions on matters of short term or one time interest where a formal expression is needed, shall be embodied in resolutions. Other decisions of a temporary nature or relating to particular individuals, officials or committees shall be put in the form of motions and noted in the minutes of the committee deliberations and shall be available for inspection by enrolled members of the tribe during normal office hours.</p> <p><u>Section 3.</u> All ordinances and resolutions shall be dated and numbered, and shall include a certification showing the presence of a quorum and the number of members voting for</p>	<p>Clarifies <i>enrolled</i> members.</p>	
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<p>and against the proposed enactment.</p> <p><u>Section. 4.</u> No enactment of the Executive Committee, General Council or other body, shall have any validity or effect in the absence of a quorum of the membership thereof at a legally called session.</p>	<p>and against the proposed enactment.</p> <p><u>Section. 4.</u> No enactment of the Executive Committee, General Council or other body, shall have any validity or effect in the absence of a quorum of the membership thereof at a legally called session.</p>		
<p>Article IX - Elections</p> <p><u>Section 1. Elections and Terms of Office.</u> All terms of office for the Executive committee members, incumbent at the time this amendments to the constitution becomes effective, shall expire on the first regular meeting of the Executive Committee following the election of October 2013. In the election of October 2013, the Chairman, Secretary, and Member will each be elected to a four (4) year term. In the election of October 2013, the Vice Chairman and Treasurer will each be elected to a two (2) year term.</p>	<p><u>Section 1. Elections and Terms of Office.</u> All terms of office for the Executive committee members, incumbent at the time this amendment to the Constitution becomes effective, shall expire on the first regular meeting of the Executive Committee following the election of October 2013. In the election of October 2013, the <u>Chairperson</u>, Secretary, and <u>Member At Large</u> will each be elected to a four (4) year term. In the election of October 2013, the Vice <u>Chairperson</u> and Treasurer will each be elected to a two (2) year term.</p>	<p>Gender neutrality, and changed Member to Member At Large.</p>	

<p>Except as provided above, the terms of office for each member of the Executive Committee shall be four (4) years. Commencing in October 2015, elections shall be held every two (2) years for the appropriate offices with expiring terms as well as for special elections to fill vacancies in accordance with Article IX, Section 5.</p> <p><u>Section 2. Election Ordinance.</u> All tribal elections, including the first one under this Constitution, shall be conducted in accordance with an election ordinance, consistent with this Constitution, which shall be enacted by the Executive Committee. Such ordinance shall provide for secret balloting, nomination of candidates, and a procedure for resolving election disputes. Further, such ordinance shall require that no write-in votes or absentee ballots be accepted in any tribal election since such elections shall be conducted during meetings of the General</p>	<p>Except as provided above, the terms of office for each member of the Executive Committee shall be four (4) years. Commencing in October 2015, elections shall be held every two (2) years for the appropriate offices with expiring terms as well as for special elections to fill vacancies in accordance with Article IX, Section 5.</p> <p><u>Section 2. Election Ordinance.</u> All tribal elections, including the first one under this Constitution, shall be conducted in accordance with an election ordinance, consistent with this Constitution, which shall be enacted by the Executive Committee. Such ordinance shall provide for secret balloting, nomination of candidates, and a procedure for resolving election disputes. Such Ordinance shall also include provisions regarding the conduct of recall, referendum and initiative elections and a uniform</p>	<p>The Committee recommends deleting the language that forbids write-in or absentee votes. Note that this change <i>would not</i> immediately allow write-in or absentee votes; each would require a change in the Election Ordinance. But in reviewing other constitutions, the Committee felt that the Constitution should address only eligibility for voting, and should leave the mechanics of voting to the Election Ordinance.</p>	<p>At the March 12, 2024, committee meeting, one Tribal Member expressed concern about allowing absentee voting, in particular whether or how that would impact other things with the Tribe.</p> <p><i>As stated above, these proposed amendments <u>do not</u> by themselves allow absentee voting. They only make it possible for the General Council or the Executive Committee to allow absentee voting.</i></p> <p><i>Otherwise, the Committee is not aware of any direct effects on the Tribe of allowing absentee voting. Many Tribes</i></p>
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<p>council—Such Ordinance shall also include provisions regarding the conduct of recall, referendum and initiative elections and a uniform procedure for submitting petitions.</p> <p>Notwithstanding the foregoing, elections to amend this Constitution shall be conducted pursuant to Article XV of this Constitution.</p> <p><u>Section 3. Voter Qualifications</u> Any <u>—</u> member of the tribe shall be qualified to vote, provided that member is at least eighteen (18) years of age on the date of the election.</p> <p><u>Section 4. Qualifications of Candidates</u> Any <u>—</u> member of the tribe who will be at least twenty-one (21) years of age on the date of the election, shall qualify as a candidate for membership on the Executive Committee, or a subordinate body by election or appointment, except those persons previously convicted in</p>	<p>procedure for submitting petitions.</p> <p>Notwithstanding the foregoing, elections to amend this Constitution shall be conducted pursuant to Article XV of this Constitution.</p> <p><u>Section 3. Voter Qualifications.</u> Any <u>enrolled</u> member of the tribe shall be qualified to vote, provided that member is at least eighteen (18) years of age on the date of the election.</p> <p><u>Section 4. Qualifications of Candidates.</u> Any enrolled member of the tribe who will be at least twenty-one (21) years of age on the date of the election, shall qualify as a candidate for membership on the Executive Committee, or a subordinate body by election or appointment, except those</p>	<p>OCR correction, and clarifies <i>enrolled</i> member.</p> <p>OCR correction.</p>	<p><i>allow absentee voting to one degree or another—some limit it to very specific populations, such as tribal members who are active-duty military or who are in in-patient medical care; others allow any member to vote absentee.</i></p>
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<p>any court of competent jurisdiction, of a felony, or any member who is delinquently indebted to the tribe, provided that persons who have satisfied their penalty for a felony at least five (5) years before the election and otherwise qualify, may become candidates. Notwithstanding the foregoing, any person previously convicted in any court of competent jurisdiction of a felony in which the tribe is a victim shall not be eligible to be a candidate at any time.</p> <p>Any current member of the Executive Committee, who intends to seek election to another office of the Executive Committee in an election when such member's current office is not up for election, shall submit a resignation at least ninety (90) days prior to the election. Such resignation will become effective on the first regular meeting of the Executive Committee following the election regardless of whether such member wins or lo}es the election for the different seat.</p>	<p>persons previously convicted in any court of competent jurisdiction, of a felony, or is delinquently indebted to the tribe, provided that persons who have satisfied their penalty for a felony at least five (5) years before the election and otherwise qualify, may become candidates. Notwithstanding the foregoing, any person previously convicted in any court of competent jurisdiction of a felony in which the tribe is a victim shall not be eligible to be a candidate at any time.</p> <p>Any current member of the Executive Committee, who intends to seek election to another office of the Executive Committee in an election when such member's current office is not up for election, shall submit a resignation at least ninety (90) days prior to the election. Such resignation will become effective on the first regular meeting of the Executive Committee following the election regardless of whether such member wins or <u>loses</u> the</p>	<p>Deletes unnecessary language.</p> <p>OCR correction.</p>	
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<p>The vacancy created by such resignation will be filled by special election in accordance with Article IX Section 5.</p>	<p>election for the different seat. The vacancy created by such resignation will be filled by special election in accordance with Article IX Section 5.</p>	<p>Title correction.</p>	
<p><u>Section 5. Vacancies</u> Vacancies in the Executive Committee will be appointed by the Executive Committee until the next regularly scheduled election at which time the General Council will, by special election, elect a replacement to serve the remainder of the term for such office or for a new term, whichever is appropriate to maintain the staggered terms required by this Constitution; provided, however, that the unexpired term of any Executive Committee member who has submitted a resignation pursuant to Article IX, Section 4, shall be filled by the General Council at a special election held at the same time as the regularly scheduled election following the tender of such resignation. Each vacancy in the membership of the Executive Committee shall be filled by a—— tribal member</p>	<p><u>Section 5. Vacancies.</u> Any Vacancies in the Executive Committee will be appointed by the Executive Committee until the next regularly scheduled election at which time the General Council will, by special election, elect a replacement to serve the remainder of the term for such office or for a new term, whichever is appropriate to maintain the staggered terms required by this Constitution; provided, however, that the unexpired term of any Executive Committee member who has submitted a resignation pursuant to Article IX, Section 4, shall be filled by the General Council at a special election held at the same time as the regularly scheduled election following the tender of such resignation. Each vacancy in the membership of the Executive Committee shall be</p>	<p>OCR correction, and clarifies <i>enrolled</i> member.</p>	

<p>who shall be qualified pursuant to Article IX, Section 4. Vacancies in appointive positions shall be filled by appointments of the Executive Committee.</p>	<p>filled by <u>an enrolled</u> tribal member who shall be qualified pursuant to Article IX, Section 4. Vacancies in appointive positions shall be filled by appointments of the Executive Committee.</p>		
<p>Article X – Installation of Elected Officials</p> <p><u>Section 1.</u> All duly elected Executive Committee members of the Iowa Tribe of Kansas and Nebraska shall be installed in office at the first succeeding regular meeting of the Executive Committee following their election, upon taking the following oath to be administered by such person as may be designated by resolution of the Executive Committee:</p> <p>Oath: "I, {Name), do solemnly swear that I will support and defend the Constitution of the United States and the Constitution and Bylaws of the Iowa Tribe of Kansas and Nebraska; that I will carry out, faithfully and</p>	<p><u>Section 1.</u> All duly elected Executive Committee members of the Iowa Tribe of Kansas and Nebraska shall be installed in office at the first succeeding regular meeting of the Executive Committee following their election, upon taking the following oath to be administered by such person as may be designated by resolution of the Executive Committee:</p> <p>Oath: "I, (Name), do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the Iowa Tribe of Kansas and Nebraska; that I will carry out, faithfully and impartially, the duties of my</p>	<p>Deletes reference to Bylaws.</p>	

<p>impartially, the duties of my office to the best of my ability; that I will cooperate with other members of the Executive Committee, promote, and protect the best interest of my tribe, in accordance with its constitution and bylaws."</p>	<p>office to the best of my ability; that I will cooperate with other members of the Executive Committee, promote, and protect the best interest of my tribe, in accordance with <u>its Constitution.</u>"</p>	<p>OCR correction, and deletes reference to Bylaws.</p>	
<p>Article XI – Duties of Officers</p> <p><u>Section 1.</u> The Chairman of the Executive Committee shall preside over all Executive Committee and General Council meetings of the tribe, except as otherwise provided in this constitution and bylaws. The Chairman shall be allowed to vote only in case of a tie except as provided in Article VI, Section 1, and shall exercise only the authority specifically delegated by the Executive Committee or as otherwise provided by this constitution and bylaws. The Chairman shall have the general supervision over the affairs of the Executive Committee and shall perform</p>	<p><u>Section 1.</u> The <u>Chairperson</u> of the Executive Committee shall preside over all Executive Committee and General Council meetings of the tribe, except as otherwise provided in this Constitution. The <u>Chairperson</u> shall be allowed to vote only in case of a tie except as provided in Article VI, Section 1, and shall exercise only the authority specifically delegated by the Executive Committee or as otherwise provided by this Constitution. The <u>Chairperson</u> shall have the general supervision over the affairs of the Executive Committee and shall perform all duties pertaining to the office of <u>Chairperson.</u></p>	<p>Gender neutrality, removes references to bylaws.</p>	

<p>all duties pertaining to the office of Chairman.</p> <p><u>Section 2.</u> The Vice-Chairman of the Executive Committee shall assist the Chairman when called upon to do so. In the absence of the Chairman, the Vice-Chairman shall preside, and when so presiding, shall have all the rights, privileges, and duties, as well as the responsibilities, of the Chairman. In the event of an extended absence or inability of the Chairman to perform the duties as Chairman, and when the office is for either of these reasons declared by a majority vote of the Executive Committee to be vacant, the Vice-Chairman shall automatically succeed the Chairman and inherit the designated duties and responsibilities of this position. Should the office of Vice-Chairman be vacated before the tenure of the elected term expired, a new Vice-Chairman shall be elected in accordance with the provisions of Article IX, Section 5.</p>	<p><u>Section 2.</u> The Vice-Chairman of the Executive Committee shall assist the Chairman when called upon to do so. In the absence of the Chairman, the Vice-Chairman shall preside, and when so presiding, shall have all the rights, privileges, and duties, as well as the responsibilities, of the Chairman. In the event of an extended absence or inability of the Chairman to perform the duties as Chairman, and when the office is for either of these reasons declared by a majority vote of the Executive Committee to be vacant, the Vice-Chairman shall automatically succeed the Chairman and inherit the designated duties and responsibilities of this position. Should the office of Vice-Chairman be vacated before the tenure of the elected term expired, a new Vice-Chairman shall be elected in accordance with the provisions of Article IX, Section 5.</p>	<p>Gender neutrality, removes references to bylaws.</p>	
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<p><u>Section 3.</u> The Secretary of the Iowa Tribe of Kansas and Nebraska Executive Committee shall correctly record the proceedings of all meetings of the Executive Committee and the General Council, and shall forward copies of the minutes and resolutions of all meetings to the Superintendent of the Morton Agency. The Secretary shall be responsible for the prompt and efficient handling of correspondence pertaining to the business of the Committee. The Secretary shall make out the order of business at the direction of the Chairman, shall notify Committee members of their appointments, and shall have custody on behalf of the tribe of the records and papers of the Committee.</p> <p>The Secretary shall keep a correct list of members of the Committee, shall authenticate accounts or order of the Committee and in the absence of the Chairman and Vice-Chairman, shall call the</p>	<p><u>Section 3.</u> The Secretary of the Iowa Tribe of Kansas and Nebraska Executive Committee shall correctly record the proceedings of all meetings of the Executive Committee and the General Council, and shall forward copies of the minutes and resolutions of all meetings to the Superintendent of the <u>Horton</u> Agency. The Secretary shall be responsible for the prompt and efficient handling of correspondence pertaining to the business of the Committee. The Secretary shall make out the order of business at the direction of the <u>Chairperson</u>, shall notify Committee members of their appointments, and shall have custody on behalf of the tribe of the records and papers of the Committee.</p> <p>The Secretary shall keep a correct list of members of the Committee, shall authenticate accounts or order of the Committee and in the absence of the <u>Chairperson</u> and Vice-<u>Chairperson</u>, shall call the meeting to order until a</p>	<p>OCR corrections, gender neutrality.</p>	
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<p>meeting to order until a Chairman Pro Tempore is selected. The Secretary shall read the minutes of the previous meeting. At the expiration of the term of office, all records, equipment, supplies and tribal papers in the possession of the Secretary shall be turned over to the successor within ten (10) days. The Secretary shall issue notices of General Council meetings and make available by public announcement the anticipated agenda of such meetings. In the event of an extended absence or inability of the Secretary, and when the office is for either of these reasons declared by a majority vote of the Executive Committee to be vacant, the Treasurer shall assume the designated duties of office of the Secretary until such time as the election or appointment of a new Secretary.</p> <p><u>Section. 4.</u> The Treasurer of the Iowa Tribe of Kansas and Nebraska Executive Committee shall be responsible for each yearly budget allowance</p>	<p>Chairperson Pro Tempore is selected. The Secretary shall read the minutes of the previous meeting. At the expiration of the term of office, all records, equipment, supplies and tribal papers in the possession of the Secretary shall be turned over to the successor within ten (10) days. The Secretary shall issue notices of General Council meetings and make available by public announcement the anticipated agenda of such meetings. In the event of an extended absence or inability of the Secretary, and when the office is for either of these reasons declared by a majority vote of the Executive Committee to be vacant, the Treasurer shall assume the designated duties of office of the Secretary until such time as the election or appointment of a new Secretary.</p> <p><u>Section. 4.</u> The Treasurer of the Iowa Tribe of Kansas and Nebraska Executive Committee shall be responsible for each yearly budget allowance received by the Executive</p>	<p>Gender neutrality.</p> <p>Note that we left in this reference to the Secretary, because this does not give the Secretary any power to make</p>	
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<p>received by the Executive Committee and shall keep an accurate account of all receipts and disbursements from this budget allowance. The Treasurer shall make appropriate reports (of all accounts) to the Executive Committee and present summary reports at meetings of the General Council. The accounts and records of the Executive Committee shall be open at all times for inspection and audit by the Assistant Secretary-Indian Affairs or his authorized representative. The books of the Treasurer shall be subject to audit or inspection at the discretion of the Executive Committee. All budget funds entrusted to the care of the Treasurer shall be kept in a special account in a bank authorized by the Executive Committee and all disbursements therefore shall be made by check with the checks to be countersigned by the Chairman of the Iowa Tribe of Kansas and Nebraska Executive Committee. The Treasurer shall file a surety</p>	<p>Committee and shall keep an accurate account of all receipts and disbursements from this budget allowance. The Treasurer shall make appropriate reports (of all accounts) to the Executive Committee and present summary reports at meetings of the General Council. The accounts and records of the Executive Committee shall be open at all times for inspection and audit by the Assistant Secretary-Indian Affairs or <u>their</u> authorized representative. The books of the Treasurer shall be subject to audit or inspection at the discretion of the Executive Committee. All budget funds entrusted to the care of the Treasurer shall be kept in a special account in a bank authorized by the Executive Committee and all disbursements therefore shall be made by check with the checks to be countersigned by the Chair<u>person</u> of the Iowa Tribe of Kansas and Nebraska Executive Committee. The Treasurer shall file a surety bond satisfactory to the</p>	<p>decisions for our Tribe, only the power to inspect and audit our records.</p>	
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<p>bond satisfactory to the Executive Committee and the Assistant Secretary-Indian Affairs or his authorized representative. The cost of all tribal surety bonds shall be paid from tribal funds. All disbursements from tribal funds shall be made under authority of a properly executed resolution. In the event of an extended absence or inability of the Treasurer to perform his duties, and when the office is for either of these reasons declared by a majority vote of the Executive Committee to be vacant, the Secretary of the Iowa Tribe of Kansas and Nebraska Executive Committee, when properly bonded, shall assume the designated duties of the Treasurer until a new Treasurer has been elected or appointed.</p>	<p>Executive Committee and the Assistant Secretary-Indian Affairs or <u>their</u> authorized representative. The cost of all tribal surety bonds shall be paid from tribal funds. All disbursements from tribal funds shall be made under authority of a properly executed resolution. In the event of an extended absence or inability of the Treasurer to perform their duties, and when the office is for either of these reasons declared by a majority vote of the Executive Committee to be vacant, the Secretary of the Iowa Tribe of Kansas and Nebraska Executive Committee, when properly bonded, shall assume the designated duties of the Treasurer until a new Treasurer has been elected or appointed.</p> <p><u>Section 5. Member At Large. The purpose of the Member at Large position is to represent and advocate for all members of the tribe, regardless of where they live, while addressing challenges and trends facing</u></p>	<p>Inserts a new Section 5 to describe the duties of the Member at Large. In considering possible responsibilities for the Member at Large, the Committee felt that position could serve as</p>	
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<p><u>Section 5.</u> Appointive Officers. The duties of all appointive committees and officers shall be clearly defined by resolution at the time of their creation or appointment. Such committees or officers shall report from time to time, as required, to their appointing" body; their activities and decisions shall be subject to review by such body upon petition of any person aggrieved.</p> <p><u>Section. 6.</u> Tribal Employees. Whenever it becomes necessary, the Iowa Tribe of Kansas and Nebraska shall employ tribal employees. The employees shall be — tribal members if at all possible. Any member of the tribe may be employed by the tribe whether or not he holds an elective or appointive office.</p> <p>Applicants will apply to the Executive Committee, and the Committee shall prepare a list for presentation to the</p>	<p><u>them. and shall be responsible for providing responses.</u></p> <p><u>Section 6.</u> Appointive Officers. The duties of all appointive committees and officers shall be clearly defined by resolution at the time of their creation or appointment. Such committees or officers shall report from time to time, as required, to their appointing" body; their activities and decisions shall be subject to review by such body upon petition of any person aggrieved.</p> <p><u>Section. 7.</u> Tribal Employees. Whenever it becomes necessary, the Iowa Tribe of Kansas and Nebraska shall employ tribal employees. The employees shall be <u>enrolled</u> tribal members if at all possible. Any member of the tribe may be employed by the tribe whether or not <u>they</u> hold an elective or appointive office.</p> <p>Applicants will apply to the Executive Committee, and the Committee shall prepare a list for presentation to the</p>	<p>ombudsman, generally getting feedback from tribal members.</p> <p>No changes to previous Section 5 (except renumbered as Section 6).</p> <p>OCR correction, gender neutrality, clarifies <i>enrolled</i> members, and renumbered Section 6 to Section 7.</p> <p>Style and OCR corrections, removes reference to bylaws.</p>	
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<p>Executive Committee. A fifteen (15) day public notice shall be given in which to receive such applications. The funds for salaries may be from allocated funds, i.e., tribal funds, State or Federal grants, or funds provided by any organization, foundations, or other source. Any and all tribal employee(s) shall come under the jurisdiction of this constitution and bylaws. A work and expense report OF and BY the employee (s) shall be made to the Executive Committee each quarter on dates specified by the Executive Committee.</p>	<p>Executive Committee. A fifteen (15) day public notice shall be given in which to receive such applications. The funds for salaries may be from allocated funds, i.e., tribal funds, State or Federal grants, or funds provided by any organization, foundations, or other source. Any and all tribal employee(s) shall come under the jurisdiction of this <u>Constitution</u> and. A work and expense report <u>of and by</u> the employee (s) shall be made to the Executive Committee each quarter on dates specified by the Executive Committee.</p>		
<p>Article XII - Meetings</p> <p><u>Section 1. General Council Meeting.</u></p> <p>a. Annual meetings of the General Council shall be held on the third (3rd Saturday in October for the purpose of receiving reports, and transacting other business.</p> <p>b. Special meetings of the General Council may be called at the discretion of</p>	<p><u>Section 1. General Council Meeting.</u></p> <p>a. Annual meetings of the General Council shall be held on the third (3rd Saturday in October for the purpose of receiving reports, and transacting other business.</p> <p>b. Special meetings of the General Council may be called at the discretion of</p>	<p>No changes to Section 1(a).</p> <p>Gender neutrality and OCR corrections.</p>	

<p>the Chairman, and shall be called by the Chairman upon receipt of a petition signed by forty (40) members of the General Council, or by resolution of the Executive Committee. Should the Chairman refuse to timely call a special meeting requested by either a petition of the Council or a resolution of the Executive Committee, the next highest ranking officer shall exercise such authority, except as provided in Article VI, Sections 1 and 2.</p> <p>c. Notice of Special General Council Meeting. The principal object of a special General Council meeting must be stated in the notification and may include the words "and for the transaction of other business that may be presented." Such notice shall be publicly posted for at least five (5) days in advance of the meeting date.</p>	<p>the <u>Chairperson</u>, and shall be called by the <u>Chairperson</u> upon receipt of a petition signed by forty (40) members of the General Council, or by resolution of the Executive Committee. Should the <u>Chairperson</u> refuse to timely call a special meeting requested by either a petition of the Council or a <u>resolution</u> of the Executive Committee, the next highest ranking officer shall exercise such authority, except as provided in Article VI, Sections 1 and 2.</p> <p>c. <u>Notice of Special General Council Meeting</u>. The principal object of a special General Council meeting must be stated in the notification and may include the words "and for the transaction of other business that may be presented." Such notice shall be publicly posted for at least five (5) days in advance of the meeting date.</p>	<p>Title correction.</p>	
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<p>d. The Agenda for all meetings of the Iowa Tribe of Kansas and Nebraska General Council shall be compiled in advance by the Executive Committee. Following the completion of discussion on all agenda items, other tribal business may be discussed.</p> <p>e. Quorum. No business of any nature shall be transacted by the General Council unless a quorum is present. A quorum shall consist of thirty (30) members of the General Council. Except for the election of the Executive Committee which shall be decided by a plurality vote (larger vote than any other candidate), decisions shall be reached by a majority vote (more than half the votes cast). The Chairman shall not vote except in the event of a tie and in the election of the Executive Committee. In the event a quorum is not achieved at the annual meeting, when an election is required, the</p>	<p>d. The Agenda for all meetings of the Iowa Tribe of Kansas and Nebraska General Council shall be compiled in advance by the Executive Committee. Following the completion of discussion on all agenda items, other tribal business may be discussed.</p> <p>e. <u>Quorum</u>. No business of any nature shall be transacted by the General Council unless a quorum is present. A quorum shall consist of thirty (30) members of the General Council. Except for the election of the Executive Committee which shall be decided by a plurality vote (larger vote than any other candidate), decisions shall be reached by a majority vote (more than half the votes cast). The <u>Chairperson</u> shall not vote except in the event of a tie and in the election of the Executive Committee. In the event a quorum is not achieved at the annual meeting, when an election</p>	<p>No changes to Section 1(d).</p> <p>Gender neutrality, style, removes references to bylaws.</p>	
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<p>election part of such meeting shall proceed as scheduled in order to carry out the intent of the constitution and bylaws.</p>	<p>is required, the election part of such meeting shall proceed as scheduled in order to carry out the intent of the <u>Constitution.</u></p>	<p>Deletes references to bylaws.</p>	
<p><u>Section 2. Conduct of Meetings.</u> a. All meetings shall be conducted in accordance with Robert's Rules of Order, as amended, unless otherwise specified in this constitution and bylaws. b. Order of Business (1) Call to Order (2) Roll Call (3) Adoption of Minutes (4) Reports (5) Unfinished Business (6) New Business (7) Adjournment</p>	<p><u>Section 2. Conduct of Meetings.</u> a. All meetings shall be conducted in accordance with Robert's Rules of Order, as amended, unless otherwise specified in this Constitution. b. Order of Business (1) Call to Order (2) Roll Call (3) Adoption of Minutes (4) Reports (5) Unfinished Business (6) New Business (7) Adjournment</p>	<p>No changes.</p>	
<p><u>Section. 3. Executive Committee Meetings.</u> All meetings of the Executive Committee shall be open to <u>tribal</u> members. a. <u>Frequency.</u> Meetings of the Executive Committee shall be held monthly or as may</p>	<p><u>Section. 3. Executive Committee Meetings.</u> All meetings of the Executive Committee shall be open to <u>enrolled</u> tribal members. a. <u>Frequency.</u> Meetings of the Executive Committee shall be held monthly or as may</p>	<p>Clarifies <i>enrolled</i> members.</p>	

<p>be fixed by resolution of the Executive Committee.</p> <p>b. <u>Quorum</u>. Three (3) members of the Executive Committee shall constitute a quorum at all Executive Committee meetings.</p> <p>c. <u>Meeting Notice</u>. An appropriate written notice shall be given to each Executive Committee member by the Secretary unless a regular time is specified by an Executive Committee resolution.</p> <p>d. <u>Absences —</u> from regular meetings must be excused by a majority vote of the Committee members present. Two (2) successive or a total of three (3) unexcused absences in one (1) year may be sufficient cause to remove a Committee member from office. The decision will be left up to a majority of the Executive Committee.</p> <p>e. <u>Special or Emergency Meetings</u>. Special or emergency meetings of the</p>	<p>be fixed by resolution of the Executive Committee.</p> <p>b. <u>Quorum</u>. Three (3) members of the Executive Committee shall constitute a quorum at all Executive Committee meetings.</p> <p>c. <u>Meeting Notice</u>. An appropriate written notice shall be given to each Executive Committee member by the Secretary unless a regular time is specified by an Executive Committee resolution.</p> <p>d. <u>Absences</u>. Any absences from regular meetings must be excused by a majority vote of the Committee members present. Two (2) successive or a total of three (3) unexcused absences in one (1) year may be sufficient cause to remove a Committee member from office. The decision will be left up to a majority of the Executive Committee.</p> <p>e. <u>Special or Emergency Meetings</u>. Special or emergency meetings of the</p>	<p>Title correction.</p> <p>Gender neutrality.</p>	
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<p>Executive Committee may be called by the Chairman or by any three (3) members of the Executive Committee. The notice in regard to any special or emergency meeting shall be given verbally in person, or by telephone, or by written notice to each Executive Committee member as early as possible prior to the meeting, stating the purpose of the meeting. The order of business as required by Section 2 (b) of Article XII, may be waived if necessary in dealing with emergency matters.</p>	<p>Executive Committee may be called by the Chairperson or by any three (3) members of the Executive Committee. The notice in regard to any special or emergency meeting shall be given verbally in person, or by telephone, or by written notice to each Executive Committee member as early as possible prior to the meeting, stating the purpose of the meeting. The order of business as required by Section 2 (b) of Article XII, may be waived if necessary in dealing with emergency matters.</p>		
<p>Article XIII – Saving Clause and Repeal of Previous Constitution</p> <p>Section 1. The Constitution and Bylaws of the Iowa Tribe of Kansas and Nebraska approved on February 26, 1937, as amended in 1960, 1961 and 2013 under the provisions of Section 16 of the Act of June 18, 1934 (84 Stat. 984), as</p>	<p>Section 1. The Constitution of the Iowa Tribe of Kansas and Nebraska approved on February 26, 1937, as amended in 1960, 1961, 1980 and 2013 under the provisions of Section 16 of the Act of June 18, 1934 (84 Stat. 984), as</p>	<p>Both sections, style and reference to bylaws.</p>	

<p>amended by the Act of June 15, 1935 (49 Stat. 378), is hereby repealed and superseded by this constitution and bylaws.</p> <p>Section. 2. All ordinances and resolutions heretofore enacted by the Iowa Tribe of Kansas and Nebraska shall remain in full force and effect to the extent they are consistent with this constitution and bylaws.</p>	<p>amended by the Act of June 15, 1935 (49 Stat. 378), is hereby repealed and superseded by this <u>Constitution</u>.</p> <p>Section 2. All ordinances and resolutions heretofore enacted by the Iowa Tribe of Kansas and Nebraska shall remain in full force and effect to the extent they are consistent with this <u>Constitution</u>.</p>		
<p>Article XIV - Severability</p> <p>If any provisions of this constitution and bylaws shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provisions shall be severed and the remaining provisions shall continue in full force and effect.</p>	<p>If any provisions of this <u>Constitution</u> shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provisions shall be severed and the remaining provisions shall continue in full force and effect.</p>	<p>Style, and reference to bylaws.</p>	
<p>Article XV - Amendments</p> <p>This constitution and bylaws may be amended by a majority vote of the qualified voters of the Iowa Tribe of Kansas and Nebraska voting in an election called for that purpose by the Secretary of the Interior,</p>	<p>This <u>Constitution</u> may be amended by a majority vote of the qualified voters of the Iowa Tribe of Kansas and Nebraska voting in an election called for that purpose by the Secretary of the Interior, provided that at</p>	<p>Style and reference to bylaws.</p> <p>Also, we changed the reference to the Secretary here so that the Secretary is no longer <i>approving</i> our amendments, but</p>	

<p>provided that at least thirty percent (30%) 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.</p> <p>It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the General Council, the Executive Committee, or upon receipt of a petition of at least one hundred (100) qualified voters of the Iowa Tribe of Kansas and Nebraska. The amendment election shall be authorized by the Secretary of the Interior and conducted pursuant to his regulations set forth in 25 CFR 52.</p>	<p>least thirty percent (30%) of those entitled to vote shall vote in such election; but no amendment shall become effective until <u>the election results approving such amendment shall have been certified by the Secretary of the Interior.</u></p> <p>It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the General Council, the Executive Committee, or upon receipt of a petition <u>signed by a number of eligible voters which is at least seventy-five percent (75%) of the number of eligible voters who signed the register at the preceding election.</u> The amendment election shall be conducted pursuant to regulations <u>promulgated by the Secretary of the Interior.</u></p>	<p>instead only certifying the election.</p> <p>First, as above, changing the requirement for an amendment. In a Tribe of almost 5,000 members, the Committee felt that needing only 100 to force a vote on a constitutional amendment was too low a threshold, so we recommend tying that number to recent elections.</p> <p>Finally, the regulations sometimes move (they're not at Part 52 anymore), so instead of a specific citation (which we might later have to change), the Committee recommends simply saying that the election will be held pursuant to the proper regulations.</p>	
<p>Article XVI – Adoption</p>			

<p>This constitution and bylaws, when adopted by a majority vote of the qualified voters of the Iowa Tribe of Kansas and Nebraska, voting at an election called for that propose by the Secretary of the Interior, in which at least thirty percent (30%) of those entitled to vote shall cast their ballots, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of his approval.</p>	<p>This <u>Constitution</u>, when adopted by a majority vote of the qualified voters of the Iowa Tribe of Kansas and Nebraska, voting at an election called for that propose by the Secretary of the Interior, in which at least thirty percent (30%) of those entitled to vote shall cast their ballots, shall be submitted to the Secretary of the Interior for <u>their certification</u>, and shall be effective from the date of <u>their certification</u>.</p>	<p>Style, gender neutrality, and changing Secretary's approval to certification.</p>	
	<p>Article XVII – Rights of Nature</p> <p>For the benefit of present and future generations, the Iowa Tribe of Kansas and Nebraska shall conserve and protect Hina Maya (Mother Earth), the natural beauty and all natural resources on tribal lands, including land, water, air, minerals, soil, animals, plants, and energy sources. Ecosystems, natural communities, and species within tribal lands possess inherent, fundamental, and</p>	<p>This proposed new Article would create as a policy priority protecting the environment. (I'm sure there is a better way of putting that.)</p>	

	<p>inalienable rights to naturally exist, flourish, regenerate, and evolve, and to restoration, recovery, and preservation. The Iowa Tribe of Kansas and Nebraska and its governing bodies have an obligation to protect, maintain, and regulate the use of natural resources.</p>		
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Public Comments Received by the Committee

Category / Article	Recommendation	Incorporated into Committee Recommendations
Membership – Article II	Allowing dual enrollment	No
	Adding disenrollment protections	No
	Changing term to “citizen” instead of “member”	Yes
	Clarifying membership vs. enrollment	Yes
Constitution Structure – Article XII	IRA vs. non-IRA	n/a
	Reflecting more traditional culture	Yes
	Allowing for greater self-governance	Yes
Elections – Article IX	Changing fixed numbers to percentages	Yes
	Allowing for absentee / mail-in votes	Yes
Executive Committee – Articles VI, XI	Adding / updating descriptions of roles	Yes
	Paid vs. non-paid positions	No
	Elected positions barred from holding additional employment	No
	Term limits for Executive Committee	No
	Adding representative from outside Reservation / service area to EC	No
	Updating ability of EC to remove elected officials	Yes