

Constitution Committee Motion #08 Amendments to Article VI

Based on ITKN member feedback and Committee deliberations, the Committee recommends several substantive changes. (1) In Section 1, the Committee recommends two changes. (1a) The first would give any Executive Committee member subject to removal fourteen (14) days instead of ten (10) days notice of the charges against them. (1b) The second adds new language requiring the publication of notice of any Executive Committee meeting at which removal will be considered, and allows General Council members (and legal counsel for the Tribe and for the accused) to attend that meeting. (2) In Section 2, the Committee recommends language to clarify that the standard for recall would be based on the number of persons who voted in the prior election, and not on the specific voters from that election. (3) In Section 3, the Committee recommends two changes. (3a) First, the Committee felt that a threshold of 60 signatures was too low for a Tribe with almost 5,000 members, and recommended changing the requirement for Initiative and Referendum to a percentage of the voters in the prior election. (3b) Second, the Committee thought that the parenthetical references to Section 2 was unnecessary and recommends deleting it.

Committee Recommendations

- See **Committee Motion #01** for proposed corrections to typographical errors, OCR errors, and style.
- See **Committee Motion #02** for proposed amendments achieving gender neutrality.
- See **Committee Motion #03** for proposed amendments deleting most references to the Secretary of the Interior.

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- Article VI
 - Section 1
 - Line 18: **delete** “ten (10)” and **replace it with** “fourteen (14)”
 - Line 20: after “meeting.” **add** “Notice of such Executive Committee meeting and a statement of such changes 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 the sole purpose of conferring with their client.”
 - Section 2
 - Line 24: between “by” and “at” **insert** “a number of eligible voters which is”

- Line 25: between “of” and “voters” **insert** “eligible”

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- Article VI
 - Section 3
 - Lines 3-4: **delete** “at least sixty (60) qualified voters” and **replace it with** “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”
 - Line 6: **delete** “(See Section 2 of this Article for Recall.)”
 - Line 16: **delete** “(See Section 2 of this Article for Recall.)”

Final Version, if Committee Motion #08 is Approved

ARTICLE VI – Removal, Recall, Referendum and Filling Vacancies

Section 1. Removal. Any member of the Executive Committee or other official of the Iowa Tribe of Kansas and Nebraska, who during the term for which they are elected or appointed, is convicted of a felony, shall automatically forfeit their office, effective on the date of their 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 Chairperson 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 shall be given a written statement of the charges against them at least fourteen (14) days before the meeting of the Executive Committee at which they are to appear, and they shall be given an opportunity to answer any and all charges at the designated Executive Committee meeting. 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 the sole purpose of conferring with their client.

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. No member of the Executive Committee shall preside over the meeting at which their removal is being considered.

Section 2. Recall. Upon receipt of a petition 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, it shall be the duty of the Chairperson 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 Executive Committee shall be considered for recall at any given recall meeting. Once an individual is subjected to recall proceedings, they shall not again be considered for such action during the balance of their term of office. If the Chairperson is the object of a recall petition, it shall be the duty of the Vice-Chairperson to call and conduct the special recall meeting. If the 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 spokesperson for the petitioners shall be empowered to do so.

Section 3. Initiative and Referendum. Upon receipt of a petition signed by 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, it shall be the duty of the Chairperson 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 Chairperson refuses to call such a meeting, the Vice-Chairperson 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 spokesperson 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 a vote of the enrolled tribal members and rejected, that same issue or question shall not again be considered for such action for at least six (6) months.

The Chairperson, 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 Chairperson refuses to call such meeting, the Vice-Chairperson or other officer in descending rank shall be empowered to do so.

Section 4. Vacancies. 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 filled by appointment of the Executive Committee.