

Constitution

Constitution of the Wyandotte Tribe of Oklahoma

September 29, 1999

PREAMBLE

We, the People of the Wyandotte Tribe of Oklahoma, pursuant to our inherent sovereignty, in order to form a more efficient and effective government, establish justice, insure domestic tranquility, secure our rights, promote the general welfare, provide for continued tribal existence and fundamental governing principals, sustain our culture, and secure the natural and self-evident right to govern ourselves, to perform essential governmental functions, as defined in Article 3, do ordain and establish this Constitution for the Wyandotte Tribe of Oklahoma. This constitution shall supersede all previously adopted constitutions including the Constitution of the Wyandotte Tribe of Oklahoma, approved by the Assistant Secretary of the Interior on July 17, 1937, and ratified by our voters on July 24, 1937, pursuant to the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), as reconfirmed by the Act of May 15, 1978 (92 Stat. 246), and the Constitution approved by the Deputy Assistant Secretary on May 30, 1985.

ARTICLE 1

Name

The name of this sovereign tribal government shall be the Wyandotte Nation.

ARTICLE 2

Territory and Jurisdiction

SECTION 1. Territory

The territory of the Wyandotte Nation shall include all lands held by the Nation, or by the United States in trust for the benefit of the Nation or the individual members, or land held under a federal restriction on alienation, and any additional lands acquired by the Nation or by the United States for the benefit of the Nation or individual members, including but not limited to all land. air, water, surface, subsurface, natural resources and any interest therein, notwithstanding the issuance of any patent or right-of-way in fee or otherwise, by the government of the United States or the Wyandotte Nation, existing or in the future.

SECTION 2. Jurisdiction

The jurisdiction of the Wyandotte Nation shall extend to all territory set forth in Section 1 of this Article and to any and all persons or activities therein, based upon the inherent sovereign authority of the Nation and to the fullest extent permitted under federal law.

ARTICLE 3

Essential Governmental Function

An essential governmental function is considered to be any activity, including but not limited to taxation, conducted by the Wyandotte Nation, which is designed to raise revenue for the Nation, to provide governmental services for its membership and/or enhance the economic base of the Nation for the benefit of the Nation.

ARTICLE 4

Federal Relations

The Wyandotte Nation recognizes the jurisdiction of the United States over its land, and activities related to commerce, and will adhere to the federal laws applicable to such jurisdiction.

ARTICLE 5

Membership of the Nation

SECTION 1. Membership

The following persons shall be eligible for membership in the Wyandotte Nation: PROVIDED, That such persons are United States citizens and not enrolled members of any other federally recognized tribe, nation, band, group or, community.

(a) All persons whose names appear on the official Census Roll of the Nation as of January 1, 1937;

(b) All issue by blood of a Wyandotte Nation tribal member listed in Section I(a), of this Article; and

(c) The degree of blood quantum of an individual proven to possess Wyandotte blood will not be a factor in determining Wyandotte membership.

SECTION 2. Membership by Council Vote

A person of Wyandotte Nation ancestry who does not meet the requirements of Section 1 of this Article may be accepted for membership by a majority vote of the Nation Council.

SECTION 3. Voluntarily Withdrawing Membership

Any adult member voluntarily withdrawing his or her membership from the Wyandotte Nation does so forever. For purposes of this Section, voluntarily withdrawing membership shall include persons who lose their United States citizenship or who enroll in any other federally recognized tribe, nation, band, group or community after becoming a member of the Nation.

SECTION 4. Rules Governing Membership

The Board of Directors will enact rules governing voluntary withdrawal of membership, termination of membership, the membership application process, provisions for appeal of denial of membership and adoptions.

SECTION 5. Council Decision on Membership

The Board of Directors shall provide in the rules governing membership that the Nation's Council shall make final decision on the Nation's membership. The decision of the Nation's Council shall be final. There shall be no appeals.

ARTICLE 6

Organization of the Government

SECTION 1. Wyandotte Nation Council

The supreme governing body of the Nation shall be the Wyandotte Nation Council. The Nation Council shall consist of all Nation members who are at least 18 years of age.

SECTION 2. Officers

(a) The Officers of the Nation shall be the Chief, Second Chief, and four Council persons all of whom shall be members of the Wyandotte Nation Council. The officers shall be elected in accordance with Article 9, Section 2. Provided, that Officers of the Nation who have been removed from office for cause shall thereafter be forever barred from holding any office or position with the Nation.

(b) All elected Officers of the Wyandotte Nation must be at least twenty-five years old on the date of the Nation's election to be a candidate for office.

SECTION 3. Board of Directors

There shall be a Board of Directors which shall consist of the officers as provided in Section 2, of this Article.

SECTION 4. Executive Department

The Executive Power shall be vested in the Chief of the Wyandotte Nation and duly established by a law enacted by the Board of Directors of the Wyandotte Nation.

(a) The executive office shall be composed of any administrative departments created by legislation enacted by the Board of Directors of the Wyandotte Nation.

(b) The Chief shall keep the Board of Directors and Nation members informed on all matters pertaining to Wyandotte Nation affairs.

SECTION 5. Grievance Committee

The Grievance Committee shall be elected and consist of five members of the Nation Council of the Wyandotte Nation. The members of the committee shall not hold any other elective Nation office while serving on the Grievance Committee.

SECTION 6. Nation Court

The judicial power of the Wyandotte Nation is hereby vested in the Supreme Court consisting of five Justices and such inferior courts as may be established by Nation Law.

ARTICLE 7

Powers and Responsibilities of the Governing Bodies/Committees and Officers

SECTION 1. Wyandotte Nation Council

All inherent sovereign powers and authority of the Wyandotte Nation derive from and reside in the Nation Council of the Wyandotte Nation. Unless specifically reserved to the Nation Council in the Constitution, the Board of Directors is delegated all power and authority to act on behalf of the Wyandotte Nation and all actions of the Board of Directors shall be considered actions of the Nation.

SECTION 2. Board of Directors

(a) The Board of Directors is authorized to transact business and otherwise speak or act on behalf of the Nation in all matters on which the Nation is empowered to act now or in the future except as specifically reserved herein.

(b) The Board of Directors shall keep Nation members informed on all matters pertaining to Nation affairs.

(c) The Board of Directors shall enact a "Code of Ethics" governing the conduct of all elected officials, appointees, and employees of the Nation.

(d) The Board of Directors shall make laws to govern the actions of the membership and residents within the Nation's jurisdictional boundaries.

(e) Compensation for the elected officials of the Nation will be determined by a duly established law enacted by the Board of Directors of the Wyandotte Nation.

(f) The Board of Directors will enact laws governing the filling of vacancies in all elected officer positions.

(g) The Board of Directors shall make laws to govern the appointment of subordinate committees and representatives.

The exercise of aforementioned powers shall be subject to limits as imposed by any applicable federal law and this Constitution.

SECTION 3. Grievance Committee

The Grievance Committee shall select its officers. The Grievance Committee shall investigate complaints of misconduct in the office of all elected officers. If by a vote of at least three members that the complaint is justified, the committee shall request that the Chief call a special meeting of the Nation Council to act upon the complaint. Should the Chief fail to call the meeting within five days of the request, then the Grievance Committee shall call the special meeting of the Nation Council. All special meetings called under this section, must be held within 30 days from the date the meeting is called. The Nation Council shall have the power, by majority vote, after giving the accused a hearing, to remove him/her from office. The decision of the Nation Council is final.

SECTION 4. Executive Office

The Executive Office shall enforce the laws and administer funds in accordance with laws duly established by the Board of Directors.

(a) Chief – It shall be the duty of the Chief to preside at all meetings and perform all duties pertaining to the office. He/she shall also act as Chairperson of the Board of Directors. His/her privilege to vote on matters before the Board shall be exercised only when a tie vote occurs among other members.

(b) Second Chief – In the absence of the Chief, or in the event of removal proceedings against the Chief, the Second Chief shall perform the duties of the Chief. In the case of a vacancy in the office of the Chief, the Second Chief shall succeed at once to the office of the Chief until the next special or regular election.

Should the Chief and Second Chief be absent and/or otherwise unable to preside at a meeting called under Article 10 of this Constitution, then the remaining four members of the Board of Directors shall elect from among themselves an individual to chair the meeting called under Article 10. The Board of Directors may not elect a chair for a meeting unless the quorum requirements established under this Constitution for a Board of Directors meeting is met.

SECTION 5. Nation Court

The Nation Courts are empowered to exercise all judicial authority of the Nation. Said authority shall include, but not limited to, the power to review and overturn Nation legislative and executive actions for violations of this Constitution or of the Federal Indian Civil Rights Act of 1968, as well as to perform all other judicial and court functions except as specifically reserved to the Grievance Committee in Section 3 of this Article. During the tenure of his/her term, the Chief Justice or an Associate Justice may be suspended or dismissed by the Nation Council only for criminal activity, misconduct, negligence, or absence from duty. The Chief Justice or Associate Justice shall be given proper notice and an opportunity for an open hearing. Judges of inferior courts may be removed consistent with the laws creating such courts.

(a) The Courts of the Wyandotte Nation. shall be courts of general jurisdiction and shall further have jurisdiction in all cases arising under the Constitution, laws, and treaties of the Wyandotte Nation. The Supreme Court shall have original jurisdiction in such cases as may be provided by law, and shall have appellate jurisdiction in all cases.

(b) The Nation Courts, in any action brought before them, shall have the power of judicial review, except when such review is limited in the Constitution, in order to declare that legislative enactments of the Board of Directors or the Nation 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 Nation Court Judges shall be selected by the Board of Directors and shall serve four year terms and until their successor be duly confirmed and installed. At the expiration of such term. each Justice or Judge may, at his option, be considered for reconfirmation to a new term by the Board of Directors.

(d) Vacancies in Nation judicial office~ shall be filled by appointment of the Board of Directors for the remainder of the unexpired term.

ARTICLE 8

Meetings

SECTION 1. Nation Council

(a) Annual Meeting: Annual meeting of the Nation Council shall be held on the second Saturday in September of each year. Time and place of the meeting shall be announced in the call for the meeting. Meetings shall require a ten day public notice in at least one newspaper of general circulation within a 50 mile radius of Wyandotte, Oklahoma.

(b) Special Meeting: Special meetings of the Nation Council may be called at the discretion of the Chief or shall be called by the Chief upon the written request of four members of the Board of Directors or if a petition is received signed by at least 50 members of the Nation Council or upon- written request of three members of the Grievance Committee or when otherwise required by the Constitution. Should the Chief fail to call the meeting requested by the Board of Directors or the Grievance Committee within five days of the request, then the Board of Directors or the Grievance Committee, whichever made the written request, shall call the special meeting of the Nation Council. Should the Chief fail to call the meeting requested by the Nation Council petition, then Board of Directors may call the meeting. If the Chief and Board of Directors fail to call the meeting, then the Grievance Committee may call the meeting. All special meetings called under this section, must be field within 30 days from the date the meeting is called. The Principal object of the special meeting must be stated in the call for the meeting. If any other business is to be conducted the words and for the transaction of other business that may be presented” must be included in the call. Unless so specified only that business stated in the call can be considered. Special meetings may be called at any time to meet business or Nation affairs requirements. Meetings shall require a ten day public notice in at least one newspaper of general circulation within a 50 mile radius of Wyandotte, Oklahoma.

SECTION 2. Board of Directors

(a) Regular meetings of the Board of Directors shall be held the second Tuesday of each month, unless otherwise specified by the Board.

(b) Special meetings of the Board of Directors may be called at the discretion of the Chief and shall be called by the Chief upon written request of four members of the Board of Directors. Should the Chief fail to call the meeting requested by the Board of Directors within five days of the request, then the Board of Directors shall call the meeting. All meetings called under this section, must be held within 30 days from the date the meeting is called.

SECTION 3. Grievance Committee

Meetings of the grievance committee may be called by the chairperson, and shall be called by the chairperson at the written request of three committee members, or if a petition is received signed by at least 50 members of the Nation Council. Should the Chairperson fail to call the meeting requested by the Grievance Committee within five days of the request, then the Grievance Committee shall call the meeting. All meetings called under this section, must be held within 30 days from the date the meeting is called.

SECTION 4. Location of Meetings

Location of all meetings of the Nation Council, Board of Directors, and Grievance Committee shall be within a 50 mile radius of Wyandotte, Oklahoma, unless otherwise specified by the Board of Directors. Unless otherwise provided in this Constitution, notice of any meeting should be posted in the Administration Building at least 72 hours prior to the meeting.

SECTION 5. Quorums

Nation Council – Fifty members of the Nation Council shall constitute a quorum.

Board of Directors – Four members of the Board of Directors shall constitute a quorum.

Grievance Committee – Three members of the Grievance Committee shall constitute a quorum.

ARTICLE 9

Elections

SECTION 1. Elections

The election of officers and grievance committee members will be conducted in a manner which will provide a staggered system of terms of office. It's purpose is to provide continuity of experience for all elected offices. All officers and Grievance Committee members holding office on the date this Constitution is approved shall serve the remainder of their term. At the first election of officers and Grievance Committee members following the effective date of this Constitution each position will be elected for two years. Thereafter all terms of office will be elected for four years or until their successors are duly elected and installed.

SECTION 2. Election Ordinance

All Nation elections shall be conducted in accordance with a law duly enacted by the Board of Directors which is consistent with this constitution. Such law shall provide for establishment of an Election Board, which shall not have in its membership any elected Nation official or candidate, and set forth the procedures for appointment of the Board membership. The law shall also provide a procedure for registering voters. secret balloting, absentee balloting, handling protests, resolving election disputes, breaking tie votes, conducting recall elections, and providing for a plurality election when more than two people run and no one receives a majority of the votes.

SECTION 3. Election Board to Conduct Elections

The Election Board shall conduct all General and Special elections in accordance with the duly established law enacted under Section 2, of this article.

SECTION 4. Eligibility to Vote

Any member of the Wyandotte Nation shall be eligible to vote provided that the member is at least 18 years of age on election day and is properly registered.

SECTION 5. Qualifications for Candidates

Only those persons who meet the qualifications listed below shall be declared candidates for the respective office:

(a) An enrolled member of the Nation.

(b) At least 25 years of age by election date and possess either a four year degree in a business related area or equivalent business related experience as set forth in the election ordinance established by the Board of Directors.

(c) Agree to physically reside within a 50 mile radius of the administration office during the term of office. Such person must establish physical residence within the 50 mile radius no later than 30 days following the date the person is installed.

SECTION 6. Disqualifications from Holding Office

(a) Officers of the Nation who have been removed from office for cause shall thereafter be forever barred from holding any office or position with the Nation.

(b) If an individual has pled guilty, nolo contendere or been found guilty of any felony in any county, district, state or federal court, or has been removed for cause from any Nation office, he shall be determined not qualified to be a candidate for any elective Nation office.

ARTICLE 10

Removal/Recall

SECTION 1. Removal

The Nation Council of the Wyandotte Nation shall have the power to remove any elected official for misconduct, malfeasance in office or gross neglect of duty. The Board of Directors shall adopt an ordinance within six months of ratification of this Constitution providing procedures for the removal of any elected officer. The procedures set out in the ordinance shall be used by all elected bodies. The ordinance shall include procedures for an accused to confront his/her accusers, speak on his/her own behalf, receive notification of accusation, and be afforded a fair and impartial hearing.

SECTION 2. Recall

Upon receipt of a petition signed by at least 50 members of the Nation Council, the Board of Directors shall determine whether the petition complies with the requirements for a valid petition and, if so, then shall call an election to consider the recall of officials who are named in the recall petition. The process for circulating and filing a valid recall petition shall be set forth in the election ordinance. The election shall be conducted in accordance with procedure set forth in the election ordinance enacted under Article 9, Section 2.

SECTION 3. Vacancies

Any office which has been vacated, whether by removal, recall, resignation or death, shall be filled for the unexpired term at the next regular or special meeting of the Board of Directors in accordance with this Constitution.

ARTICLE 11

Bill of Rights

The Wyandotte Nation, in exercising its powers of self-government shall not:

- (1) make or 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;
- (2) 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 the person or thing to be seized;
- (3) subject any person for the same offense to be twice put in jeopardy;
- (4) compel any person in any criminal case to be a witness against themselves;
- (5) take any private property for a public use without just compensation;
- (6) 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/her, to have compulsory process for obtaining witnesses in his/her favor, and at his/her own expense to have the assistance of counsel for his/her defense;
- (7) require excessive bail, impose excessive fines or inflict cruel and unusual punishments;
- (8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
- (9) pass any bill of attainder or ex post facto law; or
- (10) deny to any person accused of an offense(s) punishable by imprisonment the right, upon request, to a trial by jury of his/her peers.

ARTICLE 12

Amendments

This Constitution may be amended at an election called for that purpose by the Secretary of the Interior upon a request by the Board of Directors or upon request of the Nation Council consistent with federal regulations.

ARTICLE 13

Severability

If any provisions of this Constitution shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision(s) shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE 14

Savings Clause

All enactment's of the Nation adopted before the effective date of this Constitution shall remain in full force and effect to the extent that they are consistent with this Constitution.

ARTICLE 15

Approval and Ratification

This Constitution shall be effective when approved by the Secretary of the Interior and ratified by a majority vote of the adult members of the Wyandotte Nation voting at an election called by the Secretary of the Interior under regulations which he may prescribe pursuant to Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936; provided, that at least 30 percent of the qualified voters vote in such election.

APPROVAL

I, Hilda A. Manuel, 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, do hereby approve the Constitution of the Wyandotte Nation provided that nothing contained in this approval shall be construed as authorizing any action under the constitution that would be contrary to Federal laws.

Hilda A. Manuel; Deputy Commissioner of Indian Affairs

Washington, D.C.

Date: June 11, 1999

CERTIFICATE OF RATIFICATION

Pursuant to an order approved by Hilda A. Manuel, Deputy Commissioner of Indian Affairs on June 11, 1999, the foregoing Constitution of the Wyandotte Nation was submitted for ratification to the adult members of the Wyandotte Nation and was on September 29, 1999 duly rejected/ratified by a vote of 278 for, and 22 against, with 31 ballots declared spoiled although otherwise validly cast, in an election in which at least thirty 30 percent of the 507 entitled to vote cast their ballots in accordance with Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967).

Mary Moss, Chairman, Election Board

Ramona L. Reid, Election Board Member

James R. Bland, Election Board Member

DATE: September 29, 1999