



Pawnee Nation of Oklahoma

RESOLUTION #21-29
MAY 25, 2021

RESOLUTION

- Whereas,** The Pawnee Business Council is the supreme governing body of the Pawnee Nation and is authorized to conduct business on behalf of the Pawnee Nation in accordance with Article IV, Sections 1 and 2 of the Pawnee Nation Constitution and By-Laws; and
- Whereas,** The Pawnee Business Council met in special session on May 25, 2021, at the Pawnee Nation Building 64 Conference Room, duly authorized, with a quorum present; and
- Whereas,** on the 1st day of May 2021, the Pawnee Nation Regular Election was held according to the Pawnee Nation Constitution, Article IV, Section 4. (i); and
- Whereas,** the Pawnee Nation Election Commission carried out the Secretarial Election, Constitutional Amendment to Article VII, Section 2, Recall; and
- Whereas,** the Pawnee Nation Election Commission has certified the election results on May 13, 2021; and
- Whereas,** the Pawnee Nation voting members have approved the Constitutional Amendment to Article VII, Section 2, Recall; and
- Whereas,** any action taken in this Resolution shall remain in effect until changed or rescinded by a majority vote of the Pawnee Business Council.

NOW, THEREFORE BE IT RESOLVED the Pawnee Business Council does hereby recognize the results of the Pawnee Nation Election held on May 1, 2021.

BE IT FURTHER RESOLVED, the Pawnee Business Council does hereby approve the Constitutional Amendments to Article VII, Section 2, Recall as voted by the Pawnee Nation Tribal Members.

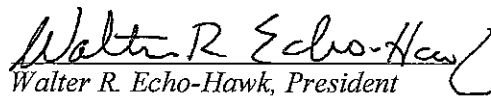
CERTIFICATION

I, George Gardipe, Secretary of the Pawnee Business Council, certify that a Special Meeting of the Pawnee Business Council was held on the 25th day of May, 2021 and that the Pawnee Business Council is composed of eight members, of whom 8 were present, 0 absent, comprising a quorum, and the foregoing resolution was duly adopted by a vote of 7 for, 0 against, 0 abstaining, and 1 not voting.

Signed this 25th day of May 2021

ATTEST:


George Gardipe, Secretary
Pawnee Nation Business Council


Walter R. Echo-Hawk, President
Pawnee Nation Business Council

Secretarial Election
 Constitution Amendment to Article VII,
 Section 2, Recall

YES	NO
5	5
10	10
15	15
20	20
25	25
30	30
35	35
40	40
45	45
50	50
Total	Total
215	165

2

219

165

CERTIFICATION

We, the undersigned, certify that we are election official for the Pawnee Nation of Oklahoma for the election held on the day of April 1, 2014.

We further certify that we have counted all the ballots cast in said polling place, that the count was duly and legally made and that the results of the count shown on the within tally sheet statement is correct.

[Signature]
[Signature]
[Signature]

(signature of at least 3 Election Officials, including the chairman. Any official or tabulator participating in the ballot count must sign the certification.)

Certification of 2021 Secretarial Election

On Saturday, May 1, 2021, the PN Election Commission carried out the Secretarial Election, Constitution Amendment to Article VII, Section 2, Recall as set forth by the Constitution of the Pawnee Nation of Oklahoma. The election was carried out in accordance with the Election Act of the Pawnee Nation **with 0 (zero) protest** that was filed during the protest period. **The protest was not upheld and** the Election Commission is declaring the results of the votes submitted on Saturday, May 1, 2021, as official results.


RESULTS:

YES: 279
NO: 165


In accordance with the Pawnee Nation Election Act, Section 11 (F) *"The marked ballots, all unused ballots, the tally sheets, and the original Certificate of Results shall be placed in the ballot box. The boxes shall be locked and delivered by the Secretary and Clerk of the Election Commission to the Pawnee Nation Office."*

Total # of Ballots Printed	<u>1100</u>	Mailed as Absentee Ballots	<u>164</u>
Absentee Ballots Received and Counted	<u>132</u>	Spoiled Ballots	<u>0</u>
Total Ballots issued	<u>321</u>	Total Ballots Counted	<u>444</u>

We the undersigned, the Pawnee Nation Election Commission, hereby certify the 2021 Secretarial Election Constitution Amendment to Article VII, Section 2, Recall 13 day of May 2021.



Timothy Allen, Chairman



Mary Hawkins, Clerk

Sarah Knife Chief, Secretary



Mee-Kai Clark, Sergeant-at-Arms

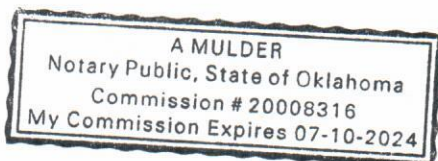


Catherine Moore, Alternate

Subscribed before me, a Notary Public,
on this 13 day of May, 2021.



Notary Signature





CONSTITUTION
of the
PAWNEE NATION
of
OKLAHOMA

*(Revised and amended by Referendum vote on July 14, 1998, January 4, 2003,
June 14, 2008 and further revised by referendum vote on May 1, 2021)*



CONSTITUTION OF THE PAWNEE NATION OF OKLAHOMA

*(Revised and amended by Referendum vote on July 14, 1998, January 4, 2003,
June 14, 2008 and further revised by referendum vote on May 1, 2021)*

PREAMBLE

We, the members of the four confederated bands of Indians, namely, Chaui, Kitkehahki, Pitahawirata and Skidi which now constitute the Pawnee Nation of Oklahoma, with faith in the purposes of our Supreme Being, with abounding pride in our cultural heritage and the determination to promote through marshaled efforts our social, economical and political advancement, do solemnly ordain and establish this Pawnee Nation of Oklahoma and adopt this constitution pursuant to the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967) which shall supersede the constitution approved by the Secretary of the Interior on November 26, 1937, and ratified on January 6, 1938, as amended.

ARTICLE I-NAME

The name of this organization shall be the "Pawnee Nation of Oklahoma."

ARTICLE II-PURPOSE

Section 1. To secure for the Pawnee Nation of Oklahoma and its members rights, powers, privileges and benefits of a sovereign nation.

Section 2. To establish its Jurisdiction and Powers.

- (i) The governmental powers of the Pawnee Business Council, acting for the sovereign Pawnee Nation of Oklahoma shall extend to all persons and to all real and personal property including lands and other natural resources, and to all waters and air space, within the Indian Country over which the Pawnee Nation of Oklahoma has jurisdiction. The governmental powers of the Pawnee Nation of Oklahoma shall also extend outside the exterior boundaries of Indian Country to any persons or properties which are, or may be included within the jurisdiction of the Pawnee Nation of Oklahoma.
- (ii) The Pawnee Nation of Oklahoma is empowered to maintain under any laws of the U.S. and/or Pawnee Nation of Oklahoma's law and order, and judicial

systems to protect the peace, safety, health, and welfare of the members of the Pawnee Nation of Oklahoma, provided the concepts of separation of powers is maintained.

- (iii) The Constitution is the supreme law of the Pawnee Nation of Oklahoma and all persons subject to its jurisdiction. The Pawnee Business Council shall exercise its power consistent with the provisions of this Constitution and the Corporate Charter of the Pawnee Nation of Oklahoma.

ARTICLE III-MEMBERSHIP OF TRIBE

- Section 1.** The current membership of the Pawnee Nation of Oklahoma shall consist of:
- (a) All persons enrolled or entitled to be enrolled on the official annuity (base) roll of the Pawnee Nation of Oklahoma as of February 19, 1937; and
 - (b) All children born of a lawful marriage between members of the Tribe since the date of said roll;
 - (c) All children of one-quarter (1/4) or more Pawnee Indian blood born on or after February 9, 1938, of a lawful marriage of an enrolled member.

Section 2. The future membership of the Pawnee Nation of Oklahoma, after the adoption of this Constitution, shall include any individual who applies for membership and possesses at least one-eighth (1/8) degree Pawnee Indian Blood, as amended on January 4, 2003 on Amendment Number 1.

Section 3. The Pawnee Business Council shall have power to prescribe rules and regulations covering future membership of the Pawnee Nation, including the approval and loss of membership, provided:

- (i) Such rules and regulations shall be subject to the review of the Nasharo Council;
- (ii) A person shall not be eligible for membership, if enrolled as a member of another Indian Tribe.

ARTICLE IV-PAWNEE BUSINESS COUNCIL

Section 1. The supreme governing body of the Pawnee Nation of Oklahoma shall be the Pawnee Business Council, which shall consist of eight (8) members.

Section 2. Subject to the limitations imposed by this Constitution and applicable Federal law, the Pawnee Business Council shall exercise all the inherent, statutory, and treaty powers of the Pawnee Nation of Oklahoma by the enactment of legislation, the transaction of business, and by otherwise speaking or acting on behalf of the Pawnee Nation of Oklahoma on all matters which the Pawnee Nation of Oklahoma is empowered to act, including the authority to hire legal counsel to represent the Pawnee Nation of Oklahoma.

Section 3. All acts regarding Membership or Claims or Treaty Rights of the Pawnee Business Council shall be subject to review by the Nasharo Council in accordance with this Constitution.

Section 4. The present Pawnee Business Council members shall serve until the next regular election or until their successors are elected and installed provided:

- (i) The Pawnee Business Council shall provide an election commission to conduct all elections, provided that regular elections are held on the first Saturday in May of each odd numbered year.

- (ii) No member of the Pawnee Nation of Oklahoma, eighteen (18) years of age or older, shall be denied the right to vote by secret ballot, either in person or by absentee ballot, provided that no write-in votes shall be allowed.
- (iii) Members of the Pawnee Nation of Oklahoma, twenty-five (25) years of age or older, shall be eligible for election to the Pawnee Business Council. Members of the Pawnee Nation convicted of a felony or dishonorably discharged from the Armed Forces of the United States of America are ineligible for candidacy.
- (iv) At the first regular election after the adoption of this Constitution (1999), the President, Treasurer, and the First and Second Council Members shall be elected to a four year term and the Vice-President, Secretary, and Third and Fourth Council Members shall be elected to a two-year term in order to stagger the terms of office:
 - (a) Candidates shall declare the position they are seeking.
 - (b) If there are positions which are vacant due to lack of candidates, those positions shall be considered vacant and filled according to Article VI.
 Thereafter, all members of the Pawnee Business Council shall be elected to a four-year term of office and shall serve until their successors shall be duly installed in office. In cases when a vacancy is being filled to complete an unexpired term due to death, resignation, forfeiture, or recall of a Pawnee Business Council member, a successor will be appointed pursuant to Article VI of this Constitution.
- (v) A Nasharo Council member shall resign his/her position if elected or appointed to the Pawnee Business Council.
- (vi) A Pawnee Nation of Oklahoma employee shall resign his/her position if elected or appointed to the Pawnee Business Council.
- (vii) A Pawnee Business Council member shall not be eligible for employment by the Pawnee Nation of Oklahoma.
- (viii) Elected members of the Pawnee Business Council shall be inaugurated and sworn into office fourteen (14) calendar days after the Election Day.
- (ix) Pawnee Business Council records and all related documentation for each outgoing Pawnee Business Council member shall be made available to the newly elected Pawnee Business Council members. Failure to comply shall result in ineligibility to file for candidacy for the Pawnee Business Council for ten (10) years or until records and documents are returned.

Section 5. All acts of the Pawnee Business Council shall be determined by a majority vote of the membership present, provided five (5) members of the Council shall constitute a quorum to transact business. In the event of a tie, the chairperson or chairperson pro tem shall cast the deciding vote.

Section 6. Regular quarterly meetings of the Pawnee Business Council shall be held on the first Saturday in February, June, August and November of each year in a place designated by the Pawnee Business Council, provided:

- (i) Special meetings may be called by the President.
- (ii) Special meetings shall be called by the President within two (2) weeks after receiving a written request, by regular mail or by certified and return receipt mail, from a majority of the occupied Pawnee Business Council positions, provided:

- (a) If the President fails to call and conduct a special meeting as requested within two (2) weeks, a majority of the occupied members of the Pawnee Business Council shall be authorized to call and conduct a special meeting by affixing their signatures to a document listing in detail the need for the meeting and citing this Section of the Constitution as their authority to meet.
- (b) A minimum of two (2) days notice of all meetings, regular or special, shall be published in a newspaper and posted in public view. Provided, that in an emergency, posting in public view for two (2) days shall be deemed sufficient notice. Notice shall include the agenda.

Section 7. All members of the Pawnee Business Council shall attend tribal constitution orientation classes as prescribed by the Pawnee Business Council.

ARTICLE V-DUTIES OF OFFICERS

Section 1. The President shall preside at all meetings of the Pawnee Business Council, joint meetings of the Pawnee Business Council and the Nasharo Council, and all general meetings and shall vote only in the case of a tie. The President shall have general supervision of the affairs of the Pawnee Business Council and shall perform all duties pertaining to the office of the President. The President shall administer oaths and affirmations when required or permitted. The President shall be bonded.

Section 2. In the absence of the President, the Vice-President shall perform the duties of that office. In the case of vacancy, the Vice-President shall succeed at once to the office of the President. The Vice-President shall be bonded.

Section 3. The Secretary shall, be responsible for the following duties:

- (i) Record the proceedings of all meetings of the Pawnee Business Council and Nasharo Council, and all special meetings as assigned by the Pawnee Business Council.
- (ii) Prepare the agenda for meetings of the Pawnee Business Council.
- (iii) Maintain all records and files of the Pawnee Business Council. All records and files of the Pawnee Business Council, except such records as shall be explicitly made exempt by law, shall be public information to any member of the Pawnee Nation of Oklahoma.
- (iv) Maintain the Pawnee Nation of Oklahoma official membership roll.
- (v) Attest to enactments of the Pawnee Business Council.
- (vi) In absence of the President and Vice-President, call to order regular and special meetings of the Pawnee Business Council until a Chairman pro tem is selected.
- (vii) Perform the duties of the Treasurer, in the absence of the Treasurer.
- (viii) The Secretary shall be bonded.

Section 4. The Treasurer shall, be responsible for the following duties:

- (i) Receive funds from all sources for which the Pawnee Business Council is held accountable, and maintain financial records which shall reflect actual receipts and disbursements of all funds and which shall reflect the financial position of the Pawnee Nation of Oklahoma.
- (ii) Deposit funds from any and all sources for which the Pawnee Business Council is held accountable in an insured bank or other approved financial institution.

- (iii) Disburse by check, the funds from any and all funds for which the Pawnee Business Council. All checks shall be signed by the Treasurer and countersigned by the President.
- (iv) An annual independent audit of all funds for which the Pawnee Business Council is held accountable.
- (v) Present financial status reports and budget reports as determined by the Pawnee Business Council.
- (vi) Perform the duties of Secretary, in the absence of Secretary.
- (vii) The Treasurer shall be bonded.

ARTICLE VI-VACANCIES

Section 1. - In the event of Presidential vacancy, the Vice-President shall temporarily vacate their office and fulfill the duties of the office of President until another president is elected by a majority of Pawnee tribal voters in a specially called election. The Business Council shall elect from the current council membership a Temporary Vice President to serve until the next President is elected by a majority of Pawnee tribal voters in a specially called election, at which time the Temporary Vice President shall return to his/her previous position.

Section 2. – If the offices of President and Vice President are vacant the Treasurer shall temporarily vacate their office and fulfill the duties of President and the secretary shall temporarily vacate their office and fulfill the duties of Vice President. The Business Council shall elect from the current council membership a Temporary Treasurer and a Temporary Secretary until the next President and Vice President are elected by a majority of Pawnee tribal voters in a specially called election, at which time the Temporary Treasurer and Temporary Secretary shall return to their previous position.

Section 3. – If the offices of President, Vice President, and Treasurer are vacant the Secretary shall temporarily vacate their office and fulfill the duties of the President. The Business Council shall elect from the current council membership a Temporary Vice President, Temporary Treasurer, and Temporary Secretary until the next President, Vice President, and Treasurer are elected by a majority of Pawnee tribal voters in a specially called election, at which time the Temporary Vice President, Temporary Treasurer and Temporary Secretary shall return to their previous position.

Section 4. – Notwithstanding Article 4 Section 5, if four or more positions are vacant a quorum shall consist of all of the remaining members. If all officer positions are vacant any remaining council members may call a special Business Council meeting, at which that council member shall chair and the council shall elect officers.

Section 5. – If a vacancy occurs in a First, Second, Third, or Fourth Business Council member position before the last six months of a term, it shall be filled by a majority of Pawnee member voters in a specially called election.

Section 6. – If a vacancy occurs in a First, Second, Third, or Fourth Business Council member position in the latter six month of that term, that position shall remain vacant until the next general election.

Section 7. – If a vacancy occurs in any Business Council position in the six months prior to a general election, the specially called election shall be held with the general election.

Section 8. – Any successful candidate who is elected in a special election shall serve only the remaining term of that vacant position.

Section 9. – Unless section 6 & 7 apply, the election Board shall set and conduct a special election within 60 days but not before 30 days after a position is vacant.

Section 10. – A position is vacant when:

- (i) Subject to an effective date, a resignation is received in writing by the Office of the president
- (ii) Vacant pursuant to Article VII, Section One
- (iii) Death
- (iv) Recall
- (v) Removal
- (vi) A suspension is imposed under Section 3, in which case a specially called election is not required if the Business Council finds that suspension is likely to be resolved within six months. If the Business Council finds that the suspension is likely to be longer than six months, they may call a special election. If the suspension is removed, the person elected in the special election shall step down and the suspended Business Council Member shall retake their position.

ARTICLE VII-FORFEITURE, RECALL, SUSPENSION, REMOVAL

Section 1. Forfeiture – If a member of the Pawnee Business Council fails or refuses to attend two (2) regular or special meetings per year from the date of oath of office, unless excused by the Pawnee Business Council President for illness or other causes for which the member cannot be held responsible, his/her office shall be declared forfeited by a resolution of the Pawnee Business Council and the vacancy shall be filled.

Section 2. Recall –

- (i) A petition for recall of any member of the Pawnee Business Council shall be:
 - a) filed with the Pawnee Nation Election Commission,
 - b) verified by the Enrollment Department that **thirty five percent (35%)** of the number of voters who voted in the last regular election signed the petition, and
 - c) pay a filing fee not to exceed fifty percent (50%) of the total cost of the last regular election payable to the Election Commission.
- (ii) After receipt of the verified recall petition, the Election Commission shall call and hold a recall election within sixty (60) business days but not before thirty (30) business days.
- (iii) Recall shall be effective only if a majority of those voting shall vote in favor of such a recall and that at least fifty percent (50%) + one (1) of the number voting in the previous election vote in the recall election.
- (iv) Once a member has faced a recall attempt, no further recall action shall be brought against that member until at least twelve (12) consecutive months have passed. No member of the Pawnee Business Council shall be subject to a recall action within the first twelve (12) months of that member's term.

Section 3. Suspension:

- (i) A Pawnee Business Council member shall be suspended from the Business Council without compensation when:
 - (a) charged with a criminal offense, and
 - (b) that offense would be cause for removal as defined in Section 4.iv.(a), and

- (c) the charging jurisdiction guarantees similar civil rights and due process as is guaranteed within the Pawnee Nation.
- (ii) The suspension shall be effective from the date of the filing of the charges until dismissed.
- (iii) It is the duty of the defendant Business Council Member to timely notify the Business Council and the Attorney General of the charges.
- (iv) A suspended Business Council Member is excused from attending meetings and other official duty during the suspension.
- (v) Any vote cast or other official action taken after such charges have been filed shall be valid, but taking such official action while under suspension shall constitute the crime of unofficial misconduct.
- (vi) The Business Council may by majority vote, with the subject member abstaining, lift the suspension if it finds that the requirements of paragraph (i) are not met.
- (vii) The suspended Business Council Member may bring a declaratory judgment action in Pawnee Nation Tribal Court to challenge the application of this Section.
- (viii) If the charges are dismissed because the defendant is found innocent, the suspension is automatically removed and all withheld compensation shall be paid without interest.

Section 4 – Removal of Pawnee Business Council Members

- (i) Removal for Cause – Pawnee Business Council members may be removed for cause by petition filed in Pawnee Nation District Court with right of appeal to the Pawnee Nation Supreme Court.
- (ii) A petition may be filed only;
 - (a) by the Attorney General, or
 - (b) by Resolution of the Pawnee Business Council, or
 - (c) by any individual or individuals who deposits \$10,000 in cash or bond with the court clerk.
- (iii) Conviction is defined as a final conviction or a plea of no contest or guilty, whether or not dismissed, pardoned or expunged, and irrespective of whether it is denominated a felony, misdemeanor, or otherwise.
- (iv) Cause is defined as:
 - (a) conviction of any of the following offenses in any legitimate governmental jurisdiction:
 - A. Fraud
 - 1. Making false representation
 - 2. Knowledge of such false representation by the perpetrator
 - 3. Reliance on the false representation by the person defrauded
 - 4. An intent to defraud
 - 5. The actual act of committing fraud
 - 6. Passing bad checks
 - 7. Knowingly possessing stolen property
 - B. Evil Intent
 - 1. Arson
 - 2. Blackmail
 - 3. Embezzlement

4. Extortion
5. False pretenses
6. Forgery
7. Fraud
8. Larceny (grand or petty)
- C. Crimes against property
 1. Malicious destruction of property
 2. Receiving stolen goods (with guilty knowledge)
 3. Robbery
 4. Theft (when it involved the intention of permanent taking)
 5. Transporting stolen property (with guilty knowledge)
- D. Crimes against Governmental authority
 1. Bribery
 2. Counterfeiting
 3. Fraud against revenue or other governmental functions
 4. Mail fraud
 5. Perjury
 6. Harboring a fugitive from justice (with guilty knowledge)
 7. Tax evasion (willful)
 8. Carry a concealed weapon
 9. Desertion from the Armed Forces
 10. Dishonorable Discharge from the Armed Services
 11. Failure to report for military induction
 12. Drunk driving
 13. Habitual drunkenness
 14. Escape from prison
 15. Gambling violations
 16. Controlled Dangerous Substances violations
 17. Liquor violations
 18. Vagrancy
- E. Crimes committed against person, family relationship, and sexual morality
 1. Abandonment of a minor child (if willful and resulting in the destitution of the child)
 2. Assault
 - a. Assault with intent to kill, commit rape, commit robbery or commit serious bodily harm
 - b. Assault with a dangerous or deadly weapon
 3. Contributing to the delinquency of a minor
 4. Gross indecency
 5. Incest
 6. Kidnapping
 7. Lewdness
 8. Manslaughter
 - a. Voluntary
 - b. Involuntary, where the statute requires proof of recklessness
 9. Mayhem

10. Murder
 11. Pandering
 12. Prostitution
 13. Rape (including “Statutory rape”)
 14. Sodomy
 15. Libel/Slander
 16. Mailing an obscene letter
- F. Crimes attempting, aiding and abetting, accessories, and conspiracy
1. an attempt to commit a crime listed in this Section,
 2. Aiding and abetting in the commission of a crime listed in this Section,
 3. Being an accessory (before or after the fact) in the commission of a crime listed in this Section,
 4. Taking part in conspiracy (or attempting to take part in a conspiracy) to commit a crime listed in this Section.
- (b) Willful neglect or refusal to fulfill statutory duties.
- (c) Intentional conduct reflecting very negatively on the dignity and integrity of the tribal government.
- (v) Court Review
- (a) The District Court shall review the removal petition in a new trial. The Judge must hold an initial hearing within 30 days and resolve the case within 90 days. The petitioner must prove the facts by clear and convincing evidence. Any party to the case shall have a right to appeal.
 - (b) The defending Council member may be represented by Counsel. If the Court denies the petition then the defending Council member shall be awarded costs and attorney fees not to exceed \$10,000.00.
 - (c) If the petition was filed by Business Council or the Attorney General the cost of attorney fees shall be paid from tribal funds. If the petition was filed by an individual the cost of attorney fees shall be paid from the deposit. An exonerated Council member charged under paragraph (iv) (b) or (iv) (c) of this Section shall not be charged again under such paragraph until more than twelve months have passed since the previous petition was filed.
 - (d) If a petition filed by individual(s) is successful then their \$10,000 deposit shall be refunded. If the attorney fees of a winning defendant are less than \$10,000 then the balance shall be refunded.

ARTICLE VIII-NASHARO COUNCIL

Section 1. The Nasharo Council shall consist of eight (8) members with a quorum of five (5) to transact business. Each band shall have two (2) representatives on the Nasharo Council selected by the members of the tribal bands, Chaui, Kitkehahki, Pitahawirata and Skidi. The Nasharo Council shall have the right to review all acts of the Pawnee Business Council regarding the Pawnee Nation of Oklahoma membership and Pawnee Nation of Oklahoma claims or rights growing out of treaties between the Pawnee Nation of Oklahoma and the United States, provided:

- (i) Such acts of the Pawnee Business Council shall be valid and valid unless formally disapproved by the Nasharo Council within thirty (30) days after such acts are referred to the latter Council;
- (ii) Where such are disapproved by the Nasharo Council, the Pawnee Business Council may submit them to a referendum of the Pawnee Nation of Oklahoma and they shall be valid and effective if approved by a majority vote of the adult members voting in person or by absentee ballot; provided, that, at least fifty (50) of those qualified to vote shall cast ballots in such election.

Section 2. The Bands of the Pawnee Nation of Oklahoma shall elect their respective representative under rules and regulations prescribed by the Chiefs of each Band. The representatives selected shall serve until the next regular selection of members of the Nasharo Council.

Section 3. Vacancies in the membership of the Nasharo Council shall be filled under rules and regulations prescribed by the Nasharo Council.

Section 4. The Nasharo Council shall have the power to establish its own offices and to designate its own officers, to fix its own meeting days, and to adopt its own rules of procedure; provided a quorum is present to transact business. Records of the proceedings of this body shall be kept.

Section 5. All members of the Nasharo Council shall attend tribal constitution classes as prescribed by the Pawnee Business Council.

ARTICLE IX- COURTS

Section 1. Establishment of Authority - The judicial power of the Pawnee Nation of Oklahoma shall be vested in the current Pawnee Nation Courts established by Resolution 93-65 and shall consist of five Justices and at least one trial court, known as the District Court, and additional courts as may be established by tribal law. The courts shall be a separate branch of government.

Section 2. Jurisdiction – The Courts of the Pawnee Nation of Oklahoma shall be courts of general jurisdiction and shall further have jurisdiction in all cases arising under the constitution, laws, and treaties of the Pawnee Nation of Oklahoma. The Supreme Court shall have original jurisdiction in only such cases as may be provided by law, and shall have appellate jurisdiction in all other cases.

Section 3. Selection of Judicial Officers – The Justices of the Supreme Court and Judges of District Courts shall be selected by a majority vote of the Business Council. Justices and Judges may by Supreme Court rule assume the duties of a member of the other court to hear a specific case in which the regular Justices or Judges are disqualified or are otherwise unable to perform their duty as to the case.

Section 4. Term of Office – The Justices and Judges of the Pawnee Nation of Oklahoma shall serve six year terms beginning at the date of their confirmation in office and continuing if reconfirmed or until their successor shall be duly confirmed and installed.

Section 5. Removal – Justices and Judges of the Pawnee nation of Oklahoma may be removed from office only by a majority of the other active Justices and Judges sitting together upon a showing of habitual neglect of the duties of office, oppression in office for personal gain or advantage, or for cause as defined in Section 4, D. In no case may a judicial officer be removed from office because of his decision in any case before the Court.

Section 6. Judicial Review – The Courts are specifically authorized to review, in any case properly before them, the actions of the Business Council, or any other officers, agents, or employees of the government of the Pawnee Nation of Oklahoma to determine whether those actions are prohibited by Federal law, this constitution or the laws of the Pawnee Nation of Oklahoma. If the action complained of is outside the scope of authority delegated to entity in question, or if a proper authority is being exercised in a prohibited manner, the Court may enter injunction or other proper equitable relief or declare the action unconstitutional and void as justice may require.

Section 7. Effective date, Interim Provision – This article shall be effective upon approval in accord with Article X. The Business Council shall thereafter have the authority to enact such laws as may be necessary for the full and proper functioning of the Courts of the Pawnee Nation of Oklahoma not inconsistent with this article. All current laws regarding courts shall remain in effect and as amended to the extent that they do not conflict with this Constitution.

Section 8. Court Funding – The Court shall be funded in a reasonable amount in the annual budget.

1. Court funding shall be equal to or exceed funding amounts for fiscal year 2007.
2. In the event that overall funding shortfalls require budget cuts, the court budget may be reduced but proportionately not more than any other department.

ARTICLE X-BILL OF RIGHTS

Section 1. All members of the Pawnee Nation shall enjoy without hindrance freedom of worship, conscience, speech, press, assembly, and association.

Section 2. The Constitution shall not in any way alter, abridge or otherwise jeopardize the rights and privileges of the Pawnee Nation as citizens of the State of Oklahoma or of the United States. The Indian Civil Rights Acts of 1968 (ICRA) and rights guaranteed under this Act is applicable to the tribal members and other persons within tribal jurisdiction.

Section 3. The individual property rights of any member of the Pawnee Nation shall not be altered, abridged or otherwise affected by the provisions of this Constitution and By-Laws without the consent of such individual member.

ARTICLE XI-AMENDMENTS

Amendments to this Constitution may be proposed by a majority vote of the Pawnee Business Council or by a petition signed by at least fifty (50) of the adult members of the Pawnee Nation of Oklahoma.

This Constitution may be amended by a majority vote of the qualified voters of the Pawnee Nation voting in an election called for that purpose by the Secretary of Interior and conducted pursuant to the rules and regulations of the Pawnee Nation of Oklahoma. Provided, that, at least fifty (50) of those qualified to vote shall cast ballots in such election. The amendment shall become effective when approved by the Secretary of Interior, so long as such approval is required by Federal law, and ratified by the adult members of the Nation.

ARTICLE XII-PLACE OF MEETINGS

Unless some other location in the Pawnee Nation of Oklahoma jurisdiction is designated in the notice, all meetings of the Pawnee Business Council and of the Nasharo Council shall be held at the Pawnee Nation Reserve at Pawnee, Oklahoma.

ARTICLE XIII-ADOPTION

This Constitution when approved by the Secretary of Interior, shall be submitted to referendum vote of the adult members of the Nation, and shall become effective if approved by two-thirds vote of the adult members voting in person, provided that at least fifty votes are cast.

ARTICLE XIV-SAVINGS CLAUSE

All enactments of the Nation adopted before the effective date of this Constitution shall continue in effect to the extent to that they are not inconsistent with this constitution.

ARTICLE XV-SEVERABILITY

If any part of this Constitution is held by the Federal Court to be invalid or contrary to the U.S. Constitution or Federal law, the remainder shall continue to be in full force and effect.

CERTIFICATE OF APPROVAL

I, NANCY JEMISON, Acting Deputy Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967) and delegated to me by Secretarial Order No. 3150 as extended by Secretarial Order No. 3177, as amended, do hereby approve the Constitution of the Pawnee Nation of Oklahoma. This Constitution is effective on the date ratified by the adult members of the Pawnee Tribe of Oklahoma; PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

NANCY JEMISON
Acting Deputy Commissioner
Of Indian Affairs

Washington, D.C.
Date: April 27, 1998