



CONSTITUTION OF THE ABSENTEE SHAWNEE TRIBE

The AST Executive Committee appointed the Constitution Committee Study Group ("CCSG") by Resolution LAS-2018-04, which was adopted by the Executive Committee of the Absentee Shawnee Tribe of Indians of Oklahoma on April 11, 2018.

Drafted prepared by the Constitution Committee Study Group ("CCSG")

CCSG COMMITTEE MEMBERS

Danny Little Axe, Sr, Kathy Deere, Shirley Adkins, Wynona Coon,
Jerry Little Axe, Melpherd Switch, Betty Watson,
Joshua Gibson, Brianna Ponkilla and Anita Chisholm
Judge Robert D. Gifford, II – Legal Advisor/Drafter

**ABSENTEE SHAWNEE TRIBE
TABLE OF CONTENTS**

<u>ARTICLE</u>	<u>SUBJECT</u>	<u>PAGE</u>
	Absentee Shawnee Preamble	1
ARTICLE I	Executive Branch	
ARTICLE II	Legislative Branch	
ARTICLE III	Judicial Branch	
ARTICLE IV	Attorney General of the Absentee Shawnee Tribe	
ARTICLE V	General Council	
ARTICLE VI	Resignation, Recall, and Impeachment	
ARTICLE VII	Amendments	
ARTICLE VIII	Bill of Rights	
ARTICLE IX	Savings Clause	
ARTICLE X	Adoption and Ratification	
ARTICLE XI	Certification	

PREAMBLE

We, the people of the Big Jim and White Turkey Bands of the Shawnee Nation of American Indians, initially organized pursuant to a constitution and bylaws ratified December 5, 1938, as the Absentee Shawnee Tribe of Indians of Oklahoma, whose inherent sovereignty has existed since time immemorial to provide for the common health, safety, and general welfare, to protect, secure, and advance the rights, culture, and traditions of the Absentee Shawnee people; to protect our just claims and rights of treaties and treaty agreements with the United States; to preserve and enrich our tribal culture, heritage and religion; to protect and maintain our reserved, allotted, and other lands; to manage our tribal land and property; to transact our tribal business and economic enterprises in domestic and foreign trade; to negotiate with representatives of Federal, State, local and tribal governments, in regard to all matters of ourselves and our posterity, do hereby ordain and establish this Constitution for the government of the Absentee Shawnee people, which shall supersede all previous constitutions and any governing resolutions.

ARTICLE I EXECUTIVE BRANCH

SECTION 1. **Governor as Chief Executive.** The Chief Executive power shall be vested in a duly elected Governor of the Absentee Shawnee Tribe. The Governor shall hold office during the term of four (4) years, and as with the Lieutenant Governor, be chosen for the same term of office not more than two consecutive terms.

SECTION 2. **Lieutenant Governor.** The Lieutenant Governor serves within the Executive Branch as the second in command to the Governor, assists in the preparation of proposed annual budgets, may temporary fill the role of Governor when called upon as provided by this Constitution, serves over the Legislature when needed to break a tie vote, and other duties as delegated by the Governor as Chief Executive.

SECTION 3. **Qualifications.** Any tribal member of the Absentee Shawnee Tribe who is at least twenty (25) years of age and who possesses no less than one-fourth (1/4th) of Absentee Shawnee Tribe Indian Blood may be eligible to become a candidate for the office of Governor or Lieutenant Governor.

SECTION 4. **Qualifications During Office Tenure.** The Governor and the Lieutenant Governor must also be an eligible voter of the Absentee Shawnee Tribe for at least one (1) year immediately preceding any election for which they are candidates and must remain an enrolled member of the Absentee Shawnee Tribe during the tenure of their office. No person who has been convicted of a felony by a court of competent jurisdiction shall be considered eligible for either of the executive branch.

SECTION 5. **Chosen by Election.** Both the Governor and Lieutenant Governor shall be chosen by majority vote from the eligible voters of the Tribe. Majority vote being greater than fifty percent of voting members or more.

SECTION 5. Duties and Power of the Governor

- (a) **TO** require by and through a Tribal Administrator the opinions, in writing, of the Program Directors of each tribal department upon any subject relating to the duties of their respective programs and shall provide supervisory authority as the Chief Executive; to present annually to the members of the Absentee Shawnee Tribe a State of the Tribe describing the state-of-affairs to the tribe.
- (b) **TO** nominate an Attorney General, Judges of the Supreme Court and inferior courts, Human Resource Directors, Boards, Commissions, Committees, Task Forces, Department Heads and other Officers of the Tribe or other key Tribal positions, Consuls, Public Ministers, or other nominations not herein provided. All nominations shall be filled by the Advice and Consent of the Tribal Legislature.
- (c) **TO** have signatory authority, or his/her designee, on all official Tribal correspondence, documents, laws, statutes, executive orders, Tribal resolutions, to present bills to the Tribal Legislature; to prepare and submit annually proposed Tribal budgets for Tribal Legislature Advice and Consent, and shall upon return of budgets have five (5) business days to approve Legislature additions or deletions. Options are to approve, return

for reconsideration, or veto the Tribal budget, in which case, the Tribal Legislature can override a veto by two-thirds (2/3ds) vote.

SECTION 6. **Executive Appointments.** The Governor shall have the power to establish and appoint a Tribal Administrator, committees, members and delegates to represent the Absentee Shawnee Tribe of Indians, by and with the advice and consent of the Tribal Legislature.

SECTION 7. **Executive Veto Power.** The Governor shall have the power to veto any decision of the Tribal Legislature, and it must be done within five (5) working days after passage and written presentation; provided, the Tribal Legislature may override the Governor's veto power.

SECTION 8. **Annual Budget.** The Governor and Lieutenant Governor shall prepare, with assistance and advice by a Chief Financial Officer, and submit annual tribal budgets to the Tribal Legislature.

SECTION 9. **Executive Branch Vacancy(s).** Should the Governor, resign from office, death or impeachment, the Lieutenant Governor shall become Acting Governor. The Tribal Legislature shall, by majority vote, fill the vacant Lieutenant Governor's office by a temporary appointment. There will be a special election for Lieutenant Governor within sixty (60) days. A majority vote of eligible members shall decide who shall fill the unexpired term of Lieutenant Governor; and the Acting Governor, shall become Governor for the unexpired term

and assume all official duties. Should the Lieutenant Governor resign from office, death or impeachment, the Governor shall nominate within five (5) days a Lieutenant Governor candidate who shall be selected by the consent and advice of the Legislator. The new Lieutenant Governor will serve the unexpired term of the seat.

SECTION 10. **Temporary Executive Branch Vacancy(s)**. The Governor, if temporarily incapacitated shall transmit a written declaration to the Tribal Legislature that the Governor is unable to discharge the powers and duties; or, should the Tribal Legislature, determine the Governor is incapacitated and unable to perform the powers and duties of that office, shall direct the Lieutenant Governor to temporarily assume the powers and duties as Acting Governor, and shall continue until notified by the Tribal Legislature to the contrary.

SECTION 11. **Executive Branch Compensation**. The Governor and Lieutenant Governor shall receive for their services compensation which shall neither be increased nor diminished during the period for which they have been elected, and they shall not receive within that period any other emoluments from other sources. The initial compensation for the Governor and Lt. Governor, shall be based upon the Salary Tier Ordinance with any proposed increase in compensation must be by majority vote of the Tribal Legislature.

ARTICLE II LEGISLATIVE BRANCH

SECTION 1. **The Tribal Legislature.** The powers granted to this Legislative Branch herein shall be vested into a body of six (6) duly elected tribal members. All legislatures shall be chosen by majority vote from each respective area. Majority vote being greater than fifty percent of voting members or more.

- (a) Two (2) candidates shall reside in and represent the Little Axe Area making up select counties within the Tribe's historical nine county service area as approved of by the Tribal Legislature with assistance by the Election Commissioner;
- (b) Two (2) candidates shall reside in and represent the Shawnee Area, making up select counties within the Tribe's historical nine county service area as approved of by the Tribal Legislature with assistance by the Election Commissioner; and
- (c) Two (2) candidates, who may reside anywhere within the State of Oklahoma, who shall represent an At-Large Area comprising of those areas outside of the historical service areas to represent the interests of all Tribal members outside of the Little Axe and Shawnee areas.

- (a) **THE** Lieutenant Governor will chair all Legislative sessions when called upon but will not vote unless to break a tie. This Legislative body will have the sole power of Impeachment either of the Governor, Lieutenant Governor, Attorney General or Legislator.

(b) **THIS** Legislature shall assemble at the Absentee Shawnee Tribal Headquarters, and there to take office; to establish the Legislative agenda; and shall conduct all Legislative business by majority vote.

(c) **THIS** Legislature shall appoint a Recording Secretary of the Legislature, an office established by this body to provide Administrative functions. The Recording Secretary of the Tribal Legislature shall maintain all records and enactments of the Tribal Legislature. They shall be kept on file in the Absentee Shawnee Tribe of Indians Headquarters, Shawnee, Oklahoma and available for inspection by the Absentee Shawnee Tribe of Indians members during normal office hours. All such records and enactments of the Tribal Legislature shall be the property of the Absentee Shawnee Tribe of Indians.

(d) **THIS** Legislature shall make decisions by a majority vote of a quorum, a quorum being of four members, to do business; and shall be authorized to compel the attendance of absent member, in such manner, and under such penalties as the Legislature may provide. The Legislature may determine the rules of its proceedings, punish its members for disorderly behavior, and with two-thirds concurrence expel a member for good cause. This Legislature shall keep minutes of its proceedings, and from time to time publish the same, and their voting on any question shall

be entered and kept within the legislative minutes. The minutes of the Proceedings of this body shall be available to Tribal member's request.

(d) **THIS** Legislature shall receive a compensation for their services while in Legislative Session to be paid out of the Treasury of the Tribe. The compensation will be set by Legislative vote subject to Executive Approval, not to include expenses and per diem, and the time of Legislative session shall be no longer than six hours per day. No Legislator shall receive compensation for time absent while the Tribal Legislature is in session. Time, attendance, and compensation shall neither be increased nor decreased during the period of their election; and nor shall any elected official receive within that period any other Emoluments from other sources. No Legislator shall during their term of office, of which they were elected, be appointed to any other tribal public office, tribal office, tribal board, tribal commission, or tribal committee, Tribal elected office, or to take any office of responsibility that would be an actual, or have an appearance of, a conflict of interest while in the continuance of their elected office.

(e) **THIS** Legislature's session shall commence shall commenced immediately upon assuming office after being duly elected and have taken the oath. The Legislature shall meet at least twice a year, not to exceed five (5) calendar days; with each

session to be extended by majority vote; or called into special session by the Governor or Lieutenant Governor.

SECTION 2. **Area Vacancy(s)**. When vacancy(s) occur in the Legislature, they shall be filled by temporary nomination(s) from each Area within twenty (20) days. A Writ shall then be issued by the Governor or Lieutenant Governor to the Legislature who shall direct the Election Commissioner who then has the responsibility of calling a Special Election within thirty (30) days. At which time, the eligible voter from each respective Area shall choose, by majority vote, to fill that Area Vacancy(s).

SECTION 3. **Eligibility**. Members of the Tribal Legislature must be at least twenty-five (25) years of age, an enrolled member of the Tribe for at least one (1) year and reside within their respective Area for at least six (6) months immediately preceding the election. Candidates for the At-Large area must live within the State of Oklahoma. Once elected, Legislators must remain residents of their area during the tenure of their office unless waived by a majority of the remaining members of the Legislature. If no waiver is granted, a Special Election shall occur within sixty (60) days. Legislators will serve terms of four (4) years. No person who has been convicted of a felony by a court of competent jurisdiction shall be considered eligible for either of the Legislative branch.

SECTION 4. Within nine (9) months following the first election of officials under this Constitution, the Tribal Legislature shall adopt a plan for reapportionment and designation of the nine (9) service counties comprising of the Little Axe Area and Shawnee Area as based on the number of registered voters. The Legislature will designate which counties are assigned to those two Areas. The At-Large Area will comprise of members living outside of those historical nine (9) counties. Apportionment for determination of placement of counties will be reviewed by the Legislature upon petition by the Governor, Lieutenant Governor, or by majority vote of the Legislature.

SECTION 5. Legislative Privileges, Duties, and Powers. The Tribal Legislature, at its first regular session each year, shall organize and elect officers from its membership. Officers to be elected are a Speaker of the Legislature and a Recording Secretary. A Sergeant-At-Arms (non-member of the Tribal Legislature) shall be nominated by the Speaker and placed in office by and with the advice and consent of the Tribal Legislature. The Legislature shall appoint, with a majority vote, an independent and qualified Chief Financial Officer (CFO) to work with both the Governor and Lieutenant Governor in preparing a budget. The CFO will serve at the pleasure of the Legislature and may or may not be a member of the Tribe.

SECTION 6. The Speaker of the Legislature, as selected by an internal vote of the sitting body of the Legislature, shall preside over all meetings of the Tribal Legislature.

SECTION 7. The Tribal Legislature shall enact laws, rules and regulations pertaining to the Absentee Shawnee Tribe of Indians.

SECTION 8. The Tribal Legislature shall prescribe procedures and regulations for voter registration by and through .

SECTION 9. The Tribal Legislature shall appoint and fund a separate and independent Election Commissioner to organize a committee, prescribe election procedures and regulations for governmental elections, as well as oversee its implementation. This Commissioner will serve at the pleasure of the Legislature.

SECTION 10. The Tribal Legislature shall make decisions pertaining to the acquisition, leasing, disposition, eminent domain, and the management of real property, subject to federal law.

SECTION 11. **Budget Approval.** The Governor and Lieutenant Governor with the Chief Financial Officer shall prepare an Annual Tribal Budget(s) and present it to the Legislature for approval. Approval shall require a majority vote of the Legislature. Rejection, amendment or alteration shall be considered by legislative act subject to executive veto. Such veto shall be overridden only by an affirmative vote of at least six (6) members of the Legislature. The Tribal Legislature may review Annual Tribal Budgets as needed.

SECTION 12. **Quorum**. For all business of the Legislature, a quorum is required. A quorum consists of at least four (4) members of the Legislature.

SECTION 13. **Salaries**. Subject to veto by the Governor, the Tribal Legislature shall have the power to fix and prescribe salaries and allowances for all elected or appointed officials, including the Legislature. The salary and allowances for elected and appointed officials shall not be increased or diminished during terms of office for which they have been elected. The Tribal Legislature will review annually the budgets for each department.

SECTION 14. **Legislative Rules of Procedure**. The Tribal Legislature shall adopt rules of procedure for operation of the Tribal Legislature.

SECTION 15. **Tribal Legislature Bills**. All bills shall originate in the Tribal Legislature and before becoming Law shall require the Governor's signature.

- (a) **EVERY** bill which passes the Tribal Legislature shall, before it becomes Law, be presented to the Governor; if that he/she approves, he/she shall sign it, but if he/she shall return it, with he/she written objections to the Legislature, who shall return it, with he/she written objections to the Legislature, who shall enter the written objections at large

on their publicly accessible Journal, and proceed to reconsider it. If after reconsideration and two-thirds of the Legislators agreed to pass the Bill, it shall become Law. But in all such cases, the votes determined by yays and nays, and the names of the persons voting for and against the Bill shall be entered on the Legislative Journal. If any Bill shall not be returned by the Governor within ten (10) days, Sunday excepted. After it shall have been presented to him/her, the same shall become Law, in like manner as if he/she had signed it, unless the Legislature, by their adjournment, prevents its return, in which case, it shall not be Law.

- (b) **EVERY** Order, Resolution or Vote in which concurrence of the Tribal Legislature may be necessary, with the exception on a question of adjournment, shall be presented to the Governor; and before the same shall take effect, shall be approved by him/her, or being disapproved by him/her, can be overturned by two-thirds (2/3) of the Legislature according to the Rules and Limitations prescribed in the case of a Bill.

SECTION 16. Tribal Legislature Powers. The Tribal Legislature shall have the Power to lay and collect taxes, duties, imposts, and excise, to pay the debts and provide for the common defense and general welfare of the Absentee Shawnee Tribe of Indians, but all duties

imposts and excise shall be uniform throughout the Tribal Jurisdictional areas.

- (a) **TO** borrow money on the credit of the Absentee Shawnee Tribe of Indians and its subsidiaries.
- (b) **TO** receive the Governor's yearly Tribal budget; shall provide advice and consent, or return with written objections within ten (10) days to the Governor;
- (c) **TO** regulate all Commerce with Foreign Nations, among all States, the United States of Federal Government, and with Indian Nations.
- (d) **TO** provide punishment for embezzlement of Tribal funds, and for counterfeiting Tribal securities in any form;
- (e) **TO** establish an infrastructure to its members when necessary;
- (f) **TO** constitute Courts inferior to the Supreme Court;
- (g) **TO** promote the progress of science and useful arts of Absentee Shawnee culture;
- (h) **TO** provide legislation preventing exploitation of tribal culture, customs, language, and more by non-tribal persons;
- (i) **TO** create or authorize boards, commissions, committees, and business entities charged with particular acts or functions;
- (j) **TO** appoint an independent audit agency;

- (k) **TO** define and punish misdemeanors committed against the Tribe, its members, and the Law of the Absentee Shawnee Tribe of Indians;
- (l) **TO** exercise exclusive Legislation, in all cases whatsoever; and to exercise like authority over all places, land, to include eminent domain of member's trust land, and persons subject to the laws of the Absentee Shawnee Tribe of Indians;
- (m) **TO** make all Laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Absentee Shawnee Tribe, or in any Department or Officer thereof.

SECTION 17. PROHIBITIONS

- (a) **NO** money shall be drawn from the Tribal Treasury, but in consequence; of appropriations made by Law; and a regular statement and account of the receipts and expenditures of all tribal money shall be published from time to time, and accountability of all tribal funds will use governmental accounting standards;
- (b) **NO** title of nobility, or Honorary Membership, shall be granted by the Tribe; and

- (c) **NO** elected or appointed officers within the Absentee Shawnee Tribe, without consent of the Tribal Legislature and subject to veto by the Governor, may also serve as an employee of the Tribe; and
- (d) **NO** elected official or person holding any office of trust may accept any gift, emolument, office, or title of any kind whatsoever, from any King, Prince, or foreign head of state; or from other Governments whatsoever;
- (e) **NO** governmental employee or elected official or immediate family member of the same, may accept any remuneration, gift, or in-kind gesture at any time for the performance or non-performance of their duties and obligations to the Tribe. Any gifts will be provided to the tribe as a whole and made available for observation or use upon permission of the Tribal Legislature. Any financial remunerations will be given to the tribe and to be placed into a general fund for use for the tribe as a whole.
- (f) **AND**, this Tribal Legislature shall not pass any Laws contrary to the rights granted to all Tribal Members as citizens under the United States Constitution and the Amendments thereof; nor shall this legislature pass any law contrary to the United States Constitution.

SECTION 18. **Legislative Constituent Meetings.** Regular sessions between Tribal Legislators and his/her constituents shall be held monthly at the Absentee Shawnee Tribe of Indians Headquarters, Shawnee, Oklahoma; unless and until otherwise provided by the Tribal Legislature.

SECTION 19. **Special Session.** The Governor or Lieutenant Governor may call a special session of the Legislature at any time he/she deems necessary by notifying each member, by the most expedient way, at least twenty-four (24) hours in advance of the meeting and shall call a special session upon receipt of a letter signed by at least four (4) members of the Tribal Legislature.

SECTION 20. **Open Meetings.** All regular and special legislative sessions and business shall be open to the members of the Absentee Shawnee Tribe of Indians and/or their representatives. The Legislature may call for a private executive meeting prior to the opening of a regular or special legislative session, sealed minutes shall be kept and subject to public view only upon petition to the legislature or by judicial order by the Supreme Court.

SECTION 21. **Recording of Votes.** All legislative votes shall be recorded and historically preserved, showing how each member of the Tribal Legislature voted.

ARTICLE III TRIBAL COURT JUDICIARY

SECTION 1. The Judicial power of the Absentee Shawnee Tribe shall be vested in one Supreme Court, and such inferior district courts as the Tribal Legislature may ordain and establish. The Justices of the Supreme Court and the Judges of the inferior courts shall be nominated by the Governor with the consent and approval of the Legislature, hold their Offices in good standing, and shall, at stated times, receive for their services, a compensation as approved of by the Tribal Legislature. The number of Supreme Court Justices shall be three (3) and shall be confirmed by the Tribal Legislature. The number of district court judges appointed will be determined upon needs of the tribe. Terms of office for both the Supreme Court and the District Court shall be set at four (4) years. The Justices and Judges will serve at the pleasure of the Tribe and can be removed for good cause upon majority vote of the Legislature, subject to veto by the Governor.

SECTION 2. **Judicial Qualifications.** Both Supreme Court Justices and District Court Judges must be graduates of a law school and in good standing as a member of a state bar association. When practical, Indian preference in selection should be considered.

SECTION 3. **Chief Justice and Special Judges.** The Justices of the Supreme Court for the Absentee Shawnee Tribe shall confer and select a Chief Justice among the three Justices. The Chief Justice, when necessary, may appoint a Special Judge or Justice to serve on the

Supreme Court or to one of the inferior courts when necessary and needed.

SECTION 4. The Judicial power shall extend to all cases, in law and equity, arising under this Constitution, the Laws of the United States, Treaties and Agreements made prior to, or which shall be made, under their Authority; to all cases affecting elected officials, nominations of Tribal Officials, Commissions, or Public Ministers and Counsels; to all cases arising from the Absentee Shawnee Tribe's authority within the boundaries of Tribal Jurisdiction as stated in this Constitution; to controversies to which the Absentee Shawnee Tribe shall be a party; to all such cases between Tribal Members of different states, between Tribal members of the same state, members of other tribal nations within the jurisdiction of the Absentee Shawnee Tribe, and for other non-members who subject themselves to the jurisdiction of the tribe.

(a) In all cases affecting, and those in which the Absentee Shawnee Tribe of Indians shall be a party or arising from issues from Executive or Legislative Removal or Impeachment, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to the law and fact, with such exceptions, and under such regulations as the Tribal Legislature shall make.

(b) The Trial of all Crimes, except of cases of Impeachment, shall be a jury of not less than six (6) jurors or before a

District Judge upon request. All Civil cases shall be heard before a jury be a jury of not less than six (6) jurors, or requested to be heard before a District Judge alone, and all trials shall be held on common Tribal grounds. The Absentee Shawnee Tribe shall enjoy immunity from suits originated by the several States, other Tribe(s), Tribal Member (s), Non-Tribal member(s), as the right of a quasi-sovereign nation with a government-to-government relationship with the United States of America; and the Tribe shall not become litigants either as plaintiff, or defendant, without the authorization of the Tribal Legislature.

ARTICLE IV: ATTORNEY GENERAL

SECTION 1. **Qualifications.** The Attorney General shall be a member in good standing of the bar of the highest court of any state of the United States and need not be a member of the Absentee Shawnee Tribe.

SECTION 2. **Duties.** The Attorney General represents the best interests of the Absentee Shawnee Tribe above all. The Attorney General shall represent the best interests of the Absentee Shawnee Tribe before the interests of any individual, official, or executive office holder. The Attorney General shall further be authorized to designate such prosecutors and other assistants that are necessary to carry to the duties of the office, and the Attorney General may only be removed from

office in accordance with this Constitution. The Attorney General shall represent the Tribe in all criminal cases in the courts of the Tribe, and in all civil actions wherein the Absentee Shawnee Tribe is a party, and shall provide an opinion as to the constitutionality of laws at the request of the Governor, Legislature, or by written Petition as submitted by a member of the Tribal Council, and shall have such other duties as may be prescribed by legislation.

SECTION 3. **SELECTION.** The Governor shall nominate not less than three (3) candidates for Attorney General to the Tribal Legislature who shall select one for a term of four (4) years.

ARTICLE V: GENERAL COUNCIL

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

SECTION 2. The General Council shall have the power to recall any member of the Executive Branch, the Legislative branch, or the Attorney General as provided in Article VI.

SECTION 3. The General Council shall have the power to select by election a two Legislators for each of the three designated Areas and shall have the right to consult with their designated Legislators for the Area in which the Council member resides.

ARTICLE VI: RESIGNATION, RECALL AND IMPEACHMENT

SECTION 1. **Resignation.** Any officer of the Executive Branch, to include the Attorney General, or any member of the Legislature may resign from his or her elected position by submitting written notice of resignation to the Governor (or acting-Chief Executive) who shall present it to the Legislature at the next meeting. If the Governor resigns, then it shall be given to the Attorney General who shall present it to the Tribal Legislature at the next meeting. Such resignation is effective upon receipt by the Tribal Legislature, unless otherwise noted in the written notice.

SECTION 2. **General Council Powers of Removal.** The General Council of the Absentee Shawnee Tribe of Indians shall have the right to recall the Executive Officers, the Attorney General, or any member of the Tribal Legislature by filing a recall petition with the Election Commissioner. The petition must contain valid signatures of tribal members eligible to vote equal in number to at least sixty percent (60%) of the number of valid ballots cast in the most recent General Election for Governor. The Election Commissioner shall verify petition signatures and approve or deny the petition with fifteen (15) calendar days of receipt. Once the petition is certified as valid and sufficient by the Election Commissioner, an election shall be called by the Governor, the Lieutenant Governor or other proper acting authority for the purpose of presenting to the Legislature the subject of the recall. The

recall vote shall be held within ninety (90) calendar days of the validation of the petition. A Recall election shall not be held within ninety (90) calendar days preceding a regular General Election.

SECTION 3. Impeachment Procedures and Trial. An Executive Officer, any member of the Tribal Legislature, or the Attorney General may be subject to removal from office by a resolution of removal, which is not subject to a veto, signed by four (4) of the six (6) member of the Tribal Legislature for:

- A. Absence without proper excuse for three (3) consecutive meetings of the Tribal Legislature as defined by its rules and polices.
- B. Any plea of guilty or nolo contendere plea to a Felony under Federal or State Law, or a plea of guilty or nolo contendere to any other crime involving dishonesty or moral turpitude while in office;
- C. Gross misconduct or malfeasance in office;
- D. Failure to abide by the Absentee Shawnee Tribe of Indians Oath of Office.

At least ten (10) calendar days before the meeting of the Tribal Legislature at which the vote for removal will be taken, the Executive Officer or Tribal Legislature member subject thereto shall be provided by the Attorney General (or the Tribal Legislative Recording Secretary if the Attorney General is subject of the action) with a written notice of the Legislature's scheduled trial and vote on removal, which shall set

forth with specificity the alleged grounds for removal. The Executive Officer or Tribal Legislative Member subject to removal shall be provided with due process and a reasonable opportunity to answer the charges at a public meeting and trial by the Legislature with oversight, rulings, and advice by the Chief Justice of the Supreme Court or his/her designee before any legislative vote for removal is taken. An Affirmative vote of two-thirds (2/3) of the members of the Legislature present shall be necessary for removal. The decision of the Legislature shall be final.

ARTICLE VII: AMENDMENTS

SECTION 1. Proposed amendments to this Constitution may be initiated by either of the following methods:

- (a) A resolution of the Tribal Legislature adopted by at least four (4) affirmative votes out of six (6) voting Legislators.
- (b) A valid petition submitted by the General Council to the Tribal Legislature signed by at least sixty percent (60%) of the number of valid ballots cast in the most recent General Election for Governor of the Absentee Shawnee Tribe.

SECTION 2. Amendments proposed by either (a) or (b) in the above section shall be submitted to a vote of the electorate in an election

called for that purpose by the Governor and conducted pursuant to rules and procedures prescribed by the Tribal Legislature.

SECTION 3. Any amendment adopted by a majority of the votes cast by the General Council in the election shall be submitted to the Secretary of the Interior, or his authorized representative, for approval action. If no action is taken with thirty (30) days following its receipt by the Secretary's authorized representative, the amendment shall be deemed approved, and it shall thereafter be effective.

ARTICLE VIII BILL OF RIGHTS

SECTION 1. All political power is inherent in the people of the Absentee Shawnee Tribe of Indians, and all free governments are founded on their inherit authority and instituted for the benefit of its people; and they have at all time the inalienable right to alter, reform or abolish their form of government in such a manner as they may think expedient; provided, such action is taken pursuant to the Constitution.

SECTION 2. All members of the Absentee Shawnee Tribe of Indians shall be accorded equal rights pursuant to Tribal law, the laws of the United States of America or for the State of Oklahoma.

SECTION 3. No religious test shall ever be required as a qualification for any office of public trust in this tribe.

SECTION 4. Every member shall be at liberty to speak, write, or publish his/her opinions on any subject, being responsible for the abuse of that privilege and no law shall be passed curtailing the liberty of speech, or of the press.

SECTION 5. The members shall have the right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with powers of government, for readdress of grievances or other purposes, by address, or remonstrance

SECTION 6. It is provided in this Constitution that the acceptance of the Indian Civil Rights Act (82 Stat 77) does not waive the Tribe's inherent right to immunity from suit.

ARTICLE IX. OATH OF THE ABSENTEE SHAWNEE TRIBE

SECTION 1. Before any elected officer of the Absentee Shawnee Tribe, the Attorney General, any Judge or Justice, or any other appointment so designated by either the Executive Branch or Legislative Branch enters the execution of his/her office, the Oath of the Absentee Shawnee Tribe shall be taken.

SECTION 2. Executive and Legislative Oath. “I do solemnly swear (or affirm) that I will faithfully execute the Office of Governor/Lt. Governor/Tribal Legislature of the Absentee Shawnee Tribe and shall to the best of my ability, preserve, protect and defend the Constitution of the Absentee Shawnee Tribe and that of the United States of America.” This Oath shall be to provide direction, supervision, and management with oversight responsibilities to all Tribal operations and support functions.

SECTION 3. Judicial Oath. “I, ____ ____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ____ under the Constitution and laws of the Absentee Shawnee Tribe and the Constitution of the United States.

ARTICLE IX SAVINGS CLAUSE

Subject to all provisions of this document, incumbent elected officials shall continue to serve in their office until a Special Election within sixty (60) days of certification of this Constitution for their respective seats held under this Constitution. All legislation heretofore adopted

not in conflict with this Constitution shall continue in force unless and until they are duly modified or repealed.

ARTICLE X ADOPTION AND RATIFICATION

This Constitution shall be ratified by in an election by at least sixty percent (60%) of the number of valid ballots cast in the most recent General Election for Governor of the Absentee Shawnee Tribe.

ARTICLE XI CERTIFICATION

The proposed amendment to the Constitution of the Absentee Shawnee Tribe of Indians was submitted to the qualified voters of the tribe on DATE and was ratified by a vote of XXX for and XXX against in an election which at least by at least sixty percent (60%) of the number of valid ballots cast in the most recent General Election for Governor of the Absentee Shawnee Tribe in accordance with the Tribe's Constitution.