



# **CONSTITUTION OF THE SHAWNEE TRIBE**

## **PREAMBLE**

We, the members of the Shawnee Tribe (formerly incorporated by agreement dated June 7, 1869, and approved on June 9, 1869, with the Cherokee Nation,) desire to retain our separate identity in order to preserve our Tribal culture and ensure tranquility among the Tribal members, whereby we may prosper with economic independence and social advancement. The Shawnee Tribe is an inseparable part of the United States. Therefore, we accept the United States Constitution as the supreme law of the land, and the Shawnee Tribe will not attempt to implement any laws, rules, or regulations in conflict with the Constitution of the United States of America.

## **ARTICLE I - NAME**

The name of this Tribe shall be Shawnee Tribe, recognizing however that we are the same people and Tribe who have been called, variously, the "Ohio Shawnee"; the "Cherokee Shawnee"; the "Shawnee Cherokee"; the "United Tribe of Shawnee"; and the "Loyal Shawnee."

## **ARTICLE II—TERRITORY AND JURISDICTION**

The sovereign authority and jurisdiction of the Shawnee Tribe shall extend to all the territory now or ever known as SHAWNEE LANDS, which includes lands within the boundaries of the State of Oklahoma not within the boundaries of the Cherokee Nation; or within the Cherokee Nation if approved by the Cherokee Nation; the original Shawnee Reservation within the boundaries of the Kansas Territory, now known as the State of Kansas; all Indian lands beneficially owned by the current and future members of the Shawnee Tribe; all lands which may be acquired by the Shawnee Tribe for its land base; and all Indian Country of the Shawnee Tribe and its members as now or hereafter defined by federal law. The Shawnee Tribe may exercise its sovereign authority and jurisdiction within or outside the territory above described to the fullest extent not prohibited by Federal law. Unless otherwise modified by Tribal Resolution or Law, the Shawnee Tribe shall exercise all inherent attributes of sovereignty, exclusive civil jurisdiction, criminal jurisdiction where applicable, and governmental powers over the lands identified in this ARTICLE II.

## ARTICLE III - MEMBERSHIP

1. The following people are eligible for Membership in the Shawnee Tribe:
    - A. **BASE ROLL ELIGIBILITY** – An individual is eligible for enrollment on the base membership roll of the Tribe if that individual is not a member of any other federally recognized tribe or has relinquished membership in such a tribe and
      - i. is on, or eligible to be on, the membership roll of Cherokee Shawnees maintained by the Tribe prior to the date of enactment of Public Law 106-568 (114 Stat. 2868), which is separate from the membership roll of the Cherokee Nation; or
      - ii. is a lineal descendant of any person
        - (a) who was issued a restricted fee patent to land pursuant to Article 2 of the Treaty of May 10, 1854, between the United States and the Tribe (10 Stat. 1053); or
        - (b) whose name was included on the 1871 Register of names of those members of the Tribe who moved to, and located in, the Cherokee Nation in Indian Territory pursuant to the Agreement entered into by and between the Tribe and the Cherokee Nation on June 7, 1869.
    - ii. **Future Membership** – Future membership in the Tribe shall be as determined under the eligibility requirements set out in subsection (A)(ii) of this Article III or under such future membership ordinance as the Tribal Council may adopt.
  - B. A descendant by blood of any Shawnee whose name appears on any of the rolls set out above.
2. **Enrollment** – To enroll, a Shawnee must make application in writing on forms approved by the Shawnee Tribe’s Business Council and the applicant cannot be enrolled in any other federally recognized Indian Tribe. The Business Council of the Shawnee Tribe shall have the power to prescribe rules and regulations for determining enrollment on, and descent from, a Shawnee on one of the rolls set out above and for appropriate appellate procedures if denied membership.

## **ARTICLE IV - SHAWNEE COUNCIL**

1. The Supreme Governing body of this Tribe shall be the Shawnee Tribal Council (“Tribal Council”). The Tribal Council shall consist of all Tribal members enrolled in accordance with the requirements of Article III. The Tribal Council shall be responsible for election of the officers and Shawnee Business Council members (“Business Council”).

[As amended, September 17<sup>th</sup>, 2011.]

2. The Shawnee Tribal Council confers the power to prescribe rules and regulations in all matters of the Shawnee Tribe to the Business Council. All actions, laws, or resolutions enacted by the Business Council shall remain in force and effect until amended or repealed by subsequent action of the Business Council or Tribal Council, except as may expire by their own terms. Laws cannot be enacted retroactively nor are ex post facto laws permitted. The Tribal Council shall have the authority to repeal or enact legislation or resolutions binding on the Business Council at meetings held in accordance with procedures in Article IX of this Constitution.
3. The Tribal Council shall retain the authority to set the compensation for all tribal officers and Business Council members.

[As amended, September 17<sup>th</sup>, 2011.]

## **ARTICLE V- OFFICERS**

The officers of the Shawnee Tribe shall be the Chief, Second Chief, Secretary, and Treasurer. In addition, there shall be elected seven (7) Business Council members at-large. The Officers of the Tribe and the elected Business Council members shall constitute the Shawnee Tribal Business Council.

[As amended, September 17<sup>th</sup>, 2011.]

1. No person shall be a candidate for membership on the Business Council unless they are an enrolled member of the Shawnee Tribe accordance with Article III.
2. Voting Tribal Members must be 18 (eighteen) years of age.
3. A vacancy on the Business Council that arises as the result of a mid-term death, resignation, or removal of a Business Council member shall be filled in the following manner. At the next Business Council meeting following the occurrence or notification

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of the vacancy, the remaining Business Council members shall offer, for the consideration of the Council, candidates to fill the vacant position. Within two meetings following the occurrence or notification of the vacancy, the Council shall select a candidate by secret ballot. The successful candidate shall be seated immediately and shall serve out the remainder of the term.

[As amended, September 20<sup>th</sup>, 2003.]

[As amended, September 17<sup>th</sup>, 2011.]

## **ARTICLE VI - BUSINESS COUNCIL**

The Business Council of the Shawnee Tribe shall have the power to transact all business on behalf of the Shawnee Tribe in all matters on which the Tribe is authorized to act. Voting members of the Business Council shall be all members except the Chief. The Chief shall exercise the privilege to vote only when a tie vote occurs among the Business Council. In addition to the transaction of business on behalf of the Tribe, the duties of the Business Council shall be to adopt such methods as necessary to comply with this requirement. No Shawnee Business Council member shall be an employee of the Shawnee Tribe nor shall they engage in business with the Shawnee Tribe for profit unless full disclosure of the transaction is made to the Business Council and approved in advance. Payments received for fulfilling the duties of a Business Council member shall not be considered tribal employment.

[As amended, September 20<sup>th</sup>, 2003.]

[As amended, September 17<sup>th</sup>, 2011.]

## **ARTICLE VII - POWERS**

The Business Council shall have the power to transact Tribal Business, appoint Committees, enact laws and resolutions, and otherwise speak and act on behalf of the Shawnee Tribe in all matters on which the Tribe is empowered to act now or in the future. The exercise of the above powers shall be subject to any future limitation imposed by the Shawnee Tribal Council.

[As amended, September 17<sup>th</sup>, 2011.]

## **ARTICLE VIII - DUTIES OF OFFICERS**

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1. Chief - It shall be the duty of the Chief to call and preside at all meetings of the Shawnee Tribal Council and the Business Council. The Chief shall have general supervision of the affairs of the Tribe and shall perform all duties pertaining to the office of Chief. The Chief shall be responsible for hiring and firing of employees in accordance with laws to be adopted by the Business Council; day to day operations of the Tribe; operations of federally funded contracts; and other executive functions as may be delegated to the Chief from time to time. Such functions may be further delegated through the employment of Tribal managers who shall report to the Chief.
2. Second Chief - In the absence of the Chief or during removal proceedings of the Chief, the Second Chief shall perform the duties of the Chief. In case of a vacancy in the Office of Chief, the Second Chief shall succeed at once to the office of Chief and shall serve the unexpired term of that office.
3. Secretary -The Secretary shall correctly record the proceeding of all meetings of the Tribal Council and of the Business Council. The Secretary shall be responsible for keeping a correct list of all Tribal Council members as well as maintaining records and papers that will be available to Tribal members. The Secretary shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the Tribal Council and Business Council. The Secretary shall have custody of the records and all papers of the Tribal Council and Business Council. These records shall be open to inspection by any member of the Business Council or Tribal member. The Secretary shall notify all committees of their appointments. The Secretary shall attest all laws and resolutions enacted by the Business Council or Tribal Council.
4. Treasurer -The Treasurer shall be the custodian of all monies of the Tribe. Accurate records will be maintained for inspection by any officer or Tribal member. The Treasurer will make payment only at the direction of the Chief or in the Chief's absence, the Second Chief. The Treasurer will keep all Tribal monies in a special account, and all disbursements therefrom shall be made by check. The Treasurer and Chief shall file a surety bond, paid from Tribal funds, satisfactory to the Tribal Business Council. Two (2) signatures will be required on all Tribal Checks.

[As amended, September 20<sup>th</sup>, 2003.]

[As amended, September 17<sup>th</sup>, 2011.]

## **ARTICLE IX - MEETINGS**

1. The annual meeting of the Shawnee Tribal Council shall be held on the third Saturday of September. The time and place of the meeting will be announced at least twenty (20) days

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prior to the meeting. The Secretary shall cause the notice to be published in at least two (2) newspapers of general circulation.

2. Any Tribal business may be transacted at the annual meeting. It is not necessary to place items on the meeting agenda.
3. Regular Business Council meetings shall be held in accordance with rules and regulations adopted by the Business Council.
4. Special Business Council meetings may be called by the oral request of six (6) Business Council members upon twenty-four (24) hours' notice to discuss specific items of Tribal business.
5. A petition signed by a minimum of twenty-five percent (25%) of the eligible voting members of the Tribe may call a special meeting of the Tribal Council. Only the matters listed in the petition may be brought before the Tribal Council at the meeting. The number of members required to sign the petition shall be those enrolled members as of the date of the last Tribal election. The Chief, upon the written request of six (6) or more Business Council members, may also call a special meeting of the Tribal Council.
6. All meetings shall be conducted in accordance with Robert's Rules of Order, unless otherwise prescribed by law or resolution of the Tribe.

[As amended, September 20<sup>th</sup>, 2003.]

[As amended, September 17<sup>th</sup>, 2011.]

## **ARTICLE X – JUDICIAL**

There is hereby created a Shawnee Tribal Court. The purpose of the Shawnee Tribal Court shall be to hear and resolve any disagreements arising under any provisions of this Constitution, Treaties, or any enactment of the Shawnee Tribal Council or Shawnee Tribal Business Council. The Shawnee Tribal Court shall consist of at least one (1) judge but not more than three (3) who shall be appointed by the Business Council. The terms of any judge so appointed shall be two (2) years. Judges may be appointed to successive terms. Judges shall generally follow that portion of the Oklahoma Administrative Procedures Act, Title 75, Oklahoma Statutes, § 301 *et seq.* and subsequent amendments thereto. Decisions of the Shawnee Tribal Court shall be final and binding on all litigants. Court rules and regulations shall be enacted by the Business Council.

[As amended, September 20<sup>th</sup>, 2003.]

[As amended, September 17<sup>th</sup>, 2011.]

## ARTICLE XI - QUORUMS

1. Twenty-five (25) members of the general tribal membership eligible to vote shall constitute a quorum and may transact Tribal business at a Tribal Council meeting.
2. Six (6) members of the Business Council shall constitute a quorum and may transact Tribal business at meetings of the Business Council.

[As amended, September 20<sup>th</sup>, 2003.]

[As amended, September 17<sup>th</sup>, 2011.]

## ARTICLE XII - ELECTIONS

1. The Chief, Second Chief, Secretary, Treasurer, and seven Business Council members are elected for staggered, four-year (4-year) terms, or until such time as their successors are duly elected and installed. The four-year term limit goes into effect with the elections slated for the 2007 Annual Meeting (set as directed by Article IX of this Constitution). At least two (2) Business Council members shall be elected each year.

[As amended, September 16<sup>th</sup>, 2006.]

[As amended, September 17<sup>th</sup>, 2011.]

3. The Business Council shall cause an election committee to be formed for the purpose of preparing ballots and verifying voter eligibility. Such election committee may become a standing committee of the Tribe subject to law, ordinances, and resolutions adopted by the Business Council.
4. A person seeking election to a vacancy in an Office or the Business Council shall notify the appropriate election official or Secretary of the Tribe at least ninety days (90) prior to the date of the Annual Meeting of the intent to be a candidate. Such forms as may be required by future election laws shall be completed and filed appropriately. All duly elected officials shall assume office immediately upon certification of their election.

[As amended, September 20<sup>th</sup>, 2003.]

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[As amended, September 17<sup>th</sup>, 2011.]

**ARTICLE XIII - FORFEITURE OF OFFICE**

1. This Constitution shall not in any way abridge, alter, or otherwise jeopardize the rights and privileges of the members of this Tribe as citizens of the United States of America.
2. An office is declared vacant when the incumbent has died, resigned, lost Tribal membership, been convicted of a felony, or is recalled jointly by petition signed by sixty (60) or more Tribal Council members eligible to vote and six (6) Business Council members.
4. A Business Council member is allowed to miss two (2) business meetings during his/her term, unless an excuse is accepted by the majority of the Business Council.

[As amended, September 17<sup>th</sup>, 2011.]

**ARTICLE XIV - SAVINGS CLAUSE**

All enactments of the Shawnee Tribe adopted before the effective date of these Amendments shall continue in effect to the extent that they are not inconsistent with this Constitution.

**ARTICLE XV - SEVERABILITY**

If any part of this Constitution is held invalid by a Federal Court or determined to be unlawful, the remainder shall continue to be in full force and effect.

**ARTICLE XVI - INHERENT RIGHTS AND POWERS**

The enumeration in this Constitution of certain rights and powers shall not be construed to deny or limit other inherent rights and powers retained by the citizens of the Shawnee Tribe or the Shawnee Tribal Government.

[Numbered as amended, September 16<sup>th</sup>, 2006.]



## ARTICLE XVII - AMENDMENTS

Amendments to this Constitution may be proposed by a majority vote of the Business Council, or by a petition signed by twenty-five percent (25%) of the eligible voters of the Tribe who voted in the last general election of the tribe, and shall be submitted to a vote of the adult members of the Tribe at the next specially called or regular meeting of the Tribal Council. Amendments to the Constitution shall require a two-thirds majority vote of those present and eligible to vote at the Tribal Council Meeting.

[Numbered as amended, September 16<sup>th</sup>, 2006.]

[As amended, September 17<sup>th</sup>, 2011.]

## ARTICLE XVIII - ADOPTION

1. In accordance with P.L. 106-568 (114 Stat. 2868), the Tribe shall have a right to reorganize its Tribal government pursuant to Section 3 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 503) and to do all such things as may be provided for in the Act.
2. This Constitution shall be effective when approved by a majority vote of the adult members of the Shawnee Tribe voting in an election at a Tribal Council meeting.

[Numbered as amended, September 16<sup>th</sup>, 2006.]