

SPECIAL EDITION

THE GRIC CONSTITUTION, THE AMENDMENTS AND YOU

The GRIC Constitution: Past, Present and Future

GRIN Staff
Gila River Indian News

As the past becomes the present, and the present moves forward into the future, societies can experience changes in culture, economy, technology, and more. Whether those changes move slowly or quickly, progressively or conservatively, the rules and laws of society that hold communities intact, may also need to change as a society evolves.

This is something that the forefathers of the United States knew all too well, detailing in Article Five of the U.S. Constitution the two-step process for amending the Constitution, which has been amended twenty-seven times since its inception in 1789.

Benjamin Franklin was aware of the importance of being able to change the constitution even if one



Mikhail Sundust/GRIN

The Gila River Indian Community is holding a special election on proposed constitutional amendments on May 3, during the tribal elections for council representatives. Absentee ballots will be available for registered GRIC voters who are unable to vote at a polling site on Election Day.

disagrees with a proposed change, saying during the last day of the U.S. Constitutional Convention in 1787, "I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve them: For having lived long, I have experienced many instances of being obliged by better information, or fuller consid-

eration, to change opinions even on important subjects, which I once thought right, but found to be otherwise."

This is also something that the past leaders of the Gila River Indian Community knew when creating the Initial Constitution & Bylaws of the Gila River Indian Community on May 14, 1936. Since then, the Constitution has been amended on four separate

occasions, in 1946, 1960, 1974 and most recently in 2013.

Once again the Community's Constitution may be changed and every Gila River Indian Community registered voter will have the opportunity to make their voice heard, May 3, as polls open for the Special Election on several proposed constitutional amendments. Whether voting for or against the proposed amendments, it is important for Community members to inform themselves as much as possible about the upcoming Special Election, and to vote in the way they feel is best for GRIC and its people.

In an effort to help inform the Community about the upcoming Special Election, over the past several weeks, the GRIC

tribal government held presentations on the proposed amendments in Districts 2, 3, 4, 5, and 6 in their respective Service Centers.

Presentations were also held at the Governance Center in District 3, the Boy & Girls Club - Komatke Branch in District 6, both for GRIC employees, and at an Elderly Concerns Meeting in District 2's Multipurpose building.

This Gila River Indian News Special Edition contains GRIC's current Constitution, background on the Tribal Constitution Reform Project, detailed information about the proposed amendments, and frequently asked questions Community members asked during the proposed amendment informational meetings.

What is the Tribal Constitution Reform Project and what influence has it had on the upcoming vote?

GRIN Staff
Gila River Indian News

The Tribal Constitution Reform Project began in 2006 as a way for the Gila River Indian Community to assert its sovereignty as a tribal nation and actively pursue self-determination through the reconstruction of its Constitution (adopted in 1960) to better suit the Community.

The project lasted several years and conducted numerous public outreach efforts (through meetings, surveys, presentations and open forums) to gather Community member input. In the end, the TCRP recorded dozens of changes recommended by Community members and used the information to develop a new "Draft Constitution" incorporating those changes. The Draft Constitution was never voted on (and thus never adopted), but the proposed amendments in the Draft Constitution have remained a priority and provide a basis for the upcoming special election and future proposed amendments.

All of the proposed amendments on the May 3 special election ballot come directly from the TCRP Draft Constitution.

[A Brief History of the TCRP](#)

On January 5, 2011 the Office of the TCRP submitted a report detailing the project's history and intent. The following information is drawn from that report.

The TCRP task force held its first meeting in January 2008 in Rio Rico, Ariz. At the meeting, they decided on two guiding principles: first, "that public discussion be generated...and used as building blocks for the development of a new constitutional framework," and second, "that the con-

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Mikhail Sundust/GRIN

Vote May 3, 2016

The Gila River Indian Community will be holding a special election to make amendments to the tribal Constitution.

Hours: 6:00 a.m. – 6:00 p.m.
Poll locations: District 1-7 Service Centers.

Please bring any one of these items when you come to vote.

- Tribal ID Card
- Arizona State ID Card
- State Drivers License

For more information please call:
GRIC Communications & Public Affairs Office at
(520) 562-9715
Or email, info@gric.nsn.us

For the election to be deemed valid, 30% of all registered voters must participate in the Special Election

History of Tribal Constitution

Constitution Facts:

Foundational Document – Government Structure
 Rules by which a government organizes and self-governs
 Establish powers and declares the rights of its people
 Establishes expectations and boundaries for those dealing with the government

Constitution Timeline:

- *May 14, 1936—Initial Constitution & Bylaws of the Gila River Indian Community*
- *February 28, 1938—Ratification of a Corporate Charter – postponed*
- *September 9, 1946—Constitution amended: 745 for, 107 opposed*
- *March 17, 1960—Constitution amended: 761 for, 476 opposed*
- *1990—Secretarial Election—required 30 percent voter participation not met: amendment did not pass*
- *July 9, 2013—Secretarial Election—proposed amendment passes*

1960 Constitution

I – Terms	X – Elections
II – Territory	XI – Districts
III – Membership	XII – Removal
IV – Rights of Members	XIII- Referendum
V – Governing Body	XIV – Initiative
VI – Qualification of Officers	XV – Powers of Council
VII – Appointed Officials/Committeemen	XVI – Property of Council
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CONSTITUTION AND BYLAWS OF THE GILA RIVER INDIAN COMMUNITY OF ARIZONA

PREAMBLE

We, the people of the Gila River Indian Reservation, in order to show our gratitude to Almighty God, and to preserve in ourselves the rights of self government and to provide a means for the orderly transaction of Community business and the free expression of the community will; do ordain and establish this Constitution and Bylaws for the government of the people of this reservation, henceforth to be known as the Gila River Indian Community.

ARTICLE I – TERMS

Section 1. For the convenience of brevity and unless otherwise specified, the following terms will be construed to have the meanings set forth in this paragraph:

- Community - Gila River Indian Community.
- Council - Gila River Indian Community Council.
- Reservation - Gila River Indian Reservation, Arizona.
- The Secretary of the Interior - The Secretary of the Interior of the United States, or his duly authorized representative.
- Superintendent - The Superintendent of the local office of the Bureau of Indian Affairs under which the Reservation is placed for administrative purposes, or his successor in office.
- Governor - Governor of the Gila River Indian Community.
- Lieutenant Governor - Lieutenant Governor of the Gila River Indian Community.
- Treasurer - Treasurer of the Gila River Indian Community.
- Secretary - Secretary of the Gila River Indian Community Council.
- Councilman - Male or female member of the Gila River Indian Community Council.
- He - He or she; wherever used the masculine shall include the feminine.

Sec. 2. The provisions of this constitution are mandatory, unless by express words they are declared to be otherwise. Any restrictions on or limitations of rights or powers shall not restrict or limit rights or powers conveyed to the incorporated Community in its Charter of Incorporation unless specifically stated.

ARTICLE II – TERRITORY

The jurisdiction of the Community shall extend to all lands now comprised within the Reservation and to such other lands as may hereafter be acquired for the use and benefit of the Community and be added thereto.

ARTICLE III – MEMBERSHIP

Section 1. The membership of the Community shall be determined as follows:

(a) All persons of Indian blood whose names appear, or rightfully should appear, on the official allotment roll of the Gila River Reservation or are members or should be members under the Constitution and Bylaws (Constitution and Bylaws of the Gila River Pima-Maricopa Indian Community, Arizona) approved May 14, 1936.

(b) All children of members wherever born shall be entitled to membership in the Community if they are of at least one-fourth Indian blood.

Sec. 2. A census for the purpose of establishing a current and complete roll of the members of the Community shall be taken within three years from the date of the adoption of this Constitution, and thereafter every ten (10) years as coincides with the general census of the United States.

Sec. 3. A member who establishes residence off the Reservation and remains away from the Reservation continuously for a period of twenty (20) years shall automatically forfeit membership. If he returns to the Reservation, he may be reinstated as a member by a majority vote of the Council.

Sec. 4. The Council shall have the authority to prescribe rules to be followed in compiling a membership roll in accordance with the provisions of this article, the completed roll to be approved by the Community Council not less than ninety (90) days after the same has been presented for approval.

Sec. 5. Any person whose name has been omitted from the membership roll shall have the right to petition the Community Court to have his name included on the roll. Copy of such petition shall be served on the Secretary. Decision of the Community Court shall be final unless within sixty (60) days a notice of appeal to the Council be given by petitioner or the Secretary.

Sec. 6. The Council shall have the power to enact ordinances, subject to review of the Secretary of the Interior, governing present and future membership, loss of membership, and the adoption of members by the Community.

ARTICLE IV – RIGHTS OF MEMBERS

All political power is inherent in the people. Governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights. A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government:

1. No person shall be deprived of life, liberty or property without due process of law.
2. The right of petition and of the people peaceably to assemble shall never be abridged.

3. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

4. No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

5. Justice in all cases shall be administered openly, and without unnecessary delay.

6. All elections shall be free and equal, and no power shall at any time interfere to prevent the free exercise of the right of suffrage.

7. Freedom of religion or conscience shall not be abridged. The enumeration in this Constitution of the foregoing rights shall not be construed as denying or disparaging other fundamental rights of the people.

ARTICLE V – GOVERNING BODY

Section 1. The governing body of the Community shall be known as the Gila River Indian Community Council and shall consist of seventeen (17) members, who shall be elected by the qualified voters of their respective districts.

Sec. 2. Each district of the Reservation shall be represented by one councilman, plus one councilman for each additional three hundred (300) members in excess of one hundred fifty-one (151) members residing in the district. In the event that, on the basis prescribed, the number of councilmen so determined should exceed or be less than seventeen (17), the unit of apportionment for representatives in excess of one shall be increased, or decreased, by ten (10) or such multiple of ten (10) as will maintain the number of councilmen at seventeen (17).

Sec. 3. Nine (9) members of the Council shall constitute a quorum for the transaction of business.

Sec. 4. The Governor, or in his absence the Lieutenant Governor, will be the presiding officer of the Council. He shall be permitted to participate in discussion and shall be permitted to vote only in the case of a tie. His functions at council meetings shall be in conformance with Bylaws or Ordinances of the community. In the absence of the Governor and Lieutenant Governor the Council shall elect an acting chairman from among its own members.

ARTICLE VI – QUALIFICATIONS OF OFFICERS

Section 1. No person shall be elected or hold office as Governor, Lieutenant Governor, Chief Judge, Associate Judges, or Councilmen unless he (1) is a member of the Community; (2) has reached the age of twenty-five (25) years; (3) has been living in the particular district he is to represent for at least sixty (60) days immediately preceding the election; (4) has been living on the Reservation for at least one year immediately preceding the election. Additional qualifications may be prescribed by ordinance.

Sec. 2. No person who, within the year preceding the election, has been convicted of a crime involving moral turpi-

tude shall be eligible to hold office in the Community.

ARTICLE VII – APPOINTED OFFICIALS AND COMMITTEEMEN

Section 1. The Secretary shall be appointed by the Council from within or without its own membership. He shall be a member of the Community.

Sec. 2. The Treasurer shall be appointed by the Council from within or without the membership of the Community.

Sec. 3. Standing Committees and Boards shall be appointed by the Council from within or without its own membership.

Sec. 4. Special Committees shall be appointed by the Governor, from within or without the membership of the Community, when such committees are authorized by the Council.

ARTICLE VIII – TENURE OF OFFICE

Section 1. Councilmen shall be elected from their respective districts for a term of three (3) years. They shall take office at the first regular Council meeting in June following their election and shall serve until their respective successors have been duly elected and qualified.

Sec. 2. The Governor, the Lieutenant Governor, the Chief Judge and Associate Judges shall be elected from the community-at-large for a term of three (3) years. They shall take office the first day of January following their election, and shall serve until their respective successors have been duly elected and qualified. The incumbent Governor and Lieutenant Governor, whose terms would normally expire October 1960, and the incumbent Chief Judge and Associate Judges shall serve until January 1, 1961, in order to permit orderly establishment of the tenure provided in this constitution.

Sec. 3. The Secretary shall be appointed by the Council at its first regular meeting in June for a period of one year beginning July 1st.

Sec. 4. The Treasurer shall be appointed by the council at its first regular meeting every third June beginning June 1960 for a period of three (3) years beginning, the succeeding July 1st.

Sec. 5. Standing Committeemen or Board members shall be appointed for periods of three (3) years, unless otherwise ordered by the council.

Sec. 6. Special Committeemen are appointed for a specific purpose and when their assignment is completed the committee shall automatically be dissolved.

Sec. 7. Should it become necessary, because of vacancies, to make appointments other than at the first regular Council meeting in June, that fraction of a year in which the appointment is made shall constitute a full year toward the term of appointment, but compensation shall be based upon the time actually served.

Sec. 8. Elected or appointed officials may be elected or appointed for successive terms.

Sec. 9. The Governor, Lieutenant Governor, Chief Judge, Associate Judges, councilmen, and officials duly appointed or elected to office prior to the adoption of this Constitution shall serve until their respective successors have been duly elected or appointed and qualified.

ARTICLE IX – VACANCIES

Section 1. During the absence or inability of the Governor, the Lieutenant Governor shall have all powers, privileges and duties of the Governor.

Sec. 2. The Council shall declare that a vacancy exists when a Governor, Lieutenant Governor, Chief Judge, Associate Judge, or Councilman is removed for cause, resigns, moves from the Reservation, or when a councilman moves from the district he represents.

Sec. 3. Should a vacancy exist from any cause whatsoever in the office of Governor, the Lieutenant Governor shall immediately succeed to the Office of Governor, and the office of Lieutenant Governor shall thereupon be vacant.

Sec. 4. Should a vacancy exist from any cause whatsoever in the office of Lieutenant Governor, Chief Judge, Associate Judge, or Councilman, a successor shall be elected at a special election called by the Council within sixty (60) days after the vacancy occurs. The successor shall hold office until the expiration of the regular term of his predecessor. Should a vacancy occur within six (6) months or less of the regularly scheduled election, the Council may waive the special election and allow the vacancy to exist until the successor is elected at the regularly scheduled election.

ARTICLE X – ELECTIONS

Section 1. The election of the Governor, the Lieutenant Governor, the Chief Judge and the Associate Judges shall be held triennially on the first Tuesday after the first Monday in November, beginning November 1960.

Sec. 2. The election of Councilmen shall be held annually on the first Tuesday of May, beginning May 1960, for Councilmen whose terms expire the following June.

Sec. 3. All adult members of the community, male or female, who have attained the age of twenty-one years shall,

unless non compos mentis, have the right to vote in any election.

Sec. 4. The manner of making nominations and holding elections shall be in conformity with appropriate ordinances enacted by the Council.

Sec. 5. The Council shall be the final judge of all elections.

ARTICLE XI--DISTRICTS

Section 1. For purposes of representation and administration the Reservation shall be divided into seven (7) districts, as follows:

District 1 shall consist of all of that portion of the Reservation included in Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, Township 4 South, Range 7 East; Sections 1, 2, 3, 10, 11, 12, 15 and 22, Township 5 South, Range 7 East; and all of Townships 4 and 5 South, Range 8 East (North and South Blackwater). District 2 shall consist of all of that portion of the Reservation included in sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, Township 4 South, Range 7 East; and Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, Township 5 South, Range 7 East (Sacaton Flats).

District 3 shall consist of all of that portion of the Reservation lying south of the Gila River and included in Townships 4 and 5 South, Range 6 East (Cottonwood, Sacaton and Progressive Colony).

District 4 shall consist of all of that portion of the Reservation lying north of the Gila River in Townships 2, 3, and 4 South, Ranges 4, 5, and 6 East (Santan, Lower Santan, Stotonic,

Snaketown and Goodyear).

District 5 shall consist of all of that portion of the Reservation lying south of the Gila River in Townships 3, 4 and 5 South, Ranges 4 and 5 East (Sweetwater, Bapchule, Vahki, Wetcamp and Sacate).

District 6 shall consist of all of that portion of the Reservation included in Townships 1, 2, 3, and 4 South, Range 2 and 3 East (Santa Cruz, Gila Crossing and co-op).

District 7 shall consist of all of that portion of the Reservation included in Township 1 North and Townships 1 and 2 South, Range 1 East (Maricopa District).

Section 2. The council from time to time may by ordinance change the foregoing number and area of Districts according to the change in population.

Section 3. Each district may elect a District council made up of a representative from each of the villages or settlements within the district, in conformity with ordinances which may be enacted by the Council. A District Council shall serve as an advisory board and shall perform such other local administrative duties as may be assigned to it by the Council. The District Councils shall not have power to adopt or enact regulatory measures.

ARTICLE XII – REMOVAL FROM OFFICE

Section 1. Any official of the Community who is finally convicted in a Federal, state or Indian Court of any offense involving moral turpitude shall automatically be removed from office.

Sec. 2. Any elected official of the Community who is found by the Council to be guilty of improper conduct or gross neglect of duty or to have failed to perform the duties of his office for a period of sixty (60) days unless excused therefrom by the Council, may be expelled by the affirmative vote of not less than twelve (12) of the Council members favoring such expulsion, provided that the accused official shall first be given full and fair opportunity to reply to any and all charges at a designated Council meeting. A written statement of the charges against such charged official shall be mailed postage prepaid or delivered to his last known place of abode at least ten (10) days before the meeting at which he is to appear. All witnesses requested by such official shall be subpoenaed by the Council. When the Council is sitting for impeachment purposes, all witnesses shall testify under oath or affirmation. The decision of the Council shall be final.

Sec. 3. The Council shall enact ordinances which will define what constitutes (1) improper conduct; (2) a crime involving moral turpitude, and (3) gross neglect of duty.

Sec. 4. Every elected official of the Community is subject to recall by voters of the district or districts from which he was elected as follows:

(a) A recall may be initiated by a recall petition signed by a number of qualified voters exceeding twenty percent (20%) of the vote cast for the position at the last election. Petition shall be filed with the Secretary who shall, within five (5) days, serve notice on the official by mailing notice to the official's last known address.

(b) Every recall petition must contain a statement, in not more than two hundred (200) words, of the grounds of such demand and must be filed at the office of the Council. Each signer of such recall petition must add to his signature, the date of his signing said petition and his place of residence. The mark of a person unable to write his name must be witnessed by two persons who shall sign as witnesses. The person circulating such petition must make

and subscribe an oath on each sheet that the signatures thereon are genuine.

(c) If said official offers his resignation it shall be automatically accepted. If he does not resign within ten (10) days after recall petition is filed, an election shall be ordered by the Council to be held not less than twenty (20) nor more than thirty (30) days after such order to determine whether such official shall be recalled. Such recall may be held at a special election called for that purpose or may be held at the same time as and concurrent with any other election.

Not less than ten (10) days prior to the election the official may file with the Council a statement of justification containing not more than two hundred (200) words. On the ballot of such election shall be printed the reason for recall as set forth in the petition, and such justification as has been filed by the official. He shall continue to hold office until the result of said election shall be officially declared.

(d) No recall petition shall be circulated against any official until he shall have held his office for a period of one (1) year. After one recall petition and election, no further recall petitions shall be filed against the same official within one (1) year from said recall election. No recall election shall be held if an election for the office is scheduled within ninety (90) days after the filing of the recall petition.

Sec. 5. Any official, committee member or board member appointed by the Council may be removed or discharged by a majority vote of the Council.

ARTICLE XIII – REFERENDUM

A referendum on any enacted or proposed ordinances or resolution or other action of the Council shall be called by a petition of ten percent (10%) or more of the qualified voters of the Community or by resolution of the Council. Such referendum may be held at a special election called for that purpose or may be held at the same time as and concurrent with any other. The result of such referendum shall be immediately noted in the Council minutes by the Secretary and shall be conclusive and binding upon the Council.

ARTICLE XIV – INITIATIVE

Section 1. The people of the Community reserve unto themselves the power to propose ordinances, resolutions, or other actions independently of the Council.

Sec. 2. Any proposed initiative measure shall be presented to the Council accompanied by a petition signed by not less than ten percent (10%) of the qualified voters of the Community. Upon receipt of such petition the Council shall within sixty (60) days:

(a) Adopt the initiated measure without alteration, or
(b) Set the matter for vote of the qualified voters at an election to be held within one hundred twenty (120) days of the time such petition was presented. Such election may be held at a special election called for that purpose or may be held at the same time as and concurrent with any other election.

Sec. 3. The result of such initiative election shall be binding upon the council.

ARTICLE XV – POWERS OF THE GILA RIVER INDIAN COMMUNITY COUNCIL

Sec. 1. The Council shall exercise the following powers, subject to any limitations imposed by the applicable statutes of the United States and subject further to all expressed restrictions upon such powers contained in this Constitution.

(a) Powers not subject to review by the Secretary of the Interior, except where specifically required by Law,

(1) To negotiate with the Federal, State and local governments on behalf of the community.

(2) To employ legal counsel, the choice of counsel and fixing of fees to be subject of approval of the Secretary of the Interior, so long as such approval is required by Federal Law.

(J) To prevent the sale, disposition, lease, use or encumbrance of Community lands, interests in lands, or other Community assets.

(4) To advise the Secretary of the Interior and the Congress of the United States of the wishes of the Community with regard to Federal projects or appropriation for the benefit of the Community.

(5) To appoint subordinate officials, committees and boards, and to prescribe their duties and powers.

(6) To provide for the manner of conducting elections.

(7) To regulate its own procedure.

(8) To regulate the domestic relations of members of the Community.

(9) To promote and protect the health, peace, morals, education, and general welfare of the Community and its members.

(10) To expend money in conformance with an adopted budget.

(11) To expend for any public purpose for any fiscal year

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an amount equal to ten percent (10%) of the anticipated net revenue according to the current budget.

(12) To act for and on behalf of members of the Community at the request of such members.

(13) To administer all Community property.

(14) To transfer or convey tribal assets to the incorporated Community and to contract with the incorporated Community for management of tribal assets.

(15) To recognize any district committees, associations or other organizations open to the members of the Community and to approve such organizations, subject however, to the provision that no such committee, association or organization may assume authorities specifically granted to the council unless by a proper delegation of authority by the Council.

(16) To levy dues, fees, and taxes on members of the Community.

(17) To provide for the maintenance of law and order and the administration of justice by establishing a Community Court and police force and defining the powers and duties thereof.

(18) To do such other acts of governmental or public nature as are not prohibited by specifically applicable Federal laws or by this Constitution.

(19) To pass ordinances necessary or incidental to the exercise of any of the foregoing powers.

(b) Subject to review by the Secretary of the Interior

(1) To provide by ordinance for the appointment of guardians for minors and mental incompetents.

(2) To prescribe rules of inheritance which shall not be in conflict with specifically applicable Federal laws.

(3) To levy dues, fees, and taxes on non-members residing or doing business within the Reservation.

(4) To provide by ordinance for removal or exclusion from the territory of the community non-members whose presence may be injurious to the peace, health, or welfare of the Community.

(5) To regulate the use and disposition of property of members of the Community, insofar as such use and disposition affects the welfare of the Community at large.

(6) To establish and regulate subordinate organizations for business purposes.

(7) To purchase or otherwise acquire property of members of the Community for public purposes and to acquire same under condemnation proceedings in courts of competent jurisdiction.

(8) To enact criminal and civil codes or ordinances governing the conduct of members of the Community and non-members on the Reservation.

(9) To prepare and adopt budgets.

(10) To pass ordinances necessary or incidental to the exercise of any of the foregoing powers.

Sec. 2. Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior shall be delivered to the Superintendent not later than five (5) days after enactment and the Superintendent shall note the date of receipt on the original and the council copy. The Superintendent within ten (10) days after receipt of the resolution or ordinance shall either approve or disapprove it in writing. The ordinance or resolution shall be deemed approved if not specifically disapproved within ten (10) day period.

If the Superintendent shall approve any ordinance or resolution or fail to act within ten (10) days, it shall thereupon become effective but the Superintendent shall transmit a copy bearing his endorsement to the Secretary of the Interior, who may, by written notice to the Council within ninety (90) days from the date of enactment rescind the said ordinance or resolution. Such rescission shall not affect the legality of action taken under provisions of the ordinance or resolution prior to notification of the action of rescission.

If the Superintendent shall disapprove any ordinance or resolution submitted to him, he shall in writing advise the council of his reasons therefor within ten (10) days after its receipt. If these reasons appear insufficient to the Council, it may by majority vote, refer the ordinance or resolution to the Secretary of the Interior who shall within (90) days of its referral, approve or disapprove the same in writing. When the approval of the Superintendent is required before any particular action of the Council may become effective, the Secretary of the Interior, where permitted by law, may in writing waive this requirement for such periods as he in his sole discretion deems fit.

Sec. 3. The Council may exercise such further powers as may in the future be delegated to the Community by the Secretary of the Interior, or by any other duly authorized official or agency of the Government.

Sec. 4. Any rights and powers heretofore vested in the tribes or bands of the Gila River Reservation but not expressly referred to in this Constitution shall not be abridged

by this article.

ARTICLE XVI – LAND AND PROPERTY

Section 1. The unallotted lands of the Gila River Indian Reservation and all lands which may be acquired here after shall be Community lands.

Sec. 2. The council in its discretion may adopt ordinances in conformity with which Community lands may be assigned for beneficial use and occupancy to members of the Community.

Sec. 3. Any owners of allotted lands shall not be compelled to relinquish his land or any part thereof, however, allotted lands or any part thereof may be condemned for Community public works, or like Community public purposes, and in such cases the landowner shall receive in return for the condemned land just and equitable compensation prior to the taking. Condemnation proceedings shall not become effective until approved by the Council.

ARTICLE XVII — AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Gila River Indian Community voting in an election called for the purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the Council or upon receipt of a petition signed by five hundred (500) eligible voters, members of the Community.

BYLAWS OF THE GILA RIVER INDIAN COMMUNITY

Section 1. Each elected and each appointed officer shall have such powers and perform such duties as are prescribed by the Constitution and Bylaws, the Community ordinances, or the Council. Within ninety (90) days after the adoption of this Constitution and Bylaws, the Council shall adopt ordinances specifically designating powers and duties of Officers.

Sec. 2. The Governor shall be the chief executive officer of the community.

Sec. 3. The Lieutenant-Governor shall assist the Governor when called upon to do so.

Sec. 4. The Secretary shall be the official custodian of all files, records, and correspondence of the Community and of the Community seal. He shall prepare all minutes, resolution and ordinances enacted by the Council and transmit required copies to the Superintendent.

Sec. 5. The Treasurer shall accept, receive, give receipt for and safeguard all funds of the Community. As directed by the Council, he shall deposit all funds, without limitation on the amount in any account, in any national or state bank whose deposits are insured by any agency of the Federal Government; or deposit funds with bonded disbursing officer of the United States. All deposits shall be made in the name of the Gila River Indian Community. The Council may require deposits in banks to be collateralized. He shall not pay or disburse any funds of the Community except when properly authorized to do so by the Council.

At the second regular Council meeting each month he shall submit a written report of receipts, disbursements, and the balance in each separate account for the preceding calendar month.

He may designate a duly bonded agent to perform any of his duties under his direction. Executed copy of such designation must be filed with the Secretary.

The books and records of the Treasurer shall be audited at least once a year and at such other times as the council may direct, by a firm of certified public accountants employed by the Council.

The Treasurer and all others handling Community Funds shall be bonded by a corporate surety on the list approved by the United States Treasury Department, in an amount satisfactory to the Council and approved by the Secretary of the Interior. The Council may authorize a blanket bond.

Sec. 6. The duties and jurisdiction of the Chief Judge and Associate Judges will be enumerated and set forth in ordinances of the Council.

Sec. 7. A duly elected Councilman shall not lose his right to vote at Council meetings because of membership on any committee or holding any office other than Governor, Lieutenant Governor, Chief Judge or Associate Judge.

Sec. 8. Each officer, committeeman or other person appointed, assigned, or serving in any capacity for the Council shall at the end of his service in office turn over all correspondence, books, records, and documents to the Secretary.

Sec. 9. The regular meetings of the Council shall be held on the first and third Wednesday of each month unless otherwise designated by the Council.

Sec. 10. Special Council meetings may be held at such time and place as:

(a) The Council may designate

(b) The Governor may by call designate

(c) Written application of five or more members of the council may designate. The Secretary shall give notice of such meeting to the Governor, Lieutenant-Governor and all Councilmen.

Sec. 11. Each duly elected or appointed officer shall before assuming the duties of his office be given or subscribe to the following oath of office:

“I, _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will faithfully and impartially carry out the duties of my office to the best of my ability; that I will promote, and protect the best interest of the Gila River Indian Community in accordance with its Constitution, Bylaws, and Ordinances, so help me God.”

CERTIFICATION OF ADOPTION

Pursuant to an order approved December 4, 1959, by the Assistant Secretary of the Interior, the foregoing amended Constitution and Bylaws of the Gila River Indian Community of Arizona was submitted for ratification to the Indians of the Gila River Indian Reservation, Arizona, and was on January 22, 1960, duly adopted by a vote of 761 for, and 476 against, in an election in which at least thirty percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 stat. 984), as amended by the Act of June 15, 1935 (49 stat. 378).

FREEMAN P. WALKER

Freeman Walker, Secretary
Gila River Indian Community

MINTON J. NOLAN

Superintendent, Pima Agency
Date: February 1, 1960,



JAY R. MORAGO, Jr.
Jay R. Morago, Jr., Governor
Gila River Indian Community

APPROVAL

I, ROGER ERNST, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached amended Constitution and Bylaws of the Gila River Indian Community of Arizona as adopted by the Indians of the Gila River Indian Community on January 22, 1960.

Approval recommended: March 17, 1960

GLENN L. EMMONS

Commissioner
Bureau of Indian Affairs

ROGER ERNST

Assistant Secretary of the Interior

(SEAL)

WASHINGTON, D.C.

Date March 17, 1960

AMENDMENTS to the Constitution and Bylaws of the Gila River Indian Community

Section 3 of Article X, ELECTIONS, shall be amended in its entirety to read as follows:

Section 3. All members of the Community who have attained the age of eighteen (18) years shall, unless non compos mentis, have the right to vote in any election.

APPROVAL

January 28, 1974

Article XVII of the Constitution entitled “AMENDMENTS” is hereby amended in its entirety to read as follows:

Amendments to this Constitution may be proposed to the Election Board by a resolution of the Council approved by two-thirds (2/3) vote of the entire Council or by a petition signed by at least thirty (30) percent of the registered voters of the Community. Upon receipt of the Council's resolution or the petition, a special election will be called and conducted in accordance with the Community law. Proposed amendments will be approved by a majority vote of the registered voters of the Community voting in an election called for the purpose by the Election Board, provided that at least thirty (30) percent of the registered voters vote in such election.
July 19, 2013

Voter Guide

Constitution Amendments

Article VI-Qualifications of Officers • Article VII-Appointed Officials & Committee Members Article VIII-Tenure of Office • Article IX-Vacancies • Article X-Elections • Article III-Membership Article XV-Powers of the Gila River Indian Community Council

QUESTION #1

ARTICLE VI-QUALIFICATIONS OF OFFICERS

A YES vote will provide for additional qualifications of officers by increasing from 60 days to one year, the time requirement that a person running for Council has to be living within their district; requiring officers to be registered to vote; requiring officers to have a high school diploma or GED; and increases the prohibition for running for office, for convictions of crimes of moral turpitude from 1 year to 5 years.

NO vote will maintain the current Constitution language.

ARTICLE VI-QUALIFICATIONS OF OFFICERS CURRENT CONSTITUTION

Section 1. No person shall be elected or hold office as Governor, Lieutenant Governor, Chief Judge, Associate Judge, or Councilmen unless he

- 1) is a member of the Community;
- 2) has reached the age of twenty-five (25) years;
- 3) has been living in the particular district he is to represent for at least sixty (60) days immediately preceding the election;
- 4) has been living on the Reservation for at least one year immediately preceding the election.

Additional qualifications may be prescribed by ordinance.

Sec. 2. No person who, within the year preceding the election, has been convicted of a crime involving moral turpitude shall be eligible to hold office in the Community.

ARTICLE VI-QUALIFICATIONS OF OFFICERS PROPOSED CONSTITUTION AMENDMENTS

Section 1. No person shall be elected or hold office as Governor, Lieutenant Governor, Chief Judge, Associate Judges or Council person unless he:

- 1) Is a member of the Community;
- 2) Has reached the age of twenty-five (25) years;
- 3) Has been living on the reservation and within the district he is to represent for at least one (1) year immediately preceding the election;
- 4) Is registered to vote in Community elections and;
- 5) Has obtained a high school diploma or General Equivalency Diploma (GED).

Section 2. No person who, within the five (5) years preceding the election, has been convicted of a felony or any crime involving moral turpitude shall be eligible to hold office in the Community.

QUESTION #2

ARTICLE VII-APPOINTED OFFICIALS AND COMMITTEE MEMBERS

A YES vote will increase the term of the Treasurer from 3 years to 4 years and will increase the term of the Secretary from 1 year to 4 years and will add specific duties to the Treasurer.

A NO vote will maintain the current Constitution language.

ARTICLE VII-APPOINTED OFFICIALS AND COMMITTEE MEMBERS CURRENT CONSTITUTION

Section 1. The Secretary shall be appointed by the Council from within or without its own membership. He shall be a member of the Community.

Sec. 2. The Treasurer shall be appointed by the Council from within or without the membership of the Community.

Sec. 3. Standing Committees and Boards shall be appointed by the Council from within or without its own membership.

Sec. 4. Special Committees shall be appointed by the Governor, from within or without the membership of the Community, when such committees are authorized by the Council.

ARTICLE VII-APPOINTED OFFICIALS AND COMMITTEE MEMBERS PROPOSED CONSTITUTION AMENDMENTS

(a) Treasurer

Section 1. The Treasurer shall be appointed by the Council from within or without the membership of the Community; to a term of four (4) years, beginning July 1, 2017.

Section 2. The Treasurer shall be bonded and shall be responsible to maintain the Community's assets as directed by the Council with recommendation from the Governor.

Section 3. The Treasurer shall cause all Community records to be audited on an annual basis by Certified Public Accountants.

Section 4. At the direction of the Council, the Treasurer may inspect and cause to be audited all records of the Community and all its entities.

Section 5. Qualifications and additional duties and responsibilities of the Treasurer shall be established by the Council.

(b) Secretary

Section 1. The Council shall appoint a Secretary who shall be the official custodian of all files, records, and correspondence of the Community and of the Community seal. He shall prepare all minutes, resolutions, and laws enacted by the Council. The Secretary shall be appointed to a four (4) year term, beginning July 1, 2016 and serve at the pleasure of the Council. The Secretary shall be a member of the Community.

Section 2. Qualifications and additional duties and responsibilities of the Secretary shall be established by the Council.

(c) Appointed Officials and Members

Section 1. Standing Committees and Boards shall be appointed by the Council from within or without its own membership.

Section 2. Special Committees shall be appointed by the Governor, from within or without the membership of the Community, when such committees are authorized by the Council.

QUESTION #3 ARTICLE IX-VACANCIES

A YES vote provides for a line of succession in the absence of the Governor and Lieutenant Governor, the Council shall select an interim Governor from within the Council, until a successor is elected.

A NO vote will maintain the current Constitution language.

ARTICLE IX-VACANCIES CURRENT CONSTITUTION

Section 1. During the absence or inability of the Governor, the Lieutenant Governor shall have all powers, privileges and duties of the Governor.

Sec. 2. The Council shall declare that a vacancy exists when a Governor, Lieutenant Governor, Chief Judge, Associate Judge, or Councilman is removed for cause, resigns, moves from the Reservation, or when a Councilman moves from the district he represents.

Sec. 3. Should a vacancy exist from any cause whatsoever in the office of Governor, the Lieutenant Governor shall immediately succeed to the Office of Governor, and the office of Lieutenant Governor shall thereupon be vacant.

Sec. 4. Should a vacancy exist from any cause whatsoever in the office of Lieutenant Governor, Chief Judge, Associate Judge, or Councilman, a successor shall be elected at a special election called by the Council within sixty (60) days

after the vacancy occurs. The successor shall hold office until the expiration of the regular term of his predecessor. Should a vacancy occur within six (6) months or less of the regularly scheduled election, the Council may waive the special election and allow the vacancy to exist until the successor is selected at the regularly scheduled election.

ARTICLE IX-VACANCIES PROPOSED CONSTITUTION AMENDMENTS

Section 1. During the absence or inability of the Governor, the Lieutenant Governor shall have all powers, privileges and duties of the Governor.

Section 2. Should a vacancy exist from any cause whatsoever in the office of the Governor, the Lieutenant Governor shall immediately succeed to the office of the Governor, and the office of the Lieutenant Governor shall thereupon be vacant.

Section 3. Should a vacancy exist due to the death or permanent disability in both the offices of the Governor and Lieutenant Governor, the Council shall select an Interim Governor from within the Council. The Interim Governor shall exercise all duties and responsibilities of the Governor until such time as a successor is elected at a special election called by the Council in accordance with Section 5 of this Article.

Section 4. The Council shall declare that a vacancy exists when a Governor, Lieutenant Governor, Chief Judge, Associate Judge, or Council person is removed for cause, resigns, moves from the Reservation, or when a Council person moves from the district he represents.

Section 5. Should a vacancy exist from any cause whatsoever in the office of Lieutenant Governor, Chief Judge, Associate Judge, or Council person, a successor shall be elected at a special election called by the Council within sixty (60) days after the vacancy occurs. The successor shall hold office until the expiration of the regular term of his predecessor. Should a vacancy occur within six (6) months or less of the regularly scheduled election, for the vacant position, the Council may waive the special election and allow the vacancy to exist until the successor is elected at the regularly scheduled election.

QUESTION #4 ARTICLE VIII-TENURE OF OFFICE ARTICLE X-ELECTIONS

A YES vote will increase the term of Council persons, Governor, Lieutenant Governor, Chief Judge and Associate Judges from 3 years to 4 years. Elections of the Governor, Lieutenant Governor, Chief Judge and Associate Judges will be held every 4 years.

A NO vote will maintain the current Constitution language.

ARTICLE VIII-TENURE OF OFFICE CURRENT CONSTITUTION

Section 1. Councilmen shall be elected from their respective districts for a term of three (3) years. They shall take office at the first regular Council meeting in June following their election and shall serve until their respective successors have been duly elected and qualified.

Sec. 2. The Governor, the Lieutenant Governor, the Chief Judge, and Associate Judges shall be elected from the community-at-large for a term of three (3) years. They shall take office the first day of January following their election, and shall serve until their respective successors have been duly elected and qualified. The incumbent Governor and Lieutenant Governor, whose terms would normally expire October 1960, and the incumbent Chief

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Judge and Associate Judges shall serve until January 1, 1961, in order to permit orderly establishment of the tenure provided in this Constitution.

Sec. 3. The Secretary shall be appointed by the Council at its first regular meeting in June for a period of one year beginning July 1st.

Sec. 4. The Treasurer shall be appointed by the Council at its first regular meeting every third June beginning June 1960 for a period of three (3) years beginning the succeeding July 1st.

Sec. 5. Standing Committeemen or Board members shall be appointed for periods of three (3) years, unless otherwise ordered by the council.

Sec. 6. Special Committeemen are appointed for a specific purpose and when their assignment is completed the committee shall automatically be dissolved.

Sec. 7. Should it become necessary, because of vacancies, to make appointments other than at the first regular council meeting in June, that fraction of a year in which the appointment is made shall constitute a full year toward the term of appointment, but compensation shall be based upon the time actually served.

Sec. 8. Elected or appointed officials may be elected or appointed for successive terms.

Sec. 9. The Governor, Lieutenant Governor, Chief Judge, Associate Judges, councilmen, and officials duly appointed or elected to office prior to the adoption of this Constitution shall serve until their respective successors have been duly elected or appointed and qualified.

ARTICLE VIII-TENURE OF OFFICE PROPOSED CONSTITUTION AMENDMENTS

Section 1. Council persons shall be elected from their respective districts for a term of four (4) years, beginning with the May 2017, Council Election and shall take office at the first regular Council meeting in June following their election and shall serve until their respective successors have been duly elected and qualified. Incumbent elected officials will fulfill their existing terms.

Section 2. The Governor, the Lieutenant Governor, the Chief Judge and Associate Judges shall be elected from the Community at large for a term of four (4) years, beginning with the November 2017, General election and shall take office the first day of January following their election, and shall serve until their respective successors have been duly elected and qualified. Incumbent elected officials will fulfill their existing terms.

Section 3. Board members shall be appointed for terms of four (4) years. Upon the expiration of each term, the appointment may be extended upon approval of the Council. There shall be no indefinite terms.

Section 4. Special Committee members are appointed for a specific purpose and their term shall end upon dissolution of the committee.

Section 5. Committee or Board members may be removed from the Special Committee or Board in accordance with Article XII, Section 5 of this Constitution.

Section 6. Should it become necessary, because of vacancies, to make appointments other than at the first regular Council meeting in June, that fraction of a year in which the appointment is made shall constitute a full year toward the term of appointment, but compensation shall be based upon the time actually served.

Section 7. The Governor, Lieutenant Governor, Chief Judge, Associate Judges, Council persons, and officials duly appointed or elected to office prior to the adoption of Article VII and Article VIII shall serve until their respective successors have been duly elected or appointed and qualified.

ARTICLE X-ELECTIONS CURRENT CONSTITUTION

Section 1. The election of the Governor, the Lieutenant Governor, the Chief Judge and the Associate Judges shall be held triennially on the first Tuesday after the first Monday in November, beginning November 1960.

Sec. 2. The election of Councilmen shall be held annually on the first Tuesday of May, beginning May 1960, for Councilmen whose terms expire the following June.

Sec. 3. All adult members of the Community, male or female, who have attained the age of twenty-one years shall, unless *non compos mentis*, have the right to vote in any election.

Sec. 4. The manner of making nominations and holding elections shall be in conformity with appropriate ordinances enacted by the Council.

Sec. 5. The Council shall be the final judge of all elections.

ARTICLE X-ELECTIONS PROPOSED CONSTITUTION AMENDMENTS

Section 1. The election of the Governor, the Lieutenant Governor, the Chief Judge and the Associate Judges shall be held every four (4) years on the first Tuesday after the first Monday in November, beginning November 2017.

Section 2. Council elections shall be held annually on the first Tuesday of May, beginning May 1960, for Council persons whose terms expire the following June.

Section 3. All adult members of the Community who have attained the age of eighteen (18) years and who are Registered Voters shall, unless *non compos mentis*, have the right to vote in any election.

Section 4. The manner of making nominations and holding elections shall be in conformity with appropriate ordinances enacted by the Council.

Section 5. The Council shall be the final judge of all elections.

QUESTION #5 ARTICLE III-MEMBERSHIP ARTICLE XV-POWERS OF THE GILA RIVER INDIAN COMMUNITY COUNCIL

A YES vote will remove the Secretary of the Interior from the Ordinance and Resolution approval process. Currently the Secretary of the Interior has authority to review membership ordinances enacted under Article III. Membership, as well as certain laws enacted under Article XV. Powers of the Gila River Indian Community Council.

A NO vote will maintain the current Constitution language.

ARTICLE III-MEMBERSHIP CURRENT CONSTITUTION

Sec. 6. The Council shall have the power to enact ordinances, subject to review of the Secretary of the Interior, governing present and future membership, loss of membership, and the adoption of members by the Community.

ARTICLE III-MEMBERSHIP PROPOSED CONSTITUTION AMENDMENT

Section 6. The Council shall have the power to enact ordinances governing present and future membership, loss of membership, and the adoption of members by the Community.

ARTICLE XV-POWERS OF THE GILA RIVER INDIAN COMMUNITY COUNCIL CURRENT CONSTITUTION

Section 1. The Council shall exercise the following powers, subject to any limitations imposed by the applicable statutes of the United States and subject further to all expressed restrictions upon such powers contained in this Constitution.

(a) Powers not subject to review by the Secretary of the Interior, except where specifically required by law,

(1) To negotiate with the Federal, State and local governments on behalf of the Community.

(2) To employ legal counsel, the choice of counsel and fixing of fees to be subject of approval of the Secretary of the Interior, so long as such approval is required by Federal law.

(3) To prevent the sale, disposition, lease, use or encumbrance of Community lands, interests in lands, or other Community assets.

(4) To advise the Secretary of the Interior and the Congress of the United States of the wishes of the Community with

regard to Federal projects or appropriation for the benefit of the Community.

(5) To appoint subordinate officials, committees and boards, and to prescribe their duties and powers.

(6) To provide for the manner of conducting elections.

(7) To regulate its own procedure.

(8) To regulate the domestic relations of members of the Community.

(9) To promote and protect the health, peace, morals, education, and general welfare of the Community and its members.

(10) To expend money in conformance with an adopted budget.

(11) To expend for any public purpose for any fiscal year an amount equal to ten percent (10%) of the anticipated net revenue according to the current budget.

(12) To act for and on behalf of members of the Community at the request of such members.

(13) To administer all Community property.

(14) To transfer or convey tribal assets to the incorporated Community and to contract with the incorporated Community for management of tribal assets.

(15) To recognize any district committees, associations or other organizations open to the members of the Community and to approve such organizations, subject however, to the provisions that no such committee, association or organization may assume authorities specifically granted to the Council unless by a proper delegation of authority by the Council.

(16) To levy dues, fees and taxes on member of the Community.

(17) To provide the maintenance of law and order and the administration of justice by establishing a Community Court and police force and defining the powers and duties thereof.

(18) To do such other acts of governmental or public nature as are not prohibited by specifically applicable Federal laws or by this Constitution.

(19) To pass ordinances necessary or incidental to the exercise of any of the forgoing powers.

(b) Subject to review by the Secretary of the Interior

(1) To provide by ordinance for the appointment of guardians for minors and mental incompetents.

(2) To prescribe rules of inheritance which shall not be in conflict with specifically applicable Federal laws.

(3) To levy dues, fees, and taxes on non-members residing or doing business within the Reservation.

(4) To provide by ordinance for removal or exclusion from the territory of the community non-members whose presence may be injurious to the peace, health, or welfare of the Community.

(5) To regulate the use and disposition of property of members of the Community, insofar as such use and disposition affects the welfare of the Community at large.

(6) To establish and regulate subordinate organizations for business purposes.

(7) To purchase or otherwise acquire property of members of the Community for public purposes and to acquire same under condemnation proceedings in courts of competent jurisdiction.

(8) To enact criminal and civil codes or ordinances governing the conduct of members of the Community and non-members on the Reservation.

(9) To prepare and adopt budgets.

(10) To pass ordinances necessary or incidental to the exercise of any of the forgoing powers.

Sec. 2. Any resolution or ordinance, which, by the terms of this Constitution, is subject to review by the Secretary of the Interior shall be delivered to the Superintendent not later than five (5) days after enactment and the Superintendent shall note the date of receipt on the original and the Council copy. The Superintendent within ten (10) days after receipt of the resolution or ordinance shall either approve or disapprove in writing. The ordinance or resolution shall be deemed approved if not specifically disapproved within a ten (10) day period.

If the Superintendent shall approve any ordinance or resolution or fail to act within ten (10) days, it shall thereupon become effective but the Superintendent shall transmit a copy bearing his endorsement to the Secretary of the Interior, who may, by written notice to the Council within ninety (90) days from the date of enactment rescind the said ordinance or resolution. Such rescission shall not affect the legality of action taken under provisions of the ordinance or resolution prior to notification of the action of rescission.

If the Superintendent shall disapprove any ordinance or resolution submitted to him, he shall in writing advise the Council of his reasons therefore within ten (10) days after its receipt. If these reasons appear insufficient to the council, it may by majority vote, refer the ordinance or resolution to the Secretary of the Interior who shall within

ninety (90) days of its referral, approve or disapprove the same in writing. When the approval of the Superintendent is required before any particular action of the Council may become effective, the Secretary of the Interior, where permitted by law, may in writing waive this requirement for such periods as he in his sole discretion deems fit.

Sec. 3. The Council may exercise such further powers as may in the future be delegated to the Community by the Secretary of the Interior, or by any other duly authorized official or agency of the Government.

Sec. 4. Any rights and powers heretofore vested in the tribes or bands of the Gila River Reservation but not expressly referred to in this Constitution shall not be abridged by this article.

ARTICLE XV-POWERS OF THE GILA RIVER INDIAN COMMUNITY COUNCIL PROPOSED CONSTITUTION AMENDMENTS

Section 1. The Council shall exercise the following powers, subject to any limitations imposed by the applicable statutes of the United States and subject further to all expressed restrictions upon such powers contained in this Constitution. The powers of the Council are not subject to review by the Superintendent or the Secretary of the Interior.

- (1) To negotiate with the Federal, State and local governments on behalf of the Community.
- (2) To employ legal counsel.
- (3) To prevent the sale, disposition, lease, use or encumbrance of Community lands, interests in lands, or other Community assets.
- (4) To advise the Secretary of the Interior and the Congress of the United States of the wishes of the community with regard to Federal projects or appropriation for the benefit of the community.

- (5) To appoint subordinate officials, committees and boards, and to prescribe their duties and powers.
- (6) To provide for the manner of conducting elections.
- (7) To regulate its own procedure.
- (8) To regulate the domestic relations of members of the Community.
- (9) To promote and protect the health, peace, morals, education, and general welfare of the Community and its members.
- (10) To expend money in conformance with an adopted budget.
- (11) To expend for any public purpose for any fiscal year an amount equal to ten percent of the anticipated net revenue according to the current budget.
- (12) To act for and on behalf of members of the Community at the request of such members.
- (13) To administer all Community property.
- (14) To transfer or convey tribal assets to the incorporated Community and to contract with the incorporated Community for management of tribal assets.
- (15) To recognize any district committees, associations or other organizations open to the members of the Community and to approve such organizations, subject however, to the provisions that no such committee, association or organization may assume authorities specifically granted to the Council unless by a proper delegation of authority by the Council.
- (16) To levy dues, fees, and taxes on member of the Community.
- (17) To provide the maintenance of law and order and the administration of justice by establishing a Community Court and police force and defining the powers and duties thereof.
- (18) To do such other acts of governmental or public nature as are not prohibited by specifically applicable Federal laws or by this Constitution.
- (19) To provide by ordinance for the appointment of

- guardians for minors and mental incompetents.
- (20) To prescribe rules of inheritance which shall not be in conflict with specifically applicable Federal laws.
- (21) To levy dues, fees, and taxes on non-members residing or doing business within the Reservation.
- (22) To provide by ordinance for removal or exclusion from the territory of the Community non-members whose presence may be injurious to the peace, health, or welfare of the Community.
- (23) To regulate the use and disposition of property of members of the Community, insofar as such use and disposition affects the welfare of the Community at large.
- (24) To establish and regulate subordinate organizations for business purposes.
- (25) To purchase or otherwise acquire property of members of the Community for public purposes and to acquire same under condemnation proceedings in courts of competent jurisdiction.
- (26) To enact criminal and civil codes or ordinances governing the conduct of members of the Community and non-members on the Reservation.
- (27) To prepare and adopt budgets.
- (28) To pass ordinances necessary or incidental to the exercise of any of the forgoing powers.

Section 2. The Council may exercise such further powers as may in the future be delegated to the Community by the Secretary of the Interior, or by any other duly authorized official or agency of the Government.

Section 3. Any rights and powers heretofore vested in the tribes or bands of the Gila River Reservation but not expressly referred to in this Constitution shall not be abridged by this article.

FAQs on Constitutional Amendment Vote

The following FAQ is based on questions following the Constitutional Amendment informational meetings from Community members who attended the employee meetings, district meetings, Elderly Concerns meetings and Council of Elders.

Q: If the GRIC Governor and Lt. Governor are unable to serve their terms and the Community Council members chosen to replace either position have soon-to-be expiring terms, what action would be taken?

A: That decision would be left to the GRIC Community Council as described in the Constitution. It would be recommended that a Community Council member, who could fulfill their term, be selected for either position. If the selected Council member could not fulfill the term of Governor, then Council would select another Council member to serve the position until the next election.

Q: What is the total number of enrolled members in the Gila River Indian Community?

A: The certified membership count as of Dec. 31, 2015 is 21,814.

Q: When was the last time the Gila River Indian Community Constitution was amended?

A: In 2013 the Community voted to amend the Constitution to remove the Secretary of the Interior from future Constitution amendment elections.

Q: What is the benefit of removing the Secretary of the Interior from the Ordinance and Resolution approval process?

A: The amendment would prohibit the Secretary of the Interior from having

authority to reject Community laws that are enacted by the Community Council. This allows the Community to exercise greater sovereignty and self-governance over its own affairs. This kind of amendment has been enacted by many other tribes, and is recommended by the BIA.

Q: Why do Council members only need to have high school degree or a GED to qualify for their respective seat?

A: This proposed amendment is a balance between requiring Council members to have an education requirement, without restricting many Community members, including elders, from running for Council who may not have obtained a college degree.

*Community member comments taken from TCRP surveys.

1. "I hope there will be more of a requirement than HS/GED because a community should be run by educated Community members."

2. "Some individuals are smart culture wise – fair, honest – correct way of discussion."

3. "The qualifications of councilman need to be addressed. Our leaders should not be held to only have a high school diploma or GED. They are uneducated and that's why they make the bad decisions they do. They should all have masters or at the very least

a bachelors."

4. "They can still go ahead and get a college degree but I like the high school diploma or GED of a sort of training. But still, there are people that didn't have a GED did well about running things too."

Q: If the proposed constitutional amendment for ARTICLE VIII – TENURE OF OFFICE ARTICLE X-ELECTIONS is passed, when would the increased terms of Council, Governor, Lt. Governor, Chief Judge and Associate judges from three years to four years, take effect?

A: The increased terms would all take effect in 2017.

Q: Did GRIC Community Council visit all seven districts before they voted to move forward with this Special Election?

A: Yes, GRIC Council visited all seven districts during each of their respective district meetings.

Q: If the proposed constitutional amendment for ARTICLE VII-APPOINTED OFFICIALS AND COMMITTEE MEMBERS is passed, when would the new term of the Community Council Secretary begin?

A: The term would begin with the next Council Secretary term starting in June 2016.

Q: Will all committee member's positions be

extended to four years if ARTICLE VIII- TENURE OF OFFICE ARTICLE X-ELECTIONS, is passed?

A: Yes.

Q: How will residency be verified for candidates running for Council?

A: Residency is currently verified for all candidates by requiring candidates to sign a notarized oath stating their address.

Q: What if a Community Council member, from a district with only one representative, is next in line of succession for Governor?

A: When a Community Council member is selected to fill the vacant Governor position, that Community Council position will be vacant until the next Governor is elected at a regular or special election.

Q: Will information about the proposed constitutional amendments be included in the ballot?

A: Yes, the information will be available at the polls.

Q: Will information on the proposed constitutional amendments be provided in traditional languages?

A: Yes, there is a video in O'otham on www.GRIC-NEWS.org about the constitutional amendment vote.

Q: What are the specific duties that will be assigned to the Treasurer?



Thomas R. Throssell/GRIN

The Gila River Indian Community held informational meetings for employees and Community members on April 4.

A: According to Article VII:

Section 2. The Treasurer shall be bonded and shall be responsible to maintain the Community's assets as direct by the Council with recommendation from the Governor.

Section 3. The Treasurer shall cause all Community's records to be audited on an annual basis by Certified Public Accountants.

Section 4. At the direction of the council, the Treasurer may inspect and cause to be audited all records of the Community and all its entities.

Section 5. Qualifications and additional duties and responsibilities of the Treasurer shall be established by the Council.

Q: What other voting options are available for those living outside of the Community or serving in the Military?

A: GRIC registered voters unable to VOTE in person at a polling place on Election Day can vote by Absentee Ballot; Absentee Ballot voting opens April 12

and closes May 2. Absentee Ballots are available with either your District Judge or the Tribal Elections Office.

Q: What identification is needed at the polls?

A: You can use your Tribal Identification Card, State Identification Card, or State Drivers License.

Q: What is the Tribal Constitution Reform Project (TCRP)?

A: The TCRP was created when the Gila River Indian Community passed Resolution GR-53-06 on April 19, 2006. A task force was created to gather information from all Community members, inside and out of the Community's boundaries, in order to find out the top concerns GRIC members had with the Community's current Constitution.

Q: How many GRIC Community members are registered to vote?

A: There are over 6,000 registered voters.

Q: How many registered voters must participate in the Special Elec-

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TCRP recommendations used as framework for Constitution amendments

from page 1



Thomas R. Throssell/GRIN

On Feb. 17 Community Council approved a resolution to hold the Special Election for the Constitutional Amendments on May 3.

stitutional process be Community member-driven and that transparency should be the standard throughout the process.”

The TCRP began by asking Community members if they thought the GRIC Constitution needed to be changed, and if so, how?

In its first round of surveys, the TCRP found that 93 percent of Community members surveyed answered yes, the Constitution should be changed, but their ideas of how it should be changed varied greatly. Those surveys were collected from July to December 2008, and 244 Community members (including 31 from Los Angeles and San Francisco) participated.

The TCRP held a second round of surveys from January to April 2009 to narrow down peoples' concerns on broad topics; fifty people submitted responses in the form of Opinion Sheets.

At this point the TCRP compiled its data from the surveys, meetings with tribal officials, and legal counsel, and developed a rough draft of a new constitution.

The TCRP presented the first Draft Constitution to members in the summer of 2009 and conducted a third survey in which approximately 139 members participated.

The third survey asked Community members what parts of the Draft Constitution they were satisfied with and what specific items they would adjust. A detailed analysis from August 4, 2009 (Attachment I, pages 302-388 of the TCRP report) shows how participants from each district, the Urban Members Association, and elders' meetings responded. The TCRP task force used those surveys to fine-tune the Draft Constitution.

The TCRP developed the Final Draft Constitution on Sept. 1, 2009.

The fourth survey, conducted in 2010, consisted of only two questions: “Overall, do you think the changes in the Final Draft

Constitution meet the needs of the Community?” and “If elections were held today, would you vote to approve the Final Draft as the Community's revised constitution?”

Results showed that 79 out of 93 (84.95%) people surveyed supported the Final Draft Constitution, whereas 14 people said they would not vote for it.

The final version of the Draft Constitution is presented in the TCRP report.

Over three years the TCRP conducted four rounds of surveys to gather Community member input. It should be noted that in each round of surveys, the TCRP reached out to members from each of the seven districts of the Community and Urban Members Association. Most of the surveys were also presented to the Youth Council, Elderly Concerns and GRIC members in Phoenix, Los Angeles and San Francisco.

From its work, the TCRP task force generated a number of proposed amendments to the Constitution, nearly all based on Community member requests.

Instead of holding one vote to approve all of the changes at once, the Community is holding a series of votes to address a handful of changes at a time; next month Community members are voting on seven of them.

Explanation of Proposed Amendments

As stated earlier, all of the proposed amendments on the May 3 special election ballot come directly from the TCRP Draft Constitution.

For example, in the Draft Constitution, in articles governing Membership and Powers of the Gila River Indian Community Council, specific clauses that gave the U.S. Secretary of the Interior authority over the Community's actions have been removed.

Those same changes have been applied to the proposed amendments the Community is voting on in a few weeks for Articles

III – Membership and XV – Powers of the Gila River Indian Community Council.

In an explainer section of the TCRP report, in regards to this specific change, it says (on page 35), “Secretary of the Interior' review is removed. The Council retains the authority to promulgate laws effecting new members, who may be subject to further conditions in the enrollment process,” which is to say, there are other enrollment qualifications the Community can develop on its own, but those rules are for the Community to decide on and the Council to enact, and the Secretary of the Interior won't be involved in whether or not someone can become an enrolled member.

Similarly, in Article XV – Powers of the Gila River Indian Council, Section 1 (b) and Section 2 define items subject to the review of the Secretary of the Interior and how the Community should handle that intervention; the proposed amendment removes the authority of the Secretary of the Interior over Community actions in those sections. There are no other substantial changes to this article.

As stated in the TCRP report (page 43), “The current constitution delineates which actions are subject to secretarial/bureau review by dividing Council responsibilities into reviewable (subsection (a)) and non-reviewable (subsection (b)) powers. However, in [this revision], the federal government's review of Council actions is limited to those enactments identified by federal law.”

Based on suggestions

from the TCRP, Article VI – Qualifications of Officers has been expanded to require elected officials to live in the district they represent or hope to represent for at least one year, they must be a registered voter and must have a high school diploma or GED.

The TCRP report says (on page 59), “The current constitution requires an elected official to be a Community member twenty-five (25) years or older and live on the Reservation for a year. However, the [proposed amendment] provides additional qualifications that officials must be registered to vote in the Community and meet the educational requirement. Initial public input identified the qualifications (or lack of qualifications) as a major concern. Specifically, Community members stated elected officials need some education requirement but there was no consensus on what type or level of education. The only other Indian constitution that contained an education requirement called for a high school diploma or GED. Under the [revised article], a Council representative must live in their respective district for one year (1) instead of sixty (60) days.”

It continues (also on page 59), “The crime-free provision increased from one (1) to five (5) years and now includes felonies.”

The proposed amendment version of Article VII – Appointed Officials and Committee Members is broken into three sections for (a) Treasurer, (b) (Council) Secretary, and (c) Appointed Officials and Members. Letter (c) reflects no changes. Terms for the Treasurer and Secretary

have been increased to four years from three and one, respectively. Additional duties have been imposed on the Treasurer; the verbiage for this part of the amendment (Article VII, Sections 3-5) has been pulled word-for-word from the TCRP Draft Constitution.

The TCRP report explains (on page 63), “The Treasurer shall serve a four year term. The primary responsibility of the Treasurer is management of the Community assets, which may include a wide array of functions specified by future Council enactments. ... The Treasurer is given specific authority to audit not only the government's records but also entities such as corporations and other businesses; this authority is intended to be broad and refusal to cooperate with the Treasurer's audit may be construed as a serious violation. This Article is not intended to be an exhaustive description of the Treasurer's functions or responsibilities.”

There is only one addition to Article IX – Vacancies, which provides a procedure in the case of a vacancy in the offices of both the Governor and the Lieutenant Governor. Other sections of this article have simply been rearranged.

The amendment is based on a change included in the TCRP Draft Constitution, but in that case the vacancy would be temporarily occupied by the Treasurer (as detailed on page 69); that has been changed in the new proposed amendment.

The proposed amendment says, “Should a vacancy exist due to the death or permanent disability in both the offices of the

Governor and Lieutenant Governor, the Council shall select an Interim Governor from within the Council. The Interim Governor shall exercise all duties and responsibilities of the Governor until such time as a successor is elected at a special election called by the Council in accordance with Section 5 of this Article.”

The proposed amendments to Articles VIII – Tenure of Office and X – Elections go hand-in-hand to increase term limits from three years to four years for Council members, the Governor, Lieutenant Governor, Chief Judge and Associate Judges and to make sure elections are scheduled every four years to coincide with the new term limits. Sections 3 and 4 have been removed from Article VIII because the start dates for the Secretary and Treasurer are detailed in the proposed article VII.

This amendment was also taken directly from the TCRP Draft Constitution. The report says (on page 65), “Elected officials' term of office is increased to four years,” and (on page 71), “The general election is held every four years to accommodate the increase in the term length.”

Conclusion

The special election on May 3 is a continuation of the goals outlined in the TCRP. Though that project has long-since ended, its objectives are still being carried out through the electoral process. Sovereignty belongs to the Community, but the power is in the hand of the voter, and in a Community as small as Gila River, every vote counts.

FAQs from page 7

tion for it to be deemed valid?

A: To be a valid election, 30 percent of all registered voters must participate in the Special Election.

Q: Why are we just hearing about the amendments now? Why did we not have meetings to discuss this?

A: On February 17, 2016 the Community Council approved a resolution to hold a special election for the proposed amendments on May 3, 2016.

Q: Why are Community Council members changing their

terms from three years to four years? It seems self-serving.

A: Of the 139 people surveyed in District 1 through 7, Urban Members Association, Los Angeles and San Francisco, 91 (66%) people liked the changes of the lengthened terms, 27 (19%) did not like the changes, and 21 (15%) did not answer.

*Community member comments taken from TCRP surveys.

1. “Why should term limits be lengthened when they have enough time to do it if they're working hard enough?”

2. “Sometimes long

terms not good especially if everything goes wrong continues to go wrong.”

3. “Regarding ‘term limits’ – more years for Council to be representing.”

4. “Give longer term limits for Council, three years is not long enough.”

Q: Why is GRIC “re-writing the Constitution?” [I believe] amendments should be attachments to the original constitution. People are not given attachments, so it appears there have never been any changes even though it was communicated changes to the constitution were

done in the 1970's and again in 2013.

A: The proposed amendments would have the effect of adding, deleting and replacing certain constitutional language. This process has already been done in prior amendments to the GRIC Constitution, including the 2013 election that deleted the Secretary of the Interior from future Constitution amendment elections, and added language giving the Community complete control over that election process (having the effect of “re-writing” that constitutional provision).