

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**

Vote May 3, 2016

**To be a valid election, there must be 30% of all Registered Voters,
voting on the Amendments**

Constitution Amendments Summary

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.

A NO vote will maintain the current Constitution language.

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.

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.

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.

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 VI-QUALIFICATIONS OF OFFICERS

CURRENT CONSTITUTION

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 turpitude shall be eligible to hold office in the Community.

 **No**

To keep the Constitution
Article VI as is

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.

 **Yes**

To change the Constitution
Article VI

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.

**(CONTINUED ARTICLE VII CURRENT
CONSTITUTION)**

 **No**

To keep the Constitution
Article VII as is

**(CONTINUED ARTICLE VII AMENDED
CONSTITUTION)**

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.

 **Yes**

To change the Constitution
Article VII

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.

 **No**

To keep the Constitution
Article IX as is

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.

 **Yes**

To change the Constitution
Article IX

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 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

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

(CONTINUED ARTICLE VIII CURRENT CONSTITUTION)

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 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.

(CONTINUED ARTICLE VIII AMENDED CONSTITUTION)

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

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.

**(CONTINUED ARTICLE VIII AND X CURRENT
CONSTITUTION)**

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

 **No**

To keep the Constitution
Articles VIII and X as is

**(CONTINUED ARTICLE VIII AND X AMENDED
CONSTITUTION)**

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

 **Yes**

To change the Constitution
Articles VIII and X

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 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

Article III-Membership

PROPOSED CONSTITUTION AMENDMENTS

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

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.

(CONTINUED ARTICLE XV CURRENT CONSTITUTION)

- (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.

(CONTINUED ARTICLE XV AMENDED CONSTITUTION)

- (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.

(CONTINUED ARTICLE XV CURRENT CONSTITUTION)

- (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 ten (10) day period.

If the Superintendent shall approve any ordinance or resolution or fail to act within ten (10) days, it shall threupon become effective but the Superintendent shall transmit a copy bearing his endorsemet to the Secretary of the Interior, who may, by written notice to the Council within ninety (90) days from the date of enactment

(CONTINUED ARTICLE XV AMENDED CONSTITUTION)

- (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.

(CONTINUED ARTICLE XV CURRENT CONSTITUTION)

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.

 **No**

To keep the Constitution
Articles III and XV as is

(CONTINUED ARTICLE XV AMENDED CONSTITUTION)

 **Yes**

To change the Constitution
Articles III and XV

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