



Dear Tribal Members:

The Kaw Nation has been awarded a grant from the Administration for Native Americans (ANA) from the United States Department of Health and Human Services. The purpose of this grant is for the tribe to first rewrite our Constitution which was adopted in 1990, and then to revisit and update our policies and procedures. We need and want your help in this matter.

I have included a copy of our current Constitution (as amended) and I ask that you read it and provide comments. The Constitutional Reform Committee needs to know, what you like about our current Constitution and what revisions you believe are necessary for the future of our tribe. The committee will use these comments and solicit additional comments in the future to guide them in their endeavor to rewrite our Constitution.

The best way to get these comments to us is to send them to the Constitutional Reform Project Coordinator, Aaron Carlson at [acarlson@kawnation.com](mailto:acarlson@kawnation.com), or you can go to the website of the Constitutional Reform project website to track the progress and to also provide comments. The website which is currently under construction is [www.kawcrp.com](http://www.kawcrp.com). Written correspondence or phone calls to the tribal office on your desired changes are also encouraged.

We expect this process to take a couple of years, but we are committed to using this opportunity provided by the ANA to make our Nation stronger for future generations.

Sincerely

A handwritten signature in black ink, appearing to be "Guy Munroe", written over a light blue rectangular background.

Guy Munroe  
Chairman and CEO

# CONSTITUTION OF THE KAW NATION

## PREAMBLE

We, the Wind people of the Kaw Tribe of Oklahoma, hereinafter referred to as the Kaw Nation, trusting in our creator to provide guidance in all our affairs, in order to provide for the common health, safety and welfare; to protect, secure, and advance the rights, cultures and traditions of the Kaw Indian people; to provide a more useful mechanism for the day-to-day government of the Kaw Nation; and to secure to ourselves and our children the benefits of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), do hereby ordain and establish this Constitution of the Kaw Nation, which shall supersede the Governing Resolution of the Kaw Indian Tribe of Oklahoma adopted on October 7, 1958, and approved by the Secretary of the Interior on July 23, 1959.

## TERRITORY

The authority and jurisdiction of the Kaw Nation shall extend to all the territory within the boundaries now known as Kaw lands, and to all lands which may be acquired for the Kaw Tribe by the United States or which the Tribe may acquire for itself, and to all Indian country of the Kaw Nation and its citizens as now or hereafter defined by Federal law. The Kaw Nation may exercise its authority and jurisdiction outside the territory above described to the fullest extent not prohibited by Federal law.

## ARTICLE I – MEMBERSHIP

Section 1. Qualifications. The members of the Kaw Nation shall include:

- (a) All persons enrolled as of the date of adoption of this constitution as members of the Kaw Tribe of Oklahoma who met the membership requirements prescribed by the Tribe.
- (b) All persons who are descendants by blood of an original Kaw Indian allottee or Allottees whose name or names appear on the 1902 Kaw Indian Allotment Roll, except the following persons:
  - 1. Those persons otherwise entitled to enrollment who, as an adult, elect to be enrolled with another tribe.
  - 2. Those persons otherwise entitled to enrollment who, as an adult, have received any payments in land or money by virtue of having been previously enrolled with some other tribe.
- (c) No person, otherwise eligible for enrollment, shall be denied enrollment because they have purchased or received through inheritance land or property of another tribe or because they are considered by

another tribe as a member of that tribe by virtue of their purchase or inheritance of such land or property or by the circumstances of their birth without affirmative application for membership by or on behalf of such person.

Section 2. Authority of the Executive Council. The Executive Council shall have the authority to establish by law:

- (a) The procedures for enrollment of persons eligible for membership pursuant to Section 1(b).
- (b) The procedures and requirements for the adoption of other persons as members of the Kaw Nation. Persons adopted into the Kaw Nation shall be recognized as honorary members and shall not have the right to vote, hold office or otherwise exercise the rights, benefits or privileges of members enrolled under Section 1 of this article.
- (c) The procedure for disenrollment of a member of the Kaw Nation, Provided, That, a member may be disenrolled without his consent only for fraud in obtaining his enrollment.

Section 3. Judicial Review. A decision denying any person enrollment as a member of the Kaw Nation or disenrolling any member of the Kaw Nation without his consent shall be subject to judicial review in the courts of the Kaw Nation upon the filing of an appeal.

## ARTICLE II – LEGISLATIVE FUNCTIONS

Section 1. General Council and Executive Council. The legislative powers of the Kaw Nation shall be vested in a General Council and an Executive Council. The General Council shall consist of all members of the Kaw Nation, not adjudged mentally incompetent by a court of competent jurisdiction, who are eighteen (18) years of age or older in council assembled.

Section 2. General Council.

- (a) Matters of business for the General Council shall be decided by a majority vote. A quorum of the General Council shall consist of twenty-five (25) citizens of the Council. Once a quorum is established at a regular or special meeting, the General Council may continue to conduct business until the meeting is adjourned. A quorum must be reestablished to conduct any business if, without adjournment, the meeting is recessed or continued to any day other than the day established for such meeting in the notice.
- (b) Special meetings of the General Council may be held upon the call of the Chairman, in his discretion, and shall be called by the Chairman at

the written request of a majority of the Executive Council, or of fifty-five (55) members of the General Council. Special meetings shall be called not less than twenty (20) days after the Executive Council takes any action which is subject to General Council approval pursuant to Section 4(b) of this article.

Should the Chairman fail to call a special meeting within the prescribed time, any member of the Executive Council shall call the meeting to be held within twenty (20) days of the Chairman's inaction.

- (c) Not less than ten (10) days public notice of special meetings shall be given. Such notice shall state the specific purpose or purposes of said meeting and whether other business may be conducted.
- (d) Public notice as used in paragraph (c) and (e) of this section means that notice stating the time, date, place and purpose of the General Council meeting is published at least once in one or more newspapers of general circulation in the Kaw City and Ponca City, Oklahoma areas, the Arkansas City, Kansas area, and that a copy of the notice is posted in a conspicuous public place in the Kaw Tribal Administrative Offices.
- (e) Four (4) quarterly meetings of the General Council shall be held on the second (2<sup>nd</sup>) Sunday each calendar quarter, Provided, That, the Executive Council may, upon thirty (30) days public notice, reschedule said meeting to an appropriate time not more than thirty (30) days after the regular meeting date. Public notice shall be given for all general council meetings.
- (f) All meetings of the General Council shall be held at the Kaw Tribal Community Building or at an accessible place within the limits of the territory of the Kaw Nation as designated by the Executive Council. All meetings shall be conducted in accordance with Roberts' Rules of Order except as otherwise provided for in the council's rules of procedure.

Section 3. Executive Council. An Executive Council shall be elected by secret ballot pursuant to an election ordinance approved by the General Council. The officers of the Kaw Tribe in office at the time of approval of this constitution by the Secretary of the Interior shall continue in office until their successors are duly elected and installed pursuant to this constitution.

- (a) The Executive Council shall be composed of the following officers: Chairman, Vice-Chairman, Secretary, and four (4) Council Members. No person may be a candidate for more than one (1) office at any election or hold more than one (1) office at any one time.

- (b) In order to become a candidate for or be a member of the Executive Council, a person must:
1. Be a member of the General Council not less than twenty-five (25) years of age; and
  2. One-fourth (1/4) degree or more of Kaw Indian Blood; and
  3. No person who shall have been finally convicted of a felony or other crime involving moral turpitude under the laws of the Kaw Nation, the United States, any Indian tribe, band or nation or any state, shall be eligible for election to the Executive Council, unless the person so convicted shall have been pardoned or have had his civil rights restored to him.
- (c) For the purpose of providing for staggered terms of office, at the first election conducted pursuant to this constitution on September 9, 1990, the Chairman, Secretary, and two (2) Council Members receiving the highest number of votes shall be elected to four (4) year terms of office, and the Vice-Chairman and the other two (2) Council Members shall be elected to a two (2) year term of office. Thereafter, all members of the Executive Council shall be elected to four (4) year terms of office and until their successors have been duly elected and installed.
- (d) All vacancies occurring on the Executive Council shall be filled for the remainder of the unexpired term by a majority vote of the General Council at any regular meeting or a special meeting called for that purpose.
- (e) The regular meeting of the Executive Council shall be held the second Saturday of each month at the Kaw Tribal Community Building in Kaw City unless otherwise designated by the Executive Council and proper notice to the members of the Executive Council shall be mailed to them at least five (5) days prior to the date of each meeting unless otherwise provided by resolution.
- (f) Special meetings of the Executive Council may be called by the Chairman, at his discretion, and shall be called by him upon the written request of a majority of the Executive Council members. Proper notice of special meetings shall be given as provided in subsection (e) of this section.
- (g) The Executive Council shall provide for their own rules of procedure.
- (h) Matters of business for the Executive Council shall be decided by a majority vote. A quorum of the Executive Council shall be four (4) or more members.

- (i) No executive council member shall vote on any matter coming before the Executive Council in which the member has a personal interest or in which the member stands to gain financially or otherwise be enriched by the outcome of the vote.

Section 4. Powers.

- (a) The Executive Council shall serve as the legislative body of the Kaw Nation and shall have the authority to act in and on all matters and subjects upon which the Tribe is empowered to act, now or in the future, including, but not limited to, the following:
  - 1. To represent the Kaw Nation and act in all matters that concern the health, peace, safety and general welfare of the Nation and all persons within its territory, and to make decisions not inconsistent with or contrary to this constitution.
  - 2. To negotiate and make contracts with Federal, tribal, state and local governments, and with any individual, firm or company.
  - 3. To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, or his authorized representative, so long as such approval is required by Federal law.
  - 4. To veto the sale, disposition, lease or encumbrance of tribal lands, or interest in tribal lands, tribal funds or other tribal assets which may be authorized by any agency or employee of the Federal Government.
  - 5. To regulate and provide for permits, leases, and assignments of land for business, homesite, and other purposes, and generally to provide for proper use and development of all tribal lands, natural resources, and other tribal property.
  - 6. To regulate its own procedures, to appoint subordinate committees, commissions, boards, tribal officials and employees not otherwise provided for in this constitution, to prescribe their salaries, tenure and duties. Appointees may or may not be tribal members.
  - 7. The authority to establish and prescribe rules for governing tribal courts and tribal law enforcement agencies, and to provide for the maintenance of law and order on Kaw tribal lands.

8. To protect and preserve the wildlife and natural resources of the Tribe; to regulate hunting, fishing, and trapping on tribal lands.
9. To levy and collect taxes; to regulate the conduct of business within the territory of the Kaw Nation; to charter public or private business, financial, and similar entities; and otherwise provide for the development of the economy within the territory of the Kaw Nation.

The foregoing enumeration of powers shall not be construed to limit the powers of the Kaw Nation and in no way shall be deemed an abdication or forfeiture of the Nation's inherent attributes of sovereignty and such powers may be exercised through the enactment of ordinances by the Executive Council.

(b) The following enumerated actions of the Executive Council shall be of no effect until the General Council has approved them.

1. The sale, mortgage (except purchase money mortgages on the land being purchased) or other alienation of tribally owned lands. Leases entered into pursuant to Federal statute, revocable permits, and assignments under tribal law where legal or trust title of the Kaw Nation remains unaffected, are not alienations for purposes of this subsection.
2. The establishment, enactment, amendment, or repeal of ordinances respecting tribal elections or recall or removal of tribal officers.
3. The exercise of the tribal power of eminent domain.
4. The appointment of judicial officers, except for judicial officers of an intertribal court system authorized by Article V, Section 7(b) of this constitution.
5. Pay increases of constitutional tribal officers if such raises are to be paid from tribal funds.

Except as hereafter provided, Executive Council actions submitted under this section must be approved by a majority vote of the General Council at a properly called meeting before they are of any force or effect. If the General Council fails to act on actions under this section at a properly called meeting for any reason, its approval shall be deemed to have been given if, and only if, a statement or notice that such action would be considered was included in the public notice of the meeting.

### ARTICLE III – EXECUTIVE FUNCTIONS

Section 1. Executive Officers. The executive functions of the Kaw Nation shall be vested in the Chairman, the Vice-Chairman, the Secretary, and the Treasurer.

Section 2. Chairman. It shall be the duty of the Chairman to preside at all meetings of the General Council and the Executive Council. The Chairman shall have general supervision of the affairs of the General Council and Executive Council and shall perform all duties pertaining to the office of Chairman, including the authority to cause laws of the Kaw Nation to be faithfully executed and obeyed, and to carry out obligations entrusted to the office of Chairman. The Chairman may, in his discretion, delegate his functions, except as may be prohibited by law or by Section 3 of this article.

Section 3. Vice-Chairman. The Vice-Chairman shall perform the duties of the Chairman in the event of his absence, incapacity, or refusal to act without good cause. A majority of the Executive Council may find good cause under this section by stating their determination in writing with signatures of the Executive Council members. If the office of Chairman shall become vacant, he shall succeed to the office of Chairman until a new Chairman, who shall serve for the unexpired term, is properly selected and installed in office.

Section 4. Secretary. The Secretary is the recording officer of the General Council and Executive Council and the custodian of its records. The duties of the Secretary are:

1. To keep a record of all the proceedings of the Kaw Nation and to maintain record books in which all ordinances, special rules of order, standing rules, minutes, committee reports and amendments are entered.
2. To keep the official roll of the citizens of the Kaw Nation.
3. To make the minutes and records available during normal business hours at the Kaw Nation's office for inspection upon request by citizens of the Kaw Nation, unless declared confidential by ordinance or resolution.
4. To provide such notice as required by this constitution or the laws and ordinances of the Kaw Nation.
5. To administer oaths, to attest to the signature of other governmental officers, and to certify as true, accurate, and complete copies of any records of the Kaw Nation filed in his office.



6. In the absence of the Chairman and Vice-Chairman, to call the meeting to order and preside until the immediate election of a chairman pro tem.

All or part of the duties of the Secretary as outlined above may be delegated to an employee staff member upon request of the Secretary and approval by majority vote of the Executive Council. All papers, records and effects of the Kaw Nation in the possession, custody, or control of the Secretary shall be delivered to the proper official of the Kaw Nation upon the expiration or termination of the Secretary's term of office.

Section 5. Treasurer. The Treasurer of the Kaw Nation shall be appointed by the Executive Council from within or without the Executive Council, and shall serve at the pleasure of the Executive Council. The Treasurer, and all officers authorized to handle funds of the Nation, shall be bonded at the expense of the government of the Kaw Nation for a sum sufficient to protect the Nation from loss of such funds. The Treasurer shall provide the Executive Council and General Council with an annual financial report and also provide such interim reports as the Executive Council may direct.

#### ARTICLE IV – RECALL AND REMOVAL OF OFFICERS

Section 1. Officers Subject to Recall or Removal. The Chairman, Vice-Chairman, Secretary, and the Executive Council Members shall be subject to recall or removal from office as provided in this article and ordinances implementing this article enacted pursuant to Section 4(b)(2) of Article II of this constitution.

Section 2. Removal of Officers.

- (a) The Chairman, Vice-Chairman, Secretary, and Executive Council Members shall be removed from office upon a showing that such person has been absent without proper excuse from three (3) consecutive meetings of the Executive Council, has been convicted in any court of competent jurisdiction of any felony or other crime involving moral turpitude regardless of any right to appeal, has been adjudicated incompetent by any court of competent jurisdiction by reason of mental defect, deficiency, injury, or habitual drunkenness or abuse of any drugs, has knowingly mismanaged the duties of the office, or that such person is not eligible to hold office under this constitution and the laws of the Kaw Nation.
- (b) Upon notice that removal of an official from office is required, it shall be the duty of the ranking executive officer not personally involved, or upon the neglect, failure, or refusal of that official to do so, any two (2) members of the Executive Council, to file promptly in the courts of the Kaw Nation a civil complaint for removal which shall state the

facts sufficient to warrant removal from office and request removal of the officer from office. The Court, sitting without a jury, shall hear and determine the complaint as in other civil actions, and enter an appropriate order granting or denying the removal. The Court shall expedite such actions and may shorten or waive normal time schedules in such cases. The parties may appeal as in other civil cases, Provided, That, if removal has been ordered, the officer may be suspended during the appeal by the Court upon motion of the adverse party or upon its own motion, and the duties of his office may be exercised by a person appointed by the Executive Council for that purpose until the matter is finally determined.

- (c) Should the Executive Council fail, refuse, or neglect to file the civil complaint for removal pursuant to subsection (b) of this section, any ten (10) members of the General Council may, in any appropriate case, file the complaint on behalf of the Kaw Nation, Provided, That, in such cases, if the officer is not ordered removed, and if the Court determines that there was no probable cause to file the complaint for removal, the officer shall have a civil action against the persons filing the complaint for any injuries he has sustained, including attorney fees.

Section 3. Recall.

- (a) Any member of the Executive Committee may be recalled from office pursuant to this section upon receipt of a petition signed by not less than one hundred and twenty-five (125) members of the General Council.
- (b) A petition for recall shall be effective only if one (1) member of the Executive Council is named for recall in the petition. A petition may be in one or more parts each having the name and office of the subject of the petition and a statement that the document is a petition for the recall of such person with a general statement of the grounds for such recall at the front or top of each part. The grounds for recall must show that the officer has been derelict in his official duties, abused the authority or power of his office for personal gain, or would be subject to removal for cause pursuant to Section 2(a) of this article. Each person whose signature is solicited must be allowed to read the petition with no interruption by the petitioner. Each signature shall be dated at the time of signing by the person signing the petition. Any signature not dated, or more than sixty (60) days old at the time of filing the petition with the Court, shall be invalid. The person circulating each part shall, upon oath, certify in writing to the authenticity of the signatures and dates on each page of the petition.

- (c) The recall petition shall be filed in the Courts of the Kaw Nation which shall determine the validity of the petition. The Court may, upon its discretion, set the matter for a hearing not less than five (5) nor more than twenty (20) days after service of the petition and notice of hearing upon the officer who is the subject of the petition. At the hearing, the Court shall take such evidence as may be necessary to establish that the requisite number of authentic, valid signatures are affixed to the petition, and that the greater weight of the evidence shows that the grounds for recall as stated in the petition are true. If the petition is not certified as valid by the Court due to a finding that the evidence is not sufficient to order an election, and if the Court determines that there was no probable cause to believe that the grounds stated in the removal petition were true, then the officer shall have a civil action against the persons circulating the petition for any injuries he has sustained, including attorney fees.
- (d) If the officer who is the subject of the petition offers to resign, he shall submit a written resignation. The resignation shall be accepted and a vacancy declared. If there is no resignation within ten (10) days after the petition is certified as valid by the court, a special election shall be held within sixty (60) days thereafter to determine whether such official shall be recalled. The official shall continue to hold office until the result of said election shall be officially declared.
- (e) The election committee shall certify the results of the election to the Court. If a majority of those participating in the recall election and voting in favor of the recall is at least two-thirds (2/3) of the number of votes in favor of the official in the last election, the Court shall order the officer recalled, and declare the office vacant. Otherwise, the Court shall dismiss the recall petition. If the Court determines the special recall election was not held in a substantially proper manner, the Court may order a new election or dismiss the recall petition as justice may require.
- (f) An order of the Trial Court ordering or refusing to order a recall election, ordering a new election, or refusing to order an officer recalled, may be appealed to the Supreme Court which appeal may be expedited.
- (g) The official who is the subject of the recall action shall continue to hold office until the Court finally declares the office vacant pursuant to the results of the special recall election. However, if the official who is the subject of the recall action appeals an adverse ruling, the Court may in its discretion and upon such terms as may be just, suspend the individual from office, upon its own motion or that of the adverse party. The duties of the office may be exercised by a person

appointed by the Executive Council for that purpose until the matter is finally determined.

Section 4. Government As A Party. The Kaw Nation shall be considered a party to all court proceedings under this article, and, upon filing of a complaint or petition and notice thereof in court, it shall be the duty of the Executive Council to appoint some person to represent the interests of the Kaw Nation. This person shall participate in all court actions, may observe the planning and conduct of any election hereunder, and shall have the right to call or question any witness and present argument to the Court for the purpose of protecting the people's interest in the fairness of the removal and recall procedures established by this article. The tribal attorney shall represent the government representative appointed by the Executive Council in such actions.

#### ARTICLE V – COURTS

Section 1. Establishment and Authority. The judicial power of the Kaw Nation shall be vested in one Supreme Court consisting of three (3) Justices and such inferior courts as may be established by tribal law.

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

Section 3. Selection of Judicial Officers. The Justices of the Supreme Court and Judges of inferior courts shall be selected by the Executive Council and confirmed by the General Council, Provided, That, Justices and Judges may be appointed by the Executive Council at the request of the Supreme Court to hear a specific case in which the regular Justices or Judges disqualify themselves. Magistrates of the inferior courts may be appointed by the Executive Council for a term of two (2) years, and shall undertake such limited judicial functions as the Supreme Court may by rule provide.

Section 4. Term of Office. The Justices and Judges of the Kaw Nation shall serve six (6) year terms beginning at the date of their confirmation in office and until their successor shall be duly confirmed and installed. At the expiration of his term of office, each Justice or Judge shall, at his option, be considered by the General Council for reconfirmation to a new term of office without opposition.

Section 5. Removal. Justices and Judges of the Kaw Nation may be removed from office only by a majority of the other active Justices and Judges sitting together upon a showing of habitual neglect of the duties of office, oppression in office for personal gain or advantage, or conviction in any court of a felony or other crime involving moral turpitude. Magistrates serve at the

pleasure of the Executive Council and may be removed with or without cause at any time. In no case may a judicial officer be removed from office because of his decision or vote in any case before the court.

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

Section 7. Effective Date, Interim Provisions.

- (a) This article shall be effective upon enactment of an authorizing resolution by the General Council, and the Executive Council shall thereafter have the authority to enact such laws as may be necessary for the full and proper functioning of the Courts of the Kaw Nation not inconsistent with this article.
- (b) Until this article becomes effective, the judicial power of the Kaw Nation shall remain vested in the court of Indian Offenses of the Anadarko Area Office, Provided, That, the Executive Council shall have authority to contract for the operation of the Court of Indian Offenses, and to modify the Court created by this article in order to utilize an intertribal court system in conjunction with other tribes in the Anadarko Area Office jurisdiction, such modification to remain in effect so long as the Kaw Nation is a participant in such intertribal court system.

## ARTICLE VI – BILL OF RIGHTS

Section 1. Freedom of Religion, Speech, Press, Assembly, and Petition. The Kaw Nation shall not enact or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble or to petition for a redress of grievances.

Section 2. Searches and Seizures. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall be issued, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

Section 3. Rights of the Accused.

- (a) No person in any criminal case shall be compelled to be a witness against himself, nor be twice put in jeopardy of life or liberty for the same offense.
- (b) In all criminal proceedings the accused shall have the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for defense. The accused shall have the right to trial by an impartial jury of not less than six (6) persons for prosecution of all offenses punishable by imprisonment.
- (c) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Section 4. Protection of Life, Liberty and Property.

- (a) No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws.
- (b) No private property shall be taken for public use without just compensation.

Section 5. Bills of Attainder and Ex Post Facto Laws. The Kaw Nation shall pass no bills of attainder or ex post facto laws.

Section 6. Habeas Corpus. The privilege of the writ of habeas corpus shall not be suspended under the laws of the Kaw Nation except when in cases of rebellion, insurrection or invasion, the public safety requires it.

ARTICLE VII – POPULAR PARTICIPATION IN GOVERNMENT

Section 1. The members of the Kaw Nation reserve unto themselves the power of initiative and referendum.

Section 2. Initiative. Any issue shall be submitted for an initiative election pursuant to this section upon receipt of a valid petition signed by at least one hundred twenty-five (125) eligible voters of the Nation.

The petition shall be filed in the Courts of the Kaw Nation which shall determine its validity and whether its content fairly describes the subject of the petition. Once the petition is certified as valid by the Court, an initiative election shall be called by the Chairman for the purpose of presenting to the qualified voters such issues requested by the initiative. The election shall be held within

sixty (60) days of the validation of the petition. The results of the initiative election shall be conclusive and binding on the Executive Council Provided, That, a majority of the votes cast are in favor where at least two-thirds (2/3) of the eligible voters shall vote in the election. No initiative shall serve to abrogate, modify or amend any properly approved contract or agreement.

Section 3. Referendum. Any enacted or proposed ordinance or resolution or other action of the Executive Council shall be submitted to a popular referendum pursuant to this section upon receipt of a valid petition signed by not less than one hundred twenty-five (125) eligible voters of the Nation or upon request of a majority of the Executive Council.

The petition shall be filed in the Courts of the Kaw Nation which shall determine its validity and whether its content fairly describes the subject of the petition. Once the petition is certified as valid by the Court, a referendum election shall be called by the Chairman for the purpose of presenting to the qualified voters such issues requested by the petition. The election shall be held within sixty (60) days of the validation of the petition. The results of the referendum vote shall be conclusive and binding on the Executive Council Provided, That, a majority of the votes cast are in favor where at least two thirds (2/3) of the eligible voters shall vote in the election. No referendum shall serve to abrogate, modify or amend any properly approved contract or agreement.

Section 4. Whenever possible, any initiative or referendum election shall be held in conjunction with any scheduled regular or special Executive Council meeting or General Council meeting.

Section 5. No initiative or referendum which has been submitted to the members and rejected shall be considered again for at least six (6) months.

#### ARTICLE VIII – AMENDMENTS

This constitution may be amended by a majority vote of the qualified voters of the Kaw Nation voting in an election called for that purpose by the Secretary of the Interior and conducted pursuant to Federal regulations, Provided, That, at least thirty percent (30%) of those entitled to vote shall cast ballots in such election, but no amendment shall become effective until it has been approved by the Secretary of the Interior so long as such approved is required by Federal law.

Amendments to this constitution may be proposed by a valid petition signed by at least thirty percent (30%) of the members of the General Council or by a majority vote of the Executive Council.

ARTICLE IX – SAVINGS CLAUSE

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

ARTICLE X – SEVERABILITY

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

ARTICLE XI – ADOPTION

This constitution, when adopted by a majority vote of the qualified voters of the Kaw Nation voting in an election called for that purpose by the Secretary of the Interior pursuant to Federal regulations, Provided, That, at least thirty percent (30%) of those entitled to vote shall cast their ballots, shall be submitted to the Secretary of the Interior for his approval and shall be effective from the date of such approval.

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AMENDMENT I

(Adopted by a vote on Oct. 13, 2006

Amendment I replaces ARTICLE VIII with the following language.)

ARTICLE VIII AMENDMENTS

This constitution may be amended by a majority vote of the qualified voters of the Kaw Nation voting in an election called for that purpose, provided, that at least thirty percent (30%) of those entitled to vote shall cast ballots in such election. If in such election at least thirty percent (30%) of eligible voters of the Tribe vote in the election, and the amendment is approved by a majority vote, said amendment shall be effective from the date of approval.

Amendments to this constitution may be proposed by a valid petition signed by at least thirty percent (30%) of the members of the General Council or by a majority vote of the Executive Council.