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CONSTITUTION OF THE GILA RIVER INDIAN COMMUNITY

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 establish this Constitution for the government of the people of this reservations 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:

- (a) Appointed Official – Any person appointed to a position in accordance with this Constitution.
- (b) Community – Gila River Indian Community.
- (c) Council – Gila River Indian Community Council.
- (d) Councilman – Male or female member of the Gila River Indian Community Council.
- (e) Governor – Governor of the Gila River Indian Community.
- (f) He – He or she; wherever used the masculine shall include the feminine.
- (g) Lieutenant Governor – Lieutenant Governor of the Gila River Indian Community.
- (h) Reservation – Gila River Indian Reservation, Arizona.
- (i) Secretary – Secretary of the Gila River Indian Community Council.

1 (j) Secretary of the Interior – The Secretary of the Interior of the United States,
2 or his duly authorized representative.

3 (k) Superintendent – The Superintendent of the local office of the Bureau of Indian
4 Affairs under which the Reservation is placed for administrative purposes, or his
5 successor in office.

6 (l) Treasurer – Treasurer of the Gila River Indian Community.

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

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ARTICLE II – SUPREME LAW OF THE LAND

13 This Constitution shall be the supreme law of the Gila River Indian Community.

14

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ARTICLE III – TERRITORY

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

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ARTICLE IV – MEMBERSHIP

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

22 (a) All persons of Indian blood whose names appear, or rightfully should appear,
23 on the official allotment roll of the Gila River Reservation or are members or
24 should be members under the Constitution and Bylaws (Constitution and Bylaws
25 of the Gila River Pima-Maricopa Indian Community, Arizona) approved May 14,
26 1936.

1 (b) All persons whose names validly appear on the latest duly certified
2 membership roll of the Gila River Indian Community; provided that, the
3 Community Council may, from time to time and in accordance with applicable
4 law, correct the certified membership roll.

5 (c) Any biological lineal descendant of members of the Gila River Indian
6 Community pursuant to subsections (a) or (b) above, wherever born, shall be
7 entitled to membership in the Community, subject to the limitations below if such
8 person:

9 1. Is at least one-eighth Gila River Indian Community Pima or Maricopa
10 blood; and

11 2. Is the biological child or biological grandchild of an enrolled member
12 of the Gila River Indian Community; and,

13 3. Is a United States citizen; and

14 4. Is not enrolled in any other federally recognized tribe; and

15 5. Has never relinquished enrollment from any other federally
16 recognized tribe or band, unless exempted by Article IV, Section 1 (e)
17 below.

18 (d) A parent or legal guardian of a minor child must submit a written request for
19 enrollment on behalf of a minor child within one (1) year from the date the child is
20 born. If the request is not submitted within one (1) year from the date the child is
21 born, the child will not be eligible for enrollment until he has reached the age of
22 legal majority or is declared a legally emancipated adult by a court of competent
23 jurisdiction and is able to petition for enrollment as an adult. However, the
24 Community Council may, by ordinance, enact exceptions to this limitation.

25 (e) An individual who was not enrolled as a minor or is enrolled elsewhere and
26 wishes to enroll in the Gila River Indian Community, must petition for
27 membership, in writing within one (1) year of reaching the age of majority or
28 within one (1) year of a court order from a court of competent jurisdiction
29 declaring the individual legally emancipated. Individuals failing to submit a
30 petition for membership within one year limitation will not be enrolled, unless

1 exempted by the Community Council. The Community Council may, by
2 ordinance, enact exceptions to this limitation.

3 (f) Dual enrollment in the Gila River Indian Community and any other Indian tribe
4 or band is strictly prohibited. A person found to be in violation of this section may
5 be subject to disenrollment by majority vote of the Community Council. The
6 Community Council shall enact procedures for disenrollment under this section.

7 (g) Any person petitioning for membership in the Gila River Indian Community
8 and who meets the requirements for membership but has been enrolled in another
9 Indian tribe or band may be enrolled as a member of the Gila River Indian
10 Community if he relinquishes his membership in the other Indian tribe or band,
11 subject to the limitations of Article IV of this Constitution.

12 (h) If a member who has reached the age of majority voluntarily relinquishes
13 membership in the Gila River Indian Community, he shall be forever ineligible for
14 re-enrollment in the Gila River Indian Community.

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

19 SECTION 3. Any person who is discovered to have been admitted into
20 membership of the Gila River Indian Community by knowingly providing false or
21 inaccurate information shall be disenrolled under procedures enacted by the Tribal
22 Council.

23 SECTION 4. Members enrolled in the Gila River Indian Community under a
24 previous Constitution of the Gila River Indian Community shall not be disenrolled
25 because he does not meet the revised requirements of this revised Constitution.
26 However, a member may always relinquish his membership voluntarily.

27 SECTION 5. The Council shall have the authority to adopt rules to be followed in
28 compiling a membership roll in accordance with the provisions of this Article, the
29 completed roll to be approved by the Community Council not less than ninety (90)
30 days after the same has been presented for approval.

1 SECTION 6. Any person whose name has been omitted from the membership roll
2 shall have the right to petition the Community Court to have his name included on
3 the roll. Copy of such petition shall be served on the Secretary. The decision of
4 the Community Court shall be final unless within sixty (60) days a notice of appeal
5 to the Council is given by petitioner or the Secretary.

6 SECTION 7. The Council shall have the power to enact ordinances governing
7 present and future membership, loss of membership, and the adoption of members
8 by the Community.

9

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ARTICLE V – RIGHTS OF MEMBERS

11 All political power is inherent in the people. Governments derive their just powers
12 from the consent of the governed, and are established to protect and maintain
13 individual rights. To that end, the Gila River Indian Community will comply with
14 25 U.S.C. §1302, as amended and shall not:

15 (a) Make or enforce any law prohibiting the free exercise of religion, or
16 abridging the freedom of speech, or of the press, or the right of the people
17 peaceably to assemble and to petition for a redress of grievances;

18 (b) Violate the right of the people to be secure in their persons, houses, papers,
19 and effects against unreasonable search and seizures, nor issue warrants, but upon
20 probable cause, supported by oath or affirmation, and particularly describing the
21 place to be searched and the person or thing to be seized;

22 (c) Subject any person for the same offense to be twice put in jeopardy;

23 (d) Compel any person in any criminal case to be a witness against himself;

24 (e) Take any private property for a public use without just compensation;

25 (f) Deny to any person in a criminal proceeding the right to a speedy and public
26 trial, to be informed of the nature and cause of the accusation, to be confronted
27 with the witnesses against him, to have compulsory process for obtaining witnesses
28 in his favor, and at his own expense to have the assistance of counsel for his
29 defense, unless otherwise required by 25 U.S.C. §1302, as amended;

- 1 (g) Require excessive bail, impose excessive fines, inflict cruel and unusual
2 punishments, and in no event impose for conviction of any one offense any penalty
3 or punishment greater than allowed in 25 U.S.C. §1302, as amended;
- 4 (h) Deny to any person within its jurisdiction the equal protection of its laws or
5 deprive any person of liberty or property without due process of law;
- 6 (i) Pass any bill of attainder or ex post facto law; or
- 7 (j) Deny to any person accused of an offense punishable by imprisonment the
8 right, upon request, to a trial by jury of not less than six persons.

9 The enumeration on this Constitution of the foregoing rights shall not be construed
10 as denying or disparaging other fundamental rights of the people.

11

12 **ARTICLE VI - SEPARATION OF POWERS**

13 SECTION 1. The Gila River Indian Community government shall be divided into
14 three separate branches of government: the Legislative, the Executive and the
15 Judiciary.

16 SECTION 2. No branch of government or any official of a branch of government
17 shall exercise any power reserved to any other branch of government.

18

19 **ARTICLE VII – LEGISLATIVE BRANCH**

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

23 SECTION 2. Each district of the reservation shall be represented by at least one
24 council person. The remaining council persons shall be apportioned between the
25 districts on the basis of population. The Council shall determine the number of
26 council persons each district is allocated not later than six (6) months after the
27 decennial census has been completed. Such determination shall govern the

1 numbers of council persons to be elected from each district for all subsequent
2 elections until the next determination by the council.

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

5 SECTION 4. The Governor, or in his absence the Lieutenant Governor, will be the
6 presiding officer of the Council. He shall be permitted to participate in discussion
7 and shall be permitted to vote only in the case of a tie. His functions at Council
8 meetings shall be in conformance with Ordinances of the Community. In the
9 absence of the Governor and Lieutenant Governor the Council shall elect an acting
10 Chairman from among its own members.

11 SECTION 5. All voting on any action by the Community Council in all Council
12 meetings shall be by roll call vote and each Council person's vote shall be recorded
13 by the Community Council Secretary.

14 SECTION 6. The Community Council shall meet regularly on the first and third
15 Wednesday of each month, unless otherwise designated by the Community
16 Council. Special Council meetings may be held at such time and place as shall be
17 designated in writing by:

- 18 (a) The Community Council;
- 19 (b) The Governor; or
- 20 (c) Five or more members of the Community Council.

21 The Community Council Secretary shall give notice of all special meetings to the
22 public and all Community Council persons.

23 SECTION 7. The Community Council shall exercise the following powers,
24 subject to any limitations imposed by the applicable statutes of the United States
25 and subject further to all expressed restrictions upon such powers contained in this
26 Constitution:

- 27 (a) To promote and protect the health, peace, morals, education and general
28 welfare of the Community and its members.

- 1 (b) To negotiate with the Federal, State and local governments on behalf of the
2 Community.
- 3 (c) To prevent the sale, disposition, lease, use or encumbrance of Community
4 lands, interests in lands, or other Community assets.
- 5 (d) To advise the Secretary of the Interior and the Congress of the United States
6 of the wishes of the Community with regard to Federal projects or appropriation
7 for the benefit of the Community
- 8 (e) To create Departments and determine Department duties and responsibilities
9 that will be administered by the Executive, in accordance with applicable law.
- 10 (f) To determine the qualifications, duties and responsibilities of Department
11 Directors.
- 12 (g) To employ legal counsel in accordance with applicable Federal law.
- 13 (h) To set the salaries, terms and conditions of employment for all governmental
14 personnel.
- 15 (i) To establish and regulate subordinate organizations for business purposes.
- 16 (j) To appoint subordinate officials, committees and boards, and to prescribe
17 their duties and powers.
- 18 (k) To recognize any district committees, associations or other organizations
19 open to the members of the community and to approve such organizations, subject
20 however, to the provision that no such committee, association or organization may
21 assume authorities specifically granted to the council unless by a proper delegation
22 of authority by the Council.
- 23 (l) To adopt a budget and expend money in conformance with the adopted
24 budget.
- 25 (m) To administer all Community property.
- 26 (n) To transfer or convey tribal assets to the incorporated Community and to
27 contract with the incorporated Community for management of tribal assets.

- 1 (o) To purchase or otherwise acquire property of members of the Community
2 for public purpose and to acquire same under condemnation proceedings in courts
3 of competent jurisdiction.
- 4 (p) To regulate the use and disposition of property of members of the
5 Community, insofar as such use and disposition affects the welfare of the
6 Community at large.
- 7 (q) To enact criminal and civil codes or ordinances governing the conduct of
8 members of the Community and non-members on the Reservation.
- 9 (r) To levy dues, fees, and taxes on members of the Community and on non-
10 members residing or doing business within the Reservation.
- 11 (s) To provide for the manner of conducting elections through the enactment of
12 an Elections Ordinance.
- 13 (t) To regulate the domestic relations of members of the Community.
- 14 (u) To act for an on behalf of members of the Community at the request of such
15 members.
- 16 (v) To provide for the maintenance of law and order and the administration of
17 justice by establishing police force and defining the powers and duties thereof.
- 18 (w) To provide by ordinance for the appointment of guardians for minors and
19 mental incompetents.
- 20 (x) To prescribe rules of inheritance provided however, that any rules of
21 inheritance shall not be in conflict with specifically applicable Federal laws.
- 22 (y) To regulate its own procedure.
- 23 (z) To do such other acts of governmental or public nature as are not prohibited
24 by specifically applicable Federal laws or by this Constitution.
- 25 (aa) To pass ordinances necessary or incidental to the exercise of any of the
26 foregoing powers.

27 SECTION 8. The Community Council shall appoint a Community Council
28 Secretary who shall be the official custodial of all files, records, and

1 correspondence of the Community and of the community seal. He shall prepare all
2 minutes, resolution and ordinances enacted by the Council and transmit required
3 copies to the Superintendent. The Community Council Secretary shall be
4 appointed to a 4 year term, shall serve at the pleasure of the Community Council.

5 SECTION 9. A Councilman shall not lose his right to vote at Council meetings
6 because of membership on any committee or holding any office other than
7 Governor, Lieutenant Governor, Chief Judge or Associate Judge.

8 SECTION 10. Any resolution or ordinance or Community Council action, which,
9 by the terms of applicable law, is subject to review by the Secretary of the Interior
10 shall be delivered to the Superintendent not later than five (5) days after enactment
11 and the Superintendent shall note the date of receipt on the original and the
12 Council copy. The Superintendent within ten (10) days after receipt of the
13 resolution or ordinance shall either approve or disapprove it in writing. The
14 ordinance or resolution shall be deemed approved if not specifically disapproved
15 within ten (10) day period.

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

23 If the Superintendent shall disapprove any ordinance or resolution submitted to
24 him, he shall in writing advise the council of his reasons therefore within ten (10)
25 days after its receipt. If these reasons appear insufficient to the Council, it may by
26 majority vote, refer the ordinance or resolution to the Secretary of the Interior who
27 shall within ninety (90) days of it referral, approve or disapprove the same in
28 writing.

29 When approval of the Superintendent is required before any particular action of the
30 council may become effective, the Secretary of the Interior, where permitted by
31 law, may in writing waive this requirement for such periods as he in his sole
32 discretion deems fit.

1 SECTION 11. The Council may exercise such further powers as may in the future
2 be delegated to the Community by the Secretary of the Interior, or by any other
3 duly authorized official or agency of the Government.

4 SECTION 12. Any rights and powers heretofore vested in the tribes or bands of
5 the Gila River Reservation but not expressly referred to in this Constitution shall
6 not be abridged by this article.

7

8 **ARTICLE VIII - EXECUTIVE BRANCH**

9 SECTION 1. The Executive power of the Community shall be vested in the
10 Governor and, in his absence, the Lieutenant Governor. The Governor and
11 Lieutenant Governor shall be elected by popular vote of the Community.

12 SECTION 2. The Governor shall be the Chief Executive Officer of the
13 Community and shall execute, administer and enforce the laws of the Community
14 and all other powers delegated by the Legislature, including but not limited to the
15 following:

- 16 (a) To execute and administer the laws of the Gila River Indian Community;
- 17 (b) To prepare and propose an annual budget to the Community Council for
18 consideration and approval;
- 19 (c) To propose legislation for the benefit of the Gila River Indian Community;
- 20 (d) To make recommendations to the Community Council on any matter
21 affecting the Community;
- 22 (e) To administer the day to day operations of the Gila River Indian
23 Community, including all Departments or agencies created by the Community
24 Council;
- 25 (f) To appoint Directors and other Appointed Officials, serving in the
26 Executive Branch as determined by Article VII, Section 7(e) of this Constitution,
27 subject to the approval of the Community Council, provided however, that if the
28 Community Council fails to act on any appointment within thirty (30) days such
29 appointment shall be deemed an approval;

- 1 (g) To remove or reassign a Department Director within the discretion of the
2 Governor;
- 3 (h) To select and hire personnel in accordance with applicable law.
- 4 (i) To preside over meetings of the Community Council and to vote when there
5 is a tie in the Community Council votes;
- 6 (j) To represent the Gila River Indian Community in any matter that directly or
7 indirectly affects or impacts the Community.

8 SECTION 3. The Governor shall have the power to convene the Council in
9 special meetings.

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ARTICLE IX - JUDICIARY

12 SECTION 1. The Judicial power of the Community shall be vested in the
13 Judiciary which shall include the Supreme Court of the Gila River Indian
14 Community, the Gila River Indian Community Court and such other lower courts
15 as deemed necessary by the Legislature, including but not limited to forums of
16 special jurisdiction for traditional dispute resolution.

17 SECTION 2. Composition

18 (a) Supreme Court. The Supreme Court shall be comprised of a Chief Justice
19 and two Associate Justices appointed to four (4) year terms by the Community
20 Council.

21 (b) Community Court.

22 1. The Community Court shall be comprised of a Chief Judge and such
23 Associate Judges and such Appointed Judges as determined to be necessary by the
24 Community Council via ordinance.

25 2. The Chief Judge and Associate Judges shall be elected by popular
26 vote of the qualified voters of the Gila River Indian Community.

27 3. The Community Council may provide for the appointment of
28 additional judges, along with their qualifications via ordinance.

1 4. Judges Pro Tempore. The Chief Judge may appoint any judge of a
2 State, Federal or tribal court or an attorney licensed to practice before the highest
3 court of any State of the United States or the District of Columbia as a Judge Pro
4 Tempore in any case, matter or appeal in which the Chief Judge or other
5 Community judges are disqualified, unable or unwilling to act.

6 (c) The compensation of a judge shall not be reduced during his term in office.

7 SECTION 2. Jurisdiction

8 (a) The Judiciary shall have original jurisdiction over all cases, controversies
9 and matters in law and equity arising under this Constitution and the ordinances of
10 the Community and the customs of the Pima or Maricopa tribes, including cases in
11 which the Gila River Indian Community, its officials and/or employees are a party
12 to the matter.

13 (b) The Supreme Court shall have appellate jurisdiction over any case on appeal
14 from the Community Court.

15 (c) In no instance shall the grant of jurisdiction shall in no manner be deemed a
16 waiver of sovereignty.

17 SECTION 3. Powers of the Court

18 (a) Community Court.

19 1. The power to interpret the laws and Constitution of the Gila River
20 Indian Community.

21 2. The Community Court shall have the power to make findings of fact
22 and conclusions of law.

23 3. The Community Court shall have the power to issue all remedies in
24 law and in equity including injunctive and declaratory relief and all writs
25 including attachment and mandamus.

26 4. The power to declare the laws of the Gila River Indian Community
27 void and invalid if such laws are not in agreement with this Constitution.

1 5. The power to enact written Rules of Procedure for the Community
2 Court, consistent with the laws of the Gila River Indian Community,

3 6. The power and authority as the final judge of all Community
4 elections.

5 7. Such other powers as are necessary and inherent to the Court for the
6 necessary exercise of justice.

7 (b) Supreme Court

8 1. The power to interpret the Constitution of the Gila River Indian
9 Community and to make conclusions of law.

10 2. The power to establish written Rules of Procedure for the Supreme
11 Court, consistent with the laws of the Gila River Indian Community

12 3. Decisions of the Supreme Court shall be final.

13 SECTION 4. The Chief Judge shall be responsible for the following:

14 (a) To designate a judge to preside over the trial of each case.

15 (b) To establish standards and qualifications for the licensing of attorneys and
16 advocates practicing before any court in the Gila River Indian Community.

17 (c) To establish a Code of Judicial Conduct applicable to all judges of the Gila
18 River Indian Community and a Code of Conduct for Judicial Employees.

19 SECTION 10. Qualifications

20 (a) Chief Judge or Associate Judge.

21 1. No person shall be eligible to be elected Chief Judge or Associate
22 Judge unless he meets the minimum qualifications as contained in Article X
23 of this Constitution; and

24 2. Additional qualifications as established by the Community Council
25 including but not limited to; minimum education standards, experience in
26 court matters and additional restrictions on criminal history.

27

1 (b) Chief Justice, Associate Justices and Appointed Judges

2 The qualifications to be appointed and serve as Chief Justice or Associate
3 Justice of the Supreme Court or Appointed Judge shall be established by the
4 Community Council within sixty (60) days of the enactment of this Constitution.

5

6 **ARTICLE X – QUALIFICATIONS OF OFFICERS**

7 SECTION 1. No person shall be elected or hold office as Governor, Lieutenant
8 Governor, or Councilmen unless he (1) is a member of the Community; (2) has
9 reached that age of twenty-five (25) years; (3) has been living on the Reservation
10 and within the district he is to represent for at least one year immediately preceding
11 the election; (4) have obtained a high school diploma or General Educational
12 Development (GED). Additional qualifications may be prescribed by ordinance.

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

16 SECTION 3. All elected and appointed officials shall attend training on the Gila
17 River Indian Community Constitution and the principles and foundations of ethics
18 on an annual basis, regardless of their tenure in office. The training, all
19 requirements of the training and consequences for failing to attend such training
20 shall be identified and established within ninety (90) days of the enactment of this
21 Constitution by ordinance.

22

23 **ARTICLE XI – APPOINTED OFFICIALS AND COMMITTEEMEN**

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

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

29

ARTICLE XII – TREASURER

SECTION 1. There shall be a Community Treasurer appointed by the Governor, subject to the approval of the Community Council, to a term of four (4) years.

SECTION 2. The Treasurer shall be bonded and shall be responsible to maintain the Community’s assets as directed by the Community 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 Community Council, the Treasurer may inspect and cause to be audited all records of the Community and all its entities.

SECTION 6. Qualifications and additional duties and responsibilities of the Treasurer shall be adopted by the Community Council through ordinance.

ARTICLE XIII – TENURE OF OFFICE

SECTION 1. Councilmen shall be elected from their respective districts for a term of four (4) years, beginning with the next regularly scheduled election following the enactment of this Constitution. 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. 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 next regularly scheduled election following the enactment of this Constitution. They shall take office the first day of January following their election, and shall serve until their respective successor have been duly elected and qualified. Incumbent elected officials will fulfill their existing terms.

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

1 SECTION 4. Special Committeemen are appointed for a specific purpose and
2 when their assignment is completed the committee shall automatically be
3 dissolved.

4 SECTION 5. Should it become necessary, because of vacancies, to make
5 appointments other than at the first regular Council meeting in June, that fraction
6 of a year in which the appointment is made shall constitute a full year toward the
7 term of appointment, but compensation shall be based upon the time actually
8 served.

9 SECTION 6. Councilmen, the Governor and Lieutenant Governor may serve no
10 more than two (2) terms in any one elected position. The Chief Judge and
11 Associate Judges shall have no term limits.

12 SECTION 7. The Governor, Lieutenant Governor, Chief Judge, Associate Judges,
13 Councilmen, and officials duly appointed or elected to office prior to the adoption
14 of this Constitution shall serve until their respective successors have been duly
15 elected or appointed and qualified.

16

17

ARTICLE XIV – VACANCIES

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

20 SECTION 2. The Community Council shall declare that a vacancy exists when a
21 Governor, Lieutenant Governor, Chief Judge, Associate Judges, or Councilman is
22 removed for cause, resigns, moves from the Reservation, or when a Councilman
23 moves from the district he represents.

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

27 SECTION 4. Should a vacancy exist from any cause whatsoever in the office of
28 Lieutenant Governor, Chief Judge, Associate Judge, or Councilman, a successor
29 shall be elected at a special election called by the Community Council within sixty
30 (60) days after the vacancy occurs. The successor shall hold office until the

1 expiration of the regular term of his predecessor. Should a vacancy occur within
2 six (6) months or less of the regularly scheduled election, the Community Council
3 may waive the special election and allow the vacancy to exist until the successor is
4 elected at the regularly scheduled election.

5

6

ARTICLE XV – ELECTIONS

7 SECTION 1 – The election of the Governor, the Lieutenant Governor, the Chief
8 Judge and the Associate Judges shall be held every four (4) years on the first
9 Tuesday after the first Monday in November, beginning November 2011.

10 SECTION 2 – The election of Councilmen shall be held annually on the first
11 Tuesday of May, beginning May 1960, for councilmen whose terms expire the
12 following June.

13 SECTION 3 – All adult members of the community, male or female, who have
14 attained the age of eighteen years shall, unless non compos mentis, have the right
15 to vote in any election.

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

18 SECTION 5 – The Community Court shall be the final judge of all elections.

19

20

ARTICLE XVI - ELECTION BOARD

21 SECTION 1 – There shall be created and established the Gila River Election
22 Board. The Gila River Election Board shall be an independent entity responsible
23 for the proper administration of all Gila River Elections in accordance with this
24 constitution and the Election Ordinances of the Gila River Indian Community. The
25 Community Council shall not have executive or administrative authority over the
26 Gila River Indian Community Election Board. The Election Board shall have the
27 following duties:

28 (a) Conduct voter registration and certify the membership qualified to vote in
29 Gila River Indian Community elections and compile a list of registered voters;

- 1 (b) Ensure proper notification to registered voters of the dates, polling places
2 and subject of each election;
- 3 (c) Review qualifications of each person declaring candidacy for any elected
4 office of the Gila River Indian Community and prepare a list of qualified
5 candidates;
- 6 (d) Supervise the conduct of all elections;
- 7 (e) Authority to certify the results of all elections; and
- 8 (f) Perform such other duties as defined by the Election Ordinance.

9 SECTION 2 - The Gila River Indian Community Council shall enact ordinances,
10 consistent with this constitution for the fair conduct of all elections.

11 SECTION 3 – The Gila River Indian Community Election Board shall be
12 comprised of seven (7) members. Each district shall appoint one (1) Election
13 Board member to represent the district from the district’s residents to serve a term
14 of four (4) years. The Election Board shall select from its membership a Chairman
15 and Vice-Chairman responsible for the overall conduct of Election Board
16 operations.

17 SECTION 4 – All Election Board members shall meet the following qualifications:

- 18 (a) A qualified voter of the Gila River Indian Community;
- 19 (b) No felony convictions;
- 20 (c) No convictions for crimes involving moral turpitude within the previous five
21 (5) years; and
- 22 (d) High School Diploma or General Educational Development (GED).

23 SECTION 5 – An Election Board member shall automatically be removed from his
24 position upon final conviction of a violation of the Gila River Indian Community
25 Election laws, a felony conviction or a conviction for a crime involving moral
26 turpitude.

1 SECTION 6 – The Gila River Indian Community Council shall authorize the
2 appropriation of proper funding, sufficient workspace and adequate administrative
3 assistance for the Gila River Election Board to conduct business.

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ARTICLE XVII – DISTRICTS

6 SECTION 1 – For purposes of representation and administration the reservation
7 shall be divided into seven (7) districts, as follows:

8 District 1 shall consist of all of that portion of the Reservation included in Sections
9 1, 2, 3, 10, 11, 12, 12, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, Township 4
10 South, Range 7 East; Sections 1, 2, 3, 10, 11, 12, 15 and 22 Township 5 South,
11 Range 7 East; and all of Townships 4 and 5 South, Range 8 East (North and South
12 Blackwater).

13 District 2 shall consist of all of that portion of the Reservation included in Sections
14 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33, Township 4 South,
15 Range 7 East; and Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20 and 21, Township 5
16 South, Range 7 East (Sacaton Flats).

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

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

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

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

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

4 SECTION 2. The Community Council from time to time may by ordinance
5 change the foregoing number and area of Districts according to change in
6 population.

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

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ARTICLE XVIII – REMOVAL FROM OFFICE

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

18 SECTION 2. Any elected official of the Community who is found by the Council
19 to be guilty of improper conduct or gross neglect of duty or to have failed to
20 perform the duties of his office for a period of sixty (60) days unless excused
21 therefrom by the Council, may be expelled by the affirmative vote of not less than
22 twelve (12) of the Council members favoring such expulsion, provided that the
23 accused official shall first be given full and fair opportunity to reply to any and all
24 charges at a designated Council meeting.

25 A written statement of the charges against such charged official shall be mailed
26 postage prepaid or deliver to his last known place of abode at least ten (10) days
27 before the meeting at which he is to appear. All witnesses requested by such
28 official shall be subpoenaed by the Council. When the council is sitting for
29 impeachment purposes, all witnesses shall testify under oath or affirmation. The
30 decision of the Council shall be final.

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

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

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

10 (b) Every recall petition must contain a statement, in not more than two hundred
11 (200) words, of the grounds of such demand and must be filed at the office of the
12 Council. Each signer of such recall petition must add to his signature, the date of
13 his signing said petition and his place of residence. The mark of a person unable to
14 write his name must be witnessed by two persons who shall sign as witnesses. The
15 person circulating such petition must make and subscribe an oath on each sheet
16 that the signatures thereon are genuine.

17 (c) If said official offers his resignation it shall be automatically accepted. If he
18 does not resign within ten (10) days after recall petition is filed, an election shall be
19 ordered by the Council to be held no less than twenty (20) nor more than thirty
20 (30) days after such order to determine whether such official shall be recalled.
21 Such recall may be held at a special election called for that purpose or may be held
22 at the same time as and concurrent with any other election. Not less than ten (10)
23 days prior to the election the official may file with the Council a statement of
24 justification containing not more than two hundred (200) words. On the ballot of
25 such election shall be printed the reason for recall as set forth in the petition, and
26 such justification as has been filed by the official. He shall continue to hold office
27 until the result of said election shall be officially declared.

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

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

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4 **ARTICLE XIX – REFERENDUM**

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

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13 **ARTICLE XX – INITIATIVE**

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

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

20 (a) Adopt the initiated measure without alteration, or

21 (b) Set the matter for vote of the qualified voters at an election to be held within
22 one hundred twenty (120) days of the time such petition was presented. Such
23 election may be held at a special election called for that purpose or may be held at
24 the same time as and concurrent with any other election.

25 SECTION 3. The result of such initiative election shall be binding upon the
26 Council.

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ARTICLE XXI – 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.

SECTION 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.

SECTION 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 XXII – AMENDMENTS

Amendments to this Constitution may be proposed to the Election Board by a resolution of the Community Council approved by a 2/3 vote of the entire Community Council or by a petition signed by at least thirty percent (30%) of the registered voters of the Gila River Indian Community. Upon receipt of the Community Council’s resolution or the petition, a special election will be called and conducted in accordance with the Community’s Elections Ordinance.

Proposed amendments will be approved by a majority vote of the registered voters of the Gila River Indian Community voting in an election called for the purpose by the Election Board, provided that at least thirty (30%) percent of those entitled to vote shall vote in such election.

ARTICLE XXIII - SEVERABILITY

Should any provision of this Constitution be declared invalid by a court of competent jurisdiction, the invalid provision(s) shall be severed and the remaining provisions shall continue in full force and effect.

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ARTICLE XXIV - SAVINGS CLAUSE

All prior laws, ordinances, resolutions and actions of the Gila River Indian Community taken before the effective date of this Constitution, including elections and terms of office, shall remain in full force and effect until such time as they might be duly rescinded or repealed pursuant to the provisions of this Constitution.

ARTICLE XXV - ADOPTION

This Constitution, when adopted by a majority of the qualified voters of the Gila River Indian Community, voting at a special election called for that purpose by the Secretary of the Interior or his authorized representative, in which at least thirty percent (30%) of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be effective from the date of his approval.

CERTIFICATION