

Summary of Proposed Changes

Article I – Terms

Terms placed in alphabetical order and the term “appointed official” was added.

Article II – Supreme Law of the Land

A declaration: the Gila River Indian Community Constitution will be the supreme law.

Article IV – Membership

Blood quantum was changed from ¼ Indian blood to 1/8 Gila River Indian Community, Pima and/or Maricopa blood. One must be a biological child or grandchild of an enrolled member, and a United States citizen; May not be enrolled in any other tribe and has not relinquished membership from another tribe. *(Section 1(c))*. Adds time restrictions for enrollment; Parents or guardians of a child are responsible to enroll their child within one year of birth; If not enrolled within one year of birth, once the individual reaches the age of majority (18), the adult will have one additional year to enroll. Tribal Council has the authority to enact exceptions for special circumstances. *(Section 1(d) and (e))*. Dual enrollment is prohibited. *(Section 1(f))*. Members enrolled under a previous constitution will not be subject to disenrollment if he/she does not meet the requirements of the new revised constitution. *(Section 4)*.

The 20 year residency rule was removed.

Article V – Rights of Members

Proposes revisions to reflect the Indian Civil Rights Act and makes allowances for pending changes in the Act.

Article VI – Separation of Powers

Proposes a formal separation of powers between the three (3) branches of government; Legislative, Executive and Judiciary.

Article VII – Legislative Branch

Powers of the council are re-organized. Election decisions were moved to a power of the judiciary.

Proposes a mandatory reapportionment of council representative seats within six (6) months of the census which will affect the number of council representatives each district is entitled to, based upon changes in population. *(Section 2)*. Secretarial review of tribal council action is reduced to only those instances where review is required by federal law. *(Section 7)*. Community Council appoints a Secretary to a four (4) year term. *(Section 8)*.

Article VIII – Executive Branch

Creates a formal executive branch comprised of the Governor and Lt. Governor. *(Section 1)*. Governor appoints Executive staff, including the Treasurer, subject to Community Council approval *(Section 2(f))*; Outline of the duties and responsibilities of the Executive Branch. *(Section 2)*.

Article IX – Judiciary

Creates a Judiciary comprised of a Supreme Court, Community Court and other courts determined necessary by the Community Council *(Section 1)*; Specifies how judges are elected or appointed *(Section 2)*; Outlines requirements for judges *(Section 10)*; Outlines powers, duties and responsibilities

Summary of Proposed Changes

of the Chief Judge (*Section 4*); Outlines powers, duties and responsibilities of the Judiciary. (*Section 3*).

Article X – Qualification of Officers

Specifies minimum qualifications for elected officials; Adds a minimum educational requirement of a high school diploma or GED (*Section 1*); Increases the time one must be “conviction free” from one (1) year to five (5) years and proposes all elected and appointed officials attend mandatory ethics training on an annual basis (*Sections 2 and 3*).

Article XI – Appointed Officials and Committeemen

References to the Community Council Secretary and Treasurer were removed.

Article XII – Treasurer

A new article outlines the duties and responsibilities of the Treasurer; Gives the Community Council authority to specify additional powers and responsibilities of the Treasurer.

Article XIII – Tenure of Office

Proposed changes increase the term of elected officials to four (4) years (*Section 1*); Limits Councilmen, the Governor and Lt. Governor to two (2) terms. Judges are not subject to term limitations. (*Section 6*).

Article XV – Elections

Allow for elections to be held every four (4) years.

Article XVI – Elections Board

Creates an independent Elections Board (*Section 1*); Creates minimum requirements for members of the Elections Board (*Section 4*); and outlines powers, duties and responsibilities of the Elections Board (*Section 1*).

Article XXII – Amendments

Secretarial Election (BIA oversight) requirement removed so that future changes to the constitution are tribal elections.

Article XXIII – Severability

A new article that states that if any of the provisions of the constitution are declared unconstitutional or invalid, that section can be removed but the other sections remain valid.

Article XXIV – Savings Clause

A new article that states that all prior laws and actions of the community taken before the new constitution was enacted are still in full force pending until it can be rescinded or repealed.

Article XXV – Adoption

A new article that outlines when and how the revised constitution was adopted.

Bylaws

The Bylaws were incorporated into the body of the constitution.

No substantive changes; articles renumbered

Article III – Territory; Article XIV – Vacancies; Article XVII – Districts; Article XVIII – Removal from Office; Article XIX – Referendum; Article XX – Initiative; Article XXI – Land and Property