



# **CONSTITUTION OF THE SPOKANE TRIBE-SPOKANE RESERVATION**

**Wellpinit, Washington**

## **PREAMBLE**

We, the Indians of the Spokane Tribe, initially organized under a constitution and bylaws effective on June 27, 1951, in order to improve our recognized Tribal organization for management of our Tribal affairs, do hereby establish this Constitution.

## **ARTICLE I - PURPOSE**

Our purpose shall be to promote and protect the sovereignty, rights, and interests of the Spokane Tribe of Indians.

## **ARTICLE II - TERRITORY AND JURISDICTION**

The jurisdiction of the Spokane Tribe, acting through its government as hereby established, shall extend to and include all lands and water areas within the exterior boundaries of the Spokane Reservation established by Executive Order, January 18, 1881, and any extensions thereof, and all Spokane Tribal and allotted Indian lands outside the exterior boundaries of the Spokane Indian Reservation.<sup>1</sup>

## **ARTICLE III – MEMBERSHIP**

Section 1. The membership of the Spokane Tribe shall consist of:

- (a) All persons of Spokane Indian blood whose names appear on the official census of the Spokane Tribe as of January 1, 1951, provided that corrections may be made in said census by the

Business Council subject to the approval of the Secretary of the Interior, as long as such approval is required by law.

- (b) All children of 1/4 or more degree of Indian blood born subsequent to January 1, 1951, but prior to midnight, September 1, 1963, to any parent who is an enrolled member of the Spokane Tribe and:
- (c) All children of ¼ or more degree of Indian blood born with at least one biological parent or grandparent who is an enrolled member of the Spokane Tribe at the time the child applies for enrollment.<sup>19, 22</sup>
- (d) All persons whose names appear on the official enrollment records of the Spokane Tribe as of midnight December 31, 2010 shall serve as the official census of the Spokane Tribe. <sup>12</sup>

Section 2. Transfer of Enrollment: The requirements for transfer of enrollment from another Tribe into the Spokane Tribe shall be the same as listed in Section 1 of this Article.<sup>2, 11</sup>

Section 3. Except in instances where a citizen transfers enrollment to another Tribe, no Spokane Tribal law shall operate to strip citizenship from any person who has previously been recognized to possess citizenship pursuant to Section 1.<sup>21</sup>

Section 4. All children of direct Spokane descent and with an enrolled parent may include any Federally recognized Indian Tribe's blood in calculating Spokane Blood needed for Constitutional blood quantum requirements. Such blood, when properly authenticated by clear and convincing proof shall be recognized as blood of the Spokane Tribe of Indians.<sup>23</sup>

## **ARTICLE IV - RIGHTS OF MEMBERS**

Section 1. Every Tribal member shall have an equal opportunity to participate in the economic resources and activities of the Spokane Indian Tribe and the right to exercise traditional rights and privileges of members of the Tribe where not in conflict with other provisions of this Constitution, Tribal laws and Ordinances, or the laws of the United States.

Section 2. This Constitution and the Tribal Government it establishes shall not encroach upon or limit any person's right to enjoy freedom of worship, conscience, speech, press, assembly, and association, and other rights established by Federal Law.

Section 3. To protect the tribal membership's ancient rights to practice their culture, tradition, and religion freedoms. Whereas, the use of medicinal plants was, and still is a part of our culture, traditions, and rights. Whereas, it has been a cultural tradition in the Spokane Tribe to use plants to treat and cure ailments, illnesses and diseases. Therefore, it shall be acknowledged that any plant that was historically used by our Spokane Tribal ancestors shall be allowed to be used today. To include, but not limited to, natural remedies and medicinal plants prescribed by a medicine man or modern physician. Therefore, all members shall have the right to practice their Spokane cultures and traditions. Therefore, no Spokane Tribal law shall ever encroach on, impede, or limit member's rights to practice their aboriginal customs. <sup>10</sup>

## **ARTICLE V - GOVERNING BODY**

Section 1. The governing body of the Spokane Tribe shall be Business Council of 5 members, consisting of a Chairman, Vice Chairman, Secretary, and 2 Members.

Section 2. No person shall be a candidate for membership on the Business Council or for any other elective office unless he or she is a member of the Spokane Tribe, shall have actually lived within the exterior boundaries of the aboriginal territory of the Spokane Reservation for 2 years next preceding the election and shall be at least 25 years of age. <sup>13</sup>

Section 3. No person shall be eligible to be a candidate for membership on the Business Council or any other elective office or to remain as an incumbent in any such office if convicted of a felony or of a misdemeanor involving dishonesty. Such ineligibility shall continue for a period of 5 years after conviction or 5 years after completion of actual incarceration, whichever comes later.

Section 4. Business Council members shall be elected for 3-year staggered terms. Council positions shall be numbered 1, 2, 3, 4 and 5, which numbers shall permanently identify each Council position. Position 3 shall be filled by the election held in June, 1981; Position 4 and 5 shall be filled by the election held in June, 1982; Positions 1 and 2 shall be filled by the election held in June 1983. The first order of business of the new council after each election shall be the election of officers for the ensuing year. A candidate for the Business Council shall identify the number of the position for which he is running. The term of an incumbent Council member shall continue until his successor is duly elected and installed.

Section 5. The General Council shall be composed of all the qualified voters of the Spokane Tribe who attend a General Council or Tribal meeting properly

called in accordance with this Constitution and shall be authorized to exercise such powers as may be delegated to that body by the terms of this Constitution.

## **ARTICLE VI - NOMINATION AND ELECTIONS**

Section 1. Elections of Business Council members and of other Tribal elective officers shall be held annually during the month of June and shall be called by the Business Council and conducted by the Election Committee according to an election Code provided by the Election Committee and approved by the Business Council. All elections shall be by secret ballot. The election ordinance shall include provisions for resolving election disputes, procedures for submitting any petitions provided for in this Constitution and a procedure for determining their validity.

Section 2. All elections shall be conducted by an Election Committee composed of 3 qualified Tribal voters. One alternate shall be available to serve in the absence of a regular member of the Election Committee. Such committee shall conduct elections in conformity with the election ordinance and this Constitution, and certify the results of the election to the Tribal Council on the Monday following the election. The Tribal Council shall immediately consider the certified results of the election and, unless some invalidity, illegality, tie vote or a failure of the leading candidate for an office to receive a 50% or greater majority (as provided in Section 3 of this Article) requiring another election, officially accept the certified results. A Spokane Tribal Judge shall administer the oath to the elected members. Elected officers shall assume responsibility 10 working days after said certification.

Section 3. If the top 2 candidates for an elective office are tied or no candidate for an office has received 50% or more of the total vote cast for that office, a run-off election shall be called for and held the second Saturday after the Annual Election. Such election shall be between said tied candidates or between the 2 candidates for the particular office who received the most votes.<sup>3</sup>

Section 4. A qualified voter is any member of the Spokane Tribe, 18 years of age or over. He/She shall exercise his/her right to vote in person at the prescribed voting place or via absentee ballot. The voter will be required to show proper identification at the polling location. <sup>16, 20, 24</sup>

## **ARTICLE VII - VACANCIES AND RECALL**

Section 1. Any vacancy in the Business Council shall be filled by the Business Council. Such appointee shall qualify pursuant to Article V and hold office until the next regular election when it shall be filled by election for the balance, if any,

of the unexpired term. No vacancies that occur within 3 months of the next regular election shall be filled except that the remainder of the Tribal Council shall fill any vacancies in excess of 2 so that the Tribal Council may maintain a quorum.

Section 2. Recall: Upon receipt of a written petition signed by 250 qualified voters of the Spokane Tribe calling for the recall of any Tribal elected official, it shall be the duty of the Business Council to call a special General Council meeting to conduct a hearing for the member involved within 10 days of receipt of said petition. Any enrolled member of the Tribe may attend said hearing. If at the conclusion of the hearing, a majority of voting members of the Spokane Tribe attending the hearing vote to hold a recall election, an election shall be called for that purpose. The challenged incumbent shall automatically be a candidate in said election, unless he withdraws. Other candidates may have their names placed on the ballot and said election shall be conducted within 30 days in the same manner as a regular general election.<sup>14</sup>

## **ARTICLE VIII - POWERS AND DUTIES OF THE SPOKANE TRIBAL COUNCIL**

The powers and duties set forth in this Article shall be exercised by the Business Council to the full extent permitted by Federal Law. All the powers and legal authority, express, implied or inherent, vested by existing law in the Spokane Indian Tribe as a sovereign political entity, which powers and legal authority shall include but not be limited to the following specific powers and duties:

- (a) To legislate and enforce a comprehensive law and order code and Tribal Court System extending Tribal civil and criminal jurisdiction, to the extent said code provides, over all persons residing on or coming upon the reservation and over all land and water areas over which the Tribe has jurisdiction as provided in Article II above.
- (b) To administer the affairs and assets of the Tribe including Tribal lands, funds, minerals, timber, water rights and other resources under appropriate contracts, leases, permits, loans or sale agreements. In the sale or other transfer of Tribal lands, the Tribe and Business Council shall take every precaution in appropriate cases so that the land does not go out of trust.
- (c) To provide for taxes, assessments, permits, and license fees upon members and nonmembers of all lands within the jurisdiction of the Spokane Tribe of Indians.<sup>4</sup>

- (d) To employ legal counsel to assist in the protection and advancement of the Tribe. The choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative as long as such approval is required by law.
- (e) To negotiate with and represent the Tribe before Federal, State, and local governments and their departments and agencies.
- (f) To appoint necessary committees.
- (g) To have and exercise such other powers and authority necessary to fulfill its obligations, responsibilities, objectives, and purposes as the governing body of the Tribe.
- (h) To foster, encourage and retain the arts, crafts, culture and traditions of the Tribe.

#### **ARTICLE IX - BILL OF RESERVED POWERS**

The Business Council and other Agencies of the Tribe are required to obtain the advice and consent of the General Council prior to taking any action with regard to the following powers. The advice and consent of the General Council shall be final when ratified by a majority vote of the membership of the Spokane Tribe at the next general election.<sup>5</sup>

- (a) The relinquishment of any Spokane Tribal criminal or civil jurisdiction to any agency, public or private; provided, however, that this provision shall not prevent the Business Council from commissioning non-Spokane or non-Bureau of Indian Affairs peace officers to enforce Spokane Tribal law and order regulations.
- (b) The termination or partial termination of the Spokane Indian Reservation.
- (c) The sale of Tribal hunting, fishing or water rights.
- (d) The Business Council may prescribe such compensation of members of the Business Council as it deems advisable from funds as may be available, subject to the approval of the General Council. Unless contrary action is taken by a General Council,

yearly salary increase will be made, based on the "National Consumer Price Index," published by the U.S. Department of Labor. The amount of increase will be based on the percent of increase in cost of living from the previous year.

## **ARTICLE X - INITIATIVE AND REFERENDUM**

Section 1. The Spokane Tribe's voting membership is empowered to exercise the legislative powers and duties enumerated in Article VIII through either an initiative or referendum action.

Section 2. Initiative: An initiative shall be in the form of a petition, signed by at least 250 qualified voters of the Spokane Tribe, setting out in clear language the legislative action to be taken. Such petition shall comply with the petitioning procedures provided by Section 1, Article VI of this Constitution.<sup>17</sup>

Section 3. Referendum: A referendum is an action by the Business Council referring a legislative matter to the Tribal members for enactment or rejection.

Section 4. Elections on Initiatives or Referendums. Whenever an initiative petition with the required signatures is filed at the Tribal office or a resolution for a referendum is adopted by the Tribal Council, an election thereon shall be conducted within forty-five calendar days, unless there is a regular election to be held within ninety to forty-five calendar days. An initiative or referendum filed less than forty-five calendar days before a regular election shall be placed on a special election ballot. An election on a referendum or initiative must have a minimum voter turnout of 51% of the average voter turnout at the regular Tribal elections held during the previous five years.<sup>25</sup>

## **ARTICLE XI - DUTIES OF OFFICERS**

Section 1. Chairman. The Chairman of the Business Council shall preside over meetings of the Tribe and the Business Council. He shall perform all duties of the Chairman and exercise any authority delegated to him by the Business Council.

Section 2. Vice Chairman. The Vice Chairman shall act as Chairman and perform the duties of Chairman in the Chairman's absence.

Section 3. Secretary. The Secretary shall be responsible for Tribal correspondence and reports and shall keep a complete record of minutes of all business conducted at Business Council meetings and Tribal or General Council

meetings. The Business Council may delegate an assistant or recording secretary to assist the Secretary in the performance of his duties.

Section 4. Executive Director. The Business Council may employ an Executive Director to assist the Business Council in the performance of the administrative duties. The Executive Director shall be the manager and ranking officer, subject to supervision by the Business Council, in charge of the Tribe Office and its staff. His duties and responsibilities shall be more specifically detailed and outlined in his employment contract.

Section 5. Appointive Officers. The duties of all committees and officers appointed by the Business Council shall be clearly defined in an ordinance passed by the Business Council. Such committee members and officers shall make reports to the Business Council as required.

## **ARTICLE XII - CODE OF CONDUCT FOR COUNCILMEN AND OTHER EXECUTIVE OFFICERS**

Section 1. Hours of duty for Business Councilmen and other elective officers shall be determined as necessary to fulfill their obligations, responsibilities, objectives, and purpose as the governing body of the Spokane Tribe.

Section 2. Notice of absence shall be in advance to an authorized representative designated by the Tribal Council. In case of an emergency, notification should be given at the earliest time possible.

## **ARTICLE XIII - TIME AND PLACE OF MEETINGS**

Section 1. Meetings of Business Council. The Business Council shall hold at least 1 regular meeting a week at the Tribal headquarters at Wellpinit, Washington, or at other times and places required to satisfactorily fulfill its duties and responsibilities as outlined in this Constitution. Special meetings may be called at any time by the Chairman, by any 3 Council Members, or by a written request signed by at least 25 qualified voters of the Spokane Tribe.

Section 2. Tribal and General Council Meetings. There shall be at least 2 General Council meetings a year. One in the month of April and another in the month of November. Additional General Council meetings may be called by the Chairman, by a majority of the Business Council or by a petition signed by at least 125 qualified voters of the Spokane Tribe. <sup>15</sup>



Section 3. Quorum. A quorum of the Business Council shall consist of 3 members. A quorum of the General Council shall consist of 125 qualified voters of the Spokane Tribe. If a confirmed quorum is present at the time of any General Council vote on a matter, the matter voted upon shall be binding upon the Business Council, unless the Business Council acts pursuant to Section 4 of this Article. If the General Council quorum is not confirmed at the time of a General Council vote, the matter shall be advisory to the Business Council.<sup>7,15</sup>

Section 4. Binding power of the General Council Vote. A vote of a quorum of the General Council on any and all matters shall be final and binding on the Tribal Business Council unless the Tribal Business Council resolves to require a referendum vote of the membership on the matter.<sup>6,7</sup>

### **ARTICLE XIV – AMENDMENTS**

The Constitution may be amended by a majority vote of the qualified voters of the Spokane Tribe voting in an election in accordance with Article X, Section 4, called for that purpose, by the Business Council.<sup>8</sup> It shall be the duty of the Tribal Council to call an election on a proposed amendment upon receipt of a petition therefore signed by at least 250 qualified voters of the Spokane Tribe. Such petition shall comply with the petitioning procedures provided by Section 1, Article VI.<sup>18</sup>

### **ARTICLE XV – ADOPTION**

This Constitution shall become effective when adopted by a majority of the qualified voters of the Spokane Tribe voting at an election called for that purpose by the Tribal Council. <sup>9</sup>

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#### **A M E N D M E N T S**

- 1 Article II: Amendment Approved by Commissioner of Indian Affairs on December 19, 1983.
- 2 Article III, Sec. 2: Amendment Approved by Northwest Regional Director on February 2, 2005.
- 3 Article VI, Sec. 3: Amendment Approved by Area Director on May 2, 1986 (memo May 2, 1986).
- 4 Article VIII (c): Amendment Approved by Commissioner of Indian Affairs on December 19, 1983.
- 5 Article IX: Amendment Approved by Area Director on December 3, 1986.
- 6 Article XIII, Sec. 4: Amendment Approved by Area Director on December 3, 1986.
- 7 Article XIII, Secs. 3-4: Amendment Approved by Area Director on January 27, 2009.
- 8 Article XIV: Amendment Approved by Northwest Regional Director on June 4, 2010.

- 9 Article XV: Amendment Approved by the Northwest Regional Director on June 4, 2010.
- 10 Article IV Sec. 3: Amendment approved by the General Membership on June 5, 2010 by a vote of 490 yes and 268 no and approved by Resolution 2010-303 on June 7, 2010.
- 11 Article III Sec. 3: Amendment approved by the General Membership on February 12, 2011, by a vote of 412 yes and 301 no and approved by Resolution 2011-149 on February 14, 2011.
- 12 Article III Sec. 1: Amendment approved by the General Membership on February 12, 2011, by a vote of 417 yes and 301 no and approved by Resolution 2011-149 on February 14, 2011.
- 13 Article V, Sec. 2: Initiative approved by the General Membership on June 4, 2011, by a vote of 389 yes and 187 no and approved by Resolution 2011-249 on June 6, 2011.
- 14 Article VII, Sec. 2: Referendum approved by the General Membership on June 4, 2011 by a vote of 361 yes and 209 no and approved by Resolution 2011-249 on June 6, 2011.
- 15 Article XIII, Sec 2 and Sec 3: Referendum approved by the General Membership on June 4, 2011 by a vote of 387 yes and 182 no and approved by Resolution 2011-249 on June 6, 2011.
- 16 Article VI, Sec 4: Referendum approved by the General Membership on June 4, 2011 by a vote of 422 yes and 150 no and approved by Resolution 2011-249 on June 6, 2011.
- 17 Article X, Sec 2: Referendum approved by the General Membership on June 2, 2012 by a vote of 522 yes and 235 no and approved by Resolution 2012-234.
- 18 Article XIV, Referendum approved by the General Membership on June 2, 2012 by a vote of 523 yes and 224 no and approved by Resolution 2012-234.
- 19 Article III, Sec. 1 (c), Referendum approved by the General Membership on June 2, 2012 by a vote of 491 yes and 258 no and approved by Resolution 2012-234.
- 20 Article VI, Sec.4, Amendment approved by the General Membership on June 6, 2015 by a vote of 456 yes and 146 no and approved by Resolution 2015-262.
- 21 Article III, Sec. 3, Amendment approved by the General Membership on June 6, 2015 by a vote of 309 yes and 268 no and approved by Resolution 2015-262.
- 22 Article III, Sec. 3 (c), Amendment approved by the General Membership on June 2, 2018 by a vote of 457 yes and 215 no and approved by Resolution 2018-268.
- 23 Article III, Sec. 4, Referendum approved by the General Membership on June 5, 2010 by a vote of 428 yes and 325 no and approved by Resolution 2010-303.
- 24 Article VI, Sec. 4, Amendment approved by the General Membership on October 24, 2020 by a vote of 483 yes and 149 no and accepted via Resolution 2021-053.
- 25 Article X, Sec. 4, Referendum approved by the General Membership on June 12, 2021 by a vote of 542 yes and 254 no and accepted via Resolution 2021-336.