

CONSTITUTION AND BYLAWS of The Delaware Tribe of Western Oklahoma

ARTICLE I-NAME

[BACK]

The name of the organization shall be the Delaware Tribe of Western Oklahoma.

ARTICLE II-PURPOSE

[BACK]

The purpose of the tribal organization shall be, through united effort, to promote the economic, moral, cultural, educational, and health status of the Delaware Tribe; to seek and insure assistance of the United States of America; the State of Oklahoma in carrying out mutual programs to accomplish these purposes in concert and to in no way interfere with or otherwise influence any individual member.

ARTICLE III-MEMBERSHIP OF TRIBE

[BACK]

(Pursuant to Amendment I, effective March 6, 1976) Section 1. The membership of the Delaware Tribe of Western Oklahoma shall consist of the following persons; provided they have not received land or money by virtue of having been enrolled as a member of another Indian tribe:

(a) Those persons who prior to the ratification of this amendment qualified for membership under previous membership requirements.

(b) All persons of Delaware Indian blood who received an allotment of land pursuant to the provisions of the Act of March 2, 1895, (82 Stat. 876), shall be included as full blood members of the tribe.

(c) All living lineal descendants of individuals eligible for membership under the provisions of Section 1(b) and Section 2 of the Article, who possess at least one-eighth (1/8) degree Delaware Indian blood and one of whose natural parents is a member of the Delaware Tribe of Western Oklahoma.

(d) All persons born on or after the effective date of this Constitution and Bylaws, both of whose natural parents are members of the Delaware Tribe of Western Oklahoma regardless of degree of Delaware Indian blood.

Section 2. All persons identified in Section 1(b) of this Article shall be considered as possessing 4/4ths degree Delaware Indian blood for the purpose of computing eligibility of their descendants for membership under Section 1(c) or 1(d) of this Article. Brothers and sisters of Delaware Indian blood of all persons identified in Section 1(b) shall likewise be considered as possessing 4/4ths degree Delaware Indian blood.

Section 3. Any person who applies for membership who otherwise qualifies for membership but who has been enrolled as a member of another Indian tribe may be enrolled as a member of the Delaware Tribe of Western Oklahoma; provided he has not shared in land or money as a member of another tribe; and provided further that he relinquishes in writing his membership in the other Indian tribe and; provided further, that such applicant is admitted to membership by a majority vote of the tribal members in general council.

Section 4. The executive committee shall appoint a membership committee composed of tribal members who are not members of the executive committee which shall have the responsibility of preparing and maintaining the current membership roll consistent with the provisions of this Article.

Section 5. The executive committee shall have the power to prescribe rules and regulations covering future membership, including adoptions and the loss of membership, subject to the approval of the Commissioner of Indian Affairs or his authorized representative.

ARTICLE IV-GENERAL COUNCIL

[BACK]

The membership of the general council of the Delaware Tribe of Western Oklahoma shall consist of all members of the tribe eighteen (18) years of age or older.

ARTICLE V-EXECUTIVE COMMITTEE

[BACK]

Section 1. Composition. The officers of the tribe shall be a president, vice-president, secretary, treasurer, and two committeemen who together shall comprise the executive committee. Sec. 2. Term of office for each officer shall be four (4) years and until a successor is duly elected and seated. No person shall serve more than two (2) consecutive terms in a particular position on the executive committee.

ARTICLE VI-POWERS*

[BACK]

The executive committee shall have full authority to act on behalf of the tribe in all matters upon which the tribe is empowered to act now or in the future. Such powers may be exercised subject to any restrictions contained in the United States Constitution or any Federal or State Statutes.

ARTICLE VII-ELECTIONS

[BACK]

(Pursuant to Amendment II, effective June 19,1976) Section 1. Bi-annual Elections. Elections shall be held every two years with members being selected to fill three positions on the executive committee at each election. These bi-annual elections shall become effective in 1977. In order to effectively implement this procedure, the term of the executive committee member which is scheduled to expire in 1978 shall expire in 1977, and the term of the Vice President which is scheduled to expire in 1980 shall expire in 1979. All other terms of office of members of the executive committee incumbent at the time this amendment becomes effective shall remain unchanged.

Sec. 2. Date of Elections. Regular elections to fill vacancies as terms expire on the executive committee shall be held bi-annually, in odd-numbered years, at the regular annual meeting of the general council on the third Saturday in June. Persons elected to office shall serve four (4) years.

Sec. 3. Election Ordinance. All tribal elections, including the first one under this constitution, shall be conducted in accordance with an election ordinance, consistent with this constitution and bylaws, which shall be enacted by the executive committee. Such ordinance shall provide for secret balloting, absentee voting, voter registration, nomination of candidates in advance of election date, an impartial election committee selected from outside the executive committee that shall be responsible for conducting all tribal elections and a procedure for resolving election disputes. Further, it shall require that no write-in votes be accepted in any tribal election. Provisions included regarding the conduct of

recall and referendum elections and a uniform procedure for submitting petitions.

Sec. 4. Voter Qualifications. Any member of the tribe shall be qualified to vote, provided he is at least eighteen (18) years of age on the date of the election and he has duly registered.

Sec. 5. Qualifications of Candidates. Any member of the tribe, who will be at least twenty-one (21) years of age on the date of the election shall qualify as a candidate for membership on the executive committee, or subordinate body by election or appointment, except those persons previously convicted in any court of competent jurisdiction of a felony, or any member who is delinquently indebted to the tribe.

Sec. 6. Filling of Vacancies. Any vacancy which occurs in the membership of the executive committee shall be filled for the unexpired term at the next duly called meeting of the general council.

ARTICLE VIII-MEETINGS

[[BACK](#)]

(Pursant to Amendment III, effective June 19, 1976) Section 1. Annual meetings of the general council shall be held on the third Saturday in June for the purpose of receiving reports and transacting any other business which may come regularly before the council. Bi-annually in odd-numbered years an election to fill vacancies on the executive committee shall take place as part of the annual meeting. Should the executive committee determine that it is not possible or appropriate to hold such meetings on the specified date, it shall then be held within thirty (30) days following, on a date to be determined by the executive committee; provided, that at least ten (10) days' notice shall be given on such meeting.

Sec. 2. Special meetings of the general council may be called at the discretion of the president, and shall be called by him upon his receipt of a written request signed by twenty-five (25) members of the council, or upon written request of at least three (3) officers of the tribe. Should the president refuse to call such meetings for the date and time requested, any three (3) tribal officers shall be empowered to do so.

Sec. 3. Notice of Special General Council Meeting. The principal object of the special general council meeting must be stated in the notification and may include the words 'and for the transaction of other business that may be presented.'" Unless these words are added, no business may be transacted except for the object stated in the notice.

Sec. 4. All meetings of the executive committee may be called by the president at his discretion and shall be called by him for the date and time requested upon the written request of any three (3) members of the executive committee. Should he refuse to call the requested meeting, any three (3) members of the executive committee shall be empowered to do so.

ARTICLE IX-VACANCIES

[[BACK](#)]

Failure to attend three (3) consecutive duly called executive committee meetings, unless excused by a majority of the executive committee, shall automatically result in loss of office for the individual concerned.

The resulting vacancy, or a vacancy created by death, resignation, recall or removal, shall be filled for the unexpired term in accordance with the provisions of Article VII, Section 6, of this constitution and bylaws.

ARTICLE X-POPULAR PARTICIPATION IN GOVERNMENT

[[BACK](#)]

Petitions for recall referendum and initiative must comply with procedures set forth in the election ordinance as stated in Article VII, Section 3, of this constitution.

Section 1. Recall. Upon receipt of a petition signed by at least forty (40) of the tribe's registered voters it shall be the duty of the president to call and conduct within fifteen (15) days, a special meeting of the general council to consider the recall of a member of the executive committee. Such meeting is subject to quorum provisions. Only one (1) member of the committee shall be considered for recall at any given recall meeting. Once an individual is subjected to recall proceedings, he shall not again be considered for such action until at least six (6) months have passed.

Sec. 2. Referendum and Initiative. Upon receipt of a petition signed by at least forty (40) of the tribe's registered voters, it shall be the duty of the president to call and conduct within fifteen (15) days, a special meeting of the general council for the purpose of presenting to the voters for their determination any issue or question. The decision of the majority of those voting shall be binding on the executive committee, provided a quorum is present.

ARTICLE XI-REMOVAL

[[BACK](#)]

The executive committee shall enact an ordinance providing for the removal of members of that body. Included shall be procedures for the accused to confront his accusers and speak on his behalf in answer to a written statement of charges at a special executive committee meeting called for that purpose. The accused shall be provided with such written charges at least fifteen (15) days in advance of the removal meeting.

ARTICLE XII-BILL OF RIGHTS

[[BACK](#)]

Section 1. All members of the tribe shall enjoy without hindrance, freedom of worship, conscience, speech, press, assembly and association.

Section 2. This constitution shall not in any way alter, abridge or otherwise jeopardize the rights and privileges of the members of the tribe as citizens of the State of Oklahoma or the United States.

Section 3. The individual property rights of any member of the tribe shall not be altered, abridged or otherwise affected by the provisions of this constitution and bylaws without the consent of such individual members.

Section 4. The enumeration of any rights in this Article shall not be interpreted to limit the rights otherwise guaranteed by the Indian Civil Rights Act of 1968 (25 USCA 1302).

ARTICLE XIII-AMENDMENTS

[[BACK](#)]

Amendments to this constitution and bylaws may be proposed by a majority vote of the executive

committee or by a petition signed by at least forty (40) registered voters of the tribe. If approved by the Commissioner of Indian Affairs, the amendment shall be submitted to the qualified voters of the tribe and shall be effective when ratified by a majority of those voting in an election called by the Commissioner of Indian Affairs. A petition for such purpose must comply with 25 CFR 53.

BYLAWS

ARTICLE XIV-DUTIES OF OFFICERS

[[BACK](#)]

(Pursuant to Amendment III, effective June 19,1976)

Section 1. The president shall preside at all meetings of the general council and of the executive committee. He shall have general supervision of the affairs of the general council and of the executive committee and shall perform all duties associated with the office of president.

Section 2. The vice-president in the absence of the president shall perform the duties of that office. He shall serve as ex-officio member of all committees created by the executive committee and shall represent the president at outside meetings or at other occasions when called upon to do so.

Section 3. The secretary shall keep an accurate account of all proceedings and official records of the council and of the executive committee, and shall file copies in the tribal office. He shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the council and executive committee. All official records of the secretary shall be open at reasonable times to the inspection of council members in the presence of the secretary. The secretary shall keep an accurate list of all general council members, and in the absence of the president and vice-president, shall preside at meetings of the general council or executive committee.

Section 4. The treasurer shall be the custodian of all funds in possession of the tribe from any source. He shall keep an accurate record of all funds and shall make disbursements in accordance with a properly executed resolution of the executive committee. The treasurer shall keep all tribal monies entrusted to his care in special bank accounts. At any time that such an account shall amount to fifty dollars (\$50) or more, he shall file a bond satisfactory to the executive committee and the Commissioner of Indian Affairs. The cost of such bond shall be paid out of tribal money. The accounts and records of the treasurer shall be open at reasonable times for inspection by council members in the presence of the treasurer. The books of the treasurer shall be subject to audit or inspection at the discretion of the executive committee or the Commissioner of Indian Affairs.

Section 5. The committeemen shall perform those specific duties which shall be set forth in a resolution of the executive committee.

Section 6. Transfer of Records. At the expiration of their term of office, all officers shall turn over all tribal records and funds in their possession to their successors.

ARTICLE XV-CONDUCT OF MEETINGS

[[BACK](#)]

Section 1. Place. All regular and special meetings of the general council and the executive committee shall be held at the Anadarko Agency* unless otherwise designated in the notice of such meeting.

Section 2. All meetings shall be conducted in accordance with Robert's Rules of Order, unless otherwise specified in this constitution and bylaws.

Section 3. Quorum. Twenty (20) members of the general council

shall constitute a quorum. No business, other than the election of officers to provide for continuity of government, shall be transacted by the general council, unless a quorum is present. Four (4) members of the executive committee shall constitute a quorum to transact any business.

ARTICLE XVI-ADOPTION

[[BACK](#)]

This constitution and bylaws shall be effective when approved by the Secretary of the Interior and ratified by a majority of those adult members of the tribe who cast ballots in an election authorized by the Secretary of the Interior.

*Section 1 was amended August 16, 1986 to read "meetings shall be held at the Delaware Tribal complex."

Ratified April 21, 1973

[- [Return to TOP](#) -]

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