

PROCEDURES FOR TRIBAL COUNCIL REVIEW OF CONSTITUTIONAL REVISIONS REGULATIONS
Regulation # R100-02:TC

Chapter 1. Procedures For Review of Constitutional Amendments Proposed by Membership

Section 1. Authority; Purpose

1-1. *Authority.* In accordance with Article XIV, Section 2 of the Constitution of the Little River Band of Ottawa Indians the Tribal Council hereby promulgates these regulations for review and consideration of amendments to the Constitution.

1-2. *Purpose.* The purpose of these regulations is to set forth clear procedures and policies for the review and recommendation processes for amendments to the Constitution which will provide assistance to members wishing to submit constitutional amendments, and for the Tribal Council to maintain the status and honor of the Constitution through a recognition of restraint in supporting or presenting constitutional amendments.

1-3. *Policy.* It is hereby the declared policy of the Tribal Council—

- a. That the founding document of Tribal government should be amended only by request of the membership.
- b. That while Councilors may lend or offer support to any constitutional amendment, that the Tribal Council shall not provide such support through a resolution adopted by the Tribal Council as authorized under Article XIV, Section 2 of the Constitution.
- c. That the Tribal Council desires to assist members in identifying language that clearly expresses the intent of the individual member, as well as transition language where needed as a result of proposed amendments.
- d. Finally, that in the interests of clearly identifying support for constitutional amendments, the Tribal Council identifies a petition form which may be used by members for collecting the number of signatures for support of a constitutional amendment.

Section 2. Definitions

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word “shall” is always mandatory and not merely advisory. Unless defined elsewhere, terms defined in Chapter 1 and the Constitution of the Little River Band of Ottawa Indians are defined for the purposes of all these Regulations.

2-2. *Constitution* means the Constitution of the Little River Band of Ottawa Indians.

2-3. *Councilors* means an individual member of the Tribal Council.

2-4. *Eligible voter* means a member of the Tribe who is age 18 or older on the day he or she signed the petition.

2-3. *Member* means an individual enrolled as a member of the Little River Band of Ottawa Indians.

2-4. *Tribe* means the Little River Band of Ottawa Indians.

2-5. *Work session* means a time scheduled by the Tribal Council Recorder for the Tribal Council to discuss a specific subject matter.

Section 3. Procedures

3-1. *Receipt of Proposed Constitutional Amendments.* The Tribal Council Recorder shall receive all requests to amend the Constitution presented by members or Councilors. Such receipt shall be signified by stamp or signature on the face of the original document. All requests must be originals, signed, and identify with reasonable specificity the proposed amendment, and the reasons therefore.

3-2. *Review.* The Tribal Council Recorder shall schedule a work session to present and discuss the proposed amendments, receive comments by Councilors, and/or request legal review. The requesting party may or may not be present, but shall be forwarded notice of the work session, and the purposes for which it is called. Tribal Council Recorder shall determine whether to request a legal opinion before the work session.

3-3. *Work Session Review.* At the conclusion of the work session with the requesting party, the Tribal Council shall request an annotated version of the proposed amendments, include recommended revisions, and identify potential transitional methods in the event the amendments are adopted. Such document shall be developed in a timely fashion and forwarded to the Tribal Council and the address of the requesting member.

3-4. *Petitions.* Members submitting petitions for constitutional amendments are encouraged to utilize the form approved by the Tribal Council. This petition form identifies the proposed constitutional language by summary on the petition and in full by attachment, if necessary. Each member supporting the petition must identify –

- a. printed full name, and nicknames if applicable;
- b. signature
- c. home address;
- d. enrollment number; and
- e. date of birth.

The Tribal Council Recorder shall assist, or cause to have assistance given, in development of the petition forms which contain the constitutional amendments, and to have 20 copies of that form made for use by the member in obtaining signatures.

3-5. *Verification of Signatures.* Petitions for amendment of the constitution shall be delivered, or forwarded, to the Election Board for verification that 30% of the eligible voters have signed in support of the proposed amendments. The number of eligible voters shall be identified as the number members age 18 or older on the date the petition is submitted. The Election Board shall forward to the Tribal Council a memo certifying that the signatures on the petition have been verified, and the percentage of eligible voters signing the petition.

3-6. *Receipt of Verification.* The Tribal Council Speaker shall forward a copy of the petition, the certification memo from the Election Board to the Secretary of the Interior upon receipt with a cover letter requesting a Secretarial Election in accordance with Article XIV of the Constitution.

3-7. *Secretarial Election Board.* The Election Board shall serve as the election body for a Secretarial Election.

Future Chapters Reserved for Additional Procedures

Section 4. Adoption; Amendment; Repeal

4-1. *Adoption.* This Chapter is adopted by the Tribal Council by resolution # 02-0814-09.

5-2. *Amendment.* This regulation may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of regulation of the Little River Band of Ottawa Indians.

5-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

5-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the ‘spirit’ of this regulation rather than complete compliance is acceptable.