

**CONSTITUTION AND BYLAWS**  
**OF THE**  
**IOWA TRIBE OF OKLAHOMA**  
**(As Amended to August 21, 2008)**

**PREAMBLE**

We, the members of the Iowa Tribe of Oklahoma, in order to promote our common welfare and to secure to ourselves and our descendants, the rights, powers and privileges offered recognized by the Thomas-Rogers Oklahoma Indian Welfare Act, approved June 26, 1936 (49 Stat. 1967), do establish this organization and adopt this Constitution and By-laws pursuant to that Act. (This document supersedes the original Constitution and Bylaws and its amendments, which document was initially approved by Assistant Secretary of the Interior, Oscar L. Chapman on September 22, 1937, and ratified by the Tribe on October 23, 1937.) Any ordinances or resolutions enacted under that prior governing documents shall continue in effect to the extent they are not in conflict with this Constitution and Bylaws.

**ARTICLE I - NAME**

The name of this organization shall be the Iowa Tribe of Oklahoma. The seat of Government shall be at the Tribal Administrative Office.

**ARTICLE II - MEMBERSHIP OF TRIBE**

Section 1. Membership. The membership of the Iowa Tribe of Oklahoma shall consist of the following persons who have not elected to be enrolled with another Tribe or have not received a share of land or money by virtue of having been enrolled as a member of another Tribe.

(a) All living persons who whose names appear on the approved membership roll of the Iowa Tribe of Oklahoma dated March 24, 1975.

(b) All direct lineal descendants of the Iowa Tribe of Oklahoma allottees who possess one-sixteenth (1/16) or more degree of Iowa Tribe of Oklahoma Indian blood, who have one parent who is a recognized member of the Iowa Tribe of Oklahoma and who apply

for membership after the effective date of this amendment.

Section 2. Business Committee Power. The Business Committee shall have the power to make rules and regulations subject to approval of the Secretary of the Interior, governing the adoption of members not otherwise provided for in the Constitution and Bylaws and governing future membership and loss of membership.

## **ARTICLE III - IOWA COUNCIL**

Section 1. Supreme Governing Body. The Supreme Governing Body of the Tribe shall be the Iowa Council composed of all members of the Tribe, eighteen (18) years of age and older.

Section 2. Powers. The governing power of the Council shall only be those powers exercised through ratification of Ordinances; elections and appointments, Article VII; recall, Article IX; initiative and referendum, Article XIV; and constitutional amendments, Article XV. The exercise of such powers shall be subject to the limitations imposed by Federal law or the Constitution of the United States.

## **ARTICLE IV - OFFICERS**

Officer of the Council The officers of the Council shall be the Chairperson, Vice-Chairperson, Secretary, Treasurer, and one (1) Councilperson. The term of officers shall be for two (2), or until their successors are elected and installed.

## **ARTICLE V - COMMITTEES**

Section 1. Business Committee. There shall be a Business Committee composed of the officers set forth in Article IV.

Section 2. Powers. Except for those powers reserved to the Council in Article III, the Business Committee shall have power to transact business, enact rules and regulations, draft Ordinances, and otherwise speak or act on behalf of the Tribe in all matters on which the Tribe is empowered to act including the employment of legal counsel, however, the choice of counsel and fixing of fees shall be subject to approval by the Secretary of the Interior. The exercise of the above powers shall be subject to any limitations imposed by Federal law or the Constitution of the United States.

Section 3. Grievance Committee. The Grievance Committee shall consist of three (3) members who shall be elected by the Council and shall not include any members of the Business Committee.

## ARTICLE VI - MEETINGS

All meetings authorized by this Constitution and Bylaws shall be conducted pursuant to "Robert's Rules of Order" except as otherwise provided by the terms of this governing document.

Section 1. Annual Meetings. Annual meetings of the Council and election of officers shall be held on the first Saturday of June of each year with the time and place being designated by the Business Committee which shall announce and have published notices of the meeting at least ten (10) days prior to the meeting. In the event of a general emergency or failure to achieve a quorum, the annual meeting and election shall be held on a Saturday not more than thirty (30) days following the regular date for such meeting. The annual election of officers shall take place at such rescheduled meeting even in the absence of a quorum.

Section 2. Special General Council Meeting. Special meetings of the Council may be called at the discretion of the Chairperson, and shall be called by the Chairperson upon the written request of a majority of the Business Committee or upon receipt of a petition signed by at least twenty-five (25) members of the Council. Provided, that at least (10) days notice shall be given in each instance. In the event that the Chairperson does not call such meeting within thirty (30) days after receipt of a written request or petition, any three (3) members of the Business Committee shall be empowered to do so.

Section 3. Notice. The principal object of a Special Council Meeting must be stated in the call for same and may include the words "and for the transaction of other business that may be presented." Unless these words are added no other business can be transacted except for the object stated in the call.

Section 4. Regular Meetings. The regular meetings of the Business Committee shall be held quarterly during the months of January, April, July and October of each year.

Section 5. Special Business Committee Meetings. Special meetings of the Business Committee may be called by the Chairperson at his discretion; and shall be called by him upon the written request of three (3) members of the Business Committee. If the Chairperson fails to call such meeting within five (5) days after receipt of a written request, any three (3) members of the Business Committee shall be empowered to do so. The meeting shall be conducted within ten (10) days after its call and all members shall be given written notice at the same time it is called.

Section 6. Conduct of Persons Attending Meetings. The Business Committee shall draft an Ordinance which shall govern the conduct of those persons who attend all

meetings authorized by this Constitution and Bylaws. Such Ordinance shall be adopted pursuant to Article XIV and shall include provisions for closed meetings of the Council, executive sessions of the Business Committee and eviction of offenders.

## **ARTICLE VII - ELECTIONS AND APPOINTMENTS**

Section 1. Business Committee The first election under this Constitution and Bylaws shall be held pursuant to provisions of this document within ninety (90) days following its effective date. Incumbent officers under the previous governing document shall continue to serve until those elected under this document are duly elected and installed. Such newly elected officers shall be installed within thirty (30) days following their elections.

At the first election, the Vice-Chairperson, Secretary and Councilperson shall each be elected to serve until the next annual election in order to establish a system of staggered terms. Starting with the annual Council Meeting in June 1978, and each second year thereafter, these three (3) positions shall be filled for two (2) year terms.

The positions of Chairperson and Treasurer shall each be filled for two (2) year terms at the first election. Thereafter, such positions shall continue to be filled every other year for two (2) year periods. In each case the elected officials shall serve for the specified term or until their successors are duly elected and installed. However, the established staggering of terms should be preserved.

Section 2 The Grievance Committee. The Grievance Committee for the Tribe shall be elected at the first election of officers in the same manner as specified in Section 1 of this Article, and each second year thereafter; provided, incumbent officers shall serve until their successors are fully elected and installed. The Grievance Committee shall, within thirty (30) days following each election, meet and, within the Committee, elect a Chairperson, Vice-Chairperson and Secretary.

Section 3 Election Board. At least sixty (60) days before the annual election, the Grievance Committee and the Business Committee shall each appoint a responsible adult to serve on the Election Board. These two (2) Board Members shall choose a third person to serve with them. At least one (1) Board Member must be a Tribal Member who qualifies pursuant to Article XII of this document. The Election Board shall be solely responsible for conducting the annual election of officers and any other Tribal elections which may be necessary throughout the year. The Election Board shall during its first meeting, not more than ten (10) days after appointment, select from that body, a Judge, a Teller and a Clerk. The Election Board shall, within five (5) days following such organizational meeting, notify the Tribal Secretary of the election results. Board Members shall be appointed to serve for one (1) year and until their successors are duly appointed as provided above. They may be appointed to successive terms and receive

compensation for their services. Rates of compensation shall be determined by the Business Committee. No elective Tribal Official or candidate for elective shall serve on the Election Board. The Board shall conduct fair and impartial elections.

Section 4 Election Procedures. The first elections of officers under this Constitution and Bylaws shall be conducted pursuant to election procedures adopted by the Business Committee which shall be in accordance with this Constitution and Bylaws. Subsequent elections shall be pursuant to an Election Ordinance which shall be drafted by the Business Committee and ratified by a majority of those voting at a meeting of the Council. Such Ordinance shall be consistent with this Constitution and Bylaws and shall include, but not be limited to, the following provisions:

Secret Ballots  
Absentee Voting  
Settlement of Election Disputes  
Handling of Petitions  
Conduct of: Referendum, Initiative and Recall Elections

To be eligible for election, prospective candidates must qualify pursuant to Article XII and file notice of candidacy for an elective office with the Election Board Clerk at least forty (40) days prior to the election. The Tribal Secretary will be responsible for mailing a Tribal newsletter containing the name and address of the Election Clerk to the last known address of each Iowa household. Such newsletter shall be mailed not less than sixty (60) days prior to election. It shall announce the election, state the deadline for filing as a candidate and requesting absentee ballots.

A notice of candidacy shall be valid if filed by a candidate personally or upon the petition of ten (10) members of the Council. No person shall be a candidate for more than one (1) office at any one (1) election.

Qualified voters residing outside the State of Oklahoma wishing to vote by mail for the election of officers shall notify the Election Clerk in writing no later than thirty (30) days prior to such election. This request to vote by mail must be made before each election.

As soon as the period is closed for filing as a candidate (forty (40) days before election), the Election Board shall prepare a special absentee ballot and send one (1) to each qualified voter who has requested the same as provided above.

All mail ballots must be received by the Election Clerk before the time for the polls to close on election day and are to be counted by the Election Board at the same time all other ballots are counted.

Section 5 Installation of Officers. In order to provide for an orderly transition of power, the newly elected officers shall be installed at the July quarterly meeting of the Business

Committee. Should the Business Committee fail to call the July quarterly meeting, the newly elected officials shall automatically assume their respective posts, for which they were elected, on the third Saturday in July following such election.

## **ARTICLE VIII - FILLING VACANCIES**

Section 1. Elective Bodies. Vacancies in any elective office shall be promptly filled at any valid meeting by the remaining members of the affected body, appointing a person who qualifies pursuant to Article XII. Such appointee shall serve for the remainder of the unexpired term; provided, an appointee shall not be used to fill a vacancy in the office of Chairperson. In that instance, the Vice-Chairperson shall assume the office of Chairperson and shall serve for the remainder of the departed Chairperson's unexpired term. The resulting vacancy in the office of Vice-Chairperson shall be filled by appointment as set forth above in this Section.

Section 2. Appointive Bodies. In the event of a vacancy on the Election Board, it shall be filled by the Committee or Board which originally made the appointment. Such appointee shall qualify pursuant to Article XII; provided, an appointee shall not be used to fill a vacancy in the office of Election Board Judge. In that instance, the Teller shall assume the office of Judge. The resulting vacancy in the office of the Teller shall be filled in the manner set forth herein.

## **ARTICLE IX - REMOVAL, RECALL AND FORFEITURE**

Section 1. Removal. Each elected or appointive body of the Tribe shall have the power to remove any of its members for cause by an affirmative vote of a majority of its total membership. The Business Committee shall enact regulations providing for such removals. These regulations shall be used in removal proceedings by each of the other elected or appointive bodies.

Included in these regulations shall be procedures for the accused to confront his accusers and speak on his behalf in answer to a written statement of the charges at a special meeting of the affected body, called for that purpose. The accused shall be provided with the written statement of charges at least fifteen (15) days prior to the removal meeting. Such regulations shall further provide that only one (1) person from any governmental body of the Tribe shall be considered for removal at any meeting called for that purpose. No further removal shall be considered until the resulting vacancy is filled.

In the event either the accused or the accuser requests an investigation into the matter, it shall be the duty of the Grievance Committee to conduct such investigation and within twenty (20) days provide its findings to the body for its use in making a final determination.

In the event an official is accused of misconduct and the respective body refuses to invoke the removal process, such charges may be submitted in writing to the Grievance Committee. Upon its receipt of written charges, it shall be the duty of the Grievance Committee to determine whether such charges have sufficient substance to warrant serious consideration. If so, the Grievance Committee shall conduct a hearing within twenty (20) days of its receipt of the written charges. The same advance notification and rights of the accused shall apply as set forth above in this Section. If the accused fails to attend such hearing, it may be grounds for forfeiture of his office. If the accusers fail to attend, the charges may be dismissed. The Grievance Committee shall decide whether the accused shall be cleared of the charges or removed from office.

Section 2 Recall. Upon receipt of a valid petition signed by at least thirty (30) percent of the registered voters, it shall be the duty of the Election Board to call and conduct within sixty (60) days, an election for the purpose of recall of an elected tribal official. The election shall be conducted pursuant to the Election Ordinance and shall include a prohibition against any individual again being considered for recall during the remainder of his term. No more than one (1) member from each elected body shall be considered for recall during a single election. Members of appointive bodies are not subject to recall.

Section 3 Forfeiture. After due notice, it shall be the duty of the affected governmental body immediately to declare vacant any position and to promptly fill such vacancy in the manner provided in Article VIII when it is determined that the incumbent:

- (a) Has resigned.
- (b) Has been convicted while in office of a crime involving dishonesty.
- (c) Has been convicted a felony while in office.
- (d) Has falsified his affidavit of qualifications or has omitted information concerning a conviction of a felony or any crime involving dishonesty, when being certified as a candidate for Tribal office.
- (e) Has been absent, without being excused by the respective body, for more than three (3) consecutive meetings in succession; provided, that the loss of office for such reason shall not serve to deny a person from becoming a candidate for office in subsequent elections.
- (f) Has ceased to reside physically in the State of Oklahoma.

## ARTICLE X - BILL OF RIGHTS

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

Section 2. This Constitution and Bylaws shall not in any way alter, abridge, or otherwise jeopardize the rights and privileges of the members of this Tribe as citizens of the State of Oklahoma and/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 member.

Section 4. The protections guaranteed to individual Tribal Members by Title II of the Indian Civil Rights Act of 1969 (82 Stat. 77), against actions of a Tribe in exercising its powers of self-government, shall apply as appropriate to members of the Iowa Tribe of Oklahoma.

## BYLAWS

### ARTICLE XI - DUTIES OF OFFICERS

Section 1. The Chairperson. The Chairperson shall preside at all meetings of the Council and of the Business Committee. He shall have general supervision of the affairs of the Council and of the Business Committee and shall perform all duties pertaining to the office of Chairperson.

Section 2. Vice-Chairperson. In the absence of the Chairperson, the Vice-Chairperson shall perform the duties of that office. In case of vacancy, the Vice-Chairperson shall succeed at once to the office of the Chairperson and serve the unexpired term of that office.

Section 3. Secretary. The Secretary shall keep an accurate account record of all proceedings and official records of the Council and of the Business Committee. He shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the Council and of the Business Committee. Other than confidential documents, all official records of the Secretary shall be open to inspection during normal working hours by the members of the Council at their request, in the presence of the Secretary. In the event a member is refused access to such records, he may request the Grievance Committee to so order. Upon such order, the Secretary shall provide access to the requested records. The Secretary shall keep a correct list of all members of the Council, shall authenticate all accounts or orders of the Council and



in the absence of the Chairperson and the Vice-Chairperson shall call meetings to order until a Chairperson *pro tem* is elected. He shall render a written report at the Annual Council Meeting and, at the expiration of his term of office, the records and all papers in his possession shall be turned over to his successor or the Business Committee.

Section 4. Treasurer. The Treasurer shall be the custodian of all Council funds, with the exception of Grant and Contract funds derived from State, Federal, and private sources, which shall be governed by the Business Committee in accordance with Federal regulations and funding agency requirements. The Treasurer shall keep an accurate record of all Council funds, as indicated above, and shall disburse the same in accordance with the vote and prior approval of the Business Committee, and all checks, drafts, or other withdrawals on or against the Tribe's bank accounts, or other depository or institution, shall require two (2) signatures, which signatures shall include that of the Treasurer and that of such other officers of the Business Committee as the Committee may designate by resolution. Signatures for the disbursement of Tribal Grants and Contract funds, Federal or private, shall require any two (2) signatures of the three (3) officers of the Business Committee as the Committee may designate by resolution.

The Business Committee shall designate by resolution no more than three (3) authorized signatures of Business Committee officers for each tribal account. The Treasurer shall render a written report at the annual Council meeting and at such times as he is requested to do so by the Business Committee. He shall keep all Council funds, with the exception of Grants and Contracts, whether Federal, State, tribal enterprise or private sources, entrusted to his care, in a special account. He shall be bonded in such an amount as the Business Committee by resolution shall provide, such bond to be satisfactory to the Commissioner of Indian Affairs.

Section 5. Councilperson. Shall carry out duties pertaining to Tribal business as instructed by the Business Committee.

Section 6. An elected or appointed Tribal official who fails to turn over to his successor all Tribal records and papers in his possession within ten (10) days after expiration of his term or removal from office shall be subject to appropriate court action to recover such Tribal property. All records maintained by Tribal officials are Tribal property and shall be retained in the Tribal Administrative Office which shall not be a private residence.

Section 7. Tribal Treasurer. The Tribal Treasurer, in addition to his duties under Section 4, shall have conducted a complete audit of all Tribal funds, regardless of source, by either a Certified Public Accountant or Bureau of Indian Affairs auditor at least once each year.

## **ARTICLE XII - QUALIFICATIONS OF CANDIDATES**

## FOR OFFICE

In order to become a candidate for any elective Tribal office, a notice must be filed in accordance with Article VII, Section 4 of this Constitution and Bylaws. It shall be the responsibility of the Election Board to insure that only those persons who meet the qualifications listed below are shall be declared candidates for the respective office:

- (a) An enrolled member of the Tribe.
- (b) At least twenty-one (21) years of age by election date.
- (c) Agree to physically reside within the State of Oklahoma during the term of office. If a non-resident, such person must establish physical residence within the State no longer later than thirty (30) days following the election.
- (d) If an individual has pled guilty, *nolo contendere* or been found guilty of any felony in any county, district, State or Federal Court, or has been removed from any Tribal office, he shall be determined not qualified to be a candidate for any elective Tribal office. If at least five (5) years have passed following removal or completion of a penalty for the crimes mentioned herein, they shall not serve to disqualify disqualify a person from becoming a candidate.

## ARTICLE XIII - QUORUM

Section 1. Twenty (20) members of the General Council shall constitute a quorum to transact business at any meeting of that body.

Section 2. Three (3) members of the Business Committee shall constitute a quorum to transact business at any meeting of that body.

Section 3. Two (2) members shall constitute a quorum to transact business at any meeting of the Grievance Committee or the Election Board.

## ARTICLE XIV - DEFINITION OF TERMS

The Business Committee is the body primarily responsible for legislative functions. However, the Council, by means of referendum, initiative or in meetings of that body, has reserved to itself certain legislative authorities. Enactments of the Council shall, in most cases, be set forth in Ordinances. The Business Committee, in implementing such Ordinances, or in executing its legislative function shall adopt Resolutions. Recognizing that there are certain actions or expressions each governing entity will make which do not specifically constitute tribal legislation, they shall be set forth in motions. The Grievance Committee and Election Committee shall use motions or Resolutions as appropriate in the conduct of their particular functions. Such motions or Resolutions shall be subordinate to Council enactments. Rules and Regulations shall be adopted, when necessary, to insure equity in implementing Tribal legislation.

### Section 1. Legislative Terms

- (a) Resolution. A formal written expression of opinion or will. It may or may not require responsive action by the Bureau of Indian Affairs or other outside organization. In addition to inclusion in the minutes, a resolution is a separate document that specifies the number which voted on the enactment and is signed by the appropriate officials. Resolutions are subordinate to, and must be consistent with Tribal Ordinances and terms of this Constitution and Bylaws. Resolutions shall be used as necessary to set forth rules, regulations and procedures for the purpose of implementing the intent of Tribal Ordinances.
- (b) Ordinance. An enactment of the Council, usually at a meeting of that body; a separate document which shall have long-range effect, such as, establishing procedures governing the conduct of elections or removing elected officials. Ordinances are Tribal laws which shall have general application and shall remain in effect until amended or rescinded in the same manner in which they were enacted. Ordinances shall not conflict with this Constitution and Bylaws, or any subsequent amendments thereof.

### Section 2. Other Terms.

- (a) Forfeiture. The loss of office that results from the existence of those circumstances set forth in Section 3 of Article IX.
- (b) Initiative. The procedures, whereby registered voters may exercise their right to present to the voters proposed legislation.

Upon receipt of a valid petition signed by at least twenty (20) percent of the registered voters, it shall be the duty of the Election Board to call and conduct such initiative election within sixty (60) days, presenting to the registered voters for their determination such issues or questions which are set forth in the petition. A majority of those voting shall be required to adopt such measure; provided, at least thirty (30) percent of the registered voters cast ballots in such election. It shall then be binding on the Business Committee and the Tribe and shall remain in force until amended or rescinded by subsequent action of the Council, except as it may expire by its own terms.

(c) Motion. An expression initiated in a Council meeting by any member of that body, or in meetings of the Business Committee, Grievance Committee or the Election Board by members of those respective bodies. A motion requires no responsive action by the Bureau of Indian Affairs or any other Agency. It is mere recorded in the minutes of the meeting for appropriate action.

(d) Recall. An action taken by the voters to recall from office any official who holds an elective office. Recall is accomplished pursuant to Section 2 of Article IX.

(e) Referendum. At the discretion of the Business Committee, any matter within its authority may be referred to the Tribe's registered voters for their decision. A majority of those voting shall be required to adopt such measure; provided, at least thirty (30) percent of the registered voters cast ballots in such election. If the measure is adopted, it shall remain in force as specified in Section 2(b) of this Article. Such decision shall be binding on the Business Committee. Both secret balloting and an opportunity for absentee voting shall be provided for in referendum elections and shall be included in the Tribal Elections Ordinance.

(f) Removal. An action taken by members of the Business Committee, or other elective or appointive body, against a fellow member of such body in order to unseat him from office because of misconduct. In some cases removal can result from action by the Grievance Committee pursuant to Section 1 of Article IX.

(g) Rules and Regulations. Rules and regulations shall be adopted by the Business Committee, when necessary, to ensure adequate implementation of Tribal legislation.

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## **ARTICLE XV - AMENDMENTS**

Amendments to the Constitution and Bylaws may be proposed by a majority vote of the Business Committee or by a petition signed by at least thirty (30) percent of the qualified voters of the Tribe and if approved by the Secretary of the Interior, shall be submitted to a referendum of those entitled to vote, and shall be effective if approved by a majority of the votes cast.

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## **ARTICLE XVI - ADOPTION**

This Constitution and Bylaws shall be effective when approved by the Secretary of the Interior and ratified by a majority vote of the members of the Iowa Tribe of Oklahoma voting in an election called by the Secretary of the Interior under rules and regulations which he may prescribe pursuant to Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936. (49 Stat. 1967).