Memorandum

To: Director, Southern Plains Region
   Attn: Tribal Government Services

From: Director, Bureau of Indian Affairs

Subject: Constitutional Amendments – Kaw Tribe of Oklahoma

The Kaw Tribe of Oklahoma (Tribe) submitted Kaw Nation Executive Council Resolution 06-25, enacted March 14, 2006, proposing one amendment to its constitution to the Southern Plains Regional Office, Bureau of Indian Affairs (BIA).

The amendment proposes to amend Article VIII – Amendments, eliminating the requirement for Secretarial approval of future amendments. The proposed amendment as set forth in Resolution 06-25 (copy attached) reads:

This constitution may be amended by a majority vote of the qualified voters of the Kaw Nation voting in an election called for that purpose, provided, that at least thirty percent (30%) of those entitled to vote shall cast ballots in such election. If in such election at least thirty percent (30%) of eligible voters of the Tribe vote in the election, and the amendment is approved by a majority vote, said amendment shall be effective from the date of the approval.

Amendments to this constitution may be proposed by a valid petition signed by at least thirty percent (30%) of the members of the General Council or by a majority vote of the Executive Council.

You are hereby authorized by me, acting pursuant to delegated authority under the Oklahoma Indian Welfare Act, the Act of June 26, 1936, 49 Stat. 1967, 25 U.S.C. 503 and 130 DM 3 (April 23, 2003), to call and conduct the requested election on the proposed amendment to the Kaw Nation constitution. Voting on the proposed amendment to the constitution shall be held in accordance with Title 25 of the Code of Federal Regulations (CFR) Part 81 (25 CFR 81).

Your attention is directed to 25 CFR § 81.11, 81.12, 81.13 and 81.14 regarding the need to develop a list of tribal members duly registered to vote and the deadlines mentioned. The registered voters list must be posted at least twenty (20) days prior to the election date which does include the date of posting and election day. Regulations found at 25 CFR § 81.6 determines who will be allowed to vote in this election.
The date of the election shall be set by the officer-in-charge in cooperation with the tribal officials of the Tribes and shall not be less than thirty (30) days and no more than sixty (60) days from the date of posting of notices of the election. Registered voters must be at least eighteen years of age on the date established for this special election.

Regulations at 25 CFR § 81.8 provides for an election board composed of the designated officer-in-charge as the chairman and representatives as designated by the Tribes. Please obtain the input of the Tribes in determining the composition of the election board for this election. The election board shall furnish suitable ballots and shall supervise the conduct of the election.

Once the authorization has been granted by the Secretary, no modifications, including correction, deletion, and re-typing of the authorized version of the proposed constitution, shall be made by the Region, agency or field office, or election board.

The election results shall be sent to the Director, Bureau of Indian Affairs, attn: Tribal Government Services, Southern Plains Regional Office, as soon as they have been certified by the board. If adopted by majority vote of the minimum number of voters necessary for ratification, the proposed amendment to the Constitution, the original completed Board Certificate of Election Results, the eligible voters list, the voter's packet, and a copy of the official ballot should follow by return mail for appropriate action.

Enclosed is the pre-ratification approval of the proposed amendment to the Constitution. The amendment becomes effective after ratification by the eligible voter of the Kaw Nation. You must also act promptly to receive and forward any protests filed in accordance with 25 CFR § 81.14 to this office.

Should you have any questions concerning this matter, please contact Elizabeth Colliflower, Tribal Relations Specialist, Division of Tribal Government Services, at (202) 513-7627.

Sincerely,

[Signature]

Director, Bureau of Indian Affairs

Attachment
Certificate of Approval
Amendment No. 1

I, WILLIAM P. RAGSDALE, Director, Bureau of Indian Affairs, Department of the Interior, do hereby approve the amendment to the Constitution of the Kaw Nation submitted by Resolution No. 06-25 dated March 14, 2006, by the authority delegated by the Act of June 26, 1936 (49 Stat. 1967) and redelegated to me by 130 D.M. This amendment is effective on ratification by the voters; provided, that nothing in this approval shall be construed as authorizing any action that is contrary to federal law.

[Signature]
Director, Bureau of Indian Affairs

Washington, D. C.

Date: JUN 12 2006
March 15, 2006

Suzanne Chaney
Tribal Government Services Officer
Southern Plains Regional Office
P.O. Box 368
1 mile N. Hwy. 281
Anadarko, Oklahoma 73005

RE: Kaw Nation’s Resolution No. 06-25

Suzanne,

Enclosed is Kaw Nation’s Executive Council Resolution 06-25, which will supersede any previous Resolutions concerning a proposed Constitutional Amendment deleting the requirement for Secretarial approval for Amendments to the Constitution of the Kaw Nation.

The enclosed Resolution addresses concerns that the Southern Plains Regional Office had with previous Resolutions 05-69 and 06-01.

After reviewing the Resolution and you have any additional concerns, please notify Terri Humble, Kaw Nation Self-Governance Director @ 580-269-2552.

We would also like to be notified by phone or mail when the Resolution is sent forward to Central Office.

Thank you for your assistance on this issue.

Sincerely,

Guy Munroe
Kaw Nation Chairman
RESOLUTION NO. 06-25

A RESOLUTION SUPERSEeding ANY INCONSISTENT RESOLUTIONS APPROVING A PROPOSED CONSTITUTIONAL AMENDMENT DELETING THE REQUIREMENT FOR SECRETARIAL APPROVAL FOR AMENDMENTS TO THE CONSTITUTION OF THE KAW NATION.

WHEREAS, the Kaw Nation is federally recognized by the Secretary of the Interior as evidenced by a Constitution adopted and ratified on August 14, 1990, and;

WHEREAS, the Kaw Nation Executive Council is the legislative body of the Kaw Nation, and;

WHEREAS, the Kaw Nation is self-governing and the requirement for continuing Secretarial approval of amendments to the Tribal Constitution is inconsistent with the sovereign status of the Kaw Nation; and

WHEREAS, the Kaw Nation Constitution approved by the Secretary of the Interior on August 14, 1990, states in Article VIII-Amendments as follows:

This constitution may be amended by a majority vote of the qualified voters of the Kaw Nation voting in an election called for that purpose by the Secretary of the Interior and conducted pursuant to Federal regulations, provided, that at least thirty percent (30%) of those entitled to vote shall cast ballots in such election, but no amendment shall become effective until it has been approved by the Secretary of the Interior so long as such approved is required by Federal Law.

Amendments to this Constitution may be proposed by a valid petition signed by at least thirty percent (30%) of the members of the General Council or by a majority vote of the Executive Council; and

WHEREAS, the Kaw Nation Executive Council, the legislative body of the Kaw Nation, has determined that to be consistent with its sovereign status, that Article VIII-Amendments should be amended to read as follows:

ARTICLE VIII-Amendments- This constitution may be amended by a majority vote of the qualified voters of the Kaw Nation voting in an election called for that purpose, provided, that at least thirty percent (30%) of those entitled to vote shall
cast ballots in such election. If in such election at least thirty percent (30%) of eligible voters of the Tribe vote in the election, and the amendment is approved by a majority vote, said amendment shall be effective from the date of approval.

Amendments to this constitution may be proposed by a valid petition signed by at least thirty percent (30%) of the members of the General Council or by a majority vote of the Executive Council.

WHEREAS, for purposes of clarification, the Kaw Nation Executive Council states that the language presently contained in Article XI of the Constitution is not effected by this Resolution and that the language of Article XI is not being amended at this time; and

NOW, THEREFORE, BE IT RESOLVED WITH FULL AUTHORITY AND APPROVAL, A QUORUM BEING PRESENT, the Kaw Nation Executive Council hereby approves the following language as an amendment to ARTICLE VIII of the Constitution of the Kaw Nation:

ARTICLE VIII-Amendments- This constitution may be amended by a majority vote of the qualified voters of the Kaw Nation voting in an election called for that purpose, provided, that at least thirty percent (30%) of those entitled to vote shall cast ballots in such election. If in such election at least thirty percent (30%) of eligible voters of the Tribe vote in the election, and the amendment is approved by a majority vote, said amendment shall be effective from the date of approval.

Amendments to this constitution may be proposed by a valid petition signed by at least thirty percent (30%) of the members of the General Council or by a majority vote of the Executive Council.

NOW THEREFORE BE FURTHER RESOLVED, that the above Constitutional Amendment be immediately forwarded to the Secretary of the Interior for review and action and that the Secretary of the Interior immediately schedule a Secretarial election for the Kaw Nation for a vote on said Amendment.

NOW THEREFORE BE FURTHER RESOLVED, that any Resolution in conflict with this Resolution are specifically superseded, and that the Kaw Nation Executive Committee is authorized to take all necessary action to assure that the intent of this Resolution is accomplished.
CERTIFICATION

I, Guy Munroe, Chairman of the Kaw Nation Executive Council, do hereby certify that said resolution was approved and adopted on the 14th day of March, 2006 as an official act by quorum vote of the Kaw Nation Executive Council and that the vote was: 3 for; 0 against; 0 abstentions; and 0 absent.

Guy Munroe, Chairman

ATTEST: Mary P. Brand (interim)
Kathryn McComb, Secretary