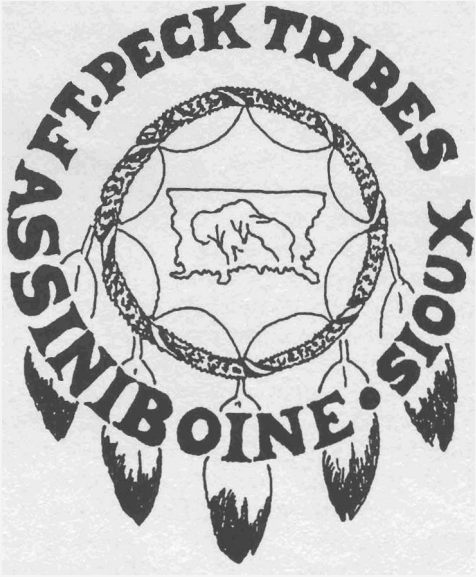

Constitution and By-Laws
with Amendments Incorporated

and

Enrollment Ordinance No. 1

of the

Assiniboine and Sioux Tribes

of the

Fort Peck Indian Reservation, Montana

Approved Effective October 1, 1960

CONSTITUTION AND BYLAWS OF THE ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK INDIAN RESERVATION

ARTICLE I - PREAMBLE AND NAME

We, the adult members of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, in order to establish a recognized and approved tribal organization to handle our Reservation affairs and business, to protect the sovereignty and the vested interest of our Tribes and members under treaties, agreements, and laws heretofore enacted, to procure for our Tribes and our members and our posterity, social, educational, and industrial assistance, also, to procure assistance in all matters of interest to the Tribes, and to preserve peaceful and cooperative relations with the United States Government, its subdivisions, and its offices, do hereby establish this Constitution and Bylaws, with the legal name: "The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana." (Where used herein, the "Reservation" refers to the Fort Peck Indian Reservation in Montana; the "Tribes" to the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation; the "Board" to the Tribal Executive Board; the "Secretary" to the Tribal Executive Board Secretary; "General Council" refers to an assembly of the qualified Electors of the Tribes).

ARTICLE II - TERRITORY

The jurisdiction of the Tribes shall extend to the territory within the original confines of the Fort Peck Reservation as defined in the agreement of December 28 and December 31, 1886, confirmed by the Act of May 1, 1888 (25 Stat. Sec. 113, Ch. 212) and to such other lands as may be hereafter added thereto under any laws of the United States, except as otherwise provided by law.

ARTICLE III - MEMBERSHIP

Membership of the Tribes of the Reservation shall consist of those persons who qualify in accordance with an ordinance approved by the Tribes in a referendum vote. A membership ordinance shall be submitted to the Tribes simultaneously with the submission of this Constitution for referendum vote by the Tribes.

ARTICLE IV - GOVERNING BODY

Section 1. The governing body of the Tribes shall be known as the Tribal Executive Board, subject to the powers of the General Council.

A General Council may initiate ordinances or reject within ninety (90) days any enactment of the Executive Board. Upon petition of at least ten percent (10%) of the eligible voters of the Tribes, a General Council shall be called by the Chairman at a place within the Fort Peck Reservation designated in the petition; a quorum shall consist of one hundred (100) eligible voters of the Tribes. A stenographic transcript shall be kept of all proceedings of the General Council. (Amendment No. 2 approved 05/05/72.)

Section 2. The Board shall consist of a Chairman, a Vice-Chairman, a Secretary-Accountant, a Sergeant-at-Arms, and twelve (12) Board members.

Section 3. The Chairman, the Vice-Chairman, Sergeant-at Arms and twelve (12) additional members of the Board shall be elected at large. The Secretary-Accountant shall be appointed from within or without the Board membership. (Amendment No. 1 approved 10/06/71.)

Section 4. The Chairman, the Vice-Chairman, the Sergeant-at-Arms, and Board members shall be elected for a two (2) year term.

Section 5. The Secretary-Accountant shall be appointed for a two (2) year term, and if appointed from outside of the elected Board membership, the Secretary-Accountant so appointed shall have no vote in Executive Board proceedings.

ARTICLE V - NOMINATIONS, ELECTIONS AND VACANCIES

Section 1. Elections shall be by secret ballot. Voting shall be within the respective districts as provided herein, at a place designated within each district by the Board.

Section 2. All members of the Assiniboine and Sioux Tribes, as determined by Article III of this Constitution, who are eighteen (18) years of age or over, are eligible to vote, provided:

(a) Voters residing on the Reservation shall be eligible to vote in the district in which they have last resided for a full sixty (60) days immediately preceding the election. The registration of any member for voting at a State or County election shall be conclusive as establishing his/her place of residence.

(b) Non-resident voters may vote by absentee ballot in the last district of their former affiliation, provided they have registered their intent to vote in that district at least thirty (30) days prior to the date of election. (Amendment No. 3 approved 07/29/74 and Amendment No. 4 approved 02/13/78.)

Section 3. The first election of the Board under this Constitution and Bylaws shall be held within one hundred twenty (120) days following its ratification and approval by the Secretary of the Interior under such rules, regulations, and ordinances, as promulgated by the Tribal Executive Board. Subsequent elections shall be held on the last Saturday in October every two (2) years. In event such day is a holiday, the election shall be held on the first subsequent day that is not a holiday.

Section 4. Elected Board members shall take office at the first regular meeting following election. Before entering on duty the newly elected

Board members shall file the oath of office certified by a notary public, the following oath: "I do solemnly swear that I shall faithfully execute the duties of my office, defend the Constitution of the United States of America, the State of Montana and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, so help me God."

Section 5. To be eligible for nomination and election to the Board, a person must be:

(a) An eligible voter on the Reservation.

(b) A qualified candidate having resided on the Reservation at least sixty (60) days immediately preceding an election, and not having been convicted of a felony for which he/she has not received a pardon.

(c) All questions of residence as referred to in this Constitution shall be resolved by the Tribal Executive Board.

Section 6. The candidates for Chairman, Vice-Chairman, Sergeant-of-Arms and twelve (12) additional members of the Executive Board receiving the highest number of cumulative legal votes from all the districts shall be declared elected. (Amendment No. 1 approved 10/06/71.)

Section 7. The Tribal Executive Board shall have the authority to pass ordinances providing for method of elections, and not limiting said power to, but including election announcements, nominations, and fees, registration of voters lists, election officials and their duties, place of voting, certificates of election, manner of protests and recounts, and all election procedures; and as a guide, to follow as near as practicable Chapter 23 of the Revised Code of Montana, 1947, as amended, and effective at the time; and in case of disputed interpretation, the decisional laws of Montana shall be resorted to, subject to the approval of the Fort Peck Tribal Board.

ARTICLE VI - VACANCIES AND REMOVAL FROM OFFICE

Section 1. The Tribal Executive Board shall declare a position on the Board vacant whenever a member shall die, resign, be removed or recalled from office. Such vacancies shall be filled as follows:

(a) If the office of Chairman shall become vacant, the Vice-Chairman shall become Chairman, and the office of Vice-Chairman shall then be filled as provided in Subsection (b) of this Section.

(b) If this office of Vice-Chairman shall become vacant, it shall be automatically filled by the person who received the next highest number of cumulative legal votes from all districts for the office of Vice-Chairman at the previous election who meets the qualifications for that office on the date he or she takes office; and who is willing to serve as Vice-Chairman.

(c) If the office of Secretary/Accountant shall become vacant, a successor shall be appointed for the remainder of his or her term as provided in Article IV, Sections 3 and 5.

(d) If the office of Sergeant-at-Arms shall become vacant, it shall be automatically filled by the person who received the next highest number of cumulative legal votes from all districts for the office of Sergeant-at-Arms at the previous election who meets the qualifications for that office on the date he or she takes office; and who is willing to serve as Sergeant-at-Arms.

(e) If any other seat on the Tribal Executive Board shall become vacant, it shall be automatically filled by the person who received the highest number of cumulative legal votes from all districts in the previous election, who meets the qualification for office on the date he or she takes office, who is not a member of the Board on the date he or she takes office; and who is willing to serve as a member of the Board.

(f) If a vacancy shall remain in any office for a reason, the Board may schedule a special election to fill the vacancy. (Amendment No. 7 as per Referendum vote of 10/26/91 and Tribal Resolution No. 2373-91-7, dated 07/10/91.)

Section 2. A board member or officer of the Board, may be removed from office by the Board, after having been given twenty (20) days notice in writing by the Secretary, and a chance to be heard. Causes for removal are:

(a) Permanent change of residence from the Reservation.

(b) Conviction in any court of a felony while in office, and/or any course of conduct prejudicial to the Tribes.

(c) Failure to attend three (3) regular meetings in succession, except that the Tribal Executive Board may approve reasonable grounds for non-attendance.

(d) The Tribal Executive Board shall by duly enacted ordinances establish such procedures and regulations necessary to carry out the intent of this article.

(e) All questions which cannot be resolved by the Tribal Executive Board shall be referred to the Fort Peck General Council.

ARTICLE VII - GOVERNMENTAL POWERS

The Tribal Executive Board shall exercise the following powers subject to any limitations imposed by the Constitution or Statutes of the United States and Fort Peck General Council, and subject further to all expressed restrictions upon such powers contained in this Constitution and Bylaws.

Section 1. To negotiate with Federal, State and local governments, and others on behalf of the Tribes, and consult with representatives of the Department of the Interior on all activities which may affect the Tribes.

Section 2. To employ legal counsel for the protection of the rights of the Tribes.

Section 3. To make and enforce ordinances covering the Tribes' right to levy taxes and license fees on persons or organizations doing business on the Reservation, except that ordinances or regulations affecting non-members trading or residing within the jurisdiction of the Tribes shall be subject to the approval of the Secretary of the Interior.

Section 4. To promote public health, education, security, charity, and such other services as may contribute to the social advancement of the members of the Tribes.

Section 5. To provide, subject to the review of the Secretary of the Interior, or his authorized representative, for the maintenance of law and order and the administration of justice by establishing tribal courts and police force, and defining the powers and duties of same, and to promulgate criminal and civil codes or ordinances governing the conduct of the members of the Tribes and non-member Indians residing within the jurisdiction of the Tribes.

(a) To prescribe rules of inheritance, except allotted lands.

(b) To provide for an escheat of personal property to the Tribes of resident members who die intestate and without heirs.

(c) To protect and preserve the wildlife and natural resources of the Reservation, and to regulate hunting and fishing on the Reservation.

Section 6. To exclude from the restricted land of the Reservation persons not legally entitled to reside thereon under ordinances subject to the review of the Secretary of the Interior.

Section 7. To adopt resolutions regulating the procedure of the Tribal Executive Board, its officials and committees in the conduct of tribal affairs.

Section 8. No authority contained in this Constitution and Bylaws may be delegated by the Tribal Executive Board to tribal officials, district councils, committees, delegates or associations, to carry out any functions for which this Tribal Executive Board assumes primary responsibility, except by ordinance or resolution duly enacted by the Tribal Executive Board in the legal session, and excepting those specific requirements contained in the Bylaws hereof.

Section 9. The Tribal Executive Board is hereby authorized to recognize claim councils, district committees, and other organizations open to the membership of the Tribes, and to approve such organizations, and to provide financial support, services, or such other assistance as may be required to carry on programs beneficial to the membership of the Tribes.

ARTICLE VIII - FUTURE POWERS

The Tribal Executive Board may exercise future powers as may be granted to it by the membership of the Tribes by appropriate amendments to this document.

ARTICLE IX - RESERVE POWERS

Any rights and powers heretofore vested in the Assiniboine and/or Sioux Tribes, but not expressly referred to in this Constitution, shall not be abridged, but may be exercised through the adoption of appropriate amendments to this Constitution.

ARTICLE X - BUSINESS AND FISCAL AUTHORITIES

The Tribal Executive Board shall exercise the following powers subject to any limitations imposed by the Constitution or Statutes of the United States and subject further to all expressed restrictions upon such powers contained in this Constitution and Bylaws.

Section 1. Not more than seventy percent (70%) of the income of the Tribes in the United Sates Treasury shall be paid out in per capita payments each year among the enrolled members of the Tribes.

Section 2. To administer any funds within the control of the Tribes; to make expenditures from available funds for tribal purposes, including salaries and expenses to tribal officials or employees. All expenditures of tribal funds under control of the Tribal Executive Board shall be authorized in legal session and the amounts so expended shall be a matter of public record.

Section 3. The Tribal Executive Board shall prepare annual budget requests for advance to the control of the Tribes, such funds as may be deposited to their credit in the United States Treasury, or which may hereafter be appropriated for their use.

Section 4. To manage, lease, permit or otherwise deal with tribal land, interest in lands or assets under tribal jurisdiction; and to purchase or otherwise acquire lands, or interest in lands within the Fort Peck Indian Reservation, in accordance with law.

Section 5. To engage in any business that will further the economic well-being of the members of the Tribes, or undertake any programs or projects designed for the economic advancement of the people.

Section 6. To borrow money from the Federal Government, or other sources, and to direct the use of such funds for productive purposes, or to loan money thus borrowed to members of the Tribes, with the approval of the Secretary of the Interior, or his authorized representative.

Section 7. To pledge or assign chattel or future income due or to become due, provided such agreement, pledge, assignment, or extension thereof shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

Section 8. To make and perform contracts and agreements of every description, not inconsistent with law or the provisions of this Constitution and Bylaws, provided that any contract if required by law shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

ARTICLE XI - BYLAWS

Section 1 -- General Council

Upon receipt of the Petition calling for General Council, the Chairman or in his absence, or failure to act within three (3) days, the Secretary, shall give fifteen (15) days notice of the time and place of such General Council by publication in newspapers having general circulation on the Fort Peck Reservation and by posting in three (3) public places in each election district.

Section 2 -- Meetings

The Tribal Executive Board shall establish regular and special meeting dates in accordance with duly enacted resolutions. The Secretary shall mail notices of all meetings and shall include dates, time, place, and purpose of special meetings at least three (3) days in advance.

Section 3 -- Quorum

A quorum shall consist of a majority of the voting members of the Tribal Executive Board, and no business shall be conducted at any time a quorum is absent.

Section 4 -- Manner of Acting

The act of a majority of the Tribal Executive Board representatives present at a meeting at which a quorum is present shall constitute the act of the Tribal Executive Board. Acts of the Tribal Executive Board may be by motion duly carried, except that any delegation of authority to act for and on behalf of the Tribal Executive Board shall be by written resolution and shall specify the nature of authority granted and the limitations, if any, imposed, excepting those authorities and responsibilities specifically outlined in these Bylaws.

Section 5 -- Account

(a) The Tribal Executive Board shall cause to be installed, maintained, and audited a complete and detailed accounting system and such safeguards as bonding officials and employees responsible for the safety, accuracy, and maintenance of such records and funds.

(b) All checks, drafts, or other order for the payment of tribal money, notes, or other indebtedness issued in the name of the Tribes, shall be signed by such officers, or agents, and in such manner as shall be prescribed by resolution. No tribal funds shall be disbursed except where so ordered by resolution.

Section 6 -- Duties of Officers

Duties of Chairman:

(a) He shall preside at all regular and special meetings.

(b) He shall have general and active management of the affairs of the Tribes except that he shall not act on matters binding the Tribal Executive Board until that body had deliberated and decided its course of action.

(c) He shall see that all resolutions and ordinances are carried into effect.

(d) He shall execute all official papers of the Tribes when authorized to do so.

(e) He shall exercise general supervision of all other tribal officers and employees and see that their respective duties are performed.

(f) He shall submit a report of operations to the Tribal Executive Board at its regular meeting including all matters within his knowledge which the interest of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation may require be brought to its attention.

(g) He shall vote in the case of a tie only.

Duties of Vice - Chairman:

(a) In the absence of the Chairman, he shall preside. Then so presiding, he shall have all rights, privileges and duties, as set forth above under duties of Chairman, as well as the responsibility of the Chairman.

Duties of Secretary:

(a) He shall keep a book of minutes at the principal office of the Tribes or at such other place as the Tribal Executive Board may order, of all

meetings of the Tribal Executive Board in the manner and in the form prescribed by the Board.

(b) He shall attend to the giving and serving of all notices of the Tribal Executive Board as required by this Constitution.

(c) He shall keep the tribal roll showing all changes therein as required by this Constitution. In addition, he shall keep a current voting list.

(d) He shall attend to all correspondence as may be assigned to him, and perform all other duties incidental to his office or prescribed by the Tribal Executive Board.

Duties of the Secretary as Accountant:

(a) He shall keep and maintain, open to inspection by the members of the Tribes or representatives of the Commissioner of Indian Affairs at all reasonable times, adequate and correct accounts of the properties and business transactions of the Tribes.

(b) He shall have care and custody of the funds and valuables of the Tribes, and deposit same in the name of and to the credit of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, with such depositories as the Board may direct.

(c) Disburse the funds of the Tribes as may be ordered by the Tribal Executive Board, taking proper signed invoices, vouchers, or other instruments for said disbursements.

(d) Render to the Tribal Executive Board monthly report and account of all his transactions as Accountant, and an annual financial statement in forms and detail showing the condition of tribal expenditures, receipts and disbursements.

(e) The Tribal Accountant and all officers and employees whose duties involve the handling of tribal money or other resources, shall be bonded under the terms and conditions established by the Tribal Executive Board and approved by the Superintendent of the Fort Peck Reservation.

Duties of Sergeant-at-Arms:

(a) He shall act as Sergeant-at-Arms at all regular and special meetings and shall enforce all rules and see that peace and order are kept during the sessions of the Board.

(b) He shall perform other duties as assigned by the Tribal Executive Board.

(c) He shall not be a voting member of the Board.

ARTICLE XII - ROBERTS RULES OF ORDER

Roberts Rules of Order as revised shall govern all meetings of the General Council and the Tribal Executive Board except as otherwise provided in this Constitution and Bylaws.

ARTICLE XIII - MANNER OF REVIEW

Section 1. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior shall within (10) days of its enactment be presented to the Superintendent of the Fort Peck Agency who shall within ten (10) days after its receipt by him approve or disapprove it.

Section 2. If the Superintendent approves any resolution or ordinance it shall thereupon become effective, but the Superintendent shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may, within ninety (90) days of the date of its enactment rescind the resolution or ordinance for any cause by notifying the Fort Peck Tribal Executive Board of his veto.

Section 3. If the Superintendent disapproves any resolution or ordinance, he shall within ten (10) days after its receipt by him advise the Tribal Executive Board in writing of his reasons therefor, and if these reasons appear to the Board insufficient, it may, by vote of the majority of all members, refer the resolution or ordinance to the Secretary of the Interior and if approved by him in writing it shall become effective.

ARTICLE XIV - REFERENDUM

Upon a petition of at least twenty-five percent (25%) of the eligible voters of the Tribes, or upon request of a majority of the Tribal Executive Board members, any enacted or proposed enactment of the Tribal Executive Board shall be submitted to a popular referendum and the vote of a majority of the qualified voters at that election shall be conclusive.

ARTICLE XV - AMENDMENT

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Tribes voting at an election called for that purpose by the Tribal Executive Board or General Council or under the provisions of Article XIV of this Constitution. (Amendment No. 6 approved 08/13/88.)

ARTICLE XVI - ADOPTION

This revised Constitution and Bylaws when adopted by a majority vote of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation,

Montana, voting at a special election called by the Tribal Executive Board, shall be submitted to the Secretary of the Interior, and shall be in full force and effect from the date of such approval by the Secretary of the Interior.

CERTIFICATE OF ADOPTION

Pursuant to an election called by the Fort Peck Tribal Executive Board, the attached Constitution and Bylaws of the Fort Peck Tribes, was submitted for ratification to the members of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, and was on October 1, 1960, ratified by vote of seven hundred fifty six (756) For, and one hundred forty one (141) Against.

(sgd) Austin Buckles
Chairman, Fort Peck Tribal Executive Board

(sgd) Joseph W. Culbertson
Secretary, Fort Peck Tribal Executive Board

(sgd) Dale M. Baldwin
Superintendent, Fort Peck Agency

APPROVAL

I, George W. Abbott, Assistant Secretary of the Interior of the United States of America, do hereby approve the attached Constitution and Bylaws of the Fort Peck Tribes of the Fort Peck Indian Reservation, Montana.

Approval recommended:

(sgd) Glenn L. Emmons
Commissioner
Bureau of Indian Affairs

November 22, 1960

(sgd) George W. Abbott
Assistant Secretary of the Interior
(SEAL)

Washington, D.C.
Date: November 30, 1960

The foregoing Constitution and Bylaws incorporates the changes approved by the following amendments:

Amendment No. 1

"That commencing with the elections to be held in 1971, all officers of the Executive Board, consisting of the Chairman, Vice-Chairman, Sergeant-at-Arms and twelve (12) additional members of the Board shall be elected at large."

Adopted at a special election called August 14, 1971, and approved by Assistant Secretary Loesch on October 6, 1971.

Amendment No. 2

"Section I of Article IV, GOVERNING BODY, shall be amended to read as follows:

Section 1. The governing body of the Tribes shall be known as the Tribal Executive Board, subject to the powers of the General Council.

A General Council may initiate ordinances or reject within ninety (90) days of any enactment of the Executive Board. Upon petition of at least ten percent (10%) of the eligible voters of the Tribes, a General Council shall be called by the Chairman at a place within the Fort Peck Reservation designated in the petition; a quorum shall consist of one hundred (100)

eligible voters of the Tribes. A stenographic transcript shall be kept of all proceedings of the General Council."

Adopted at regular election on October 30, 1971, and approved by Assistant Secretary Loesch on May 5, 1972.

Amendment No. 3

"Section III, Article V, NOMINATIONS, ELECTIONS AND VACANCIES, shall be amended to read:

Section 2: All members of the Assiniboine and Sioux Tribes, as determined by Article III of this constitution, who are eighteen (18) years of age or over, are eligible to vote, provided:

(a) Voters residing on the Reservation shall be eligible to vote in the district in which they have last resided for a full sixty (60) days immediately preceding the election. The registration of any member for voting at a State or County election shall be conclusive as establishing his or her place of residence.

(b) Non-resident voters may vote by absentee ballot in the last district of their former affiliation provided they have registered their intent to vote in that district at least thirty (30) days prior to the date of the election."

Adopted at regular election on October 27, 1973, and approved by Area Director Canan on July 29, 1974.

Amendment No. 4

Article V, NOMINATIONS, ELECTIONS AND VACANCIES, Section 2 shall be amended to read:

"**Section 2**: All members of the Assiniboine and Sioux Tribes, as determined by Article III of this Constitution, who are eighteen (18) years of age or over are eligible to vote, provided:

(a) Voters residing on the Reservation shall be eligible to vote in the district in which they have last resided for a full sixty (60) days immediately preceding the election. The registration of any member for voting at a State or County election shall be conclusive as establishing his or her place of residence.

(b) Non-resident voters may vote by absentee ballot in the last district of their former affiliation, provided they have registered their intent to vote in that district at least thirty (30) days prior to the election date."

Adopted at regular election on October 29, 1977, and approved by Area Director Canan on February 13, 1978.

Amendment No. 5

Article XI, Bylaws, Section 5, ACCOUNT, repeal Article XI, Section 5(a) of the Bylaws and conform the present paragraph numbers "Section 5(b)" and "Section 5(c)" to "Section 5(a)" and "Section 5(b)".

Adopted at regular election on October 29, 1977, and approved by Area Director Canan on February 13, 1978.

I hereby certify that the above is a true and correct copy of Constitution and Bylaws of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, duly approved effective October 1, 1960, by letter dated November 30, 1960, from Assistant Secretary of the Interior, George W. Abbott, to Dale Baldwin, Superintendent, Fort Peck Agency and incorporating I, II, III, IV, and V duly approved as indicated above.

Burton A. Rider
Superintendent, Fort Peck Agency

Poplar, Montana

Amendment No. 6

Article XV, Bylaws, shall be amended to read:

"This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Tribes voting at an election called for that purpose by the Tribal Executive Board or General Council or under the provisions of Article XIV of this Constitution."

Adopted at special election on May 7, 1988, and approved by Deputy Assistant to Secretary, Hazel Elbert on September 13, 1988.

Hazel E. Elbert
Deputy Assistant to Secretary

Amendment No. 7

Article VI, VACANCIES AND REMOVAL FROM OFFICE, Section 1, shall be amended to read:

"**Section 1.** The Tribal Executive Board shall declare a position on the Board vacant whenever a member shall die, resign, be removed or recalled

from office. Such vacancies shall be filled as follows:

(a) If the office of Chairman shall become vacant, the Vice-Chairman shall become Chairman, and the office of Vice-Chairman shall then be filled as provided in Subsection (b) of this Section.

(b) If the office of Vice-Chairman shall become vacant, it shall be automatically filled by the person who received the next highest number of cumulative legal votes from all districts for the office of Vice-Chairman at the previous election who meets the qualifications for that office on the date he or she takes office; and who is willing to serve as Vice-Chairman.

(c) If the office of Secretary/Accountant shall become vacant, a successor shall be appointed for the remainder of his or her term as provided in Article IV, Sections 3 and 5.

(d) If the office of Sergeant-at-Arms shall become vacant, it shall be automatically filled by the person who received the next highest number of cumulative legal votes from all districts for the office of Sergeant-at-Arms at the previous election who meets the qualifications for that office on the date he or she takes office; and who is willing to serve as Sergeant-at-Arms.

(e) If any other seat on the Tribal Executive Board shall become vacant, it shall be automatically filled by the person who received the highest number of cumulative legal votes from all districts in the previous election, who meets the qualifications for office on the date he or she takes office, who is not a member of the Board on the date he or she takes office; and who is willing to serve as a member of the Board.

(f) If a vacancy shall remain in any office for a reason, the Board may schedule a special election to fill the vacancy."

Adopted by affirmative Referendum vote at regular election on October 26, 1991, and by previous Tribal Executive Board Resolution No. 2373-91-7, dated 07/10/91.

ENROLLMENT ORDINANCE

WHEREAS, the Tribal Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, ascertained that it is necessary to determine membership of the Tribes in order that per capita payments may be made, and to provide otherwise for the general welfare of its members.

NOW, THEREFORE, BE IT RESOLVED, that membership of the Assiniboine and/or Sioux Tribes of the Fort Peck Reservation shall consist of:

Section 1. Qualifications. The following individuals automatically qualify for membership in the Assiniboine and Sioux Tribes of the Fort Peck Reservation and shall be enrolled if they comply with the rules of procedure prescribed for enrollment by the Tribal Executive Board.

(a) Basic Rolls. Each living person of Assiniboine and/or Sioux blood whose name appears on either the 1932 annuity payment roll or an allotment schedule prepared and approved pursuant to the Acts of February 8, 1887 (24 Stat. 388), February 28, 1891 (26 Stat. 794), May 30, 1908 (35 Stat. 558), August 1, 1914 (38 Stat. 593), February 14, 1920 (41 Stat. 408), and March 3, 1927 (44 Stat. 1401), provided that he or she is not enrolled as a member of some other tribe.

(b) Descendants of Persons on Basic Roll. Each living person who is of one-fourth (1/4) or more Assiniboine or Sioux blood born prior to the effective date of this constitution who is a lineal descendant of a person whose name appears on one or both of the documents specified in (a) of this Section regardless of whether such annuitant or allottee is living or deceased, provided that he or she is not a member of some other tribe at the time of application for enrollment and provided further, that he or she is a citizen of the United States. Any such person may apply for enrollment at any time. **(AMENDMENT NO. 1 AS PER REFERENDUM VOTE OF 05/07/88.)**

(c) Adoptees. Each person adopted into tribal membership by the General Council prior to the effective date of this Constitution whose adoption was approved by the Secretary of the Interior, or his authorized representative, provided such adoptee has not subsequently become enrolled as a member of some other tribe.

(d) Future Members. Each child of one-fourth (1/4) or more Assiniboine and/or Sioux blood born after the effective date of this ordinance to any member of the Assiniboine and Sioux Tribes, provided that the child is not a member of some other tribe at the time of application for enrollment and provided further, that the child is a citizen of the United States at the time of the child's birth. **(AMENDMENT NO. 2 AS PER REFERENDUM VOTE OF 05/07/88.)**

(e) Associate Members. Each child of one-eighth (1/8) or more but less than one-quarter (1/4), Assiniboine and/or Sioux blood born to any member of the Assiniboine and Sioux Tribes, provided the child is a citizen of the United States at the time of the child's birth. Associate members shall not be eligible to vote in Tribal elections or to share in any distribution of tribal funds or property, but shall otherwise be eligible for benefits as Indians as provided by Law. **(AMENDMENT NO. 4 AS PER REFERENDUM VOTE OF 05/07/88.)**

Section 2. Loss of Membership. In no case shall a member lose his membership other than by personal request in writing to the Tribal Executive Board or establishing residence in a foreign country.

Section 3. Rules of Procedure. The Tribal Executive Board shall have the authority to appoint an Enrollment Committee of seven (7) tribal members and to prescribe rules to be followed by the Committee and by the tribal members in compiling a membership roll in accordance with the provisions of this Article. The completed roll to be approved by the Tribal Executive Board, and in a case of distribution of tribal assets the roll shall be submitted to the Secretary of the Interior for final approval by him or by his authorized representative prior to such distribution.

Section 4. Appeals. Any person who has been rejected for enrollment as a member of the Assiniboine and Sioux Tribes shall have the right to appeal within sixty (60) days from the date of receipt of written notice of rejection to the Secretary of the Interior from the decision of the Tribal Executive Board, and the decision of the Secretary of the Interior shall be final.

Section 5. Definition. The terms "Assiniboine or Sioux blood" or "Assiniboine and/or Sioux blood" as used in this Ordinance, means the blood of the Assiniboine or the Sioux Tribes of the Fort Peck Reservation, Montana, or the blood of any other federally recognized Assiniboine or Sioux Tribes, or any combination of Assiniboine and Sioux blood. The burden shall be on the applicant for enrollment to establish the requisite degree of blood by evidence satisfactory to the Executive Board. **(AMENDMENT NO. 3 AS PER REFERENDUM VOTE OF 05/07/88.)**

BE IT FURTHER RESOLVED, that this membership ordinance when adopted by a majority vote of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, voting at a special election called by the Tribal Executive Board shall be in full force and effect.

CERTIFICATE OF ADOPTION

Pursuant to an election called by the Fort Peck Tribal Executive Board the attached Enrollment Ordinance of the Fort Peck Tribes was submitted for ratification to the members of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, and was on October 1, 1960, ratified by a vote

of seven hundred forty four (744) For, and one hundred forty four (144) Against.

(sgd) Austin Buckles
Chairman, Fort Peck Tribal Executive Board

(sgd) Joseph W. Culbertson
Secretary, Fort Peck Tribal Executive Board

(sgd) Dale M. Baldwin
Superintendent, Fort Peck Agency

APPROVAL

I, George W. Abbott, Assistant Secretary of the Interior of the United States of America, hereby approve the attached Enrollment Ordinance of the Fort Peck Tribes of the Fort Peck Indian Reservation, Montana.

Approval recommended:

Nov. 22, 1960

(sgd) Glenn L. Emmons
Commissioner
Bureau of Indian Affairs

(sgd) George W. Abbot
Assistant Secretary of the Interior

Washington, D.C.
Date: November 30, 1960

Assiniboine and Sioux Tribes
of the
Fort Peck Indian Reservation , Montana

Insert to Constitution and By-Laws with Amendments authorized by General Election held October 26, 2013 (to be inserted in published booklet until a new version is printed)

Amdt. 8. This amendment established Art. IV, § 6, which includes the following language: "The Board shall adopt a Code of Ethics governing behavioral standards for the Board, which apply to all voting and non-voting members of the Board."

History: Adopted by a majority affirmative vote at General Election held on Oct. 26, 2013.

Amdt. 9. This amendment removed the language: "the members of the Tribes and non-member Indians residing" from Art. 7, § 5 (Governmental Powers), which had previously limited the criminal jurisdiction of the Tribes to offenses committed by Indian persons only and replaced it with less restrictive language: ("persons") which allows the Tribes to exercise criminal jurisdiction over non-Indians, as permitted by federal law.

History: Adopted by a majority affirmative vote at General Election held on Oct. 26, 2013.

Amdt. 10. This amendment established Art. VII, §§ 5(d) and 5(e) (Governmental Powers), clarifying that the Executive Board may exercise its powers to protect and preserve the cultural and spiritual sites, medicinal plants and natural foods within the Reservation:

(d) To protect and preserve cultural and traditional/spiritual sites and landmarks within the boundaries of the Reservation.

(e) To protect and preserve the Tribes' culture, including traditional medicinal plants and natural foods.

History: Adopted by a majority affirmative vote at General Election held on Oct. 26, 2013.

Amdt. 11. This amendment added the following language to Section 9 of Article VII (Governmental Powers), requiring claims councils, district councils and other organizations to submit an annual audited fiscal report: "The Tribal Board will require all such recognized organizations to submit an annual audited fiscal report to the Board for review and public release."

History: Adopted by a majority affirmative vote at General Election held on Oct. 26, 2013.

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