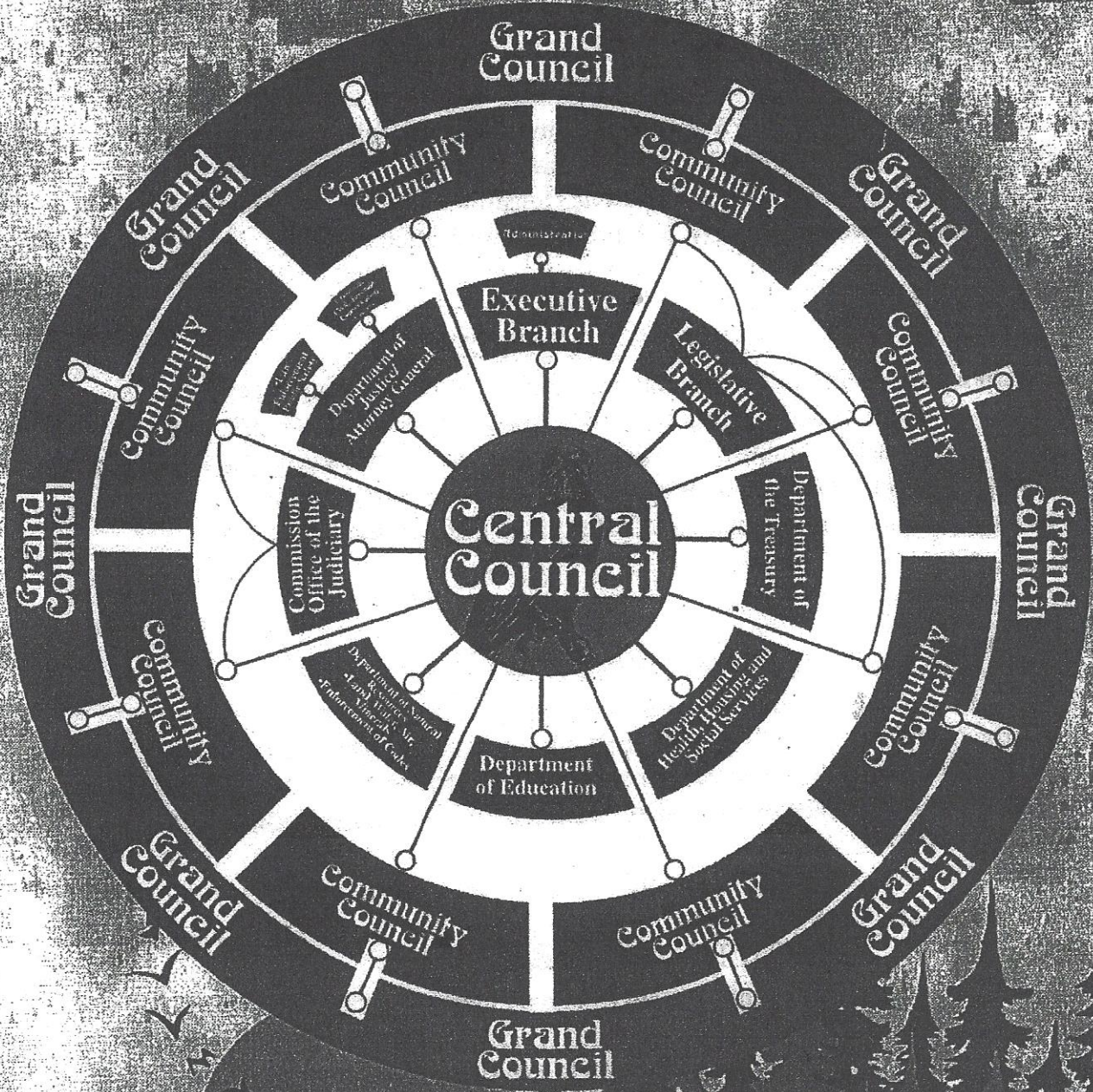


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Flow Chart For the Constitution of the White Earth Ojibwe Nation of Anishinaabeg

PREAMBLE: We, the Anishinaabeg of the White Earth Ojibwe Nation, do hereby establish and adopt for amendment or our Sovereign Powers, this Constitution for the government, protection and common welfare of the White Earth Ojibwe Nation.

GRAND COUNCIL MEMBERSHIP: There shall be a Grand Council composed of all duly enrolled members of the White Earth Ojibwe Nation who are at least 18 years of age or older.



WHITE EARTH NATION

PROPOSED FORM OF GOVERNMENT

PURPOSES (pg 1)

- To ensure inherent sovereign rights
- To organize for common good
- To govern ourselves
- To preserve and develop our native language, history, culture, identity
- To protect homeland and resources
- To ensure treaty rights

MEMBERSHIP (pg 1-2)

All currently enrolled members, PLUS

Options:

- 1) All White Earth Lineal descendants
- 2) All W.E. Lineal descendants who are 1/4 Anishinaabe blood
- 3) All W.E. Lineal descendants who are 1/4 Indian blood with 1/8 W.E. blood
- 4) Children of enrolled MCT members who are 1/4 MCT blood

Regulation of membership: Central Council to adopt ordinance governing membership, but not to change requirements for membership

BILL OF RIGHTS (pg 2-3)

Basically the same as those listed in Indian Civil Rights Act

SOVEREIGN IMMUNITY (pg 3)

Requires tribal ordinance/resolution by Central Council to waive

GRAND COUNCIL (pg 3-4)

All members over 18 yrs.

Sessions: annual meetings and special meetings as needed

Annual status reports required from Central Council, President, Tribal Departments and Committees

Quorum Options listed on pg 4

Powers

To establish own procedures to conduct and call meetings

To approve annual budget

To review annual audit

To review decisions of the Central Council

(except for personnel decisions)

To submit initiative and referendum

To advise and recommend to Central Council

- To remove President and Vice-President
- Advice and Consent required:**
- Over fundamental decisions
- (Terminating or diminishing the reservation; relinquishing jurisdiction, including law enforcement agreements)
- To sell or relinquish hunting, fishing, gathering rights
- To approve land claims and recovery
- To limit or restrict powers of Central Council, Legislative, Judicial branches

CENTRAL COUNCIL (pg 5-7)

- 21 members; selected through district-wide elections
- 16 from on reservation; 5 from off reservation
- Four year terms
- Sessions: Monthly meetings, or as needed
- Central Council selects own Officers
- Quorum=15 members
- All meetings open to tribal members with opportunity to be heard

Powers

- All legislative authority except those granted to another body
- To set policy for Nation
- To promote & protect health, education, & welfare
- To safeguard & promote peace & safety
- To make all necessary laws to carry out sovereign powers; including codes, ordinances, resolutions, statutes
- To acquire land and other assets
- To prevent the sale of land and other assets
- To select tribal delegates to transact tribal business
- To develop annual budget and present for Grand Council approval
- To set salaries and terms of employment for government employees
- To negotiate and enter into contracts and leases
- To employ legal counsel for the Nation
- To submit proposed constitutional amendments
- To establish tribal administrative departments
- To approve appointment of Judges, Justices
- To appoint Department Executive Directors after recommendation
- To remove any Executive Director after recommendation

- Qualifications for office:

Enrolled member, registered voter, 25 years old, resident of District 1 yr, no felony convictions unless pardoned

COMMUNITY COUNCILS (pg 7)

Four Districts on reservation established: Northern, Eastern, Southern, Western)
Two Community Councils designated in each District

Members: all adult members residing in that area

Meetings: annually and regularly scheduled meetings

Officers: selected by Community Councils at annual meeting

Central Council members required to attend their Community and District meetings
18-20 Community Councils in each natural community and surrounding area

Powers of Community Councils (pg 7)

To initiate removal proceedings against Central Council member from their Community or District

To propose initiative and referendum to District Council

To enact local ordinances, if authority granted by Central Council

To manage its own local affairs except if it involves more than one community, then Central Council decides

To advise and make recommendations to Central Council through their delegate or representative

Powers of District Councils (pg 7-8)

To act upon local Petition for removal of Central Council member; to submit to Election Board

To submit proposed ordinances from Community Councils to Central Council

To submit proposed constitutional amendments to Central Council

To administer government programs and services within the Districts, if granted by Central Council

EXECUTIVE BRANCH

Executive power vested in this Branch

Composition: President = Chief Executive Officer of Nation,
Vice-President, Administrative Departments

Powers of President

To implement and enforce all laws and policies

To provide for maintenance of law and order

To administer and expend funds within budget

To propose legislation and annual budget to Central Council

To administer all Departments, Boards, etc

To implement and administer tribal businesses and programs

To nominate Ex. Director for each Department

To recommend removal of Ex. Dir.

To select and hire personnel

To secure and publish annual audit

To call meetings of Grand Council

To present reports to Grand Council

To executive, administer, enforce laws necessary to exercise all powers delegated

Qualifications and terms of office

Pres. and VP elected at large; run as a team; four year terms; term limits of 2 consecutive terms

Must be enrolled member, registered voter, 25 years old, resident of reservation, no felony convictions unless pardoned

JUDICIARY (pg 9-10)

Full judicial power delegated

Composition: Supreme Court = One Chief Justice, 2 Associate Justices,
Trial Court=One Chief Judge, other Associates as needed, Court of Tradition and Custom
Committee on Judiciary established; selected by Central Council

Power to select Council of Elders to develop Court of Tradition and Custom

Qualifications for Justices and Judges: Enrolled members, 25 years old, no felony convictions or misdemeanors involving theft, dishonesty, unless pardoned, licensed attorney

Appointment of Judges and Justices: Committee on Judiciary to recommend; Central Council appoints

Jurisdiction and Powers

All judicial power extending over all cases arising under the Constitution, laws, customs, traditions of Nation, including against Nation's officials, employees

Powers of Trial Court

To make findings of fact, conclusions of law

To issue all remedies in law and equity

To declare laws unconstitutional and void

Powers of Supreme Court

To make findings of fact

To establish rules of procedure

To issue final interpretations of Constitution in consultation with Committee On Judiciary

Decisions final

Conflicts of interest requires recusal

Right to Appeal

Any party may appeal to Supreme Court

ELECTION BOARD (pg 11)

8 member Election Board established; elected at Grand Council meeting; two year terms
Board to select own Officers; vacancies filled by appointment

Powers

Power to conduct all elections and handle all Petitions

To establish dates, qualifications, rules, regulations to govern all elections,
including Voter registration

Verify Petitions and submit to Trial Court

ELECTIONS (pg 11-12)

Voter registration required; regular election schedule to be set by Central Council

Special elections provided for; Election Board to certify election results

Appeals within five business days

VOTING

**Eligibility: Enrolled member; 18 years old; registered
Balloting: secret ballots; Majority vote required**

REMOVALS, RECALLS, VACANCIES (pg 12-13)

**Pres; VP: can be removed by Grand Council with notice and opportunity to be heard
Central Council: removal Petitions initiated by Community Councils in their Districts, District
Councils to submit Petition to Election Board to verify; then, filed with Trial Court**

Vacancies: to be filled by special election

AMENDMENTS (PG 13)

Majority vote of registered voters; if adopted by voters, Pres. and VP to approve

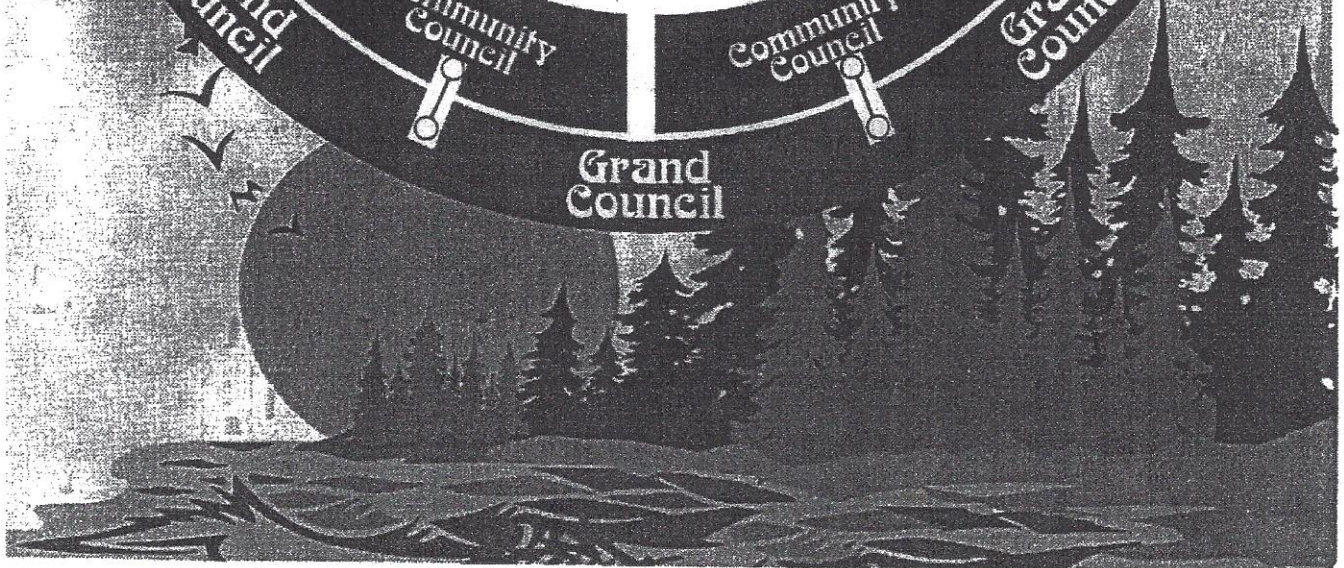
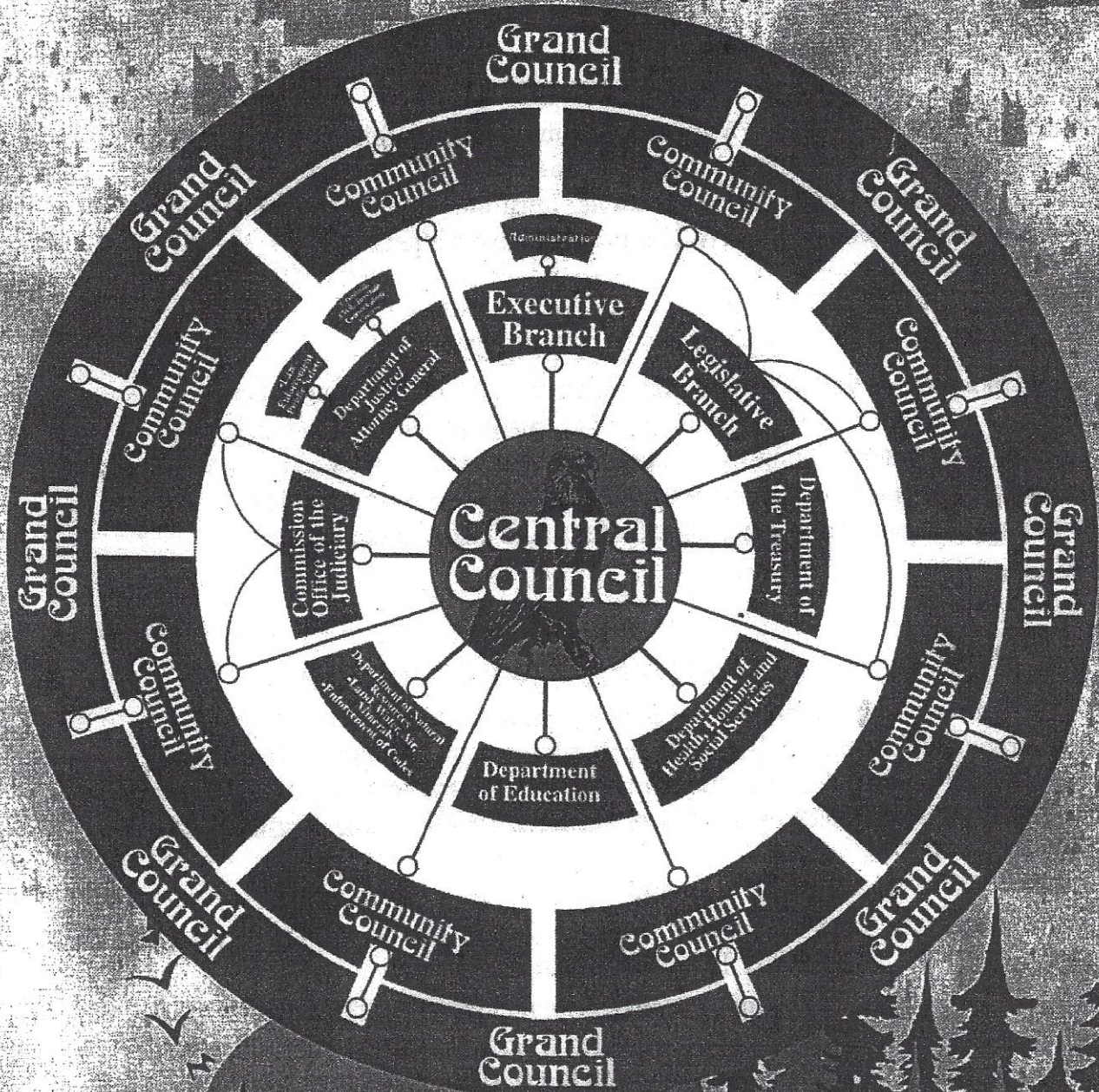
RATIFICATION (pg 13)

**When majority vote of registered voters approve
Chairman and Sec/Treas of RBC to approve**

Flow Chart For the Constitution of the White Earth Ojibwe Nation of Anishinaabeg

PREAMBLE: We, the Anishinaabeg of the White Earth Ojibwe Nation, do hereby establish and adopt, as an incident of our Sovereign Powers, this Constitution, for the government, protection, and common welfare of the White Earth Ojibwe Nation.

GRAND COUNCIL MEMBERSHIP: There shall be a Grand Council comprised of all duly enrolled members of the White Earth Ojibwe Nation who are eighteen (18) years of age or older.



DRAFT DRAFT DRAFT DRAFT

(Prepared by the White Earth Constitutional Drafting Committee
As of February 21, 1998)

THE CONSTITUTION OF THE WHITE EARTH OJIBWE NATION OF ANISHINAABEG

PREAMBLE

We, the Anishinaabeg of the White Earth Ojibwe Nation, following the natural laws of the Creator, do hereby establish and adopt, as an incident of our sovereign powers and in the presence of the Great Spirit, this Constitution, for the government, protection, and common welfare of the White Earth Ojibwe Nation.

ARTICLE I - PURPOSE

* The purpose and function of this Constitution shall be to ensure our inherent sovereign rights, to organize for our common good, to govern ourselves, to preserve and develop our native language, history, culture, and separate identity as a distinct people, to protect our homeland and natural resources, and to ensure our rights as guaranteed by treaties in accordance with the Constitution of the United States government.

ARTICLE II - TERRITORY AND JURISDICTION

The jurisdiction of the White Earth Ojibwe Nation shall extend over all lands, waters, property, airspace, minerals, and other natural resources, owned now or in the future by the Nation or individual members or located within the boundaries of the White Earth Reservation, as established by the Treaty of March 19, 1867, and over all ceded territories.

ARTICLE III - MEMBERSHIP

* Section A. Membership Requirements. The membership of the White Earth Ojibwe Nation shall consist of all persons descended from the Anishinaabe Ojibwe who were signators to treaties and agreements with the United States government, and who:

1. Are enrolled members of the Minnesota Chippewa Tribe-White Earth Band, as of the date of adoption of this Constitution; or,
2. Have filed an application for enrollment according to the established procedures and who are:

10. Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

Section B. It is hereby declared that every tribal member shall have equal rights and opportunities to participate in their government and to have equal access to services, pursuant to the policies and criteria established by the Central Council and any governing regulations.

Section C. It is further declared that it is the duty of the government of the White Earth Ojibwe Nation to encourage and support the exercise of the traditional religion of the Anishinaabeg, to the extent possible.

ARTICLE V - SOVEREIGN IMMUNITY

The Central Council of the White Earth Ojibwe Nation shall not waive or limit the right of the White Earth Ojibwe Nation to be immune from suit, except as authorized by tribal ordinance or resolution. Nothing in this Constitution shall be construed to waive or limit the right of the White Earth Ojibwe Nation to be immune from suit.

ARTICLE VI - GRAND COUNCIL

Section A. Membership. There shall be a Grand Council comprised of all duly enrolled members of the White Earth Ojibwe Nation who are eighteen (18) years of age or older.

Section B. Meetings. The People shall meet in Grand Council at least one time each year during the second week of June. Special meetings shall be called by the Central Council either based upon a request by a majority vote of the Central Council or based upon a request by the People, in the form of a verified Petition signed by 200 members of the Grand Council. A majority vote of those actually voting in Grand Council (50% of those voting plus one) shall be required to constitute official action of the Grand Council. The Grand Council shall establish rules and procedures for calling and conducting the meetings of the Grand Council.

At each annual meeting:

1. The annual budget shall be submitted for approval;
2. The annual audit shall be presented for review;
3. Status reports shall be presented on the Nations' finances, programs, and businesses. Members of the Central Council, the President, Vice-President, Department Executive Directors, and other knowledgeable officials shall present the above information to the People.

Section C. Quorum. Each action of the Grand Council shall require the presence of a quorum. A quorum of the Grand Council shall consist of:

(Options listed below)

Option A. Lineal descendants of enrolled members of the White Earth Ojibwe Nation;

Option B. Lineal descendants of enrolled members of the White Earth Ojibwe Nation and who are at least 1/4 degree Anishinaabe blood;

Option C. Lineal descendants of enrolled members of the White Earth Ojibwe Nation who are at least 1/4 degree Indian blood, with at least 1/8 degree White Earth Ojibwe Nation blood;

Option D. Children of enrolled members of the White Earth Ojibwe Nation who are at least 1/4 degree Minnesota Chippewa Tribe (Bois Fort/Nett Lake, Fond du Lac, Grand Portage, Mille Lacs, Leech Lake, White Earth) blood.

Option E. Deleted

Section B. Regulation of Membership. The Central Council of the White Earth Ojibwe Nation shall have the power to enact an ordinance governing procedures for processing membership matters; PROVIDED, HOWEVER, that the Central Council shall not have the power to change the requirements for membership as established by this Article.

ARTICLE IV - BILL OF RIGHTS OF MEMBERS

Section A. The White Earth Ojibwe Nation, in exercising its inherent powers of self-government, shall not:

1. Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or of the right of the people peaceably to assemble and to petition for a redress of grievances;
2. Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
3. Subject any person for the same offense to be twice put in jeopardy;
4. Compel any person in any criminal case to be a witness against himself;
5. Take any private property for a public use without just compensation;
6. Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense;
7. Require excessive bail, impose excessive fines, inflict cruel and unusual punishment, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of one year or a fine of \$1000 (NOTE: changes made to reflect amendments to Indian Civil Rights Act), or both;
8. Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
9. Pass any bill of attainder or ex post facto law; or

Section H. Delegation of Authority. The Grand Council hereby vests the White Earth Central Council with legislative authority to make laws and appropriate funds in accordance with the annual budget, and vests the Executive Branch with executive authority to enforce and execute the laws and policies of the Nation, and to administer funds in accordance with the policies of the Nation. The Grand Council hereby vests the Judicial Branch with judicial authority to interpret and apply the laws and Constitution of the White Earth Ojibwe Nation.

ARTICLE VII - CENTRAL COUNCIL

Two Options listed below

Option One

Composition. The Central Council shall consist of twenty-one (21) delegates. All delegates shall be selected by tribal members in at large elections. (NOTE: under this Option, there would be no need for Section B. Designated Districts because there would be no Districts, only at large elections).

Option Two

Section A. Composition. The Central Council shall consist of twenty-one (21) delegates. Sixteen (16) delegates shall be selected by tribal members who are residents of the reservation. Five (5) delegates shall be selected by tribal members who reside off the reservation.

Each of the four designated districts on the reservation shall select four (4) delegates from their districts. The off reservation Southern District shall select two (2) delegates from within their district. The off reservation Western, Northern, and Eastern Districts shall each select one (1) delegate from within their districts. The delegates shall be elected by the resident voters living within the districts designated below. Each delegate shall be elected for a four year term.

Section B. Designated Districts. There shall be four designated districts on the reservation, and those district lines which establish the on reservation districts shall extend beyond the reservation boundaries to create four designated districts off-reservation. Each of the four district lines shall start at the very center of the White Earth Reservation and extend out diagonally to create four districts of equal size. The first district line shall extend from the center to the northwestern corner of the reservation; the second district line shall extend from the center to the northeastern corner of the reservation; the third district line shall extend from the center to the southeastern corner of the reservation; and the fourth district line shall extend from the center to the southwestern corner of the reservation.

Options are listed below

Option 1. Require a certain number (ex.250) of duly enrolled members of the White Earth Ojibwe Nation;

Option 2. Require a certain percentage (ex.10%) of duly enrolled members of the White Earth Ojibwe Nation; **OR,**

Option 3. Require a certain percentage (ex. 30%) of the registered voters who voted in the last election of the White Earth Ojibwe Nation;

Section D. Powers. The Grand Council of the White Earth Ojibwe Nation shall have the power:

1. To establish rules and procedures to conduct meetings and to call special meetings;
2. To approve the annual budget of the White Earth Ojibwe Nation;
3. To review the annual Audit;
4. To review the decisions of the Central Council;
5. To exercise the power of initiative by submitting a proposed ordinance or resolution for consideration by the Central Council;
6. To exercise the power of referendum by submitting any proposed or previously enacted ordinance or resolution of the Central Council for reconsideration by the Grand Council;
7. To make advisory recommendations to the Central Council;
8. To propose amendments to this Constitution;
9. To remove the President and Vice-President; and,
10. To establish rules and procedures to issue tribal pardons to tribal members relating to criminal convictions in exceptional cases. Persons guilty of crimes against the Anishinaabe Ojibwe, the people and their government, are in no case eligible for a pardon.

Section E. Excepted Powers. The Grand Council does not retain the power to review actions relating to the hiring and firing of personnel.

Section F. Advice and Consent required. The White Earth Central Council is required to obtain the advice and consent of the Grand Council prior to taking any action with regard to the following powers:

1. The relinquishment of any tribal criminal or civil jurisdiction to any agency, public, or private, including any law enforcement agreements; **PROVIDED, HOWEVER,** that this provision shall not prevent the Central Council from commissioning peace officers to enforce the laws, regulations, resolutions, and ordinances of the White Earth Ojibwe Nation;
2. The termination or partial termination or sale of any portion of the reservation or trust property of the White Earth Ojibwe Nation;
3. The sale or relinquishment of tribal hunting, fishing, or gathering rights; and,
4. The approval of any land claims and land recovery settlements.

Section G. Actions Binding. The actions of the Grand Council shall be binding.

The districts shall be designated as the "Northern District", the "Eastern District", the "Southern District", and the "Western District". The off-reservation districts shall be designated the "Off-reservation Northern District", the "Off-reservation Eastern District", the "Off-reservation Southern District", and the "Off-reservation Western District". An official map identifying the district lines shall be immediately drawn up by the first Election Board to properly inform the tribal membership as to which district they reside in. (An unofficial map is attached to this document to provide a visual description of the four designated districts).

Section B. Meetings. The Central Council shall select from among its members a Chairperson to preside over all meetings of the Central Council to serve throughout the member's term. The Central Council shall conduct meetings each month on a regular basis, and hold special meetings as necessary.

Each session of the Central Council shall require a quorum. A quorum of the Central Council shall be fifteen (15) members. The vote of each member shall be recorded in the minutes of the meeting. All meetings of the Central Council shall be open to tribal members and tribal members shall have a reasonable opportunity to be heard under such procedures as the Central Council may establish; PROVIDED, HOWEVER, that the Central Council may meet in closed session when the discussion concerns employment, retention, or discharge of personnel. In the event that consideration of a subject shall take place in closed session, the vote shall take place in an open meeting.

Section C. Powers. The Central Council of the White Earth Ojibwe Nation shall have the power:

1. To set policy for the Nation;
2. To promote and protect the health, education, and welfare of the Nation;
3. To safeguard and promote peace and safety;
4. To make all laws necessary to carry out the sovereign powers of the Nation, including codes, ordinances, resolutions, and statutes;
5. To acquire land and other assets;
6. To prevent the sale of land and other assets;
7. To select tribal delegates to transact tribal business;
8. To develop annual budget and present for Grand Council approval;
9. To set salaries and terms of employment for government employees;
10. To negotiate and enter into contracts, leases, and agreements;
11. To employ legal counsel for the Nation;
12. To submit proposed constitutional amendments;
13. To create tribal administrative departments;
14. To appoint the Executive Director for each Department after recommendation from the President;
15. To remove any Executive Director after recommendation from the President.
16. To create a Committee on the Judiciary and a Committee on the Treasury from among its own members, and to create other committees as deemed necessary; and,

17. To create advisory committees from members of the Nation as deemed necessary.

Section D. Qualifications for Office. Candidates for Delegates to the Central Council must meet the following qualifications:

- 1) Be an enrolled member;
- 2) Be a registered voter of the Nation;
- 3) Be 25 years of age prior to the election;
- 4) Be a resident of their respective District for at least one year prior to the election;
- 5) Have no felony convictions, unless pardoned by the Nation.

ARTICLE VIII - DISTRICT AND COMMUNITY COUNCILS

Local Community Councils or District Councils may be formed by the people residing within their respective communities or districts. Once formed, such Community Councils or District Councils shall have the governmental powers and authorities granted to them by the Central Council, which may include the following:

1. Power to initiate removal proceedings, in the form of a Petition, against a Central Council delegate from their respective community or district;
2. Power to submit such a Petition to the Election Board to request action on the Petition;
3. Power to initiate proposed ordinances and resolutions to the Central Council;
4. Power to initiate proposed constitutional amendments to the Central Council;
5. Power to enact ordinances to apply only within their respective communities or districts; and,
6. Power to administer government programs and services within the District.

ARTICLE IX - EXECUTIVE

Section A. Composition of the Executive Branch. The Executive power of the White Earth Ojibwe Nation shall be vested in the Executive Branch. The Executive Branch shall be composed of the President and Vice-President of the Nation, and any administrative Departments created by the Central Council, including a Department of the Treasury, Justice, Administration, Land, Housing, Business, Health and Social Services, Education, Labor, Personnel, and other Departments as deemed necessary by the Central Council. The President shall be considered the Chief Executive Officer of the Nation.

Section B. Powers of the President. The President, under the direction and guidance of the Grand Council, shall have the power:

1. To implement and enforce all laws and policies of the Nation;
2. To provide for the maintenance of law and order;
3. To administer and expend funds within the control of the Nation in accordance with the annual budget and the policies of the Nation;

4. To propose legislation and an annual budget to the Central Council;

5. To administer all Departments, boards, and committees created by the Central Council;

6. To implement and administer tribal businesses and programs, including the development of program proposals;

7. To nominate the Executive Director of each Department, subject to confirmation by the Central Council;

8. To recommend removal of an Executive Director of a Department to the Central Council;

9. To select and hire personnel in accordance with applicable law;

10. To secure and publish the annual audit;

11. To call meetings of the Grand Council;

12. To present reports to the Grand Council at their annual meetings; and,

13. To execute, administer, and enforce all laws of the White Earth Ojibwe Nation necessary to exercise all powers delegated by the Grand Council and the Central Council.

Section C. Selection and Terms of Office for the President and Vice-President.

The President and Vice-President shall be elected by all of the duly registered voters of the Nation for four (4) year terms. The President and Vice-President shall run as a team. The President and Vice-President shall be limited to two consecutive terms of office and will then be ineligible to be a candidate for either of those positions for at least six years.

Section D. Qualifications for Office. Candidates for the office of President and Vice-President must meet the following qualifications:

1) Be an enrolled member;

2) Be a registered voter of the Nation;

3) Be at least 25 years of age prior to filing for office;

4) Have no felony convictions, unless pardoned by the Nation;

5) Residency Options listed below:

Option 1. Require that candidates be a resident of the reservation for at least one year prior to filing for office; **OR**

Option 2. Have no residency requirement prior to filing for office, but require that such candidates reside on the reservation once elected.

ARTICLE X - JUDICIAL

Section A. Powers of the Judiciary. The full judicial power of the White Earth Ojibwe Nation shall be vested in the Judiciary extending over all cases and controversies arising under the Constitution, laws, ordinances, resolutions, codes, and regulations of the Nation.

Section B. Composition. There shall be a Supreme Court of the White Earth Ojibwe Nation, a Trial Court, and a court based upon tribal tradition and custom. There shall be

one Chief Justice and two Associate Justices of the Supreme Court. There shall be one Chief Judge of the Trial Court and other Associate Judges as deemed necessary by the White Earth Central Council.

Section C. Committee on Judiciary. There shall be Committee on the Judiciary selected by the Central Council. The Committee on the Judiciary shall select a Council of Elders to develop a traditional way of resolving disputes within the Nation and shall recommend that the Central Council establish. The Court of Traditional Dispute shall be granted such powers and judicial authority as deemed necessary by the Central Council.

Section D. Jurisdiction of the Judiciary. The Trial Court shall have original jurisdiction over all cases and controversies, both criminal and civil, in law and equity, arising under the Constitution, laws, customs, and traditions of the White Earth Ojibwe Nation, including cases in which the White Earth Ojibwe Nation, or its officials or employees, shall be a party. Any such case shall be filed in the Trial Court before it is filed in any other court. This grant of jurisdiction by the Grand Council shall not be construed to be a waiver of the Nation's sovereign immunity. The Supreme Court shall have appellate jurisdiction over any case on appeal from the Trial Court.

Section E. Powers of the Trial Court. The Trial Court shall have the power to make findings of fact and conclusions of law. The Trial Court shall have the power to issue all remedies in law and equity including injunctive and declaratory relief and all writs, including attachment and mandamus. The Trial Court shall have the power to declare the laws of the White Earth Ojibwe Nation void if such laws are not in agreement with this Constitution.

Section F. Powers of the Supreme Court. The Supreme Court shall not have the power to make findings of fact except as provided by enactment of the White Earth Central Council. The Supreme Court shall have the power to establish written rules for the Judiciary, including qualifications to practice before the White Earth Ojibwe Nation Courts, provided such rules are consistent with the laws of the White Earth Ojibwe Nation. The Supreme Court shall have the power to issue final interpretations of the Constitution, in consultation with the Committee on the Judiciary. Any decision of the Supreme Court shall be final.

Section G. Selection of Judges and Justices. The Committee on the Judiciary shall recommend candidates for appointment as a Judge or Justice to the Central Council. The Central Council shall appoint Judges and Justices based upon the recommendations of the Committee on the Judiciary.

Section H. Qualifications for Office. Candidates for judicial appointments shall:

1. Be 25 years of age prior to appointment;
2. Have no felony convictions or misdemeanor convictions involving theft or dishonesty, unless pardoned by the Nation; and,

3. Be an attorney licensed to practice law in any State.

In making recommendations for judicial appointments, the Committee on the Judiciary shall give preference to otherwise qualified candidates who are:

1. Enrolled tribal members of the White Earth Ojibwe Nation;
2. Descendants of White Earth tribal members;
3. Enrolled members of another tribe.

Section I. Terms of Office; Compensation. All judicial appointments shall be for a six (6) year term of office. Supreme Court Justices and Trial Court Judges shall receive reasonable compensation, as set by the Central Council, which cannot be reduced during a term of office.

Section J. Removal of Judges and Justices. The Central Council may remove a Justice or Judge for good cause. A Judge or Justice subject to removal shall be informed of the charges, be given adequate notice of the impending removal action, and be given an opportunity to prepare and present a defense, including presenting witnesses and other evidence. An affirmative vote of 16 Central Council members shall be required for all removal actions taken under this Section.

Section K. Conflicts of Interest. Any Justice or Judge with a direct personal or financial interest in any matter before the Judiciary shall recuse her/himself from the matter. Failure to recuse constitutes good cause for removal from office.

Section L. Right to Appeal. Any party to a civil action, or a defendant in a criminal action, who is dissatisfied with the judgment or verdict, may appeal to the Supreme Court. All appeals before the Supreme Court shall be heard by the full Court.

ARTICLE XI - ELECTION BOARD

Section A. Election Board established. There shall be an eight (8) member Election Board that shall be elected at the first Grand Council meeting following adoption of this Constitution. Thereafter, the Election Board shall be selected by the Grand Council at the annual meeting on even numbered years. Nominations and voting shall be done from the floor. All members shall consent to serve for two (2) years. This Board shall select from among its members a temporary Chairman to call and hold the first meeting of the Board. Vacancies on the Board shall be filled by appointment by the Chairman of the Election Board. No member serving in an elective office, or any person running for office, shall be eligible to serve on the Election Board. The Election Board shall meet at tribal headquarters within thirty (30) days after its election and select from its members a Chairman, a Vice-Chairman, and a Secretary.

Section B. Powers of the Election Board. Consistent with the provisions of this Constitution, the Board shall conduct all elections and handle all Petitions. The Board shall establish the necessary dates, qualifications, rules, and regulations to govern all elections of the Local Community Councils, the District Councils, the Central Council, and for the positions of President and Vice-President. Such rules and regulations shall include provisions for voter registration, for nomination and registration of candidates, voting procedures, tallying of ballots, the contest of any election or referendum, and procedures for handling and verifying Petitions. To the extent possible, the Election Board shall incorporate provisions for electronic balloting and for off reservation polling precincts. Once a Petition has been verified, the Election Board shall file the Petition with the White Earth Ojibwe Nation Tribal Court for hearing and resolution of the Petition.

ARTICLE XII - ELECTIONS

Section A. First Election. The first election of the members of the White Earth Central Council and the President and Vice-President shall be held no later than six (6) months after the Nation adopts this new Constitution. The members of the Reservation Business Committee serving at the time of adoption of this new Constitution shall continue in office until the members of the new White Earth Central Council and the President and Vice-President elected under this new Constitution take office.

Section B. Voter Registration. The Election Board shall register eligible voters of the Nation. Members of the Nation will be required to register either in person or at the Tribal Headquarters or by written request to the Election Board. Only those persons duly registered to vote will be permitted to vote in any tribal elections. Registration shall be temporarily closed thirty (30) days prior to the date set for counting ballots.

Section C. Regular Elections. After the first election, members of the Central Council shall be elected during such month and day as set by the Central Council. The Council shall set the date as near as possible to coincide with the expiration of its member's terms. Election procedures will be established by the Election Board, which shall include provisions for primary elections.

Section D. Special Elections. Special elections shall be called where appropriate by the Election Board to recall elected officials and to submit initiatives and referendums to the membership.

Section E. Certification of Election Results. The Election Board shall certify election results within three (3) days after the date of election.

Section F. Appeals. Any candidate for office shall have ten (10) business days from the date of the Certification of Election Results to file an election challenge with the Election Board.

Section G. Swearing In. Newly elected members of the Central Council shall be sworn into office by the then-serving Council members at the next regularly scheduled meeting following the date on which the Election Board certifies the results of the regular or special election at which members are elected.

ARTICLE XIII - VOTING

Section A. Voter eligibility. Each enrolled member of the White Earth Ojibwe Nation who is eighteen (18) years of age and who has duly registered shall be entitled to vote in all tribal elections.

Section B. Balloting. Voting shall be by secret ballot cast at polls established by the Election Board.

Section C. Majority Vote. A majority vote of those actually voting in an election (50% of those voting plus one vote) shall constitute action by the Nation and such vote shall be conclusive on the Nation.

ARTICLE XIV - REMOVAL, RECALL, VACANCIES

Section A. Removal of President and Vice-President. The Grand Council of the White Earth Ojibwe Nation may remove the President or Vice-President for malfeasance. No vote of the Grand Council to remove the President or Vice-President shall take place before that person has been given a reasonable notice of the impending action and has had a reasonable opportunity to be heard. The Grand Council shall establish procedures for removal of the President and Vice-President at its first meeting.

Section B. Removal of Central Council delegates. The registered voters of a District may initiate a Petition for removal of a Central Council delegate from their District. Such a Petition shall include the signatures of at least thirty percent (30%) of the number of duly registered voters who voted in the last election within their District. Removal Petitions shall be presented to the Election Board who shall verify the Petitions. Once verified, the Election Board shall submit the removal Petitions to the Trial Court of the White Earth Ojibwe Nation for hearing and action on the Petition.

The Election Board shall have thirty (30) days to act upon a Petition. If the Election Board cannot verify a Petition, it must issue a written decision that includes findings that specify the reasons the Petition cannot be verified. Any person whose name is on the Petition may appeal an Election Board's denial of verification within ten (10) days of the written decision to the White Earth Ojibwe Nation Supreme Court, upon the grounds that the Election Board's findings are not supported by the evidence. Any person whose name is on the Petition may file a writ of mandamus with the Trial Court if the Election Board fails to take any action within thirty (30) days. The Supreme Court shall issue a

written decision on the appeal under such rules and procedures as established by the Supreme Court.

Section C. Recall. The President, Vice-President, members of the Central Council, and members of the Judiciary shall be removable by recall vote at a Special Election requested by the Grand Council. At the request of the Grand Council, the Election Board shall hold a Special Election not less than thirty (30) days and not more than ninety (90) days from the date of the Grand Council request. If the Election Board fails to hold such Special Election within ninety (90) days, any eligible voter of the Nation may request the Trial Court to order such Special Election. In any Special Election, no more than three (3) persons shall be subject to recall vote.

Section C. Vacancies. If a vacancy occurs in any elected office by reason of death, mental or physical incapacity, removal action, resignation, felony conviction, or for any other reason, the vacancy shall be filled by a Special Election, if not less than ninety (90) days prior to the regularly scheduled election for the vacant position. The Election Board shall conduct such Special Election. Any person filling a vacancy shall serve through the unexpired term of his/her predecessor. The elective office of any person who is convicted of a felony in any court or convicted of any crime committed against the Anishinaabe Ojibwe, the people and their government, shall be automatically considered vacant and that office shall be filled according to this Section.

ARTICLE XV - AMENDMENTS

This Constitution may be amended by a majority vote of the registered voters of the White Earth Ojibwe Nation voting at an election called for that purpose by the Election Board. If the registered voters adopt the proposed amendments, the President and Vice-President of the White Earth Ojibwe Nation shall approve such amendments within forty-five (45) days after the election. The Central Council and the Grand Council may initiate proposed amendments to the Constitution. Any Local Community Council or District Council, once formed, may also initiate proposed amendments to the Constitution.

ARTICLE XVI - RATIFICATION

This Constitution, when adopted by two-thirds (2/3rds) of the registered voters of the Nation in a Special Election, shall become effective from the date of adoption by the members of the Nation and shall become the supreme law of the Nation.