

MCT CONSTITUTIONAL REFORM DRAFTING COMMITTEE

Date: 5/30/23 Time: 6 PM

Facilitator: Carol J.

Present: Marcie M., Julie H-C., Rita E.,

OLD BUSINESS:

Constitution Alliance- Bylaws.

1. Reviewed the recommendation and Attachments for TEC on July 1, 2023.
2. The attachments in column Education (see below) were sent to the Education Committee member, Cheryl E., who will share them with the committee for their use in any way they wish.

Actions:

Next meeting: 6/6/2023 at 6 PM

Recommendations to TEC by July 1, 2023

Amend the Revised MCT Constitution

1. Remove the Secretary of the Interior.
2. Replace the oversight of the Secretary with oversight by a Grand Council.
3. Amend Article II-Membership

Goal	Task	Progress	Education	Progress
Introduction	Draft an introduction to the work and goals of the MCT Constitution Reform Delegation.	Draft-done	Declaration Statement (modified from the MLB Declaration Statement). <ul style="list-style-type: none">• Attachment #1	
History, Concepts, etc.	Provide foundational education.		What is a Federally Recognized Tribe? <ul style="list-style-type: none">• Attachment #2	

			<p>Sovereignty & Self Determination</p> <ul style="list-style-type: none"> • Attachment # 3 <p>IRA & IRA Constitutions</p> <ul style="list-style-type: none"> • Attachment #4 <p>Secretarial Elections in General</p> <ul style="list-style-type: none"> • Attachment # 5 <p>OTHERS??</p>	
<p>Remove the Secretary of Interior and replace it with oversight by a Grand Council.</p>	<p>Amend the following Articles of the Revised Constitution and Bylaws of the MCT by removing the Secretary of Interior language and replacing it with a Grand Council language.</p> <p><u>Article V</u>-Authorities of the Tribal Executive Committee;</p>	<p>Draft- done</p>	<p>2015 amendment to Secretarial Election Procedure (25 CFR Sec. 81.2 (a) 8).</p> <ul style="list-style-type: none"> • Attachment #6 	

	<p><u>Article VI</u>-Authorities of the Reservation Business Committee;</p> <p><u>Article IX</u>-Bonding of Tribal Officials;</p> <p><u>Article X</u>-Vacancies and Removal;</p> <p><u>Article XV</u>-Manner of Review</p> <p>Add Bylaws for the Grand Council. Include the Definition of Grand Councils.</p>	Draft- done	<p>Grand Council Bylaws related to Articles V, VI, IX, X & XV oversight.</p> <p>The Grand Council shall consider the following when conducting oversight and making decisions regarding the Articles of the Amended Revised Constitution.</p> <ol style="list-style-type: none"> 1. Compliance with the provisions of the Amended Revised MCT Constitution. 2. Transparency 3. The impact on: <ol style="list-style-type: none"> a. Fiscal responsibility. b. The Rights of Nature. c. The Rights of Citizens. d. Sustainability. e. The preservation of traditions and culture. 	Draft to be completed
Each Band will determine its	Amend <u>Article II</u> - Membership	Draft-done	The "Base Annuity Roll" is the original list of members	See Article II

<p>membership criteria.</p> <p>The governing body of the tribe shall have the power to make rules governing the qualifications required for enrollment in the tribe of descendants of members of the tribe....</p> <p>Each Band will assume responsibility for the policy and procedures/ implementation of enrollment.</p>	<p>Add a statement to Article II</p>	<p>Draft-done</p>	<p>as designated in a tribal constitution specifying enrollment criteria.</p> <p>Tribal Power to Determine Membership.</p> <ul style="list-style-type: none"> • Attachment #7 <p>Two common requirements for membership:</p> <ol style="list-style-type: none"> 1. Blood Quantum <ol style="list-style-type: none"> a. In General and MCT Blood <ul style="list-style-type: none"> • Attachment #8 • Attachment # 8a [Draft done by Education Committee] b. 32-15 Resolution <ul style="list-style-type: none"> • Attachment #9 2. Lineal Descent <ul style="list-style-type: none"> • Attachment # 10 3. Other conditions: <ol style="list-style-type: none"> a. Residency b. Continued contact with the tribe. 	
<p>Eliminate the Secretary of the Interior as</p>	<p>Add a statement to Article II</p>		<p>Enrollment Appeals 25 C.F.R. Ch.1 § 62.2</p> <ul style="list-style-type: none"> • Attachment #11 	<p>Draft-done</p>

<p>the decision-maker of in enrollment appeals.</p>	<p>Develop an enrollment appeals process.</p>	<p>To be completed</p>		
<p>Eliminate Secretarial Elections so that all future elections will be Tribal Elections.</p>	<p>Once there is a valid Secretarial Election and the removal of the Secretary from the Constitution, there will be no more Secretarial Elections, only Tribal elections.</p> <p>Review and amend the MCT Election Ordinance to fit the individual Tribes.</p>	<p>To be completed</p>	<p>25 CFR 81.2(a)8 Secretarial Election [See Attachment #5]</p>	
<p>Remove Enrollment from MCT Organization</p>	<p>Amend language in Article II</p>	<p>Draft-done</p>		
<p>Deal with the 30% eligible voters' quorum requirement that has never been met in the past three Secretary Elections to amend the MCT Constitution.</p>	<p>Request a Waiver of 30% of Eligible voters' quorum. If granted, use 30% of registered voters' criteria.</p>	<p>Draft to be completed</p>	<p>There are two requirements for a valid Secretarial Election to amend an IRA Constitution: Attachment # 12</p> <ol style="list-style-type: none"> 1. A majority vote in favor of the amendment. 2. A quorum of voters participating in the election. This quorum requirement provides that "the total vote cast shall not be less than 30% of 	

			<p>those entitled to vote." [25 U.S.C. § 5127].</p> <p>Definitions</p> <ol style="list-style-type: none"> 1. Eligible Voter 2. Registered voters 3. How is the 30% calculated <p>Waiver Process and Request</p> <p>Attachment # 13</p>	Draft to be completed
Continue work on Constitution Reform.	<ol style="list-style-type: none"> 1. Constitution Alliance 2. Individual Band Constitutions 3. Governing Structure. 	Ongoing		