

This has been reviewed at various sessions by Chadd, Velma, Antonia, Michael - most recently on 3-11-2012

Text	Comments
<p>2 4 6 8</p> <p>Constitution of the California Valley Miwok Tribe (also known as the Sheep Ranch Rancheria of Me-Wuk Indians of California).</p> <p style="text-align: center;">DEDICATION</p> <p>10 We, the People of the California Valley Miwok Tribe (a.k.a. the 12 Sheep Ranch Rancheria of Me-Wuk Indians of California) do hereby 14 establish this Constitution, in respect for our ancestors and future 16 generations, in order to protect the rights of the Tribe and its 18 Members as a sovereign nation, to preserve and advance our cultural identity, to promote the general welfare of our people and descendants, and for the conduct of the affairs of our community within this legal structure.</p>	
<p>20 22 24 26 28</p> <p style="text-align: center;">HISTORY</p> <p>The California Valley Miwok Tribe a.k.a. the Sheep Ranch Rancheria of Me-Wuk Indians of California is a federally recognized, California Indian tribe, established by Federal census on August 13, 1915, pursuant to a land allocation Act of April 30, 1908 (35 Stat. 70-76).</p>	
<p>30 32 34 36 38</p> <p>In the initial 1915, Federal recognition of the Tribe, the Tribe was designated as the "Sheepranch-Indians". The twelve members in the original census were identified as "the remnant of once quite a large band of Indians in former years living in and near the old decaying mining town known and designated on the map as Sheepranch"; and their ancestors dated back, several thousand years to pre-historic times. In 1936, the government formally identified the Tribe as the "Sheep Ranch Rancheria", and one member voted for the Tribe to</p>	

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42 44 46 48 50 52 54 56 58	<p>become organized under the Indian Reorganization Act of 1934. In 1965, the Federal government identified another member for the purposes of the Rancheria Termination Act. (However, unlike other rancheria tribes, this Tribe was never terminated.) Those 14, Federally recognized members constitute what became known as hereditary members to the BIA and their lineal descendants the "Putative Members" of the Tribe; however, many other members came and went from the Sheep Ranch Rancheria over the decades from 1915. In 1994, the Federal government began publishing a list of federally recognized tribes in the Federal Register; and therein, the Tribe became identified as: "Sheep Ranch Rancheria of Me-Wuk Indians of California". Then, in 2002, the name was changed in the Federal Register to "California Valley Miwok Tribe (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)".</p>	
60 62 64 66	<p>From its earliest inception, up to this Constitution, the Tribe remained governed by Me-Wuk tradition, which is centered around the values of a shared identity, mutual support, openness, and with decision making by the Hereditary Spokesperson or <i>toko hyapo</i> and consensus among the Members. These customs continue to influence the conduct of the Tribe, as implemented by these Articles of Organization.</p>	
68	<p>SYNOPSIS OF THE CONSTITUTION</p>	
70 72 74 76	<p>With the exception of the rights that are retained by the individual Members (Article XIV), and the powers that are embedded in the Electorate (Article IV), and the independence of the Court (Article VII), all authority and powers to conduct the affairs of the Tribe reside in the Tribal Council as constituted by its elected</p>	<p>Do a final check of references.</p>
78		

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80 82 representatives and implemented by properly enacted Bylaws (Articles V & VI).	
84 86 88 90 In this Constitution, Article I defines the Territory of the Tribe for the purposes of its Jurisdiction. Membership in the Tribe is through inherent right and by lineal descent of an established member (Article II). The Governance (Article III) includes: the Electorate (Article IV); the Tribal Council (Articles V & VI); and the Court (Article VII).	
92 94 96 98 100 The Constitution describes procedures for the Tribal Administration (Article VIII), Elections (Article IX), Removal of Officers on the Tribal Council and the filling of Vacancies (Article X), for Initiatives and Referenda (Article XI), Land (Article XII), Sovereign Immunity (Article XIII), Civil Rights of its Members (Article XIV), and for making Amendments to this Constitution (Article XVI), among other provisions.	
102 ARTICLES OF ORGANIZATION	
104 ARTICLE I - TERRITORY & JURISDICTION	
106 108 110 112 114 § Ia. Territory. The territory of the Tribe shall include, to the fullest extent possible and consistent with federal law, all lands, water, property, airspace, surface and subsurface rights, and other natural resources in which the Tribe now has or in the future will have any interest and which are owned by the United States for the exclusive or non-exclusive benefit of the Tribe or for individuals as tribal members, excepting any rights-of-way.	
116 § Ib. Jurisdiction. Except as prohibited by federal law and this	

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120 122 124 126	<p>Constitution, the Tribe shall have jurisdiction over all tribal Members and all persons, subjects, property, and activities which occur within its territory, as defined above (§ Ia) of this Article. Apart from the limitations that are imposed herein, there shall be no other limits on the Tribe to exercise its jurisdiction according to its inherent sovereignty.</p>	
128 130 132 134	<p>§ Ic - Headquarters Location. The traditional and cultural headquarters of the Tribe is the site of the Tribe's historic Rancheria at Sheep Ranch, California. In addition, the Tribal Council may designate The Tribe's administrative headquarters and reservation property as being at another location owned by the Tribe in fee or owned by the United States in trust on behalf of the Tribe.</p>	
136 138	<p>ARTICLE II - MEMBERSHIP</p>	
140	<p>§ II(a) - MEMBERSHIP BY INHERENT RIGHT.</p>	
142 144 146	<p>§ II(a)1 - The Putative Members. A person is a Member of the Tribe if one is a lineal descendants of anyone of the 14 persons with whom the Federal government conducted official business with the Tribe between 1915 and 1967 and who also were identified in the April 2007, Public Notices of the BIA.</p>	
148 150 152	<p>§ II(a)2 - Residency on the Rancheria. A person is a Member of the Tribe if one can establish that one's ancestor or oneself lived on the Sheep Ranch Rancheria for a period of 3 years or more.</p>	
154 156	<p>§ II(a)3 - Census of 1929. Any person or the lineal descendant of a person is a Member of the Tribe if one is identified as Me-wuk</p>	

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158 160 162	in the "Indian Census Roll" for the County of Calaveras (dated June 30, 1929 and taken by L.A. Dorrington, Superintendent of the Bureau of Indian Affairs) is a Member of the Tribe.	
164 166 168	§ II(a)4 - Lineal Descent of an Established Member. Any person who is born to an existing Member (as verified by birth certificate or other acceptable affidavit) is, by lineal descent, a Member of the Tribe.	
170 172 174 176	§ II(b) - Acceptance of Membership. Any new Member shall become such by submitting one's genealogy and documents in proof of the criteria cited above, §§ IIa(1-4), to the Tribe's Enrollment Committee as prescribed in the Enrollment Bylaws. Upon verification, the new member's identification shall be placed on the tribal roster; and the new member shall be issued a tribal enrollment number and inducted into the Tribe by prescribed ceremony.	what about adoption?
178 180 182	§ II(c) - Rights of Members. There is only one class of membership; and any person who is a Member under §§ IIa(1-4) of this Article shall have full and equal rights as any other Member under this Constitution.	
184	§ II(b) - LOSS OF MEMBERSHIP.	
186 188 190 192	§ II(b)1 - Invalidation of Membership. A Member of the Tribe may not lose one's Membership involuntarily nor be dis-enrolled for any purpose other than erroneous facts about the person's lineage during the Enrollment process or having membership in another Federally Recognized tribe.	
194	§ II(b)2 - Sanctions against Members. On a case by case basis,	

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198	the Tribal Council, by majority vote (51%), may sanction a	
200	Member for a justifiable cause by withdrawing or suspending	
202	tribal benefits and privileges. Such sanctioning shall be done in	
204	writing and in accordance with the procedures that have been	
206	established in the appropriate Bylaws as adopted by the Tribal	
208	Council.	
210	<p>§ II(b)3 - Reinstatement of Membership or Benefits. Any</p>	
212	person who has been disenrolled or sanctioned pursuant to §	
214	II(b)1&2, as above, may be restored in accordance with	
216	procedures as prescribed by the applicable Bylaw.	
218	<p>§ II(b)4 - Appeal of Sanction or Membership loss. Any person</p>	
220	who has been dis-enrolled or sanctioned may appeal to the Tribal	
222	Court in accordance with the applicable Bylaws.	
224	<p>§ II(c) - MEMBERSHIP ROLL.</p>	
226	<p>§ II(c)1 -The Tribal Council shall maintain the membership roll of</p>	
228	all current and former tribal Members.	
230	<p>§ II(d) - OATH OF MEMBERSHIP.</p>	
232	<p>§ II(d)1 - A Member, upon becoming a Registered Voter, shall</p>	
234	read this Constitution and sign an oath to uphold the Constitution	
	and to pledge one's allegiance to the Tribe; and this oath shall be	
	prescribed in the appropriate Bylaw.	
	<p>§ II(e) - MEMBERSHIP BYLAWS.</p>	
	<p>§ II(e)1 - Consistent with this Constitution, the Tribal Council</p>	

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236		
238	shall enact Bylaws related to Tribal Membership, as in § V(l),	
240	defining the specific procedures which govern the enrollment and	
242	other conditions of Membership.	
	ARTICLE III - GOVERNANCE	
244	§ III(a) - Governing Bodies. The governance of the Tribe shall be:	
246	the Electorate [Article IV], the Tribal Council [Articles V & VI],	
248	and the Tribal Court [Article VII].	
	ARTICLE IV - TRIBAL ELECTORATE	
250	§ IV(a) - The Electorate. The Electorate of the Tribe shall be all	
252	adult Members (18 years of age or older) who are on the list of	
254	Registered Voters, pursuant to the Bylaws for such registration. The	
256	Electorate is at-large and not segmented into geographical districts.	
258	The Electorate votes for and thereby establishes the Tribal Council	
260	(Article V). Also, the Electorate may remove a Tribal Council	
262	Member(s) and fill Vacancies according to (Article IX); and make	
264	Initiatives (Article XII). The power of the Electorate shall be	
266	restricted exclusively to those functions.	
268	ARTICLE V - TRIBAL COUNCIL	
270	§ V(a) - Tribal Council. The legislative body of the Tribe (enacting	
272	the Bylaws and Administrative Codes) shall be the Tribal Council.	
274	All Tribal Council members shall be enrolled Members of the Tribe	
276	(Article II) who are registered voters of the Tribe and elected in	
278	accordance with this Constitution by the procedures in Article IX.	
280	§ V(b) - Chairperson. The Tribal Council shall have one position	

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276 278 280	<p>of Chairperson who shall be at least thirty five (35) years of age. The Chairperson shall be elected by a majority of the elected Tribal Council members. The Chairperson is a voting member of the Council.</p>	
282 284 286 288 290	<p>§ V(b)1 - Duties Of Chairperson. The duties of the Chairperson shall include, but are not limited to, organizing the meetings and agenda for the deliberation and voting of the Tribal Council, administering the meetings and proceedings of the Tribal Council, over-sight of all administrative activities of the Tribe, and communication of the tribal activities to the Membership. These functions may be delegated to others by the Chairperson.</p>	
292 294 296	<p>§ V(c) - Vice Chairperson. The Tribal Council shall have one position of Vice Chairperson who must be at least thirty five (35) years of age. The Vice Chairperson shall be appointed by the Chairperson from among the 6 other elected members of the Tribal Council. The Vice Chairperson is a voting member of the Council.</p>	
298 300 302	<p>§ V(c)1 - Duties Of Vice Chairperson. The duties of the Vice Chairperson shall be to assist the Chairperson and substitute for the Chairperson in the absence of that official.</p>	
304 306	<p>§ V(d) - The Other Council Members. The five (5) other Tribal Council Members shall perform functions as may be assigned by the Council. These are voting members of the Council.</p>	
308 310 312	<p>§ V(e) - Adjuvant Councils. The Tribal Council shall established a Council of Elders, a Council of Youth, and an Office of Hereditary Spokesperson pursuant to Bylaws. Representatives of these Adjuvant Councils are elected by a majority of the Tribal Council,</p>	<p>check these references</p>

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314 316 318 320	<p>and they may attend, address, and advise the Council. However, these are non-voting positions with respect to the actions of the Tribal Council. Other <i>ad hoc</i> Councils may also be established by the Tribal Council under Bylaws as enacted according to § V(l) of this Article.</p>	
322 324 326	<p>§ V(f) - Tribal Council Terms Of Office. The terms of office for all Tribal Council Members including the Chairperson and Vice Chairperson shall be four (6) years except as provided for in Section IX(d) - The First Election. There shall be no limitations on serving consecutive terms on the Tribal Council.</p>	
328 330 332 334	<p>§ V(g) - Duties Of The Tribal Council. Consistent with this Constitution, the duties of the Tribal Council Members include but are not limited to those functions as enumerated below. Other functions shall be defined by Bylaws pursuant to § V(l) of this Article.</p>	
336	<p>§ V(h) - MEETINGS OF THE TRIBAL COUNCIL.</p>	
338 340 342	<p>§ V(h)1 - Routine Monthly Meetings. The Tribal Council shall hold regular meetings, once per month. These meeting shall be open to the Members, except closed session meeting for personnel matters and other issues proscribed by State and Federal law as confidential.</p>	
344 346 348 350	<p>§ V(h)2 - Special Meetings. The Chairperson or any three other members of the Tribal Council may call special meetings of the Tribal Council. Adequate notice of all special meetings (in terms of subject and timing) shall be given to all members of the Tribal Council as defined by in Bylaws.</p>	

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354 356	<p>§ V(h)3 - Rules of Order. The meetings of the Tribal Council shall be conducted according to rules-of-order as defined in Bylaws.</p>	
358 360 362	<p>§ V(h)4 - Recording. At each regular or special meeting of the Tribal Council, a recording of the proceedings shall be made, and a person shall be appointed to take minutes of the meeting, and a copy of the minutes shall be preserved by the Tribal Council and available to tribal Members in accordance with Bylaws.</p>	
364 366 368 370	<p>§ V(i) - Quorum. Five (5) or more members of the Tribal Council shall constitute a quorum for any regular or special Tribal Council meetings. And a quorum is required at all meetings in order to enact official business of the Tribal Council and create Enactments as defined in § I of this, Article V.</p>	
372 374 376 378	<p>§ V(j) - Voting. The Tribal Council shall make enactments by a majority vote (51%) of a quorum of the Tribal Council, except as otherwise provided in this Constitution with respect to the Electorate by Recall or Initiative. All Tribal Council Members, including the Chairperson and Vice Chairperson, shall have the power to vote. Proxy voting in the Council is prohibited.</p>	
380 382 384 386 388	<p>§ V(k) - Code of Ethics. The Tribal Council shall have the power to adopt a Code of Ethics governing the conduct of tribal officials - Council and Administrative. The Code of Ethics may include disciplinary procedures so long as the official in question is informed of the charges and given an opportunity to respond to those charges - including the opportunity to present witnesses and other evidence in his or her defense.</p>	
390	<p>§ V(l) - Enactments. The Constitution shall not be changed except</p>	

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392 394 396 398 400 402 404	<p>by the Amendment processes. All enactments of the Tribal Council under the authority of the Constitution shall be termed a By-law to the Constitution. These Bylaws are of the following kind. A Tribal Law shall be the declaration of a general policy which is intended to remain, indefinitely, until nullified or changed by the Tribal Council or by Initiative. A Tribal Resolution is of lesser magnitude and scope but remains in force until nullified or changed or expired by a defined date. A Tribal Proclamation is of still lesser magnitude and does not have any implications or enduring force except as specified in the Proclamation. A Tribal Administrative Regulation implements a Tribal Law, Resolution, or Proclamation.</p>	
406 408 410 412 414 416 418 420 422	<p>§ V(I)1 - Tribal Laws. A Law is a By-law to the Constitution that is enacted by the Tribal Council to regulate the conduct or actions of its members, the officers of its government, the administration of programs, and the governmental process. A Law is intended be permanent policy unless modified or formally nullified by a subsequent Law. Miwok tradition is the common law of the Tribe, and instances which do not come within the letters of this Constitution or its Bylaws shall be regulated by that tradition, until rendered to formal Law. Tribal Laws shall be entitled according to the date of enactment, the type of statute, and a descriptor - e.g., <i>yyyy-mm-dd-Law-descriptor</i>. And they shall be both journaled in chronologically order statutes and transcribed to codified Titles which shall be harmonized, as much as possible, with Federal Titles.</p>	
424 426 428	<p>§ V(I)2 - Tribal Resolutions. A Resolution is a Bylaw to the Tribal Laws that represents a formal expression of position, opinion, will, or intent as voted by the Tribal Council. A Resolution may be an interpretation by the Tribal Council about</p>	

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432 434 436 438 440	<p>the meaning of a particular segment of the Constitution or a Administrative Regulation, prior to or other than a judicial interpretation by the Tribal Court. Tribal Resolutions shall be entitled according to the date of enactment, the type of statute, and a descriptor - e.g., <i>yyyy-mm-dd-Resolution-descriptor</i>. And, like the Laws, they shall be both journaled in chronologically order statutes and transcribed to codified Titles which shall be harmonized, as much as possible, with Federal Titles.</p>	
442 444 446	<p>§ V(1)2 - Tribal Proclamation or Executive Order. A Proclamation or Executive Order is an expression of an intent of the Tribal Council and has no scope or duration excepts as specified within the Proclamation.</p>	
448 450 452 454 456 458 460	<p>§ V(1)3 - Tribal Administrative Regulation. An Administrative Regulation is a Bylaw which implements administrative procedures of a Tribal Law or Resolution as enacted by the Tribal Council. Tribal Administrative Regulations shall be entitled according to the date of enactment, the type of statute, and a descriptor - e.g., <i>yyyy-mm-dd-Administrative-Regulation-descriptor</i>. And they shall be both journaled in chronologically order statutes and transcribed to codified Titles which shall be harmonized, as much as possible, with Federal Titles.</p>	
462	<p>ARTICLE VI - POWERS OF THE TRIBAL COUNCIL</p>	
464 466 468	<p>§ VI(a) - Plenary Powers. Except for the power allocated to the Electorate of Elections (Article IX) and Removal, Vacancy, and Initiative (Article IX), the Tribal Council is the sole authority to exercise all powers that are vested in the Tribe through its inherent</p>	

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470 472 474	sovereignty or federal law. The Council shall execute these powers pursuant to the definitions and limitations in the Constitution and in accordance with established Bylaws and customs of the Tribe. These powers shall include, but are not limited to, the following.
476 478 480	§ VI(b) - Representations. To represent the Tribe and act in the name of the Tribe in all matters that concern the Tribe and to make decisions for the Tribe in a manner that is consistent with this Constitution;
482 484 486	§ VI(c) - Contracts. To negotiate and enter into contracts with the federal, state, and local governments and other tribal governments and with individuals, associations, corporations, enterprises, or organizations;
488 490 492 494	§ VI(d) - Business Entities. To create Tribal corporations to operate business that are suitably conducted by a wholly-owned, subsidiary corporate entity of the Tribe; and invest as majority or minority interest in a business entity other than one which is wholly-owned by the Tribe.
496 498	§ VI(e) - Property. To purchase or accept any land or property for the Tribe;
500 502	§ VI(f) - Inherited Property. To enact laws which regulate the use, disposition, and inheritance of all real property within the Territory of the Tribe, as defined in Article I;
504 506	§ VI(g) - Assets. To prevent or veto the sale, disposition, lease, or encumbrance of tribal lands, interests in land, tribal funds or other tribal assets;

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510		
512	<p>§ VI(h) - Legal Counsel. To employ attorneys and other legal counsel in accordance with applicable federal laws;</p>	
514		
516	<p>§ VI(i) - Domestic Relations. Within the territorial jurisdiction of the Tribe and within the limitations of Article XIV - Civil Rights, to enact laws which regulate the domestic relations of persons;</p>	
518		
520	<p>§ VI(j) - Individual Conduct. Within the territorial jurisdiction of the Tribe and within the limitations of Article XIV - Civil Rights, to enact laws which regulate the conduct of individual persons;</p>	
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524	<p>§ VI(k) - Removal. To provide for the removal or exclusion of any Member or non-member of the Tribe whose presence may be injurious to Members of the Tribe and to prescribe conditions upon which any Member or non-members may remain within the Territory of the Tribe;</p>	
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528		
530		
532	<p>§ VI(l) - Assessments. To levy and collect taxes, duties, fees, and assessments on individuals and entities;</p>	
534		
536	<p>§ VI(m) - Allocations of Money. To appropriate and regulate the use of tribal funds in accordance with an annual budget approved by the Tribal Council;</p>	
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540	<p>§ VI(n) - Business activities. To regulate all business activities within the jurisdiction of the Tribe and to manage all tribal economic affairs and enterprises;</p>	
542		
544	<p>§ VI(o) - Health and Safety. To regulate all matters and to take all</p>	
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548 550	actions necessary to preserve and safeguard the health, safety, welfare, and political integrity of the Tribe;	
552 554 556	<p>§ VI(p) - Appointments. To appoint subordinate committees, commissions, boards, tribal officers, and employees and to set their compensation, tenure, and duties;</p>	
558 560	<p>§ VI(q) - Legal Enactments. To enact Tribal Laws, Resolutions, and Proclamations and regulations that are necessary or incidental to the exercise of its legislative powers.</p>	
562 564 566	<p>§ VI(r) - Initial Tribal Council. For the first four (6) years after the ratification of this Constitution, the Tribal Council shall consist of those individuals who were appointed to serve as such by Yakima Dixie in the 2006 Constitution and who guided the Tribe through its formative years of its organization.</p>	
568	<p>ARTICLE VII - COURT</p>	
570 572 574 576 578 580	<p>§ VII(a) - Establishment. The Tribal Council shall establish the Tribal Court System by a Bylaw entitled "Law for the Tribal Court System"; and the judicial power for the Tribe shall be vested in that Tribal Court. The Tribal Court System shall include the Tribal Court, itself, and such other lower courts of special jurisdiction, including forums for traditional dispute resolution, as the Tribal Council may deem necessary. There shall also be a Court of Appeals which shall be the court of last resort for all cases filed within the Tribal Court System.</p>	
582 584	<p>§ VII(b) - Bylaws. The Law for the Tribal Court System shall define such issues as: Jurisdiction; Appointment of Judges;</p>	

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588 590	Qualification of Judges; Compensation; Removal of Judges; and Court Procedures and Due Process.	
592 594 596 598	<p>§ VII(c) - Initial Court. During the first five (5) years or sixty (60) months after the acceptance of this Constitution by the Secretary of the Interior, the Tribal Council shall act as the Tribal Court and shall commission a local, civil magistrate as the Court of Appeals. The procedures for this intermediate, transitional Jurisdiction shall be defined in the By-laws for the Tribal Court that shall be adopted within the first year after the validation of this Constitution.</p>	
600 602 604	<p>§ VII(d) - Initial Determinations. The determinations of this Initial Court shall be treated as Bylaws, to which subsequent Court cases may refer to as <i>res judicata</i> and <i>stare decisis</i>.</p>	
606	<p>ARTICLE VIII - TRIBAL ADMINISTRATION</p>	
608 610 612 614 616 618	<p>§ VIII(a) - Administrative Officers and Staff. The Tribal Administration shall consist of officers and staff who are appointed by majority vote of the Tribal Council. The Tribal Administration shall oversee the implementation and management of The Tribe's business and programs and deal with the data-to-day operations of specific operations of the Tribe. The Tribal Administration shall be subordinate to the Tribal Council; and a tribal Member shall serve on all administrative entities. This administration shall be regulated by a Bylaw for Tribal Administration practices and policy.</p>	
620	<p>ARTICLE IX - ELECTIONS</p>	
622 624	<p>§ IX(a) - Election Procedures. The elections shall be conducted according to a Bylaw that in general conforms to the procedures in</p>	

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<p>626 628 Part 81 - Reorganization under a Federal Statute, Code of Federal 630 Regulatons (25CFR81 etc.). All Tribal Council positions are at-large and not by an election district.</p>	
<p>632 § IX(b) - General Elections. The Electorate (Article IV) shall vote 634 on the election of Tribal Council positions (Article V) in the general elections.</p>	
<p>636 § IX(c) - Special Elections. The Electorate (Article IV) shall vote 638 on the Removal of Tribal Council Members (Article X), Initiatives 640 (Article XI), and other special elections, when called for by the 642 Tribal Council, by this Constitution, or by the voting Members as provided for in this Constitution or appropriate Bylaws.</p>	
<p>644 § IX(d) - The First Election. The first General Election shall be 646 held on the first Saturday of October, 2011 for the purpose of ratifying this Constitution.</p>	<p>Still needs to be staggered. Also, carry forward of Tribal Council</p>
<p>648 650 652 Of those members, the Chairperson and two other Council positions 654 will serve for six years, after which those 3 positions will be open 656 for re-election and thereafter the term for the Council Member shall be 4 years. The other four Council positions will serve a term of 4 years, after which those positions will be open for re-election.</p>	
<p>658 § IX(e) - Election Board. The Tribal Council shall appoint an 660 Election Board to conduct all elections including all special 662 elections. The Election Board shall consist of five tribal member of which one shall be age 55 or older, another between the ages of 35</p>	

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666 668 670 672 674 676	<p>and 54, and another between the ages of 18 to 34 - provided that all members of the Election Board shall be at least 18 years of age and provided, further that an Election Board Member shall not be a candidate a position on the Tribal Council. All Election Board Members shall serve for a specific term of office as established in the By-laws for Tribal Elections. The Election Board may appoint clerks, poll workers, and others to assist the Election Board in conducting the election In the absence of a sufficient number of Tribal Members to fill the Election Board, the Tribal Council may hire non-member professionals for necessary functions.</p>	
678 680 682 684 686 688 690	<p>§ IX(e) - Nominations. For all elections of the Tribal Council Members, the Election Board shall conduct a Nomination Meeting among the eligible, voting Membership to nominate tribal members as candidates for the available Tribal Council seats. This Nomination Meeting shall be 60 days prior to the election date; and at the Nomination Meeting, all eligible voters, as defined in Section 7 of this Article, may submit nominations for any vacant seat. The Election Board shall mail a notice regarding the qualified candidates to all eligible, voting Members at least 30 days prior to the election date. The particulars of the nomination process shall be defined in the By-laws for Elections.</p>	
692 694 696	<p>§ IX(f) - Qualifications for Tribal Council. Persons who are nominated to run for the Tribal Council seats must be enrolled tribal Members who meet the age and residency requirements which are set forth in Article IV on or before the date of the election.</p>	
698 700 702	<p>§ IX(g) - Eligible Voters. All tribal Members who are eighteen (18) years of age or older shall be eligible to vote.</p>	

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704 706	<p>§ IX(h) - Ballots. All voting at regular and special elections shall be done by secret written ballot.</p>	
708 710	<p>§ IX(i) - Absentee Ballots. Absentee voting shall be permitted pursuant to provisions in a By-law.</p>	<p>changed from shall not be.</p>
712 714 716	<p>§ IX(j) - Election Results. The Election Board shall certify the results of an election within three (3) days after the election day. The candidates receiving the highest number of votes shall be declared members of the Tribal Council for the available seats.</p>	
718 720 722 724 726	<p>§ IX(k) - Tie Votes. Tie votes between two or more candidates shall be decided in a special run-off election. All eligible voters shall be entitled to vote in any run-off election. If a run-off election ends in another tie, the outcome shall be decided by the drawing of straws by the candidates tied for that office, with the longest straws winning. The Election Board shall certify the results of any run-off election within three (3) days after the run-off election day.</p>	
728 730 732 734 736 738 740	<p>§ IX(l) - Challenges. Any Registered Voter, who voted in an election, may challenge the results of that election by presenting his or her challenge, in writing, to the Tribal Court within five (5) days after the election results have been certified. The Tribal Court shall decide all election challenges within ten (10) days from the date the challenge is filed. Any appeals shall be filed with the Court of Appeals within five (5) days of the issuance of the Tribal Court decision, and the Court of Appeals shall decide the appeal within ten (10) days. If the Tribal Court or court of Appeals invalidates the election results, a new election shall be held within sixty (60) days of the original election.</p>	<p>The course of events as designated in the language Election day 1 On or before day 6, Challenge(s) filed in writing Tribal Court decides on the challenge on or before day 10; challenger may Appeal that on or before day 16; Court of Appeal decides appeal on or before day 17; If Court of Appeals invalidates election results a new election on or before day 61.</p>

This has been reviewed at various sessions by Chadd, Velma, Antonia, Michael - most recently on 3-11-2012

742	Text	Comments
744 746 748 750 752 754 756 758 760	<p>§ IX(m) - Oath of Office. The oath of office for each newly elected Tribal Council Member shall be administered by the Election Board within thirty (30) days after the Election Board declares the winner of a seat, unless a challenge is filed and in that case within thirty (30) days after a final decisions by the Tribal Court or Court of Appeals. If a challenge is filed but it does not related to all of the elected seats, then the oath of office shall be administered to the newly elected Tribal Council Members whose seats have not be challenged within thirty (30) days after the Election Board declares the winners. Each incumbent Tribal Council Member shall remain in office until the oath of office is administered to the newly elected Tribal Council Member for one's seat. Upon expiration of the incumbent's term of office, that incumbent shall transfer all tribal records within one's control to the newly elected Tribal Council Member.</p>	
762 764 766	<p>§ IX(n) - Election By-laws. The Tribal Council shall enact an election Bylaw that is consistent with this Constitution and which covers all necessary procedures for all elections other than the procedures stated in this Constitution.</p>	
768 770 772 774	<p>§ IX(o) - Referenda and Amendments. Other than elected officials, the term "Election" shall also refer to the adoption of By-laws by Initiate and Referendum under Article XI and to Amendments under Article XVI, both of which require a vote of the general Membership.</p>	
776	<p>ARTICLE IX - REMOVAL AND VACANCY</p>	
778 780	<p>§ X(a) - Removal of Tribal Council Member by Tribal Council.</p>	

This has been reviewed at various sessions by Chadd, Velma, Antonia, Michael - most recently on 3-11-2012

	Text	Comments
782 784 786	<p>§ X(a)1 - Removal. The Tribal Council shall remove a Council Member for a final conviction of a felony by any tribal, federal, or state court while serving on the Tribal Council.</p>	
788 790	<p>§ X(a)2 - Suspension. The Tribal Council may suspend a Council Member charged with a felony pending the outcome of the trial and any appeal.</p>	
792 794 796 798 800	<p>§ X(a)3 - Discipline. The Tribal Council may discipline or remove a Council Member by a vote of at least five (5) Members of the Tribal Council for converting tribal property or moneys for personal use or failing to attend four (4) regular or special meetings consecutively without good cause or for the final conviction of three misdemeanors by any tribal, federal, or state court while serving on the Tribal Council or for the violation of the Tribal Code of Ethics.</p>	
802 804 806 808 810 812 814	<p>§ X(a)4 - Due Process. In all proceedings under § X(a)1, 2, and 3, above, the Tribal Council Member in question shall be afforded full due process rights including a written statement of the charges, the right to respond to those charges, the right to be represented by counsel, and the right to present witnesses and other evidence in his or her defense. The decision of the Tribal Council shall be final and shall be appealable to the Tribal Court only if a claim is made that the Tribal Constitution has been violated or due process rights have not been afforded. A Council Member removed from office must wait at least five (5) years from the official date of removal to run again for office.</p>	
816 818	<p>§ X(b) - RECALL OF TRIBAL COUNCIL MEMBER(S)</p>	

This has been reviewed at various sessions by Chadd, Velma, Antonia, Michael - most recently on 3-11-2012

820	Text	Comments
822 824 826 828	<p>§ X(b)1 - Initiative by Tribal Member. Any Registered Voter may initiate recall proceedings, for good cause, against any Tribal Council Member by filing a written request with the Election Board, provided that a recall proceeding may not be initiated against any Tribal Council Member whose term expires within six (6) months.</p>	<p>Make scenarios for how various clauses would be implemented in particular circumstances and have this as part of the legislative history.</p>
830 832 834 836 838	<p>§ X(b)2 - Issuance of Petition. After receipt of the written request, the Election Board shall issue official petition forms to the tribal member who initiated the Recall. That tribal Member shall have sixty (60) days to collect the signatures from thirty percent (30%) of the eligible voters of the Tribe. Upon a valid petition, the Tribal Council shall call a special election pursuant to Article IX.</p>	
840 842 844	<p>§ X(b)3 - Number of recalls. Recall petitions shall be circulated for each Tribal Council Member who is subject to recall. A maximum of three (3) Tribal Council Members may be recalled at a time.</p>	
846 848 850 852 854 856 858	<p>§ X(b)4 - Recall Meeting. The Election Board shall verify the signatures on a recall petition within ten (10) days of receipt of the signed petitions. If the tribal member seeking recall has collected the required number of signatures in the allotted time, then the Election Board shall hold a recall meeting within sixty (60) days of the receipt of the signed petitions. Notice of the recall meeting shall be mailed to eligible tribal voters at least thirty (30) days prior to the recall meeting. The persons initiating the recall and the person subject to recall shall be given a reasonable opportunity to speak and present evidence at the recall meeting.</p>	

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Text	Comments
<p>860 § X(b)5 - Majority vote. A majority vote by secret, written 862 ballot of the eligible voters attending at the recall meeting shall 864 determine the success or failure of the recall petition(s), provided 866 that at least thirty percent (30%) of the eligible voters actually vote at the recall meeting.</p>	
<p>868 § X(b)6 - Voting Procedures. The recall meeting shall be held 870 in accordance with the provisions of the By-laws for Tribal Elections, which shall include a section on recall procedures.</p>	
<p>872 § X(c) - Vacancies</p>	
<p>874 § X(c)1 - Filling a Vacancy. If a Tribal Council Member should 876 become deceased, resign, or incapacitated, or be removed or 878 recalled from office, then the Tribal Council shall declare the 880 position vacant. The Tribal Council shall fill a vacancy by special 882 election unless there are less than six (6) months remain in the 884 term, in which case the Tribal Council shall leave the position vacant. The Person who fills a vacant position shall only serve out the term of the person whom he or she is replacing.</p>	<p>Fill the vacancy from electoral candidates who did not succeed by highest vote first.</p>
<p>886 § X(c)2 - Resignation. All resignations from the Tribal Council 888 shall be done in writing.</p>	
<p>890 ARTICLE XI - INITIATIVE AND REFERENDUM</p>	
<p>892 § XI(a) - Initiative. Excluding issues that regard Membership under 894 Article II, land, or housing, any Registered Voter may proposed to 896 the Tribal Council any By-law to be adopted by the Tribal Council. Such an Initiative must be in the form of a prescribed petition that has been signed by at least thirty percent (30%) of the eligible voters</p>	<p>30% of 150 registered voters would be 45 Petitioners.</p>

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898	Text	Comments
900 902 904 906 908	<p>of the Tribe. The Tribal Council must vote on said Initiative within sixty (60) days after receipt of the petition with its qualifying number of petition signatures. A majority vote of the Tribal Council shall decide whether the proposed By-law is adopted and, thereafter, be in effect. If the Tribal Council does not act within the sixty (60) day enactment period, the petitioner of the Initiative may use the Referendum process, below.</p>	
910 912 914 916 918	<p>§ XI(b) - Referendum. If the Tribal Council fails to vote on an Initiative, as above, or if the Tribal Council votes against said Initiative, then the Petitioners may seek a Referendum vote from the eligible voters of the Membership. The Petition shall be reconstructed as a Referendum, thirty percent (30%) of the eligible voters of the Tribe shall sign the Referendum, and it shall be presented to the Tribal Council to call a special election pursuant to an appropriate Election By-law under Article IX.</p>	
920 922 924	<p>§ XI(c) - Procedures. Initiatives and Referenda elections shall be conducted by the Election Board and shall be held in accordance with the provisions of a By-law which deals specifically with Initiatives and Referenda procedures.</p>	
926	<p>ARTICLE XII - LAND</p>	
928 930 932	<p>§ XII(a) Land Policy. The Tribal Council shall have the authority to establish land policies, to adopt land use By-laws, and to otherwise regulate land within the territory of the Tribe and in accordance with applicable State and Federal law.</p>	
934	<p>ARTICLE XIII - SOVEREIGN IMMUNITY</p>	
936		

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	Text	Comments
938		
940	<p>§ XIII(a) - Waiver. The California Valley Miwok Tribe (also</p>	
942	<p>known as the Sheep Ranch Rancheria of Me-Wuk Indians of</p>	
944	<p>California) shall be immune from suit except to the extent that the</p>	
946	<p>Tribal Council expressly waives the Tribe's sovereign immunity.</p>	
948	<p>ARTICLE XIV - CIVIL RIGHTS</p>	
950	<p>§ XIV(a) - Inherent Rights of Members. the Tribe (its Members</p>	
952	<p>and the elected and appointed officers) in exercising its powers of</p>	
954	<p>self-government shall not abrogate the following Civil Rights of</p>	
956	<p>individual Members.</p>	
958	<p>§ XIV(b) - Speech and Assembly. the Tribe is a secular</p>	
960	<p>governance and shall not make or enforce any law which prohibits</p>	
962	<p>the free exercise of religion, or abridges the freedoms of speech,</p>	
964	<p>communications, or the right of people to peaceably assembly and to</p>	
966	<p>petition for redress of grievances or initiate By-laws.</p>	
968	<p>§ XIV(c) - Further Proscriptions. the Tribe shall not violate the</p>	
970	<p>right of Members to be secure in their persons, houses, papers, and</p>	
972	<p>effects against unreasonable searches and seizures, nor shall</p>	
974	<p>warrants be issued except on probable cause and supported by an</p>	
	<p>oath or affirmation of an officer who is appointed for such actions</p>	
	<p>and which describes the particular place to be search and the person</p>	
	<p>or thing to be seized.</p>	
	<p>§ XIV(d) - Double Jeopardy. the Tribe shall not subject any</p>	
	<p>person for prosecution more than once for the same offense and</p>	
	<p>thereby place said person in double jeopardy for the same offense;</p>	
	<p>§ XIV(e) - Self-Incrimination. the Tribe shall not compel any</p>	

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976	Text	Comments
978	person in any criminal case to be a witness against oneself.	
980	§ XIV(f) - Condemnation of Private Property. the Tribe shall not	
982	take any private property for a public use without just compensation;	
984	§ XIV(g) - Expedient Judicial Proceedings. the Tribe shall not	
986	deny to any person in a criminal proceeding the right to a speedy and	
988	public trial, to be informed of the nature and cause of the accusation,	
990	to be confronted with the witnesses against the person, to have	
992	compulsory process for obtaining witnesses in his favor, and at his	
994	own expense to have the assistance of counsel for his defense and to	
996	have these rights explained at the time of arrest;	
998	§ XIV(h) - Bail and fines. the Tribe shall not require excessive	
1000	bail, impose excessive fines, or inflict cruel and unusual punishment.	
1002	§ XIV(i) - Equal Protection. the Tribe shall not deny to any person	
1004	(Member or non-Member) within its jurisdiction the equal protection	
1006	of its laws or deprive any person of liberty or property without due	
1008	process of law.	
1010	§ XIV(j) - In Absentia Proceedings. the Tribe shall not create any	
1012	law of attainder which declares a person or group of persons guilty	
1014	of some crime and punishes them without benefit of a trial; nor shall	
1016	the Tribe find a person or group of persons guilty of a violation, <i>ex</i>	
1018	<i>post facto</i> .	
1020	§ XIV(k) - Trial by Jury. the Tribe shall not deny to any person,	
1022	who is accused of an offense which is punishable by imprisonment,	
1024	the right, upon request, to a trial by jury of not less than six persons.	

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Text	Comments
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ARTICLE XV - GENERAL MEETINGS

§ XV(a) - Constitutional Provisions. The Tribal Council shall call at least one (1) general meeting per year of all Members of the Tribe to report, identify, and discuss important tribal matters.

ARTICLE XVI - AMENDMENTS

§ XVI(a) - Constitutional Provisions. This Constitution may be amended by a super majority vote (i.e., 60%) of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, Provided That at least thirty percent (30%) of those entitled to vote shall vote in such election; but no amendment shall become effective until approved by the Secretary of the Interior or until deemed approved by the Secretary by operation of law. It shall be the duty of the Secretary of the Interior to call and hold an election on any proposed amendment at the request of the Tribal Council, or upon presentation of a petition which is signed by at least thirty percent (30%) of the qualified voters of the Tribe.

ARTICLE XVII - SAVINGS CLAUSES

§ XVII(a) - Prior Enactments. All Enactments of the Tribe which have been adopted before the effective date of this Constitution and by the Hereditary Spokesperson, Yakima Dixie, and by his Tribal Council shall continue in full force and effect to the extent that they are consistent with this Constitution.

§ XVII(b) - Invalidation of Sections. If any section or element of this Constitution be judged to be illegal by a competent authority,

What about the Burley enrollment? Did Yakima actually do that?

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1054	Text	Comments
1056 1058 1060	<p>then that section or element shall become null and void without any of the other sections or elements of this Constitution becoming null and void nor there be a need to revise this Constitution by Amendment.</p>	
1062	<p>ARTICLE XVIII - ADOPTION OF CONSTITUTION</p>	
1064 1066 1068 1070 1072 1074	<p>§ XVIII(a) - Adoption Clause. This Constitution, when adopted by a majority vote of the registered voters of the California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria, voting at a special election which is authorized by the Secretary of the Interior in which at least thirty percent (30%) of those registered in accordance with Secretarial regulations to vote shall vote, shall be submitted to the Secretary of the Interior for approval, and, if approved by the Secretary of the Interior or by operation of law, shall be effective from the date of such approval.</p>	
1076	<p>CERTIFICATE OF RESULTS OF ELECTION</p>	
1078 1080 1082 1084 1086 1088 1090 1092	<p>Pursuant to a Secretarial election as authorized by the Deputy Commissioner of Indian Affairs on _____, the Constitution of the Constitution of the California Valley Miwok Tribe (also known as the Sheep Ranch Rancheria of Me-Wuk Indians of California) was submitted to the qualified voters of the California Valley Miwok Tribe (also known as the Sheep Ranch Rancheria of Me-Wuk Indians of California) and on _____ was adopted /rejected by a vote of _____ For and _____ Against, and _____ cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the Electorate, who were entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1943 (48 Stat. 984) and as subsequently amended.</p>	