

COMANCHE

RESOLUTION PROPOSING AMENDMENTS TO CONSTITUTIONAL PROVISIONS REGARDING RECALL OF OFFICERS AND COMMITTEEPERSONS

- WHEREAS,** the Comanche Nation is a federally recognized Indian tribe with a Constitution approved by the Secretary of Interior on January 9, 1967 to safeguard tribal rights, powers, and privileges of the tribe and its members and to improve the economic, moral, educational, and health status of its members; and
- WHEREAS,** the Comanche Nation Constitution, Article IV, Section 1 recognizes the Comanche Tribal Council as the supreme governing body of the Comanche Nation; and
- WHEREAS,** at the Annual Meeting of the Tribal Council held on April 17, 2021, Tribal Council member Michael Burgess proposed a constitutional amendment concerning the procedure for recall of officers and other members of the Comanche Business Committee; and
- WHEREAS,** the Tribal Council subsequently voted in favor of submitting Mr. Burgess's proposed amendment to the Bureau of Indian Affairs ("BIA") for a Secretarial Election; and
- WHEREAS,** the Comanche Nation Constitution, Article XI, Section 1 permits proposals to the BIA for an amendment of the constitution by "a majority vote of the business committee or by a petition signed by two hundred (200) adult members of the tribe who are entitled to vote"; and
- WHEREAS,** the Comanche Business Committee wishes to effectuate the intent of the Tribal Council and submit Mr. Burgess's proposed amendment to the BIA; and
- WHEREAS,** the proposed amendment attached hereto as **Exhibit A** is consistent with the proposal submitted by Mr. Burgess, with corrections only to spelling and formatting; and
- WHEREAS,** Mr. Burgess's proposed amendment would require payment of a \$500 fee to bring a recall petition, which conflicts with Article X of the Constitution, which commands that no charge or fee be imposed in connection with tribal members' right to petition the government; and
- WHEREAS,** to give effect to the Tribal Council's intent that Mr. Burgess's proposed amendment be brought forth for a vote and to reconcile Article X with that amendment, the Comanche Business Committee proposes that Article X also be amended to provide a narrow exception to the prohibition against charges and filing fees for recall petitions, which proposed amendment is attached hereto as **Exhibit B**; and

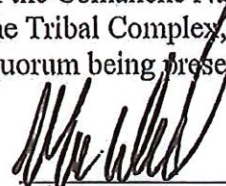
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NOW THEREFORE BE IT RESOLVED, that a majority of the Comanche Business Committee hereby proposes the amendments to the Comanche Nation Constitution in the form of Exhibit A and Exhibit B hereto; and

BE IT FURTHER RESOLVED, these amendments shall be submitted to the Commissioner of Indian Affairs for approval.

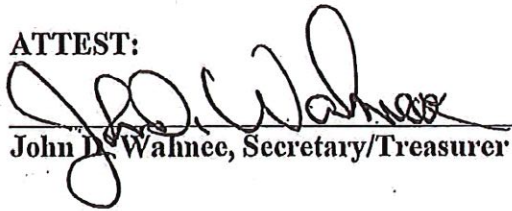
CERTIFICATION

The foregoing resolution was adopted a regular meeting of the Comanche Nation Business Committee held on the 2nd of April, 2022, at the Comanche Tribal Complex, Lawton, Oklahoma by a majority vote of 5 for, 0 against, and 0 abstaining, a quorum being present.



Mark Woommavovah, Chairman

ATTEST:



John D. Walmece, Secretary/Treasurer

EXHIBIT A

ARTICLE VIII – VACANCIES AND REMOVAL FROM OFFICE (Pursuant to Amendment XV, adopted April 14, 1979, and Pursuant to Amendment XLIV, adopted September 8, 2017)

AS AMENDED:

Section 1. If a committeeman or officer of the tribe shall die or resign, be removed or recalled from office, his office shall be deemed vacant and the tribal chairman, or should this office be vacant, the tribal vice-chairman, shall immediately call a meeting of the Comanche Tribal Council to be held within twenty (20) days for the purpose of filling such vacancy for the unexpired term, except that when such vacancy shall occur within four months of the annual meeting of the Comanche Tribal Council, the position shall remain vacant until the next election when provisions shall be made to fill the vacancy.

Section 2. The Comanche Tribal Council may at a meeting duly called specifically for the purpose, recall any officer or committeemen for neglect of duty or conduct that has brought disrepute upon the tribe. *Such a meeting shall not be unless a petition signed by two hundred and fifty (250) eligible voters of the Comanche Nation requesting recall is submitted to the tribal chairman.* The Tribal Council shall consist of all members of the Comanche Nation who are eighteen (18) years of age or older. The recall of only one officer or committeeman may be initiated per meeting called for this purpose. The petitioner's representative shall provide proper evidence or receipt by the accused, the tribal chairman shall call an official meeting of the Comanche Tribal Council within thirty (30) days for the purpose of hearing and disposition of the case, *such meeting can be established within the timeframe so noted in Section 2(a).*

a) Following submission of an acceptable petition for a recall Tribal Council meeting, the tribal chairman shall require that a signed Bill of Particulars setting forth the elements of neglect or misconduct be submitted to the accused. The petitioner's representative shall provide proper evidence or receipt by the accused, the tribal chairman shall call an official meeting of the Comanche Tribal Council within (30) days for the purpose of hearing and disposition of the case.

b) *Acceptable recall petitions must adhere to the following standards:*

1. *The standards of "one and only one" recall taken on a committeeman within a 120 day timeframe; all recalls must be of a grievous nature such as mismanagement of funds, not by error, but by intent, actual manipulation of documents, coercing of personnel to perform such illegal acts, and verified not by hearsay, but with actual documents; or by intentionally misleading committeemen, committee appointees or community at large to commit acts which endanger the future appropriations of funds, notwithstanding those funds be tribal, contractual or earned revenue from the various enterprises of the Nation;*

2. *Include viable documentation that a crime or act is grievous enough to endanger the Nation or its entities and was intentionally performed by the accused;*
3. *The particulars cannot be any subject matter not within the operational control of the accused, such as acts of nature, economic misfortune due to a national crisis, or mismanagement of program administrators (federal, state, or other contractual entity actions not within the scope of the accused), nor prior committee actions which were approved by a majority of the prior business committee members;*
4. *The presenters of the Bill of Particulars must verify by more than 12 witnesses that they were harmed intentionally by the actions of the accused, such actions if found not viable, or true to the nature presented, such recall will be declared null and void, and presenters of the particulars will not be allowed to take a recall petition on any other committeeman for a period of 18 months from the date the petition is filed. Their signature to any other petition will nullify such signed recall petition.*
5. *Pursuant to Tribal Council authority, a petition for recall must be accompanied with a cashier's check or bank draft of \$500.00, non-refundable, to the Enrollment Director or other designated entity so named by the Tribal Council;*
6. *No recall meeting is allowed within 45 days, prior to or after an election period is declared;*
7. *At no time will more than 2 recalls against more than 2 committee members (only one recall per person) be allowed within a 6-month period, any such filing by any member of the Nation will disqualify such person from initiating another recall for 18 months. (The petition will be declared null and void by the Enrollment Director).*
8. *No citizen of the Comanche Nation may take a recall against any committee member within 9 months of so doing. (A member can only take out one recall on a committee member once every 9 months.)*
9. *Subcommittee members are not subject to the recall ordinance.*

c) The format for the Tribal Council meeting shall be established as follow:

1. Presentation of the Bill of Particulars against the accused by a representative of the accusers: This presentation shall be limited strictly to those specifics included in the Bill of Particulars as presented to the accused. *See Section 2(a).*
2. The accused shall be given adequate opportunity to answer any and all charges of which he or she is accused. The accused may personally present or may choose to utilize the services of another to present this response.
3. *The accused while having the opportunity to rebuff the particulars, if interrupted at any time during her/his presentation, such charges shall immediately be dismissed, without chairman's recognition, and no future charges of the same nature can be brought forth against the accused for the remainder of their term in office.*

d) Upon completion of these two presentations no further discussion shall be allowed and voting shall proceed immediately in a manner prescribed by this constitution.

- e) *A two thirds (2/3)* majority vote of those voting of the Tribal Council meeting shall be sufficient to effect recall providing a quorum is present. Should a quorum not be present the charges against the accused shall be declared null and void and no further action shall be taken on this petition, nor shall the same charges be allowed within the accused officer's term of office.

Section 3. Any officer or committeeman who shall be found guilty by any State or Federal Court of a felony, *a grievous act involving harm or threatening harm to any other person, within or without the reservation bounds of the Comanche Nation,* a misdemeanor involving dishonesty, or of accepting a bribe shall forfeit his office and such office shall immediately become vacant and be filled in accordance with Section 1 of this Article.

EXHIBIT B

ARTICLE X – BILL OF RIGHTS

AS AMENDED:

Section 5. *Except for the recall petition fee provided for in Article VIII, Section 2(b)(5) (as amended),* no charge or filing fee shall be imposed upon any tribal member in connection with the right to petition which are provided for in this constitution. No person or committee shall be authorized to deny any tribal member the right to petition.