

COMANCHE

RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENTS REGARDING ELECTION BOARD AND ESTABLISHING SPECIAL COMMITTEE

- 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 Susan Parker Whitewolf proposed a resolution (the "Tribal Council Resolution") to create a special committee to make recommendations for an Election Ordinance (the "Special Committee") and to amend the Constitution to establish an Election Board; and
- WHEREAS,** the Tribal Council subsequently voted in favor of Ms. Parker's resolution; and
- WHEREAS,** the Comanche Nation Constitution, Article XI, Section 1 permits proposals to the Bureau of Indian Affairs 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,** Ms. Parker did not submit a proposed amendment with the Tribal Council Resolution but the Comanche Business Committee wishes to effectuate the intent of the Tribal Council and submit a proposed amendment establishing an Election Board to the BIA; and
- WHEREAS,** Ms. Parker has consulted with the Tribal Attorney regarding verbiage for an amendment and she has approved of the proposed amendment attached hereto as Exhibit A; and
- WHEREAS,** the Tribal Council Resolution calls for the Special Committee to be comprised of (2) business committee members and four (4) members at-large selected by the Tribal Council, and the Tribal Council Resolution requires that no more than two (2) former members of any election board may be seated on the Special Committee; and
- WHEREAS,** convening a special Tribal Council meeting merely to select four persons to serve on the Special Committee is impracticable, particularly in the midst of the COVID19 pandemic, and will impose undue burden and cost on the Comanche Nation; and

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WHEREAS, rather than convening a special Tribal Council meeting, the Comanche Business Committee will exercise its executive prerogative to select and appoint individuals to the Special Committee and Election Board that meet the qualifications in the Tribal Council Resolution; and

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

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

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. Wahnee, Secretary/Treasurer

ARTICLE VII – ELECTIONS

(Pursuant to Amendment II, adopted May 29, 1976,
Amendment VI, adopted June 10, 1978 Amendment XVII, adopted April 25, 1981, and
Amendment XXI, adopted September 29, 1984)

Section 1. As soon as practicable after this constitution is adopted the Area Director shall call a tribal council meeting and shall hold and supervise the first nomination and election hereunder for the tribal committee and officers, as follows:

- (a) The Area Director may at his discretion delegate chairmanship of the initial meeting to an employee under his supervision. A secretary for the proceeding may be provided by the Area Director from his staff or he may also designate this responsibility to a member of the Comanche Nation.
- (b) At the initial meeting of the tribal council shall nominate candidates for the office of tribal chairman for three (3) years, vice-chairman for three (3) years, secretary-treasurer for two (2) years, two (2) business committee members for two (2) years and two (2) business committee members for (1) year. Nomination shall be made from the floor and accepted by the chairman. Persons duly elected at the ensuing election shall serve for the terms stated above unless their successors are duly elected prior to the expiration of such terms. Thereafter, all terms of office shall be for a period of three years or until a successor is duly elected. The terms of officers and committeemen shall be subject to the additional provisions of Article VI, Section 8.
- (c) A list of nominees shall be made a part of the official minutes of the proceedings of this initial organization meeting from which determination shall be made that all such nominees are officially qualified as candidates for office in accordance with the provision of Article IX of this constitution. The Area Director will be the final authority in making such determination as to the qualifications of candidates for the initial election of officers and committeemen of the Comanche Nation.
- (d) Following the initial organization meeting, an election day shall be designated to elect the business committeemen and officers from among the candidates who were nominated during the initial meeting. This election day and polling places shall be declared by the Area Director. The election of committeemen and officers shall be by secret ballot. No absentee ballots will be considered at such election.

Section 2. At each annual Comanche Tribal Council meeting subsequent to the first election of officers and business committeemen, under this constitution, candidates will be nominated to compete for election to offices being vacated by reason of expiration of term of office. Determination of qualifications of nominated candidates and election processes shall be as described in Section 1 (c) and (d) of this Article *except that the Election Board will assume the responsibilities assumed by the Area Director the first election under this constitution and except that absentee ballots shall be considered at all subsequent elections of officers and business committeemen. However, the Comanche Business Committee shall be the final authority in making determinations as to the qualifications of candidates under the power*

vested by Article VI, Section 7(b), provided that nothing herein shall be construed as permitting either the Comanche Business Committee or Election Board to modify, increase, or diminish the required qualifications for candidates set forth in this Constitution. No election shall be held later than 60 days after the annual meeting. Because a valid election was not completed by the Comanche Nation within sixty (60) days after the 1980 Annual Meeting, the Anadarko Agency is authorized to conduct one (1) election for the tribe pursuant to rules and regulations as prescribed by the Anadarko Agency. The Anadarko Agency is further authorized to notice, call, and conduct a special meeting of the Comanche Tribe Council for the sole purpose of nominating candidates for the vacant or expired positions that will be filled pursuant to the election.

(a) There shall be an Election Board comprised of members of the Tribal Council. Members of the Comanche Business Committee, the Tribal Administrator, Tribal Attorney, or any candidates for those positions, are ineligible to serve on the Election Board.

- 1. The compensation, number, and other qualifications of persons that comprise the Election Board shall be determined by the Comanche Business Committee in an Election Ordinance, but in no event shall be less than six persons.*
- 2. The first Election Board created by this subsection shall be appointed by the Comanche Business Committee and shall hold office until an election of new members may be held following nominations at the first Tribal Council Annual Meeting following the ratification of this subsection.*
- 3. Subsequent boards shall be elected for a term of two years following the election process for officers and business committeemen set forth in Section 2(b) of this Article.*

Section 3. Should an incumbent of the Comanche Business Committee accept a nomination at an annual tribal council meeting as a candidate for a different office, that individual shall be required to resign the business committee position which he then holds. Although such resignation shall not be effective until the completion of that year's election processes. Nomination for candidates to fill the unexpired portion of such person's term of office, shall be made at the same tribal council meeting which he accepted nomination for a different office.