

CONSTITUTION AND BYLAWS
OF THE
SUQUAMISH TRIBE
PORT MADISON RESERVATION, WASHINGTON
AS AMENDED

PREAMBLE

We, the people of the Suquamish Indian Tribe of the Port Madison Reservation in the State of Washington, in order to establish our Tribal organization, to develop our community resources, to administer justice and to promote the economic and social welfare of ourselves and our descendants, do hereby establish this Constitution and Bylaws.

ARTICLE I — TERRITORY

The Territory in which the Suquamish Tribe has a beneficial ownership interest includes that portion of the Port Madison Reservation remaining in an unallotted status at the time of approval of this Constitution and Bylaws, and any other lands which may be acquired for or by, and held in the name of, the Suquamish Tribe. The jurisdiction of the tribe over such lands, and over the allotted lands within the original boundaries of the Port Madison Reservation, shall not be inconsistent with applicable Federal and State laws. However, nothing in this Article shall be construed as restricting the treaty hunting and fishing rights of members, including the right to fish in usual and accustomed places.

ARTICLE II — MEMBERSHIP

SECTION 1:

The membership of the Suquamish Indian Tribe shall consist of the following:

- (a) All persons of Suquamish Indian blood whose names appear on the official census roll of the Tribe as of January 1, 1942; PROVIDED, that such persons have not relinquished membership in the Suquamish Tribe or have not become enrolled as members of any other tribe, band or Indian Community; and PROVIDED, further that such roll may be corrected subject to the approval of the Secretary of the Interior.

- (b) All children born between January 1, 1942 and the date of approval of this Constitution and Bylaws, to persons who are members; PROVIDED, that those children who have been enrolled as members of other tribes shall be eligible if within one (1) year from the date of approval of this Constitution, they or their parents action in their behalf, apply for membership in the Suquamish Tribe and they relinquish membership in the other tribe.
- (c) All persons of one-eighth or more Indian blood born to any member of the Suquamish Tribe, after the date of approval of this Constitution and Bylaws.

SECTION 2:

An application for membership by adoption, after approval of this section of the Constitution, from any person of one-fourth degree or more Indian blood may be approved by a majority of Tribal members present at a regular or special General Council meeting. For the purpose of exercising Suquamish Indian Treaty Fishing Rights, all persons adopted pursuant to this section shall be one-eighth or more Suquamish.

(Art. II §2 amended by Res. 83-045 (part), passed May 9, 1983; approved by Area Director Sept. 29, 1983)

ARTICLE III — POWERS OF THE GOVERNING BODY

The governing body of the Suquamish Indian Tribe shall be known as the Suquamish Tribal Council. The Council shall have the following powers and duties subject to any limitations by applicable State laws or statutes of the United States and the regulations of the Secretary of the Interior:

- (a) To negotiate with Federal, State, and local governments and others on behalf of the Tribe and to advise and consult with representatives of the United States government on all activities which may affect the Tribe.
- (b) To acquire, manage, lease, use, and contract with all Tribal real property and other Tribal assets, together with all improvements which may be acquired by the Tribe from the United States government or elsewhere, with the approval of the Secretary of the Interior whenever required by Federal law.
- (c) To prevent the sale, disposition, lease or encumbrance of Tribal lands, interest in lands, or other Tribal assets, without the consent of the Tribe.
- (d) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by Federal law.

- (e) To advise the Secretary of the Interior with regard to all appropriation estimates of Federal projects for the benefit of the Tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.
- (f) To administer any funds within the control of the Tribe and to make expenditures of available funds for Tribal purposes in accordance with a budget approved by Tribal Council. All expenditures of the Tribal funds under control of the Tribal Council shall be made only by resolution duly approved by the Tribal Council in Regular or Special meetings, and the amount so expended shall be a matter of record available to all Tribal members and the Bureau of Indian Affairs at all reasonable times.
- (g) To determine its own rules of procedure.
- (h) To promulgate and enforce ordinances which shall be subject to approval by the Secretary of the Interior governing the conduct of members of the Suquamish Indian Tribe regarding hunting, fishing, and shell fishing.
- (i) To pass ordinances that govern the conduct of all persons and regulate all property within the Tribe's jurisdiction to the fullest extent allowed under applicable Federal law, that provide for the maintenance of law and order and the administration of justice, and that promote the social and economic welfare of the Suquamish people.
- (j) To take such actions as are necessary to carry into effect any of the foregoing powers and duties.

(Art. III(i) and (j) amended by Res. 80-111 (part), passed Oct. 14, 1980; approved by Area Director Jan. 15, 1981)

ARTICLE IV — MANNER OF REVIEW

SECTION 1:

Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall within ten (10) days of its enactment be presented to the Superintendent or Officer in Charge of the agency exercising jurisdiction, who shall within ten (10) days after its receipt, approve or disapprove it.

SECTION 2:

If the Superintendent or Officer in Charge approves any resolution or ordinance which is subject to review, it shall thereupon become effective, but he shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may, within ninety (90) days of the date of its receipt rescind the resolution or ordinance for any cause by notifying the Suquamish Tribe of his veto.

SECTION 3:

If the Superintendent or Officer in Charge disapproves any resolution or ordinance which is subject to review, he shall within ten (10) days after its receipt, advise the Suquamish Tribal Council of his reasons therefore, and if these reasons appear to the Council insufficient, it may, by vote of the majority of all members, refer the resolution or ordinance to the Secretary of the Interior, and if approved by him in writing it shall become effective.

ARTICLE V — ELECTIONS

SECTION 1:

The Suquamish Tribal Council shall consist of a Chairperson, Vice-Chairperson, Secretary, Treasurer and three (3) Council Members. All shall serve for a three (3) year term. The terms of office for all Tribal Council members shall be staggered.

At the first regularly scheduled General Council meeting following the adoption of this section, all Tribal Council members shall stand for election.

The Tribal Chairperson and Secretary shall be elected for full three (3) year terms. The Tribal Treasurer and Vice-Chairperson shall be elected for two (2) year terms.

The three (3) Council Members shall be elected for one (1) year terms.

At the expiration of the initial term of office specified for each Council Member in this section, or until certification of his or her successor's election and thereafter, each Tribal Council Member shall be elected to a full three (3) year term.

SECTION 2:

Nominations for Council positions shall be made from the floor and votes are to be cast for their election by secret ballot at the annual General Council meeting in MARCH.

Procedures to be followed at this election will be in accordance with an electoral code adopted by the General Council.

There must be at least two (2) candidates for each position and the candidates receiving the highest number of votes shall be elected.

SECTION 3:

The election will take place after all annual reports and old business have been presented.

Newly elected officers will assume their duties immediately and serve until their successors have been duly elected.

SECTION 4:

Any enrolled member of the Tribe eighteen (18) years of age or older shall have the right to vote except in those elections called by the Secretary of the Interior, in which case he shall be at least twenty-one (21) years of age.

Any enrolled member twenty-one (21) years of age or older shall be eligible to serve on the Tribal Council.

SECTION 5:

All election disputes, including the determination of the qualifications of any voter, if questioned, will be resolved by the General Council.

(Art. V §1 amended by Res. 78-033 (part), passed Mar. 21, 1978; approved by Area Director Nov. 27, 1978; by Res. 83-045 (part), passed May 9, 1983, and by Res. 83-066, passed July 6, 1983; approved by Area Director Sept. 29, 1983. Art. V §2 amended by Res. 83-045 (part), passed May 9, 1983; approved by Area Director Sept. 29, 1983.)

ARTICLE VI — DUTIES OF OFFICERS

SECTION 1:

The Chairman of the Tribal Council shall preside over all Tribal and General Council meetings of the Tribe. He shall be allowed to vote ONLY in case of a tie.

He shall countersign all checks involving the expenditures of Tribal funds and exercise any authority specifically delegated to him by the Tribal Council. He shall sign all correspondence.

SECTION 2:

The Vice-Chairman of the Tribal Council shall assist the Chairman when called upon to do so, and in the absence of the Chairman, he shall preside. When so presiding, he shall have all the rights, privileges, and duties as well as the responsibilities of the Chairman.

SECTION 3:

The Secretary shall prepare all Tribal correspondence and shall not sign notices or documents unless authorized by the Tribal Council.

It shall be the duty of the Secretary to keep a complete and accurate record of all matters transacted at Council meetings and to submit copies of minutes of all meetings of the Tribal Council and General Council to the Western Washington Agency.

He shall mail notices of special meetings to all qualified voters at least ten (10) days prior to such meetings.

SECTION 4:

The Treasurer shall have custody of and be responsible for all funds in the custody of the Tribal Council.

The Treasurer shall deposit all such funds in such federally insured banks or elsewhere as directed by the Tribal Council and shall keep proper records of such funds.

The Treasurer shall report on all receipts and expenditures and the amount and nature of all funds on hand at the annual General Council meeting and upon request of the Tribal Council.

The Treasurer shall not pay out any funds except when authorized to do so by a resolution of the Tribal Council and all checks must be signed by the Treasurer and countersigned by the Chairman.

The Tribal Council shall decide when the amount of funds being handled by the Treasurer has become large enough to justify the need for an annual audit. It shall then require that the books and records of the Treasurer shall be audited by either a competent auditor or by a Federal employee appointed by the Secretary of the Interior or his authorized representative.

The Treasurer shall be required to have a surety bond satisfactory to the Tribal Council and the Superintendent of the Agency. The surety bond will be obtained at the expense of the Suquamish Tribe.

SECTION 5:

The Tribal Council shall appoint such committees and other personnel as required and shall outline their duties and responsibilities by proper resolution.

ARTICLE VII — VACANCIES AND REMOVAL

SECTION 1:

If any member of the Council shall die, resign or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal Court, a vacancy in his office shall automatically be created, and at its next regular or special meeting, the Tribal Council shall appoint someone to fill the office until the annual General Council meeting at which time a successor shall be elected pursuant to Article V to fill the office for the balance of the unexpired term.

SECTION 2:

The members of the Tribe shall have the power to remove any member of the Tribal Council by filing a petition with the Secretary of the Tribal Council, signed by at least twenty-five percent (25%) of the eligible voters, asking for the removal of said member of the Tribal Council; PROVIDED, that no such person may be removed except at a Special General Council meeting at which he shall have an opportunity for a hearing.

The vote of the qualified voters at such meeting will decide whether such person is to be removed; PROVIDED, that twenty-five percent (25%) or more of the eligible voters shall vote in such meeting, which shall be held within thirty (30) days after the filing of the petition.

ARTICLE VIII — MEETINGS

SECTION 1:

The Tribal Council shall hold meetings as called either in writing or verbally by the Chairman or three (3) members of the Council at any time when Tribal business is to be transacted.

No business shall be transacted unless a quorum of four (4) voting members is present.

SECTION 2:

There shall be an annual meeting of the General Council on the THIRD SUNDAY OF MARCH each year.

Special meetings of the General Council may be called at the discretion of the Chairman and shall be called by him/her at the request in writing of a majority of the Tribal Council, or by a written request of twenty-five percent (25%) of the members of the General Council.

A quorum shall consist of fifty (50) eligible voting members at either the annual meeting or at special meetings.

SECTION 3:

The General Council shall be composed of all Tribal members who are at least eighteen (18) years of age.

(Art. VIII §§1 and 2 amended by Res. 78-033 (part), passed Mar. 21, 1978; approved by Area Director Nov. 27, 1978; §2 amended by Res. 78-033 (part), passed Mar. 21, 1978; approved by Area Director Nov. 27, 1978; and by Res. 83-045 (part), passed May 9, 1983, approved by Area Director Sept. 29, 1983.)

ARTICLE IX — REFERENDUM

SECTION 1:

Upon receipt of a petition of at least twenty-five percent (25%) of the eligible voters of the Tribe, or upon the request of the majority of the members of the Tribal Council, the Chairman shall call a General Council meeting to be held within thirty (30) days of receipt of such petition or request, to consider any enacted or proposed ordinance or resolution, and the vote of the majority of the qualified voters in such referendum will decide whether the enacted or proposed ordinance or resolution shall thereafter be in effect; PROVIDED, that twenty-five percent (25%) or more of the eligible voters shall vote in such referendum.

ARTICLE X — AMENDMENTS

SECTION 1:

This Constitution and Bylaws may be amended by a majority vote 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 an election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SECTION 2:

It shall be the duty of the Secretary of the Interior to call such election on any proposed amendment upon receipt of a petition signed by thirty percent (30%) of the qualified voters of the Tribe, or by a majority of the Tribal Council.

ARTICLE XI — BILL OF RIGHTS

All members of the Suquamish Indian Tribe shall be accorded equal rights pursuant to Tribal Law.

No member shall be denied any of the rights or guarantees enjoyed by non-Indian citizens under the Constitution of the United States, including, but not limited to, freedom of religion and conscience, freedom of speech, the right to orderly association or assembly, the right to petition for action or the redress or grievances, and due process of law.

ARTICLE XII — ADOPTION

This Constitution and Bylaws when adopted by a majority vote of the qualified voters of the Suquamish Tribe of Indians of Washington 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 an election, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the date of such approval.

APPROVAL

I, John A. Carver, Jr., Under-Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Statute 984), as amended, do hereby approve the attached Constitution and Bylaws of the Suquamish Tribe, Port Madison Reservation, Washington.

Approval Recommended
James E. Officer - June 16, 1965
Associate Commissioner

James A. Carver, Jr.
Under-Secretary of the Interior
(SEAL)

Washington, D.C.
Date: July 2, 1965