

CONSTITUTION

OF THE

CATAWBA INDIAN NATION



Catawba Indian Nation
996 Avenue of the Nations
Rock Hill, South Carolina 29730

PREAMBLE

Since time immemorial the Catawba have lived in the Piedmont region generally and along the Catawba River specifically. The tradition of pottery making among the Catawba, unchanged since before recorded history, links the lives of modern Catawba to our ancestors and symbolizes our connection to the earth and to the land and river we love. In ancient times, the Catawba lived off the land and the river, hunting for game, fishing for shad, eels and other fresh water species, and farming corn, beans, and squash. No less today, the sovereignty of the Catawba Indian Nation and our survival as a distinct people upon the earth is tied to our lands and the river. Like our pottery, the Catawba people have been created from the earth, and have been shaped and fired over time and so have survived many hardships to provide a living testament to our ancestors and to his place we call home.

The Catawba are a spiritual people. In ancient times, the Catawba worshipped "He-Who-Never-Dies." Temple structures were an important feature of Catawba villages. In modern times, the Catawba remain a spiritual people, closely tied to the divine.

The Catawba are a warrior people. The ferocious aspect of Catawba warriors, with a black circle painted around one eye and a white circle around the other, struck fear into the heart of our enemies. The warrior spirit lives on in the Catawba people and in our efforts to sustain the Tribe, its culture and land.

The Catawba are a generous and hospitable people. During the 1700's the Catawba welcomed smaller tribes, including former enemies, which had been devastated by imported diseases and conflicts with European colonist. This spirit of generosity lives on today within the homes of the Catawba people.

The Catawba are faithful allies of the United States of America, having fought by the side of the American colonies in their revolution against the British and having contributed warriors to serve in defense of the United States in many wars since.

The Catawba world was transformed by contact with European explorers and colonists. The Catawba's first encounter with Europeans was with the Spanish explorer Hernando de Soto, in 1540, and then with Juan Pardo in 1566. The Europeans brought guns, which made hunting easier, but they also brought disease, including small pox, which repeatedly decimated the tribe. Encroachment by settlers reduced Catawba lands. In 1760, the Catawbas entered into the Treaty of Pine Hill with the British authorities, which established a 15 square mile reservation in South Carolina. Although the Catawba honored the treaty, the Government of South Carolina and white settlers did not, encroaching further upon Catawba land such that by 1826 only a small number of Catawbas remained, occupying one square mile.

At the Treaty of Nations Ford in 1840, the State of South Carolina sought to address the issue of Catawba landholdings in South Carolina by negotiating the sale of Catawba lands with a promise of other lands and cash. The Treaty of Nation Ford, although not valid under Federal law, had the immediate effect of further disenfranchising the Catawbas from their ancestral lands. Many

attempted to live among the Cherokee, but in the end most returned to reside on a scant 600 acres of their former lands.

But neither the State of South Carolina nor the United States of America understood the twin pillars of Catawba strength: first, our deep spirituality and connection to the land of our ancestors; and, second, our warrior spirit. In 1973, 133 years after the Treaty of Nation Ford, the Catawba filed a petition with the Federal government seeking a restoration of the government-to-government relationship between the Catawba and the United States. Over twenty years later, prompted by a desire to settle Catawba land claims arising out of the illegitimate Treaty of Nation Ford, Congress passed the Catawba Indian Land Claims Settlement Act, restoring Federal recognition to the Catawba Indian Nation, recognizing the Catawba Indian Nation's sovereignty, and paying partial recompense for the losses imposed upon the Catawba people.

The Catawba battle to retain our sovereignty, to hold close our lands, and to maintain our community continues. It is for this reason that-

We, the people of the Catawba Indian Nation of South Carolina, (hereinafter “The Catawba Indian Nation” or “Nation”), in order to establish an effective tribal organization, to improve our social and economic welfare, to preserve our lands and cultural identity, to promote political integrity in our government and harmony among our people, to ensure the equality of all tribal citizens, and to secure the benefits of organization for ourselves and our posterity do hereby proclaim and establish this constitution of the Catawba Indian Nation. As a Nation, our people have come together to engage in sincere reflection and earnest deliberation to adopt a Constitution that reflects the common will, values, and vision of our people, that allows us to make community decisions, that solves our disputes, that allows us to chose our own direction, and helps us to stay a united people.

In doing so we reaffirm our existence as a self-governing Nation since time immemorial. The people of the Catawba Indian Nation, desiring to reaffirm our claim to the sovereign rights, which are common to all Native Americans who share the heritage of freedom, proclaim this constitution as a statement of the principles of government, which shall guide our future and by which we will exercise our powers of self-government for our common welfare.

ARTICLE I -TERRITORY AND JURISDICTION

Section 1. Territory and Jurisdiction

Our homelands, which sustained the lives of our forebears, and to which they and we have returned for refuge and rest, lie generally throughout the Southeastern United States and particularly within the region now known as the states of South Carolina and North Carolina. Consistent with Federal law, the jurisdiction of the Catawba Indian Nation shall extend to the land, resources and water within the boundaries of the present 710.73 acre Reservation in York County, South Carolina and to all persons acting within said boundaries and to any lands that may have been or will be acquired through the Settlement Act for the benefit of the Nation's members and approved by the General Council, including the Green Earth Reservation. The territory of the Nation includes the area within the boundaries established by the Treaty of Pine

Hill of 1760, Treaty of Augusta of 1763, and the Treaty of Nation Ford of 1840, and all lands within or without the states of South Carolina which have or may hereafter be added thereto under any law of the United States of America and to such other lands as the United States of America may acquire for the benefit of the Nation, or which the Nation may acquire for itself. The territory of the Nation will include, to the fullest extent permissible under Federal law, all lands property, airspace, surface rights, subsurface rights, other natural resources and any interest therein, tenements, hereditaments, all water rights and all accretions including notably the watershed of the Catawba River, which are either now or in the future are owned by the Nation or owned by the United States of America for the benefit of the Nation or for the individual members of the Nation, notwithstanding the issuance of any right-of-way. Service areas of the Nation currently include all counties within the state of South Carolina as well as Cabarrus, Cleveland, Gaston, Mecklenburg, Rutherford, and Union counties in North Carolina.

Section 2. Jurisdiction

The Catawba Indian Nation shall have jurisdiction to the fullest extent of its sovereign power over all persons, subjects, property and all activities occurring within or without the boundaries of the territory defined by this Article.

Section 3. Treaty Rights Not Restricted

Nothing in this article or this Constitution shall be construed as restricting any treaty rights, and any other rights, of the Nation and its members.

Section 4. Savings Clause

Any rights or powers heretofore vested in the Catawba Indian Nation, but not expressly referred to in this Constitution shall not be lost by their omission, but may be exercised by the adoption of appropriate amendments to the Constitution.

ARTICLE II -CITIZENSHIP

Section 1. Eligibility for Citizenship

The citizenry of the Catawba Indian Nation shall consist of anyone of Catawba blood whose name appears on the tribal rolls of July 1, 1943, February 25, 1961, or July 24, 2000 and their direct blood descendants.

Section 2. Power to Determine Citizenship Application Procedures

The General Council of the Catawba Indian Nation shall have sole authority to establish procedures for processing citizenship applications through the adoption of a Citizenship Ordinance in accordance with Section 3 of this Article. The Executive Committee shall have authority to review, verify, and approve applications for citizenship. No decree of any non-tribal court purporting to determine citizenship in the Catawba Indian Nation, paternity, or degree of Catawba blood shall be recognized as a determination of citizenship in the Catawba Indian Nation.

Section 3. Citizenship Ordinance

The General Council shall enact an ordinance to establish procedures for processing citizenship matters within two years of the adoption of this Constitution. The Citizenship Ordinance shall include, but is not limited to:

- a) Criteria to meet the requirements of Catawba citizenship in accordance to Section 1 of this Article,
- b) Procedures to apply for citizenship,
- c) Procedures to verify citizenship,
- d) Procedures to determine questions of citizenship,
- e) Procedures to update the Tribal Roll in accordance to Section 4 of this Article, and
- f) Provision of appeal within 90 days to tribal courts, once established, of decisions of the Executive Committee on questions of citizenship by any person whose application for Catawba Citizenship is denied.

Section 4. Terms and Conditions for Changes to the Tribal Roll

The tribal citizenship roll shall be adjusted from time to time to reflect births, deaths, and omissions in accordance to the procedures established by the Citizenship Ordinance. The Secretary shall oversee the updates to the roll and ensure the roll is updated regularly. At no time shall any tribal citizen be removed or suspended from the roll of the tribe except in cases where DNA proof is provided to show that a person is not of Catawba blood and therefore was placed on the roll incorrectly.

Section 5. Rights of Citizens

- a) Citizens of the Catawba Indian Nation shall be entitled to the following rights:
 1. All rights and privileges of citizenship in the Catawba Indian Nation as provided in this Constitution;
 2. The right to equal opportunity to participate in economic resources and activities of the Catawba Indian Nation;
 3. The right to access and inspect official records of the Catawba Indian Nation except for records that:
 - i. Are expressly made confidential by ordinance for the purpose of protecting personal privacy or business or trade secrets of the tribe or its entities;
 - ii. Are expressly made confidential under federal or state law;
 - iii. Are protected under attorney-client privilege or attorney work product;
 - iv. Would be confidential if they were records of the federal government.
- b) The General Council and Executive Committee and all other law-making entities of the Catawba Indian Nation shall make no law that:
 1. Prohibits or unduly limits the free exercise of religion, speech or the press, or the right of the people to peacefully assemble and petition the government and elected officials;
 2. Violates the right of people to be secure in the person's, houses, papers, and effects against unreasonable search and seizures, not issue warrants except upon probable cause supported by oath or affirmation describing the particular place to be search and person or thing to be seized;
 3. Subjects any person to double jeopardy, compel any person in any criminal

- case to be a witness against himself or herself;
4. Takes any private property for public use without due process and just compensation;
 5. Denies any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature of the accusation, to be confronted with the witnesses against him or her, and to have the assistance of counsel for his or her defense at his or her own cost;
 6. Requires excessive bail, impose excessive fines, inflict cruel and unusual punishment;
 7. Denies a person the equal protection of its laws or deprive any person of liberty or property without due process;
 8. Passes any bill of attainder or ex post facto law; or
 9. Denies any person accused of an offense punishable by imprisonment the right to a trial by jury by not less than six (6) jurors upon request.

ARTICLE III –ORGANIZATION OF GOVERNMENT

The government of the Catawba Indian Nation shall include a General Council, an Executive Committee, and a Tribal Court System. The General Council shall operate in accordance with Article IV, the Executive Committee shall operate in accordance with Article V, and the Tribal Court System shall operate in accordance with Article VI. No branch shall exercise the powers of the other or have authority over the other except as granted by this Constitution.

ARTICLE IV –THE GENERAL COUNCIL

Section 1. Definition

The General Council is composed of the citizens of the Catawba Indian Nation who are of qualified voting age. Qualified voting age is defined as eighteen (18) years old or older on the date of the meeting or election in which the citizen is participating.

Section 2. Powers and Duties

- (a) The General Council of the Catawba Indian Nation has the sole power to:
 1. Elect tribal officials;
 2. Recall and remove elected tribal officials in accordance with Article IIX, Sections 3 of this Constitution;
 3. Exercise the powers of initiative and referendum to approve, amend, or repeal proposed or previously enacted ordinances or resolutions in accordance with Article IIX, Sections 1 and 2 of this Constitution;
 4. Make advisory recommendations to the Executive Committee;
 5. Enact and amend a Citizenship Ordinance in accordance with Article II, Section 3 of this Constitution;
 6. Enact and amend an Election Ordinance in accordance with Article VII, Section 3 of this Constitution;
 7. Elect members of the Election Board in accordance with Article VII, Section 2 of this Constitution;

8. Enact and amend an Ethics Ordinance in accordance with Article VI, Section 9 of this Constitution;
 9. Elect members of the Ethics Committee in accordance with Article VI, Section 8 of this Constitution;
 10. Elect members of the Economic Development Board;
 11. Form and elect members of any other auxiliary committees to represent the will of the General Council; and
 12. Amend this Constitution in accordance with Article IX of this Constitution.
- (b) Subject to the restrictions in 1, 2, and 3 below, and through its power of initiative as described in Article IIX, Section 1, the General Council has reserved power to approve all actions of the Executive Committee or to delegate specific authority to the Executive Committee to take particular actions, prior to any such action of the Executive Committee becoming effective, which result in:
1. Any appropriation or budgeting of money of the Catawba Indian Nation held in trust as the proceeds of a claim against the United States, including interest thereupon;
 2. The sale of reservation lands or an interest in reservation lands or the placement of any encumbrance or mortgage on any reservation lands; or
 3. Approval of any settlement of the Catawba Indian Nation against the United States or the State of South Carolina.

Section 3. Meetings

- (a) Regular General Council Meetings.
1. The General Council shall meet in regular meetings four (4) times a year on a Saturday in January, April, July, and October. Notice of the date of a regularly scheduled General Council meeting shall be given 30 days in advance of the meeting.
 2. At the next General Council meeting following the end of the fiscal year, the Executive Committee shall present an accounting of the financial status of the Catawba Indian Nation, including the tribal general funds, any enterprise and special revenue funds, and any other funds or accounts, an auditing report of the previous fiscal year, and the presentation of budget for the upcoming fiscal year.
- (b) Special Meetings of the General Council.
1. The Executive Committee may call a Special Meeting of the General Council upon its own motion. The Executive Committee must give 15 days notice to the General Council before holding a Special Meeting.
 2. The Executive Committee must call a Special Meeting of the General Council within 30 days at the request of the Election Board when presented with a properly verified petition signed by ten percent (10%) of the General Council.

Section 4. Procedures

- (a) Order.
1. The Chief shall preside at all regularly scheduled and special General Council Meetings. If the Chief is absent, the Assistant Chief shall preside at such meetings.

2. Meetings of the General Council shall be governed by Robert’s Rules of Order at all times.
- (b) Agendas.
1. The agenda of General Council meetings shall be set by the Executive Committee. Any citizen may submit items to the Executive Committee in writing for consideration to be included on General Council Meeting agendas. Any such request must be submitted fifteen (15) calendar days before the date of the scheduled meeting. Agendas must also include time for discussion of items brought from the floor regardless of whether such items appear on the agenda.
 2. The agenda must be available to individual citizens upon request and posted at a public place at Tribal Government Offices no less than ten (10) calendar days before the General Council meeting.
- (c) Voting Requirements for General Council Meetings
1. A quorum shall consist of 10% (ten percent) of the General Council. Provided that a quorum is present, all votes taken by the General Council shall be decided by a simple majority.
 2. The election of Executive Committee members, initiatives, referenda, recalls, and amendments to this Constitution have distinct voting requirements as set forth in this Constitution.

ARTICLE V -THE EXECUTIVE COMMITTEE

Section 1. Definition

The Executive Committee of the Catawba Indian Nation shall consist of a Chief, Assistant Chief, Secretary, Treasurer, and three (3) at-large members elected by the General Council to terms of four years each, except as provided in Article VII. Each member of the Executive Committee shall continue to serve until his or her successor is duly elected and installed.

Section 2. Powers and Duties of Officers of Executive Committee

(a) Chief

1. The Chief shall be the Chief Executive Officer of the Catawba Indian Nation and is responsible to implement and execute the laws, ordinances, resolutions, and other enactments of the Executive Committee.
2. The Chief shall exercise any lawful authority delegated by the Executive Committee or General Council.
3. The Chief shall preside at all meetings of the General Council and Executive Committee.

(b) Assistant Chief

1. The Assistant Chief shall assist the Chief in the exercise of any delegated authority, duties, and responsibilities and shall preside at any meetings in the absence of the Chief.

(c) Secretary

1. The Secretary shall be responsible for recording minutes of all Executive Committee and General Council meetings, keeping records of resolutions and ordinances passed in all such meetings, and preparing and maintaining all the

records and files of the Catawba Indian Nation other than financial records in a timely manner. Records should be reviewed and updated at the next scheduled meeting.

2. The Secretary shall be responsible to ensure that records of meeting are open to inspection by citizens of the tribe with forty-eight (48) hours notice and during normal business hours of the government.
 - i. Official records of the Catawba Indian Nation shall be kept in a location designated by the Executive Committee and made known to the General Council. A copy of these records shall also be kept in a second location in case of fire, theft, or weather-related hazards as designated by the Executive Committee and made known to the General Council.
 - ii. No confidential information on another tribal citizen or other individual shall be divulged at any time except as required by law or pursuant to a court order.
3. The Secretary shall be responsible to ensure the Citizenship Rolls of the tribe are updated regularly in accordance with Article II, Sections 3 and 4 of this Constitution.

(d) Treasurer

1. The Treasurer shall supervise the financial affairs of the Catawba Indian Nation in accordance with policies and resolutions, and subject to controls established by the Executive Committee.
2. The Treasurer shall maintain all necessary financial records, ensure an accurate accounting of receipts and disbursements of all funds and accounts of the tribe, endorse all disbursement from such funds and accounts, ensure an annual financial audit of all moneys of the tribe is completed by a competent, independent Certified Public Accountant, and provide financial reports annually to the General Council.

Section 3. Powers and Duties

- (a) The Executive Committee of the Catawba Indian Nation has the sole power to:
 1. Negotiate with and approve or disapprove contracts or agreements on behalf of the tribe with Federal, State, or local governments on matters within the powers of the Executive Committee as authorized in this Constitution;
 2. Make and perform contracts and agreements of any description, consistent with the provisions of this Constitution;
 3. Further the economic well-being of the tribe by undertaking programs for the economic and social advancement of the Catawba people;
 4. Employ legal counsel for the protection and advancement of the rights of the Catawba Indian Nation;
 5. Approve budgets of program funds used for tribal purposes, including salaries and expenses of tribal employees and tribal officials;
 6. Prepare an annual budget to be presented to the General Council and administer funds within the control of the tribe, consistent with the provisions of this Constitution;
 7. To recommend the sale, disposition, lease or other encumbrance of tribal lands to the General Council;

8. To cause to be installed, maintained, and audited a complete and detailed accounting system for the tribe;
9. Regulate the trade or inheritance of land assignments or other transaction between tribal members involving tribal land assignments;
10. Borrow money from the federal government or other sources and direct the use of borrowed funds for productive purposes for the benefit of the tribe;
11. Sanction a member of the Executive Committee for violating an ethical duty, including, but not limited to self-dealing, nepotism, ignoring a conflict of interest, breaching confidentiality, violating duty of care or duty of loyalty to the tribe, or any other ethical violation which impedes the ethical administrative of tribal affairs as an elected official;
12. Establish and enforce ordinances governing the conduct and civil relations of those living within the territorial jurisdiction of the tribe, including the establishment of a Civil and Criminal Code and judicial system governing the conduct of residents of the reservation;
13. Organize and maintain subordinate committees, organization, for-profit corporations, non-profit corporation, or other entities;
14. To determine the terms and conditions upon which non-citizens of the tribe may enter and remain within the territorial jurisdiction of the tribe and to enact ordinances governing the exclusion and removal of non-citizens of the Nation from its territory;
15. To preserve, protect, and cultivate the arts, crafts, culture and traditions of the tribe; and
16. To assert the sovereign immunity of the Nation and to waive that immunity, in part or in whole, when deemed appropriate.

Section 4. Meetings

- (a) Regular Meetings of the Executive Committee
 1. Regular Meetings of the Executive Committee shall be held weekly at a time and place to be set by the Executive Committee.
- (b) Special Meetings of the Executive Committee
 1. Special Meetings of the Executive Committee may be called by the Chief at his or her discretion, but the Chief must call a Special Meeting of the Executive Committee upon written request of three or more members of the Executive Committee.
 2. No Special Meeting of the Executive Committee shall be called without at least twenty-four (24) hours notice to each member of the Executive Committee, unless each member has waived the notice requirement in writing.
- (c) Transparency of Meetings and Records of Meetings
 1. All meetings of the Executive Committee shall be open to the citizenry of the Catawba Indian Nation. However, the Executive Committee may recess at its discretion to discuss proposed or confidential negotiations, discuss matters of litigation, receive advice from an attorney that is protected by attorney-client privilege or attorney work product privilege, or discuss matters in which the tribe is legally obligated to maintain privacy, in a closed or executive session, provided that the general subject matter to be discussed is expressed in the

motion calling such session and no final or official action is taken thereon in the closed or executive session.

2. A written record shall be kept of all Executive Committee proceedings and shall be preserved in the official minutes of the meeting. The record shall be prepared within 14 days of the meeting and shall be open for inspection by all citizens of the Catawba Indian Nation at normal business hours of the government.
3. The Executive Committee shall date and number every resolution, ordinance, law, and statute, cite the appropriate authority under which the Executive Committee takes such action, and include a certificate that confirms the presence of a quorum and indicates the names and number of members voting in favor and against each enactment and abstaining from voting.

Section 5. Procedures

(a) Order.

1. The Chief shall preside at all regularly scheduled and special meetings of the Executive Committee Meetings. If the Chief is absent, the Assistant Chief shall preside at such meetings.
2. The Executive Committee may adopt rules of procedure so long as they do not conflict with any provision of this Constitution.

(b) Agendas.

1. Agendas for meetings of the Executive Committee shall be set by the Chief. The Chief shall include any items submitted by the written request of two or more members of the Executive Committee.
2. Agendas shall be available to all Executive Committee members no less than three (3) days prior to any regularly scheduled meeting. Agendas for special meetings must be provided to all Executive Committee members at the time notice is given of the meeting.
3. Items may be added to the agenda at an Executive Committee meeting upon motion and concurrence of three or more Executive Committee members.

(c) Voting Requirements.

1. A quorum shall consist of five (5) members of the Executive Committee. Provided that a quorum is present, all votes taken by the Executive Committee shall be decided by a simple majority, except as otherwise provided in this Constitution. All members of the Executive Committee, including the Chief, are permitted to vote except as otherwise provided in this Constitution.
2. Voting shall be done by roll call votes, and all the ayes, nays, and abstentions shall be recorded in the meeting minutes.
3. No Executive Committee member shall vote on any matter in which he or she or a member of his or her immediate family has a direct personal interest, including but no limited to employment contracts, project funding, contract, and appointments to tribal offices or committees, nor shall any such member use, or allow another member to use, his or her authority as an elected official for personal gain or the personal benefit of another member of the Executive Committee. The term “immediate family” shall include a person’s spouse, children, parents, and siblings.

Section 6. Temporary Removal

(a) Temporary Removal from Office

1. In the event an Executive Committee member is temporarily unable to fulfill the powers and duties of his or her office, the Executive Committee member may be temporarily removed from office by:
 - i. A written declaration by the Executive Committee member who is temporarily unable to fulfill his or her duties stating such; or
 - ii. A 2/3 vote of the total membership of the Executive Committee declaring that a Executive Committee member is temporarily unable to fulfill his or her powers and duties.
2. The Executive Committee shall appoint a person to temporarily fill the position in accordance with the vacancy procedures in Article VII, Section 8 of the Constitution. The temporary appointment shall cease and the Executive Committee member shall resume his or her duties upon the Executive Committee member sending a written declaration that he or she is able to resume the powers and duties of the office.

ARTICLE VI – TRIBAL COURTS

Section 1. Establishment

A Tribal Court System shall be established within two years of adoption of this Constitution. The Tribal Court System of the Catawba Indian Nation shall have all judicial powers. The Tribal Court System shall oversee matters of tribal governance and may include any lower courts of special jurisdiction as the Executive Committee may establish.

Section 2. Jurisdiction

The judicial power of the Tribal Court shall extend to any and all case or controversies within the jurisdiction of the Catawba Indian Nation arising under this Constitution, the laws and ordinances of the Catawba Indian Nation, or which are vested in Tribal Courts by federal law or by the tribe's inherent sovereignty. Any case or controversy which falls within this jurisdiction shall be filed with the Tribal Court before it is filed with any other court.

Section 3. Judicial Review

The Tribal Court shall have power of judicial review, to declare actions of the Executive Committee, General Council, or other tribal entities unconstitutional under this Constitution or prohibited by federal law. The Tribal Court shall have the power to declare acts that are unconstitutional or prohibited by federal law void and issue injunctive relief.

Section 4. Selection of Judges

Judges of the Tribal Court shall be appointed by the Executive Committee to serve for a term of six (6) years.

Section 5. Qualifications of Judges

Judges of the Tribal Court must meeting the following qualifications:

- (a) Be a citizen of the Catawba Indian Nation or sensitive to the culture and traditions of

- the Catawba Indian Nation;
- (b) Be at least thirty (30) years of age;
 - (c) Have a Juris Doctor degree from an accredited law school;
 - (d) Be a member of a state bar;
 - (e) Pass a drug test; and
 - (f) Never be convicted of a felony or other serious crime involving imprisonment for moral turpitude.

Section 6. Removal of Judges

Tribal Court judges may be removed from judicial practice by a two-thirds (2/3) majority vote of the Executive Committee for abuses of impartiality, bribery, political impropriety, or felony conviction.

Section 7. Court Procedures

The procedures and rules of the Tribal Court System and all other matters of the judicial branch of the Catawba Indian Nation not addressed in this Constitution shall be approved by the Executive Committee by ordinance.

Section 8. Ethics Committee

The General Council shall appoint an Ethics Committee to conduct, supervise, and oversee all investigations of breaches of ethics of elected officials of the Catawba Indian Nation. The Ethics Committee shall ensure the provisions of this Constitution and the Ethics Ordinance are faithfully administered and followed. The Ethics Committee shall consist of members of the General Council. Members of the Ethics Committee are not eligible to run for elected office with the tribe, and cannot be an immediate family member of the Executive Committee or candidate for elected office. The term “immediate family” shall include a person’s spouse, children, parents, and siblings. The manner by which the General Council shall chose members of the Ethics Committee, the length of terms, and by-laws of the Ethics Committee shall be established by the Ethics Ordinance. Once tribal courts are established, the Ethics Committee shall be dissolved.

Section 9. Ethics Ordinance

The General Council shall enact an Ethics Ordinance to govern the behavior and actions of the Executive Committee. The ordinance shall include provisions for the behavior and ethics of members of the Executive Committee, including but not limited to self-dealing, nepotism, conflicts of interest, confidentiality, duty of care and duty of loyalty to tribe, and any other provisions necessary to ensure ethical administration of tribal affairs as an elected official, insofar as these provisions are consistent with this Constitution. The Ethics Ordinance shall further include provisions on the appointment of the Ethics Committee, length of terms, meeting procedures of the Ethics Committee, and all other provisions necessary to determine the procedures of the Ethics Committee.

ARTICLE VII – ELECTIONS

Section 1. General and Special Elections

- (a) General Elections to vote for Executive Committee members shall be held in odd numbered years a Saturday in July established by the Election Board. The Election Board shall establish the date of the Election no less than six months before the date it is scheduled. Election of Executive Committee members shall be staggered so that no more than four Executive Committee member seats shall be up for election at any one time.
- (b) Special Elections shall be held when called for by this Constitution.

Section 2. Election Board

The General Council shall appoint an Election Board to conduct, supervise, and oversee all elections, including special elections. The Election Board shall ensure the provisions of this Constitution and the Election Ordinance are faithfully administered and followed. The Election Board shall consist of members of the General Council. Members of the Election Board are not eligible to run for elected office with the tribe, and cannot be an immediate family member of a candidate for elected office. The term “immediate family” shall include a person’s spouse, children, parents, and siblings. The manner the General Council shall chose members of the Election Board, the length of terms, and by-laws of the Election Board shall be established by the Election Ordinance. The Election Board may appoint clerks, poll workers, and others to assist the Election Board with conducting elections.

Section 3. Election Ordinance

The General Council shall enact an Election Ordinance to govern all elections of the Catawba Indian Nation. The ordinance shall include provisions for appointment of the Election Board, the time, place, and manner of voting, absentee voting, walk-in voting, ties, and the settlement of election disputes, including the right to appeal to Tribal Courts, and all other voting procedures necessary for efficient administration of tribal elections, insofar as they are consistent with this Constitution.

Section 4. Qualifications of Voters

Citizens of the Catawba Indian Nation who are eighteen (18) years of age or older shall have the right to vote in all tribal elections.

Section 5. Qualifications of Candidates for Office

Candidates for election to the Executive Committee must meet the following qualifications to be placed on the ballot:

- (a) Be a citizen of the Catawba Indian Nation;
- (b) Be at least twenty-five (25) years of age (or thirty-five (35) years of age in the case of candidates for Chief) on the date of the election;
- (c) Have a high school diploma or GED;
- (d) Pass a drug test; and
- (e) Not have been convicted of a felony in the last fifteen (15) years or a misdemeanor in the last five (5) years.

Section 6. Terms of Executive Committee Members

- (a) All members of the Executive Committee shall be elected to four-year terms.
- (b) There is no limit to the number of terms a person may hold elected office.
- (c) The election of all Executive Committee members shall be staggered as follows:
 - 1. The Chief, the Secretary, and two at-large members of the Executive Committee shall be elected to an initial term of four years, and shall be elected once every four years thereafter; and
 - 2. The Assistant Chief, the Treasurer, and one at-large member of the Executive Committee shall have an initial term of two years, and shall be elected once every four years thereafter.

Section 7. Voting Procedures

- (a) Ballots
 - 1. All voting at regular and special elections shall be done by a secret ballot.
 - 2. Absentee ballots shall be provided.
- (b) Tie Votes
 - 1. Tie votes between two or more candidates shall be decided in a special runoff election conducted as all other general and special elections.
- (c) Challenges
 - 1. Any candidate for office may challenge the results of any election by presenting his or her written challenge to the Election Board within seven (7) days after the election results are certified. The Election Board shall respond to all election challenges within seven (7) days of the receipt of a challenge. The findings of the Election Board may be appealed to the Tribal Court within seven (7) days of receipt of the Election Board findings. If the Tribal Court invalidates the election results because of a major violation of election procedures, a new election shall be held within sixty (60) days.
- (d) Election Results
 - 1. The Election Board shall certify the results of elections.
 - 2. Tribal Council Officers (Chief, Assistant Chief, Secretary, and Treasurer)
 - i. In any election of Tribal Council Officers (Chief, Assistant Chief, Secretary, and Treasurer), each voter shall be allowed to cast one vote for each officer vacancy. The winner of each office shall be decided by majority of the votes cast.
 - 3. At-Large Members of the Executive Committee
 - i. In any election of at-large members of the Executive Committee, each voter shall be allowed to cast one vote for each at-large member vacancy. No more than one vote per candidate shall be cast. The winners of at-large member seats shall be determined by plurality according to the rank order of total votes received.

Section 8. Vacancies

- (a) All Vacancies Filled by Election Within 90 Days
 - 1. For all vacancies on the Executive Committee, the General Council shall elect a person to fill any vacant office at the next general election if the annual election is scheduled to be held within 90 (ninety) days. If there is no annual election scheduled within the next 90 (ninety) days, a special election shall be

held to fill the vacancy.

(b) Vacancy in Office of Chief

1. In the event of the death, resignation, recall, or removal of the Chief, the Assistant Chief shall be sworn in as the Chief. The Assistant Chief shall serve as Chief until the next general or special election. At the next general or special election, the General Council shall elect a Chief to serve the balance of the four-year term of office. Upon the swearing-in of the new Chief, the Assistant Chief shall return to his or her position as Assistant Chief for the remainder of his or her original term.

(c) Vacancy in the Other Executive Offices

1. In the event of the death, resignation, recall, or removal of the Assistant Chief, Secretary, or Treasurer, the Executive Committee shall appoint a person from its membership to fill the vacancy. The appointed Executive Committee member shall assume office and serve until the next general or special election. At the next general or special election, the General Council shall elect a person to serve the balance of the four-year term of office that became vacant. Upon the swearing-in of the new officer, the Executive Committee member shall return to the original position he or she was elected to for the remainder of his or her term.

(d) Vacancy in At-Large Executive Committee Member Positions

1. In the event of the death, resignation, recall, or removal of any at-large member of the Executive Committee, the position shall remain vacant until a special election can be held. The person elected to the vacant at-large position shall serve the balance of the four-year term of the position that became vacant.

Section 9. Oath of Office

Prior to assuming elected office, the individual elected shall take the following oath of office: I, _____, do solemnly swear that I will support, uphold, and defend the Constitution of the Catawba Indian Nation and that I will faithfully, honestly, and impartially fulfill the duties of my office to the best of my ability, so help me God.

ARTICLE IIX –INITIATIVE, REFERENDUM, RECALL, AND REMOVAL

Section 1. Initiatives

The General Council has the power to propose laws, ordinances, or resolution through initiatives. To propose an initiative, the General Council shall submit to the Election Board a petition signed by at least ten percent (10%) of all members of the General Council. The petition must include the proposed language of the law, ordinance, or resolution and names, signatures, and current addresses of those signing the petition. Upon receipt and verification of the petition by the Election Board, the initiative shall be submitted for a vote by the General Council at a regular or special election to be held within ninety (90) days of verification of the petition by the Election Board. The vote of a majority of at least twenty percent (20%) of all voting-aged citizens shall be conclusive and binding upon the Executive Committee.

Section 2. Referendum

The General Council has the power to overturn proposed or previously enacted laws, ordinances, or resolution through referendums. To propose a referendum, the General Council shall submit to the Election Board a petition signed by at least ten percent (10%) of all members of the General Council. The petition must include the proposed language overturning the law, ordinance, or resolution and names, signatures, and current addresses of those signing the petition. Upon receipt and verification of the petition by the Election Board, the referendum shall be submitted for a vote by the General Council at a regular or special election to be held within ninety (90) days of verification of the petition by the Election Board. The vote of a majority of at least twenty percent (20%) of all voting-aged citizens shall be conclusive and binding upon the Executive Committee.

Section 3. Recall

The General Council has the power to recall members of the Executive Committee. To propose a recall, the General Council shall submit to the Election Board a petition signed by at least fifteen percent (15%) of all members of the General Council. The petition must include the name of the official to be recalled and specific reasons for recall and the names, signatures, and current addresses of those signing the petition. Upon receipt and verification of the petition, the Election Board has the duty to submit the recall of the member of the Executive Committee named in the petition for a vote by the General Council. The vote shall be held at a regular or special election within ninety (90) days of verification of the petition by the Election Board, provided that if the petition is received less than six (6) months prior to the regular election, the Election Board may direct the matter be placed on the ballot of the regular election. The vote of a majority of at least thirty percent (30%) of all voting-aged citizens shall be conclusive and binding upon the Executive Committee. If the majority votes in favor of the recall of the elected official, the office shall be declared vacant and filled in accordance with the provisions of Article VII, Section 8 of this Constitution. If the majority votes against recall, that officer cannot be recalled again for twelve (12) months. Notwithstanding any other provision in this Constitution, any elected official that has been recalled from office shall be ineligible to be a candidate in the election to fill the vacancy created by the recall and in the next General Election for the same office.

ARTICLE IX –AMENDMENTS

Section 1. Petition of the General Council

The General Council has the power to propose amendments to this Constitution through petition signed by at least fifteen percent (15%) of the General Council. If the Election Board determines the petition is valid pursuant to the tribe's Election Ordinance, the Executive Committee shall adopt a resolution to authorize an election to vote on the adoption of the proposed amendment.

Section 2. Resolution of the Executive Committee

The Executive Committee has the power to propose amendments to this Constitution through resolution. The Executive Committee shall provide the General Council notice of any proposed amendment at least thirty (30) days prior to the Executive Committee's vote to authorize the resolution proposing the amendment to provide sufficient time for questions and comments. The

notice shall specify the purpose of the proposed amendment and draft language of the proposed amendment. Upon the adoption of a resolution to propose an amendment, a special election shall be called and the voting requirement of Section 3 of this Article must be met for the amendment to be adopted.

Section 3. Voting Requirements

An amendment shall become effective if adopted by a majority of qualified voters voting on the amendment in an election authorized by a Executive Committee resolution in which at least thirty percent (30%) of those qualified to vote cast their ballot.

ARTICLE X –ADOPTION OF THIS CONSTITUTION

Section 1. Adoption

This Constitution, when adopted by a majority vote of the qualified voters of the Catawba Indian Nation in an election duly called in which at least thirty percent (30%) of those entitled to vote have cast their ballots, shall be effective from the date of adoption.

Section 2. Interim Officers and Initial Election

Notwithstanding any other provision in this Constitution, upon adoption of this Constitution, the newly elected members of the Executive Committee shall assume all powers and duties of office set forth in this Constitution. The person elected as Secretary-Treasurer may chose whether to assume the office of Secretary or Treasurer. The initial term of the Chief, Secretary, and two at-large members shall be for four years. The initial term of the Assistant Chief, Treasurer, and an at-large member shall be for two years in order to provide for staggered elections. A special election to fill any additional positions on the Executive Committee shall be held within ninety (90) days of the adoption of this Constitution.

Section 3. Savings Clause and Interim Ordinances

Notwithstanding any other provisions of this Constitution, any ordinance previously adopted by the General Council or Executive Committee and in effect at the time of adoption of this Constitution shall remain in full force and effect according to its terms until it is amended or repealed. A new Citizenship Ordinance, Ethics Ordinance, and Election Ordinance shall be prepared and presented to the General Council for approval within two (2) years of adoption of this Constitution.

ARTICLE XI –SOVEREIGN IMMUNITY

The Catawba Indian Nation declares sovereign territorial, political, and cultural rights and powers as an independent government and immunity to civil lawsuits. The Executive Committee shall have the right to waive the sovereign immunity of the government if it finds doing so to be in the best interests of the Catawba Indian Nation.

ARTICLE XII –RESTORATION OF SOVEREIGN POWERS

The Catawba Indian Nation was restored to Federal recognition pursuant to the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993 (25 U.S.C. 941– 941n), and is subject to its provisions and those of the South Carolina State Implementing Act (S.C. Code Ann., sections 27-16-10 through 27-16-140) and the Settlement Agreement. Although providing for the restoration of Federal recognition, these laws combine to restrict greatly the sovereignty of the Catawba Indian Nation. It shall be the obligation of the government of the Catawba Indian Nation to work in a spirit of good will with the Federal and State Governments, to secure amendments to these laws which restore to the Catawba Indian Nation the sovereign powers commonly exercised by most Federally recognized Indian tribes.

ARTICLE XIII –SEVERABILITY

If any provision of this Constitution shall in the future be declared invalid by a Court of competent jurisdiction, the invalid portion shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XIV –SUPREMACY

This Constitution is the supreme law of the Catawba Indian Nation.