

KIOWA TRIBE
KIOWA INDIAN COUNCIL MEETING
APRIL 6, 2024
RED BUFFALO HALL, CARNEGIE, OK
RESOLUTION NUMBER: _____

DATE POSTED: February 21, 2024 **DATE APPROVED:**

SUBJECT: **Amendment Change; Conflicting Language/IDENTIFICATION OF RESOLUTION**

WHEREAS: the Kiowa Tribe is a sovereign nation since time immemorial and is federally recognized as Tribal Government by the United States; and,

WHEREAS: The Kiowa Tribe is a federally recognized Indian Tribe organized under a Constitution approved by tribal membership on April 17, 2017, and approved by Secretary of the Interior; and

WHEREAS: Article V, section 3(b) of the Constitution grants the Kiowa Indian Council the power to set policy for the Tribe, and shall have all other powers and duties specifically provided by the Constitution

WHEREAS: In accordance with Article V Section 3(b) of the Constitution of the Kiowa Tribe, "The Council shall have the following powers; provided, that no such action of the Council shall become effective until the voters approve such matter in a subsequent election"; and,

WHEREAS: In accordance to Article V, Section 3 (b)(iii) of the Constitution of the Kiowa Tribe, "The Council shall have the power to initiate the process to amend the Constitution by voting to call a Special Election to place before the voters the text of the proposed amendment along with the question whether such proposed amendment should be placed before the voters in a subsequent Special Election to be held within one year and following the requirements of Article XIV of this constitution."; and,

WHEREAS: the Kiowa Indian Council (KIC) as stipulated and in accordance with Article V-Section 1. Composition. "The Kiowa Indian Council shall be composed of all Members of the Tribe age eighteen and older", and in accordance with Article V-Section 5(a). Procedures. "A quorum of the Council shall consist of at least one-hundred fifty Members of the Tribe age eighteen or older.", has met the requirements of a legally valid KIC Annual meeting, and,

WHEREAS: the KIC Members physically present at this year's 2024 Annual meeting, have all been legally validated and authorized through the Election Commission and/or Enrollment Offices' process, for voter authorization in accordance with Article IV-Membership, Section 1 (a) and (b) of the Kiowa Constitution, as legally approved voting members, at this KIC meeting. Whom has the Reserved Power to establish its own rules of order and procedure, Article V Section 3(a). Then, the following proposed resolution shall be discussed.

WHEREAS: provided is the following focal point of the Kiowa Constitution's language, see below:

Article V – Kiowa Indian Council

Section 3. Reserved Powers.

“(b) The Council shall have the following powers; provided, that no such action of the Council shall become effective until voters approve such matter in a subsequent election:

(iii) The Council shall have the power to initiate the process to amend the Constitution by voting to call a Special Election to place before the voters the text of the proposed amendment along with the question of whether such proposed amendment should be placed before the voters in a subsequent Special Election to be held within one year and following the requirements of Article XIV of this Constitution.”

Article XIV – Amendments

Section 1. Request for an Election. “The Council may initiate the process to amend the constitution by voting to take such action at a valid Council Meeting where the matter has been properly placed on the agenda. The Legislature may initiate the process to amend the Constitution by unanimous vote calling a Special Election by law. The Election Commission shall call and hold a Special Election to amend the Constitution within ninety days of receipt of a request of the Council pursuant to approval by the voters or the Legislature.”

WHEREAS: While the KIC has the power to initiate the process to amend the Constitution, the following portion under Article V Section 3(b)(iii) states, “...such proposed amendment should be placed before the voters in a subsequent Special Election to be held within one year and following the requirements of Article XIV of this Constitution.”, whereas Article XIV Section 1 states, “The Election Commission shall call and hold a Special Election to amend the Constitution within ninety days of receipt of a request of the Council pursuant to approval by the voters or the Legislature.”

WHEREAS: The current Kiowa Constitution has both open and conflicting language, causing issues currently and potentially in the coming future, for those of the KIC Member body in properly understanding the Kiowa Constitution's language. Such language not only causes misunderstanding and conflict with other Articles within the Kiowa Constitution. It also leads to the hindering of and limitation of the KIC's Constitutional right and obligation to initiate the enactment, via Special Election, of a proposed resolution that seeks to change any current and future Constitutional Amendment(s). Current language (while confusing) also inhibits the KIC's ability to propose and pass laws that don't necessarily require a Special Election. A Special Election is only called upon for voting on the approval or disapproval for any Constitutional Amendment change. The conflicting language and conflicting timelines to propose and vote upon any change to the Constitution currently limits and inhibits the KIC's ability to enact proposed laws within a sufficient and effective manner.

NOW THEREFORE LET IT BE RESOLVED: that the KIC of the 2024 Annual meeting, hereby motion the voting process to be approved or disapproved, preferably secret ballot, by following the rules and regulations of voting as stipulated in the KIC's "Policy and Procedures; Meeting Procedures Rule number 8, Voting", may now begin the initiation of amending the Kiowa Constitution. The following language is the only language to be changed within the Kiowa Constitution presented in this resolution, whereas no other language in the Kiowa Constitution shall be altered or amended unless proposed by a different resolution at a valid KIC meeting. The proposed amendment change is only for Section 3(b)(iii) of Article V of the current Kiowa Constitution, and stated as follows;

Article V – Kiowa Indian Council

Section 3(b)(iii)

*"The Council shall have the power to initiate the process to amend the Constitution, by voting to call a Special Election, to be placed before the voters the text of the proposed amendment along with the question of whether such proposed amendment be placed before the voters in a subsequent Special Election to be held within **ninety days and not to exceed one-hundred and twenty days** and following the requirements of Article XIV of this Constitution."*

BE IT FURTHER RESOLVED: that such amendment change, in accordance with Article V Section 3(b)(iii) of the current Kiowa Constitution, be placed before eligible Kiowa voting members in a Subsequent Special Election to be held within one year. While also in accordance with the voting regulations of an election as outlined in the Kiowa Constitution in Article IX Sections 1, 2, 3, 6, 7, 9b, and 12. Such proposed amendment change, if approved, shall then become effective immediately as required for passage under Article XIV Section 2 of the Kiowa Constitution; "The Constitution may be amended...provided, that at least thirty percent of the voters cast a vote in the special election" (roughly 2,900 eligible voters must vote in favor for passage).

2024 KIOWA INDIAN COUNCIL OF THE KIOWA TRIBE

Chairperson

ATTEST:

Secretary, Kiowa Indian Council

CERTIFICATION

The foregoing resolution was duly voted upon by the 2024 Annual Kiowa Indian Council of the Kiowa Tribe; was present at the duly called Annual Kiowa Indian Council Meeting held on the 6th day of April 2024, and that the foregoing resolution was adopted by the affirmative vote:

For: ____ Opposed: ____ Abstention: ____

Secretary, Kiowa Indian Council