

Constitution of the Snoqualmoo Nation

Article I – PREAMBLE

We, the citizens of the Snoqualmoo Nation, in order to organize for our common good, to govern ourselves under our own laws. To maintain and foster our tribal culture, the right to bear arms to protect our homeland, to conserve and develop our natural resources, and to insure our rights guaranteed by the Treaty of Point Elliott on January 22, 1855 (12 Stat. 927). Preserve our basic rights and heritage for ourselves and our children, do ordain and establish this Constitution.

Article II - AUTHORITY OF GOVERNMENT

The authority of the government established by this Constitution shall extend over all persons and property now or hereafter included within the jurisdiction of the Snoqualmoo Nation. The tribal government shall not inhibit any person's right to enjoy freedom of worship, conscience, speech, press, assembly, association, or any other reserved by the Snoqualmoo Nation.

Article III – TERRITORY

The territory bring of the original territory of the Snoqualmoo people used at the time, of the Point Elliott Treaty was signed and before.

By Laws of Snoqualmoo Nation

Article 1-CITIZENS

Section 1. Qualifications. The citizens of the Snoqualmoo Nation shall consist of the following:

- (a) All persons that are directly descended from Chief Pat-Ka-Nam or his brother John Ka-Nam.
- (b) All persons of Snoqualmoo Indian blood born to a resident citizen of the Snoqualmoo Nation
- (c) All persons of Snoqualmoo Indian blood born to a nonresident citizen that have shown direct ancestry from Chief Pat-Ka-Nam, his brother John Ka-Nam ,and the other 12 Sub-chiefs who signed the Point Elliot Treaty.
- (d) All persons of Indian blood who are officially adopted into citizenship in accordance with ordinances enacted by the Snoqualmoo Council provided that persons adopted into citizenship must establish that they have a significant community relationship with the Snoqualmoo Nation as defined in the ordinance.
- (e) Spouses of regular citizens can be adopted into the Nation and relinquish their citizenship if a separation or divorce occurs.

Section 2. Dual Enrollment. No person shall become or remain a citizen of the Snoqualmoo Nation who is a member of any other organized tribe, band or Indian community which is officially recognized by the Secretary of the Interior, unless he/she has relinquished his/her membership in such tribe, band, or community. Dual enrollment is permissible as long as only one of the tribes are federally recognized.

Section 3. Enrollment. The Snoqualmoo Enrollment Committee shall establish procedures for handling citizenship matters including, but not limited to, application procedures, establishing and maintaining official records, disenrollment guidelines, corrections in the form of ordinances enacted by the Tribal Council.

Article 2 - GOVERNING BODY

The governing body of the Snoqualmoo Nation shall be a nine (9) person council and two alternates, which shall elect annually from its citizenship a Chairman, Vice-Chairman, Secretary, Treasurer. The Council may appoint such other officials and committees as are considered necessary; however, they shall have no vote in the deliberations of the Council.

Article 3 - TRIBAL ELECTIONS

Section 1. First Election. The first election under this Constitution shall be conducted in conjunction with the first annual meeting of the General Council following the effective date of this governing document. Those tribal officials incumbent upon the date this Constitution shall continue in office until those elected pursuant to this Section are installed in office. At such election, the three (3) candidates receiving the highest number of votes shall hold office for three (3) years; the three (3) receiving the next highest number of votes shall serve for two (2) years; and the three receiving the next highest number of votes shall serve for one (1) year terms. The remaining two (2) successful candidates will serve as alternates.

Thereafter, there shall be annual elections in June and all terms shall be three (3) years in length on a staggered basis. In each instance, successful candidates shall serve for the specified term of office or

until their successors are duly elected and installed, provided, that any such service beyond the stated length of term shall be only for the limited time required to achieve a valid filling of the position.

Section 2. Annual Election of Officers. Immediately following certification of the first election under this Constitution, the Tribal chairman then in office pursuant to the previous governing procedures, shall convene a meeting of the newly constituted Tribal Council and at that meeting, the Tribal Council shall elect from its citizens a Chairman, Vice-Chairman, Treasurer, and Secretary, and thereafter, at the first meeting of the Tribal Council following each annual election.

Section 3. Election Ordinance. Within six (6) months after the first election of tribal officials under this Constitution, the Tribal Council shall enact an ordinance consistent with provisions of this Constitution setting forth procedures for the conduct of all tribal elections including initiative, referendum and recall. The ordinance shall at least include provisions for:

- (a) Secret balloting;
- (b) Maintenance of current list of qualified voters;
- (c) Screening of prospective candidates;
- (d) Settling of election disputes with a right to appeal to the Nation's judicial authority;
- (e) Appointment by the Tribal Council of an on-going impartial Election Committee;
- (f) Preventing conflicts of interest in the conduct of elections;
- (g) The handling of all tribal petitions which shall be submitted to the Election Committee;
- (h) The Election Committee to determine the validity of all tribal petitions within ten (10) days of their receipt by that body.

Section 4. Regular Elections. Regular elections to choose tribal officials (including the Tribal Council and others who are placed in office by the voters) shall be conducted in conjunction with the annual general council meeting held during the month of June. While the annual meeting is to be called by the Tribal Council, the election shall be conducted by the Elections Committee in accordance with the Nation's election ordinance. The conduct of the election shall not be subject to the quorum required for the annual meeting of the General Council.

Section 5. Election Committee. All tribal elections shall be conducted by an on-going, impartial Election Committee composed of three (3) qualified tribal voters appointed by the Tribal Council for three (3) year staggered terms of office. One (1) alternate shall be available to serve in the absence of a regular citizen or to avoid a conflict-of-interest situation. In conformity with the Nation's election ordinance the Election Committee shall:

- (a) Conduct all tribal elections (including initiative, referendum and recall);
- (b) Certify election results;
- (c) Rule on election protests;
- (d) Install validly-elected officials into office;
- (e) Call and conduct a new election when necessary, if for any reason an election, or part of it, is determined to be invalid. Such balloting shall take place within thirty (30) days following that determination;
- (f) Receive all tribal petitions, determine their validity within ten (10) days of their receipt and pursue follow-up action on petitions determined to be valid.

Section 6. Qualifications of Voters. A qualified voter is an enrolled citizen of the Snoqualmoo Nation who will be eighteen (18) years of age or over by the date of the election. Qualified voters shall exercise their right to vote in person at meetings of the General Council and in all tribal elections. Adopted citizens do not have voting rights.

Section 7. Qualifications of Candidates. In order to be considered eligible to become a candidate for the Tribal Councilor any other elective or appointive office, a prospective candidate must be a qualified tribal voter and shall not have been convicted of a felony or a misdemeanor involving dishonesty.

Article 4- CREATION AND FILLING OF VACANCIES

Section 1. Removal.

- (a) Should any of the following circumstances occur involving any of the nine (9) citizens or two alternates of the Tribal Council, the remaining citizens of the Board may, by resolutions, remove such person from office; provided, that a hearing is conducted as set forth in subsection (b) of this section;
- (b) Any citizen of the Tribal Council, subject to removal shall, before a vote is taken, be provided with reasonable and detailed written notice of the charges and a fair opportunity to reply to such charges and to present evidence on his behalf at an open hearing called for that purpose. At least six (6) of the remaining citizens of the Council must vote in favor of removal to make it valid. The Chairman shall be permitted to vote on removal, if he is not the object of removal proceedings.

Section 2. Recall. In order to initiate action on the recall of any individual elected tribal official, a petition signed by at least thirty (30) qualified voters shall be submitted to the Election Committee. That committee shall make a determination within ten (10) days of its receipt as to whether the petition is valid. If it is found to be valid, the Election Committee shall immediately, in writing, notify the Tribal Council of its findings and send a separate written notice of those findings to the individual being considered for recall. It shall then be the duty of the Tribal Council to call a recall election. That election shall be conducted by the Election Committee, pursuant to Section 3 of Article V, no later than thirty (30) days from the date the Council received notification as to the validity of the petition. Sixty-six percent (66) of those who cast ballots at such election must vote in favor of recall in order for it to become effective. Only one (1) official shall be the object of any one recall petition or election. A recalled official shall be prohibited from seeking or holding office for a period of twelve (12) months following the date of recall. No elected official shall be subjected to recall election more than once during any term of office. In the event recall becomes effective, the resulting vacancy shall be filled for the time remaining in that term of office at the same election. The Election Committee shall receive nominations from the floor and proceed in accordance with the Nation's election ordinance.

Section 3. Vacancies. Any vacancy in the Tribal Council, except for those recalled, shall be filled by the Tribal Council appointing a replacement. Such appointee shall qualify pursuant to Section 7 of Article V, and hold office until the next regular election when that position shall be filled by election for the balance, if any, of the unexpired term. No vacancies that occur within three (3) months of the next regular election shall be filled except that the remainder of the Tribal Council shall appoint to fill any vacancies in excess of two (2) so that the Tribal Council maintains a quorum.

Article 5 - POWERS AND DUTIES OF THE TRIBAL COUNCIL

Section 1. The powers and duties set forth in this Article shall be exercised by the Tribal Council to the fullest extent permitted by Federal Law as restricted by Article VIII of this Constitution. All the powers and legal authority, express, implied, or inherent, which are vested or acknowledged by existing Federal Law in the Snoqualmoo Nation as a sovereign political entity, shall include, but not be limited to, the following:

- (a) To enact a comprehensive law and order code which shall be implemented by the tribal court system. Such code shall provide for tribal, civil and criminal jurisdiction, to the extent said code provides, over all persons residing on, or coming upon, all land and water areas which the Nation has jurisdiction.
- (b) To administer the affairs and assets of the Nation including tribal lands, funds, minerals, timber, water rights, fishing rights, and other resources under appropriate contracts, leases, permits, loans, or sale agreements.
- (c) To prevent the sale, disposition, lease, or encumbrance of tribal land, interest in lands, or other tribal assets.
- (d) To provide for taxes, assessments, permits and license fees upon citizens and non-citizens within the Nation's jurisdiction.
- (e) To employ legal counsel to assist in the protection and advancement of the Nation. The choice of counsel and fixing of fees.
- (f) To negotiate with and represent the Nation before Federal, state, tribal, and local governments and their departments and agencies, and to advise and consult with representatives of the Department of the Interior on all activities of the Department that may affect the Snoqualmoo Nation.
- (g) To appoint necessary committees.
- (h) To have and exercise such other powers and authority necessary to fulfill its obligations, responsibilities, objectives, and purposes as the governing body of the Nation, except as limited by other provisions of this Constitution.
- (i) To foster, encourage and retain the arts, crafts, culture, and traditions of the Nation.

Section 2. Reserved Powers. Any rights and powers heretofore vested in the Snoqualmoo Nation, but not expressly referred to in this Constitution, shall not be abridged by this article, but may be exercised by the citizens of the Snoqualmoo Nation through the adoption of appropriate constitutional amendments.

Article 6 - GENERAL COUNCIL

Section 1. Composition. The General Council shall be composed of all the qualified voters of the Snoqualmoo Nation who attend a General Council meeting properly called in accordance with this Constitution and shall be authorized to exercise such powers as may be delegated to that body by terms of the Constitution.

Section 2. Powers Reserved to General Council. The Tribal Council and other agencies of the Nation are required to obtain the advice and consent of the General Council prior to taking any action with regard to the following powers:

- (a) The termination, or partial termination, of the Snoqualmoo Nation.
- (b) The sale of the tribal hunting, fishing, and water rights.
- (c) Compensation of members of the Tribal Council from funds as may be available.

Article 7- INITIATIVE

The adult citizens of the Snoqualmoo Nation may propose a resolution, ordinance, or other action permitted under this Constitution.

Article 8- REFERENDUM

Upon receipt of a resolution adopted by an affirmative vote of at least five (5) citizens of the Tribal Council, the Chairman shall call a special meeting of the General Council to consider the proposed resolution, ordinance or other proposed action by the Tribal Council. An election on such proposal(s) shall be conducted in conjunction with that meeting by the tribal Election Committee pursuant to the election ordinance. A majority of those who cast ballots in that election will decide whether the proposed ordinance, resolution or other action shall, thereafter, be in effect; provided, that at least a majority of the qualified voters shall vote on such referendum. If adopted, it shall be binding on the Tribal Council until it expires by its own terms or is changed by further action of the voters.

Article 9 - JUDICIAL AUTHORITY

Section 1. Inter-Tribal Court System. Until such time as the Nation, by referendum or initiative, determines that it is prepared to maintain a separate Tribal Court, the judicial authority of the Nation shall be exercised by any existing inter-tribal court system designated by a resolution of the Tribal Council. The jurisdiction of any such inter-tribal court system shall include, but not be limited to, criminal and civil jurisdiction, including settlement of tribal disputes and interpretations of this Constitution and tribal enactments.

Section 2. Transition to Tribal Court. When the Nation, as a result of a referendum vote, determines that it is prepared to maintain a separate tribal court, it shall direct the Tribal Council to notify the inter-tribal court system by resolution transmitting the following:

- (a) A plan for establishing the Tribal Court, and
- (b) A time table and procedure for orderly transition of pending cases.

The judicial authority of the Nation will, thereafter, be exercised by the Tribal Court in accord with the above-mentioned plan.

Section 3. Restoration of Judicial Authority to Inter-tribal Court System. If the Nation, by referendum or initiative, decides that it is not appropriate to continue to maintain a separate Tribal Court, it may restore jurisdiction to any existing inter-tribal court system in the manner set forth in Section 1 of this article.

Section 4. Powers of Tribal Court. If the Nation, by referendum or initiative, determines that a separate Tribal Court shall be maintained, that court shall possess all of the judicial powers of the Nation, including such powers as may in the future be granted to the Nation by any law of the United States, or other authority. The judicial power shall extend to all cases in law or equity arising under this Constitution or tribal enactments. Decisions of the Tribal Court shall be final for the Nation and binding upon all tribal citizens and their property within the jurisdiction of the Nation.

Section 5. Election of Judges. If the Nation decides that a separate Tribal Court will be maintained, the Tribal Council shall appoint three (3) qualified persons to serve as tribal judges until the next annual election. At that election, associate judges shall be elected for terms of one (1) year and two (2) years, respectively; a chief judge shall be elected for a three (3) year term, in order to establish a system of staggered terms of office. Thereafter, one (1) position shall be filled each year at the annual election and all terms shall be three (3) years in length. The election of judges shall be pursuant to this Article and the Tribal election ordinances.

Section 6. Recall of Judges and Filling Vacancies. A judge shall be unseated from office only in the manner set forth in Section 2 of Article VI. If the position of a judge becomes vacant, the Tribal Council shall immediately appoint a qualified person to fill the vacancy until the next regular election, at which time the qualified voters shall elect a successor to fill the balance of the unexpired term.

Section 7. Qualification of Judges. A judge shall be at least thirty (30) years of age, of good moral character, and never convicted of a felony.

Article 10 - DUTIES OF OFFICERS

Section 1. Chairman. The Chairman of the Tribal Council shall preside over all meetings of the Nation and the Tribal Council. He/she shall perform all duties of the Chairman and exercise any authority delegated to him/her by the Tribal Council.

Section 2. Vice-Chairman. The Vice-Chairman shall act as Chairman and perform the duties of Chairman in the Chairman's absence.

Section 3. Secretary. The Secretary shall be responsible for tribal correspondence, reports and keeping a complete record of minutes of all business conducted at meetings and the Tribal Council and General Council meetings. The Tribal Council may appoint an assistant or recording secretary to assist the Secretary in the performance of his/her duties.

Section 4. Treasurer. The Treasurer of the Tribal Council shall be responsible for preserving and safeguarding all funds in the custody of the Tribal Council, whether same be tribal or other funds for which the Tribal Council is acting as trustee or custodian. Deposits of such funds shall be made in a bank or elsewhere, as designated by the Tribal Council. The Treasurer shall be responsible for a financial record being maintained of all such funds and shall report on all funds in his/her possession or custody, such report being made in writing to the Tribal Council at regular meetings and at such other times as requested by the Tribal Council. The Treasurer shall not disburse any funds in his/her possession or custody, or in the possession or custody of the Tribal Council, until properly authorized to do so by resolution duly passed by the Tribal Council. The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Tribal Council and at such other times as the Tribal Council.

Section 5 Oath to Office

I do solemnly swear, or affirm, that I will faithfully execute the duties of _____
The Snoqualmoo Nation, to support and uphold the constitution and laws of the Snoqualmoo Nation, and will, to the best of my ability, preserve, protect and defend the Constitution of the Snoqualmoo Nation, and the United States of America. I swear or affirm further, that I will do everything within my power to promote the culture, heritage and traditions of the Snoqualmoo Nation. In the eyes of the Creator, I take this oath freely and voluntarily with no mental reservations whatsoever.

Article 11 - MEETINGS OF THE TRIBAL COUNCIL

Section 1. Regular and Special Meetings. Regular or special meetings of the Tribal Council shall be held at such times as the Council may provide by resolution. Special meetings shall be called by the Chairman or by majority vote of the Tribal Council. All meetings shall be open to tribal citizens unless the Council declares an executive session.

Section 2. Quorum. No business shall be transacted unless a quorum is present during the meeting. A quorum shall consist of five (5) of the nine members of the Tribal Council.

Section 3. Order of Business. The following order of business is established for all meetings:

1. Call to order by Chairman
2. Roll Call
3. Ascertainment of a quorum
4. Reading of the minutes of last meeting
5. Adoption of the minutes by vote or common consent
6. Treasurer's report
7. Unfinished business (old business)
8. Reports
9. New Business
10. Adjournment.

Section 4. All matters shall be fully discussed and a reasonable attempt shall be made to secure a unanimous agreement, however, a majority vote is sufficient to effect a decision.

Article 12 - GENERAL COUNCIL MEETING

Section 1. Annual meeting. There shall be an annual General Council meeting held at a time and place designated by the Tribal Council. A quorum of the general council shall consist of not less than (10%) qualified voters, however, the quorum shall not apply to the Tribal elections held in conjunction with the annual meeting. A notice of the annual meeting and any special General Council meeting shall be mailed at least fifteen (15) days prior to the meeting to qualified voters with addresses of record.

It shall be the duty of the Chairman to make a report at said meeting of the activities of the Tribal Council throughout the year and to outline proposed plans for economic and social betterment of the Nation. Any other discussion or actions appropriate to the meeting shall be considered.

Section 2. Special Meetings. Special General Council meetings may be called by the Chairman of the Tribal Council of the Snoqualmoo Nation at his discretion and shall be required to call a special General Council meeting within thirty (30) days after being advised by the Election Committee that it has received a valid petition signed by at least thirty (30) qualified voters, requesting such meeting.

Article 13 – LAND

Section 1 Unallotted lands. The unallotted lands of the Snoqualmoo Nation and all lands which may be hereinafter acquired by or for the Snoqualmoo Nation, shall be held as tribal lands forever.

Section 2. Unassigned Tribal Lands. Tribal lands which are not assigned may be used for public purposes of any sort. Such lands may also be leased by the tribal council, to citizens of the Nation, or non-citizens according to law, and all proceeds of such leases shall accrue to the tribal treasury to be used for any other public purposes of the Nation.

Article 14 – SNOQUALMOO TRIBAL ARMORY AND RIGHT TO PROTECT

Section 1. All Snoqualmoo Nation citizens have the right to protect their home and family and personal property in any they wish, including but not limited to the use of any legal firearms.

Section 2. The Snoqualmoo Nation the right to form a militia to help protect the United States of America from any invading foreign army or government, or any anti United States group that does not follow the United States Constitution and protect the Point Elliott Treaty of 1855.

Section 3. The Snoqualmoo tribal armory has the right to own automatic firearms. The Nation will issue the firearms to members of the militia only when serving on the militia when ordered by the tribal councils. No member will own an automatic firearm or have on in his or her possession unless serving in active militia.

- (a) The Snoqualmoo tribal armory will sell any guns that a legal to have by the United States government, for home and property protection as well as for hunting purposes to tribal members only.
- (b) The Snoqualmoo tribal armory will record all sales of firearms sold by make, serial number, and caliber. The armory sales records will be opened to the tribal councilor the chiefs council only. No United States government agency will have access to our sales records except under the following conditions:
 - (1) The agency must ask the United States Congress to order the Snoqualmoo tribal armory in a signed order to turn over the armory records.
 - (2) This order must be signed and dated by the President of the United States.
- (c) The Snoqualmoo tribal armory will not sell or trade firearms or related items to other United States citizens other than tribal governments or police departments.

Section 4. If any tribal member is a felon or has been jailed for a violent crime, the Nation will not sell any firearms to that individual.