

CONSTITUTION
OF THE
UPPER MATTAPONI TRIBE

July 22, 2023

CONSTITUTION of the Upper Mattaponi Tribe

Legislative Branch

Council

7 Elected Representatives

Serve 4-year terms (staggered)

Powers and Duties

- Pass laws
- Raise revenues and appropriate funds
- Pass Budgets
- Confirm Judges
- Veto Override

Executive Branch

Chief

Assistant Chief

Serve 4-year terms

Powers and Duties

- Execute, administer and enforce laws and budgets
- Sign or veto laws
- Propose Annual Budget
- Approve spending
- Annual Financial Audit

Judicial Branch

High Court - Chief Justice (1)

Associate Justices (2)

Trial Court - Chief Judge (1)

Associate Judges

Serve 7-year terms

Powers and Duties

- Interpret Constitution and laws
- Declare laws unconstitutional
- Settle disputes
- Make findings of fact and conclusions of law
- Issue remedies in law and equity

Department of
Finance

Department of
Records
Management

Other
Departments
created by law

**CONSTITUTION
OF THE
UPPER MATTAPONI TRIBE**

PREAMBLE

We the People of the Upper Mattaponi Tribe, pursuant to our inherent sovereignty and in order to sustain and promote our culture, language, and way of life, do hereby establish, adopt, and proclaim this Constitution. The purpose of the Constitution is to promote justice, human rights, and education for the people; to respect and protect our natural environment and the resources within it; to work to provide access to safe and secure medical care, housing, food security, and employment; and to provide guidance and direction for our government for the promotion of the general welfare of the People and our descendants.

ARTICLE I – SOVEREIGNTY

The Tribe possesses inherent sovereign powers of government. The Constitution shall be the supreme law of the land.

ARTICLE II – BILL OF RIGHTS

Section 1. Bill of Rights. The government of the Tribe shall not make or enforce any law which:

- (a) infringes upon religious or cultural beliefs, or prohibits the free exercise thereof, or establishes religion;
- (b) prohibits the freedom of speech, expression, or of the press and news media, or the right of the People to assemble peaceably, or to petition the government for redress of grievances;
- (c) authorizes the government to engage in any disinformation or propaganda campaign;
- (d) prohibits the right of a person to make their own gender identity, sexual, health care, or reproductive decisions;
- (e) imposes servitude upon any person without their consent;
- (f) violates the right of the People to be secure in the privacy of their persons, houses, papers, electronic and telecommunications information and data, vehicles, and effects against unreasonable searches and seizures, or issue warrants but upon probable cause, supported by oath or affirmation signed by a judge and particularly describing the place, person, house, or things to be searched, the object and scope of such search, and the person or thing to be seized, or executes an arrest without probable cause, or exercises a detainment without reasonable suspicion;

- (g) subjects any persons to search without probable cause, to interrogation while in custody, or to arrest without informing them of their right to remain silent, or to have access to an attorney, to be informed that anything they say can be held against them in a court of law, to have these rights explained at the time of arrest, and to ask the arrested individuals if they understand these rights;
- (h) subjects any person to a custodial interrogation that uses false statements designed to solicit or coerce a confession or incriminating statements;
- (i) subjects any person to criminal prosecution or punishment more than once for the same offense arising out of the same incident, or compels any person in any criminal case to be a witness against himself;
- (j) discharges any person from employment without due process;
- (k) takes any private property or possessory interest in private property for public use without due process and just compensation;
- (l) discharges any person from employment or takes any other retaliation against an employee who makes public any information of misconduct by officials or employees of the Tribe;
- (m) denies to any person in a criminal proceeding the right to a speedy, public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against them, to have compulsory process for obtaining witnesses in their favor, or to have the assistance of counsel for their defense subject to income guidelines;
- (n) denies to any person in a civil proceeding the right to a speedy, public trial unless otherwise restricted by law enacted by the Council pursuant to the Legislative Process;
- (o) requires excessive bail, imposes excessive fines, or inflicts cruel and unusual methods of interrogation or punishment;
- (p) denies to any person within its Jurisdiction the equal protection, application, or opportunity under the law or deprives any person of liberty or property without due process of law; provided, that the government shall have the power to enact and implement laws that provide employment preferences;
- (q) directs a criminal proceeding against a specific person or group, or punishes conduct after the fact through the enactment of laws or resolutions which criminalize such conduct;
- (r) singles out a person or group for punishment without due process and trial;
- (s) denies to any person accused of an offense punishable by imprisonment the right upon request, to a trial by an impartial jury of not fewer than six persons, and all persons so charged shall be presumed innocent until proven guilty in a court of law;

- (t) denies to any person the access to his or her own personal information maintained by the Tribe;
- (u) discriminates against any person based on age, race, gender, sex, religion, disability, familial status, sexual orientation, or social or economic status.
- (v) denies to any Person the right to own and use firearms subject to regulation by the Tribe by law.

Section 2. Reserved Powers. Powers not granted to the government shall be reserved to the People.

ARTICLE III – CITIZENSHIP

Section 1. Citizenship Criteria. The enrolled citizens of the Tribe shall consist of:

- (a) All persons listed on the official membership roll of the Tribe as of December 1, 2022.
- (b) A lineal biological descendant of a person listed on the official membership roll dated December 1, 2022.
- (c) A person omitted from the membership roll dated July 15, 2003, which served as the foundation for the December 1, 2022, roll, who can provide evidence of a biological relationship with a person listed on the 2003 roll, and their lineal descendants who can provide substantial genealogical evidence of a lineal biological descent from such person, subject to approval by the Chief, and subject to confirmation by the Council.

Section 2. Fraud. Any person found to have knowingly committed fraud in attaining citizenship in the Tribe, including but not limited to knowingly have submitted falsified documents, shall forfeit citizenship in the Tribe.

Section 3. Enrollment in Another Tribe Prohibited. An enrolled citizen of the Tribe shall not be permitted to be dually enrolled as a member of another Indian tribe without forfeiting citizenship in the Tribe.

Section 4. Citizenship Roll. The Chief shall maintain and certify an annual official citizenship roll containing the names of all enrolled citizens of the Tribe.

ARTICLE IV – TERRITORY

The Territory of the Tribe shall include all historical lands of the Tribe, all lands held by the Tribe, all lands held in trust for the Tribe or its citizens, and all other lands acquired by the Tribe. The Territory shall include all air, water, surface, subsurface, natural resources, and any interest therein, notwithstanding any patent or right-of-way issued or held by the United States, any State, or the Tribe, existing or in the future.

ARTICLE V – JURISDICTION

The Jurisdiction of the Tribe shall extend to all persons, property, and activities within the Territory. Anyone who enters the Territory shall be deemed to have consented to the Jurisdiction of the Tribe. The Tribe has the power to assert the Sovereignty and Jurisdiction of the Tribe over any matter that affects the interests of the Tribe including, but not limited to, matters that affect the political integrity, economic security, health, or welfare of the Tribe, activities of non-members who enter into consensual relationships with the Tribe or its members, and matters involving employment, licenses, permits, and contracts.

ARTICLE VI – SEPARATION OF POWERS

The government of the Tribe shall be divided into three branches: legislative, executive, and judicial. Powers vested in one branch shall not be exercised by an official of another branch except as authorized by the Constitution.

ARTICLE VII – LEGISLATIVE BRANCH OF GOVERNMENT

Section 1. Composition. The Legislative Branch of government shall consist of a Council of seven elected Representatives. The Council shall select a Speaker from among its Representatives.

Section 2. Qualifications for Council Representatives. Candidates for Representatives shall be enrolled citizens of the Tribe, and at least twenty-one-years old. Six Representatives shall reside within one hundred miles of the site of the original Sharon Indian School for the duration of their terms of office. One Representative shall serve in an at-large District and shall not reside within one hundred miles of the site of the original Sharon Indian School for the duration of the term of office. Candidates shall seek office in either the non-at-large District or the at-large District, and if elected, shall serve as a Representative of the District in which they reside.

Section 3. Terms of Office. Representatives shall be elected to serve four-year terms of office. The terms of office shall be staggered with three Representatives elected in one election and four Representatives elected in the following election. A Representative shall serve no more than three consecutive terms. Upon completion of a third consecutive term, a Representative shall not be eligible to serve on the Council until a period of two years has elapsed. A partial term shall be considered a full term for purposes of term limits.

Section 4. Powers and Duties.

- (a) Legislative power shall be vested in the Council. The Council shall have the power to enact laws and Budget Resolutions by law.
- (b) The Council shall have the power to raise revenue and appropriate funds for expenditure.

- (c) The Council shall have the power to pass a Budget Resolution to enact an Annual Budget or Budget Modification. The Council shall have the power to enact a Budget Modification each quarter per fiscal year. Budget Modifications to obtain new grant funds, appropriate matching funds for new grants, or to expend new grant funds may be done at any time as necessary. The Annual Budget and any Budget Modifications shall be approved pursuant to the Legislative Process.
- (d) The Council shall have the power to create departments, boards, and commissions located in the Executive branch of government by law.
- (e) All actions of the Council shall be made by a majority vote of the Council unless otherwise specified in the Constitution. Proxy voting shall be prohibited. The Assistant Chief shall be authorized to break a tie vote in the Council.
- (f) The Council shall have the power to override a veto of a Bill or Budget Resolution by the Chief by an affirmative vote of at least six Representatives.
- (g) The Speaker shall schedule a meeting of the Council at least once per month or more often as required to fulfill its obligations. The Speaker shall provide public notice of each meeting and shall post the notice on a public legislative calendar.
- (h) The Council shall have the power to pass Legislative Rules to govern its internal administrative and operational matters, to employ staff, to contract for goods and services, and to establish its legislative procedures. A Legislative Rule passed by the Council shall not be presented to the Chief for signature or veto.
- (i) The Council shall have authority to confirm a nominee presented to the Council by the Chief, subject to final installation of the nominee into office by the Chief.

Section 5. Legislative Process. All legislative actions of the Council shall follow a public Legislative Process.

- (a) All proposed legislative actions including an Annual Budget or Budget Modification shall be embodied in a written Bill or Budget Resolution.
- (b) All proposed legislative actions shall be in the form of a Bill or Budget Resolution, and the Speaker shall publish all Bills or Budget Resolutions for at least five calendar days prior to any further legislative action.
- (c) The public shall be given an opportunity to provide comments on all proposed Bills or Budget Resolutions prior to enactment.
- (d) The Council shall vote on each Bill or Budget Resolution separately by roll call vote with the name and vote of each Representative recorded and published, and the Speaker shall provide the Department of Records Management with a copy of each Bill or Budget Resolution and roll call vote.

- (e) All legislative actions of the Council shall be made at a public meeting. The Council may convene in a closed meeting; provided, that no decisions of the Council may be made in a closed meeting.
- (f) All Bills and Budget Resolutions passed by the Council shall be presented to the Chief for signature or veto. All laws and Budgets shall take effect upon signature of the Chief, or by veto override of the Council, or at a later date as indicated in the law or Budget.
- (g) Any legislative action by the Council which does not follow the Legislative Process shall be deemed void by the Judicial branch of government.

Section 6. Legislative Procedures and Officers. The Council shall have the power to set its own procedures consistent with the Constitution. The Council shall have the power to select its own officers, including a speaker from among the representatives.

Section 7. Compensation. Council Representatives may receive reasonable compensation as determined in an approved budget. Increases in compensation may take place after the next General Election.

ARTICLE VIII – EXECUTIVE BRANCH OF GOVERNMENT

Section 1. Composition. The Executive Branch of government shall consist of a Chief, an Assistant Chief, a Department of Finance, a Department of Records Management, and other departments created by law to guarantee justice, human rights, education, protection of environmental and natural resources, medical care, housing, food security, and employment. The Executive Branch shall also include any other departments created by law enacted pursuant to the Legislative Process.

- (a) The Department of Records Management shall secure, maintain, and index the records of the Tribe. The Department of Records Management shall compile all laws and resolutions into a comprehensive Code that shall be published annually. The Department of Records Management shall establish a process for citizens of the Tribe to inspect and obtain copies of records; provided, that the Council may impose reasonable restrictions by law on access to confidential records.

Section 2. Qualifications for Chief and Assistant Chief. Candidates for Chief and Assistant Chief shall be enrolled citizens of the Tribe and at least thirty years old. Once elected, the Chief and Assistant Chief shall reside within one hundred miles of the site of the original Sharon Indian School, and shall maintain residency for the duration of their terms of office.

Section 3. Terms of Office. The Chief and Assistant Chief shall be separately elected and shall each serve a four-year term of office. The Assistant Chief shall be subordinate to the Chief.

Section 4. Powers and Duties.

- (a) The executive powers of the Tribe shall be vested in the Chief. The Chief shall execute, administer, and enforce the laws and budgets of the Tribe. The Chief may delegate authority to the Assistant Chief in writing.
- (b) The Chief shall have the power to sign or veto legislative enactments passed by the Council.
- (c) The Chief shall have the power to nominate judges and justices to the Courts, subject to confirmation by the Council and final installation into office by the Chief.

Section 5. Annual Budget and Budget Modifications.

- (a) There shall be one comprehensive Annual Budget enacted by Budget Resolution and adopted following the legislative process. The Annual Budget shall include all projected revenue and funds controlled by the Tribe, and all revenue and funds received by the Tribe from any and all sources. Every funding item in the Annual Budget, or a Budget Modification, must have been previously, and separately authorized by law. The Annual Budget shall include an appropriation of operating funds for all branches of government. The annual budget shall be based on a fiscal year beginning October 1st. If a new Annual Budget is not approved by the beginning of the fiscal year, then the most recently approved budget shall remain in effect until a new budget is approved.
- (b) The Chief shall develop a proposed needs-based Annual Budget in consultation with the departments of the Tribe. The Chief shall conduct a listening session with the public prior to submission of a proposed Annual Budget to the Council. The Council shall have the power to accept the proposed Annual Budget prepared by the Chief or may develop its own Annual Budget proposal.
- (c) No expenditure of funds shall be made unless included in an approved budget. Funds which have been appropriated by law shall not be expended except by signature of the Chief.
- (d) The Chief shall conduct an annual financial audit of the Tribe.

Section 6. Compensation. The Chief and Assistant Chief shall receive reasonable compensation as determined in an approved budget. No increase or decrease in compensation shall take effect during a four-year term of office for Chief or Assistant Chief, and any adjustment in compensation shall take place at the beginning of a new four-year term. The Chief and Assistant Chief shall not hold another elected position or another job within the Tribe.

Section 7. General Citizenship Meetings. There shall be a General Citizenship Meeting held on the fourth Saturday of each month beginning at 10:00 am, unless the meeting is rescheduled by the Chief to a different time or to another Saturday in the month. The Chief shall provide notice of the date of each General Citizenship Meeting. The people in attendance at a General

Citizenship Meeting shall have the authority to cancel a future General Citizenship Meeting by majority vote of those in attendance. The Council and the Chief or Assistant Chief shall provide a report to the people of all important activities and decisions made on behalf of the Tribe. The Chief shall designate a person to take attendance of the elected officials at each General Citizenship Meeting, and the Department of Records Management shall publish the attendance records quarterly.

ARTICLE IX – JUDICIAL BRANCH OF GOVERNMENT

Section 1. Composition. The Judicial Branch of government shall consist of a Trial Court, a High Court, and other lower courts of special jurisdiction created by law. A Peacemaker Court shall be established within the Trial Court to resolve civil cases upon agreement of the parties. The Trial Court shall be comprised of one Chief Judge and other Associate Judges of the Trial Court as deemed necessary by the Council by law. The High Court shall be comprised of one Chief Justice and two Associate Justices.

Section 2. Qualifications. The Chief Judge shall be a licensed attorney. The Chief Justice shall be a licensed attorney. All judges and justices shall be at least thirty-years-old and possess at least five years relevant experience.

Section 3. Selection. The Chief Judge, Associate Judges, Chief Justice, and Associate Justices shall be selected upon nomination by the Chief, subject to confirmation by the Council, and final installation into office by the Chief.

Section 4. Terms. All judges and justices shall serve a term of seven years, and may be renominated and confirmed for additional terms of office.

Section 5. Jurisdiction. The Trial Court shall have Jurisdiction over all cases and controversies, both criminal and civil, in law and equity, arising under the Constitution, laws, and common law of the Tribe. Any case or controversy arising within the Jurisdiction of the Tribe shall be filed in the Trial Court before it is filed in any other court.

Section 6. Powers and Duties.

- (a) The Trial Court shall have the power to interpret the Constitution and laws of the Tribe, including the power to declare laws of the Tribe unconstitutional. The Trial Court shall have the power to make findings of fact and conclusions of law. The Trial Court shall have the power to issue all remedies in law and in equity.
- (b) The High Court shall have the power to interpret the Constitution and laws of the Tribe, including the power to declare laws of the Tribe unconstitutional. The High Court shall have the power to make conclusions of law. The High Court shall have the power to issue all remedies in law and in equity.
- (c) The Trial Court and the High Court shall be courts of record.

Section 7. Compensation. Judges and Justices shall receive reasonable compensation as determined in an approved budget. No increase or decrease in compensation of a Judge or Justice shall take place until after the next General Election.

ARTICLE X – ELECTIONS

Section 1. Election Commission. All elections shall be conducted and administered by the Election Commission. The Election Commission shall be comprised of at least three Commissioners who shall conduct all elections in a fair and impartial manner. Commissioners may receive reasonable compensation as determined in an approved budget. No increase or decrease in compensation of a Commissioner shall take place until after the next General Election. Commissioners shall be nominated and selected at a General Citizenship Meeting held in March by a vote of the people attending the meeting; provided that the persons selected are present at the meeting. Each Commissioner shall serve a three-year term of office. A vacancy on the Election Commission shall be filled at the next General Citizenship Meeting.

Section 2. Voters. All enrolled citizens of the Tribe age eighteen or older shall be entitled to vote in an election.

Section 3. Elections. There shall be a General Election held on the fourth Saturday in October in odd numbered years. A Special Election shall be held when called for by the Constitution or by law. The Election Commission shall certify all elections within seventy-two hours of the close of the polls.

Section 4. Candidates for Elective Office. Candidates for elective office shall be required to file a written application to run for office confirming that they meet the qualifications for the respective offices. A candidate shall not seek more than one elective office in the same election. Upon request, the Election Commission shall provide a candidate with a list of names and addresses of the voters of the Tribe for the candidate to use exclusively for election purposes.

Section 5. Oath of Office. The Oath of Office shall be administered to newly elected officials on the second day of January after an election. The Oath of Office administered to officials who serve in elected positions shall include a requirement to uphold the Constitution of the Tribe.

Section 6. First Election. The First Election for Chief, Assistant Chief, and seven Council Representatives under this Constitution shall be held in October 2023. Officials of the Tribe in office at the time of the adoption of this Constitution shall remain in office until the First Election is held and the results are certified. All officials elected to office in the First Election shall receive the oath of office on January 1, 2024. In the First Election, the Chief and Assistant Chief shall be elected to four-year terms of office, the candidates for Representatives receiving the highest number of votes, the second highest number of votes, and the third highest number of votes shall be elected to four-year terms of office, the candidates for Representatives receiving the fourth, fifth, and sixth highest number of votes shall be elected to two-year terms of office, and the candidate receiving the highest number of votes for at-large Representative shall be elected to a two-year term of office. After the completion of the First Election, the Chief, Assistant Chief, and all Representatives shall be elected to serve four-year terms of office.

ARTICLE XI - VACANCIES

Section 1. Vacancy in the Office of Representative. If a vacancy occurs in an Office of Representative, then the Council shall appoint a qualified interim Representative who shall have the full authority of a Representative and shall serve until the next General Election; provided, that if the Council does not fill the vacancy within thirty days, then the Chief shall make the appointment. A person selected to fill a vacancy in an office of Representative shall serve for the remainder of the unexpired term.

Section 2. Vacancy in the Office of Chief. A vacancy in the Office of Chief shall be filled by the Assistant Chief for the remainder of the unexpired term.

Section 3. Vacancy in the Office of Assistant Chief. A vacancy in the Office of Assistant Chief shall be filled by the Speaker of the Council who shall serve for the remainder of the unexpired term.

Section 4. Vacancy in Both the Office of Chief and Office of Assistant Chief. If both the Office of Chief and Office of Assistant Chief are vacant at the same time, then the Speaker of the Council shall serve as the Chief for the remainder of the unexpired term.

Section 5. Vacancy in an Office of Judge or Justice. A vacancy in an Office of Judge or Justice shall be filled upon nomination by the Chief of a qualified person, subject to confirmation by the Council, and final installation into office by the Chief.

ARTICLE XII – RECALL AND REMOVAL FROM OFFICE

Section 1. Removal of the Chief, Assistant Chief, and Representatives. Three or more Representatives shall have the power to initiate the process to remove the Chief, Assistant Chief, or a Representative from office for gross misconduct or gross neglect of duty. The accused shall be provided a written notice of the charges and be given an opportunity to prepare and present a defense. The accused shall have the ability to present witnesses and other evidence at a public hearing. No more than one official shall be subject to removal under this Section at a time. If five or more Representatives support the decision to seek the removal of the accused from office, the accused shall stand for re-election in a Special Election held within sixty days of the decision by the Council. A two-thirds majority of the votes cast at the Special Election shall be required to remove an official from office; provided, that at least thirty percent of the voters cast a ballot in the Special Election. An official who is removed from office shall not be eligible to run for re-election until a period of four years has elapsed from the date of the certification of the Special Election.

Section 2. Recall of the Chief, Assistant Chief, and Representatives. The Chief, Assistant Chief, and Representatives shall be subject to removal from office by a recall vote in a Special Election called by a written petition signed by at least thirty percent of the voters of the Tribe. A separate petition shall be utilized for each official subject to recall and no more than two officials shall be subject to recall at a Special Election at the same time. No recall petition shall be circulated until

a period of one year has elapsed from the first date of assuming office. The Chief and Assistant Chief shall not be subject to recall at the same time. A two-thirds majority of the votes cast at the Special Election shall be required to recall an official from office. An official who is recalled from office shall not be eligible to run for re-election until a period of four years has elapsed from the date of the certification of the Special Election.

Section 3. Removal of a Judge or Justice while in Office. A Judge or Justice who is convicted of a felony while in office shall no longer be eligible to serve. A Judge or Justice may be removed for gross misconduct or gross neglect of duty by the Council and Assistant Chief. The Council shall provide the accused with a written notice of the charges and provide the accused the opportunity to prepare and present a defense to the charges including presenting witnesses and other evidence at a public hearing. A Judge or Justice shall be removed from office upon approval by seven Representatives voting in support of removal, subject to final approval by the Assistant Chief.

ARTICLE XIII – SOVEREIGN IMMUNITY

Section 1. Sovereign Immunity. The Tribe shall possess Sovereign Immunity. Nothing in this Constitution shall be deemed to waive Sovereign Immunity from suit. Only the Council and Chief may authorize a waiver of Sovereign Immunity by law enacted in accordance with the Legislative Process. Any authorization by the Council to waive Sovereign Immunity shall be specific, for a limited scope and duration, and in writing.

Section 2. Immunity from Suit by Parties Outside the Jurisdiction of the Tribe. The Tribe and its Officials and Employees acting in their official capacity, or within the scope of their authority, shall be immune from suit brought by any party not subject to the Jurisdiction of the Tribe except to the extent waived by law.

Section 3. Immunity from Suit by Parties Within the Jurisdiction of the Tribe. The Tribe and its officials and employees acting in their official capacity, or within the scope of their authority, shall be immune from suit, except for suits in equity filed exclusively in the Judicial branch by any party subject to the Jurisdiction of the Tribe, to enforce rights and duties established by law or the Constitution. Any citizen of the Tribe may bring a suit exclusively in the Judicial branch to enforce the terms of the Constitution regardless of any requirements to demonstrate standing or particularized harm. Sovereign Immunity shall not extend to officials and employees acting outside their official capacity, or beyond the scope of their authority.

ARTICLE XIV – INITIATIVE AND REFERENDUM

Section 1. Popular Vote. The citizens of the Tribe reserve the right to require a popular vote on any law or proposed law by binding Referendum or Initiative.

Section 2. Initiative. Upon receipt of a petition in writing signed by at least twenty-five percent of the voters of the Tribe, any proposed law or resolution shall be submitted by the Election Commission within sixty days to an election in which the voters shall, by majority vote, decide whether the law or resolution shall thereafter be in effect; provided, that an Initiative seeking the

expenditure of funds shall be prohibited.

Section 3. Referendum. Upon receipt of a petition in writing signed by at least twenty-five percent of the voters of the Tribe, any enacted law, resolution, or budget shall be submitted by the Election Commission within sixty days to an election in which the voters shall, by majority vote, decide whether the law, resolution, or budget shall thereafter be in effect.

Section 4. Procedures. Upon request, the Election Commission shall issue official, dated petition forms to a Petitioner along with a list of names and addresses of the voters of the Tribe. The Petitioner shall have sixty days to collect the requisite number of signatures on the petition.

ARTICLE XV – AMENDMENTS

Section 1. Requests to Amend the Constitution. The People reserve the power to call a Special Election to amend the constitution by petition signed by twenty-five percent of the voters of the Tribe. The Council and Chief shall have the power to call a Special Election to amend the Constitution upon a unanimous vote of seven Representatives and signature by the Chief. The Election Commission shall call and hold a Special Election to amend the Constitution within ninety days of receipt of a request to amend the Constitution.

Section 2. Requirements to Amend the Constitution. The Constitution may be amended by a majority vote of voters in a Special Election; provided, that at least thirty percent of the voters cast a ballot in the Special Election. An amendment approved by the voters shall become effective immediately unless otherwise indicated in the amendment.

ARTICLE XVI – BUSINESS AND ECONOMIC DEVELOPMENT

Section 1. Business Entities. The Tribe shall conduct business and economic development activities through a business entity or entities created by the Council by law, which shall be located within the Executive branch of government, unless otherwise authorized by the Council by law. Each business entity shall have at least a three-member Board of Directors, nominated by the Chief and subject to confirmation by the Council. A business entity created by the Council by law shall not be authorized to waive the sovereign immunity of the Tribe without express authorization by law.

ARTICLE XVII – EFFECTIVE DATE

The Constitution and By-Laws of the Upper Mattaponi Indian Tribe dated April 2016 shall be superseded and replaced by the Constitution, which shall be effective upon approval by the voters of the Tribe. All of the existing laws of the Tribe shall remain in full force and effect unless such laws are deemed inconsistent with the Constitution by the Judicial branch of government.

CERTIFICATE OF RESULTS OF ELECTION

Special Election – New Constitution

Upper Mattaponi Tribe

July 22, 2023

Pursuant to a Special Election authorized by the Tribal Council on May 3, 2023, the new Constitution of the Upper Mattaponi Tribe was submitted to the voters of the Tribe on July 22, 2023, and was ratified by a vote of 48 YES, and 12 NO, with 16 cast ballots found spoiled or invalid.

DATE: July 24, 2023

 7/24/23
Jennifer Hicks, Election Board Member
Upper Mattaponi Tribe

 07/24/23
Kathryn Soule, Election Board Member
Upper Mattaponi Tribe

 7/24/2023
Owen Adams, Election Board Member
Upper Mattaponi Tribe



Signed this 24th day of July, 2023
in the county of King William, Va.
Wilma D. Hicks