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CONSTITUTION OF THE CATAWBA INDIAN NATION

Revised

October 10, 2002

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3 CONSTITUTION OF THE CATAWBA INDIAN NATION  
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5 Preamble  
6

7 Article I: Territory, Jurisdiction, and Supremcy [Sic. Supremacy]  
8

9 Section 1.1 -- Description of Territory and Jurisdiction

10 Section 1.2 -- Statement of Supremacy  
11  
12

13 Article II: Membership  
14

15 Section 2.1 -- Membership of the Catawba Indian Nation of South Carolina

16 Section 2.2 -- Terms and Conditions for Changes to the Roll  
17  
18

19 Article III: Civil Rights  
20

21 Section 3.1  
22  
23

24 Article IV: Government  
25

26 Section 4.1 -- Type of Government and Separation of Powers

27 Section 4.2 -- Executive Committee Qualifications

28 Section 4.3 -- Composition of Executive Committee

29 Section 4.4 -- Powers & Duties of Executive Committee

30 Section 4.5 -- Executive Committee Meetings

31 Section 4.6 -- Recording Secretary

32 Section 4.7 -- Judicial Court System  
33  
34  
35

36 Article V : Vacancies and Removal from Office

37 Section 5.1 Mandatory Declaration of Vacancies

38 Section 5.2 Failure to Attend Meetings

39 Section 5.3 Removal

40 Section 5.4 Filling Vacancies

41 Section 5.5 -- Oath Of Office  
42  
43  
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Article VI: General Council

Section 6.1 -- Definition of General Council

Section 6.2 -- Meetings and Vote of the General Council

Section 6.3 -- Agenda for General Council Meetings

Section 6.4 -- Procedures for Meetings

Section 6.5 -- Powers of the General Council

Section 6.6 -- Visitation on the Reservation

Section 6.7 -- Reservation Home Site Application

Article VII: Official Records of the Catawba Indian Nation

Section 7.1 -- Description and Deposition of Records

Article VIII: Elections

Section 8.1 -- Administration and Elections

Section 8.2 -- Voting Age

Section 8.3 -- Voting Requirements

Article IX: Amendments

Section 9.1 -- Process

Article X: Initiative and Referendum

Section 10.1 Initiative

Section 10.2 Referendum

Section 10.3 Procedures

Article XI: Adoption of Constitution

Section 11.1 -- Process for Adoption of Constitution

Section 11.2 -- Procedures to Follow Adoption

Certification of Adoption.

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3 **Preamble**  
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6 We, the people of the Catawba Indian Nation of South Carolina, a federally recognized sovereign  
7 Indian Nation (hereinafter "The Catawba Indian Nation" or "Nation"), in order to establish an  
8 effective tribal government, to improve our social and economic welfare, to preserve our lands and  
9 cultural identity and to secure the benefits of organization for ourselves and our posterity, do hereby  
10 proclaim and establish this Constitution of the Catawba Indian Nation. In doing so we affirm our  
11 existence as a self-governing Nation since time immemorial. The people of the Catawba Indian  
12 Nation, desiring to reaffirm our claim to the sovereign rights, which are common to all Native  
13 Americans who share the heritage of freedom, proclaim this Constitution as a statement of the  
14 principles of government, which shall guide our future and by which we will exercise our powers of  
15 self-government for our common welfare. Preserve, secure, and exercise all the inherent sovereign  
16 rights and powers of an Indian Nation.  
17

18  
19 **Article I - Territory, Jurisdiction, and Supremcy** [Supremacy]  
20

21 **Section 1.1 Description of Territory and Jurisdiction**

22 Our homelands, which sustained the lives of our forebearers', and to which they and we have  
23 returned for refuge and rest, lie generally throughout the Southeastern United States and particularly  
24 Within the region now known as the State of South Carolina. The jurisdiction of the Catawba Indian  
25 Nation shall be the lands held in trust by the Secretary of Interior, for the use and benefits of its  
26 members. Nothing in this article shall be construed to limit the ability of the tribe to exercise its  
27 jurisdiction, based upon its inherent sovereignty as an Indian Nation.  
28  
29

30 **Section 1.2 Supremacy**  
31

32 This Constitution is the supreme law of the Catawba Indian Nation of South Carolina.  
33  
34  
35

36 **Article II - Membership**  
37

38 **Section 2.1 The Membership of the Catawba Indian Nation of South Carolina shall consist of:**

- 39 (a) All persons of Catawba blood whose names appear on the tribal roll of July 24, 2000 as recognized  
40 by the Bureau of Indian Affairs and the U.S. Department of Interior.  
41 (b) All children of blood descent born to any enrolled member of the Catawba Indian Nation.  
42

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2 **Section 2.2 Terms and Conditions for Changes to the Roll**

3 (a) The General Council shall have the power to pass ordinances covering future membership of the  
4 Catawba Indian Nation.

5 (b) The membership of the Catawba Indian Nation shall from time to time be adjusted to reflect the  
6 births, deaths, and omissions.

7 (c) The Roll Coordinator in conjunction with the Secretary/Treasurer will present their requests along  
8 with supporting documents to the Executive Committee for review. When the Executive Committee is  
9 satisfied with the documents provided; then the roll changes shall be made.

10 (d) Supporting documents that could be used for proof are a genealogy lineal descent form, long form  
11 birth certificate (listing who parents are), notarized sworn statement, or blood test if required, and death  
12 certificates as required.

13

14

**Article III: Civil Rights**

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16 **Section 3.1 Incorporation of the Indian Civil Rights Act:**

17 The Catawba Indian Nation hereby incorporates by reference in Public Law 90-284 (codified at 25  
18 U.S.C. 1301 - 1303, 1968 as amended) and otherwise known the Indian Civil Rights Act.

19 The Catawba Indian Nation also reserves unto itself and its members the right to exercise the  
20 traditional rights and privileges of members of this Nation, which are not in conflict with other  
21 provisions of this Constitution.

22

23

24

**Article IV: Government**

25

26 **Section 4.1 Type of Government and Separation of Powers:**

27 The governing bodies of the Catawba Indian Nation are the General Council (when in session), and  
28 the Executive Committee subject to the constraints of this Constitution. No branch shall exercise the  
29 powers of the other or have authority over the other except as may be granted by this Constitution.

30 The General Council shall be composed of those members on the Tribal Rolls who are 18 years of  
31 age or older on the day of the meeting or elections.

32

33

34 **Section 4.2 Executive Committee Qualifications:**

35 To run for office a person must be at least 25 years of age, a member in good standing with the  
36 Catawba Indian Nation, be able to pass a criminal background check, complete and pass a drug  
37 screening test, be bondable and never convicted of a felony crime punishable by more than 1 year in  
38 prison unless they have received a complete pardon.

39

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2 **Section 4.3 Composition of Executive Committee**

3 (a) The Executive Committee shall consist of a Chief, Assistant Chief, Secretary/Treasurer and  
4 Four (4) Council/Committee Members who are elected by secret ballot of the General Council.

5 (b) To be eligible to vote, a member must be 18 years of age and on the Tribal Roll at the time of  
6 the election.

7 (c) At the initial election to be held after the ratification of this Constitution, the positions of Chief  
8 and Secretary/Treasurer and the two Committee members with the highest vote totals will be  
9 elected to a four-year term. The positions of the Assistant Chief and two other Committee  
10 members receiving the second highest vote totals will be for a Two (2) year term initially.

11 (d) At each subsequent election the terms of office shall be four years.

12 (e) Individuals are elected for four year, staggered, terms with no more than Four individuals  
13 being voted upon at any given time. In the event of a vacancy during their term an election would  
14 be held in accordance with the rules deemed in the constitution. Their terms shall be only for the  
15 duration of the term of vacancy that is being filled.

16 (f) These elected individuals shall represent the Tribe in all business matters and public relations.

17 (g) When the Executive Committee is in session, each Committee Member shall have one equal  
18 vote. The Chief shall cast a vote only in case of a tied vote.

19 (h) The Chief, or Assistant Chief in his or her absence, shall be the official spokesperson for the  
20 tribe.

21 (i) Each elected official can serve for only two (2) consecutive terms (8 years total) per position.  
22 They must skip a term in order to run for that same position again.

23

24

25 **Section 4.4 Powers and Duties of the Executive Committee**

26  
27 The Executive Committee shall have all powers vested in the tribe through its inherent sovereignty  
28 or federal law. It shall execute these powers in accordance with established customs of the tribe and  
29 subject to the expressed limitations contained within the constitution or other applicable laws. These  
30 powers include but are not limited to the following:

31 (a) The Executive Committee shall execute and carry out the laws and ordinances of the Nation as  
32 enacted by the General Council and the Executive Committee shall exercise any authority delegated  
33 to the Executive Committee by the General Council not already contained in this Constitution.

34 (b) The Executive Committee shall prepare and administer plans concerning any management and  
35 investments of the assets of the Nation.

36 (c) The Executive Committee shall prepare and adopt an annual operating budget for the Nation. It  
37 will present such budget information at the July meeting of the General Council. It shall update the  
38 information at the January meeting of the General Council and report on compliance with the  
39 budget.

40 (d) The Executive Committee shall negotiate and enter into contracts and other agreements with  
41 all Federal, State, and Local Governments on behalf of the Nation.

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2 (e) The Executive Committee shall apply for and accept grant funding on behalf of the Nation.  
3 (f) The Executive Committee shall conduct all routine daily business that is necessary to  
4 operate an efficient and effective government on behalf of the tribal membership. This shall  
5 include, but not limited to the hiring and firing of personnel, the contracting for goods and service  
6 as needed to conduct business for the Nation.  
7 (g) The Executive Committee is responsible for establishing written policies to be used in all tribal  
8 businesses and entities. These policies will establish guidelines for the hiring and firing of personnel.  
9 These policies will allow tribal employees who are members of the Catawba Indian Nation their  
10 right under the Indian Civil Rights Act.  
11 (h) The Executive Committee shall enforce all laws and ordinances of the General Council and the  
12 Executive Committee; as well as adopting and implementing all appropriate policies and procedures  
13 governing financial, fiscal, personnel, and purchasing matters.  
14 (I) The Executive Committee shall have the right to issue bonds as provided by the Internal Revenue  
15 Codes.  
16  
17

18 **Section 4.5 Executive Committee Meetings:**

19 Meetings will be held weekly and at any other time as called for on special occasions. At the 2nd  
20 meeting of each month, at least one (1Hr.) shall be open to any members of the Tribe to present  
21 their opinions on tribal issues to the Executive Committee. Any member wishing to address will  
22 notify the Secretary at least 48 hours prior to the meeting. The Executive Committee reserves the  
23 right to meet on issues in closed session when it pertains to personnel and other confidential matters.  
24 The Executive Committee reserves the right to forgo weekly meetings upon extenuating  
25 circumstances, travel, meetings or other business activity, or the lack of business issues to be  
26 discussed.  
27

28 **Section 4.6 Recording Secretary:**

29 The Executive Committee shall have the right to appoint a Recording Secretary. This person shall  
30 have no voting powers in Executive Committee meetings. It is the responsibility of the Recording  
31 Secretary to record and transcribe the minutes of the Executive Committee Meetings and the General  
32 Council Meetings. The minutes are the property of the Tribe and shall be kept in a secure and locked  
33 area at all times. The transactions are to be reduced to minutes and distributed at each Executive  
34 Committee meeting, affirming the accuracy of them, and recorded as official history and records of  
35 the Tribe. All the Executive Committee Member's votes will be by roll call and duly recorded by the  
36 Recording Secretary.  
37

38 **Section 4.6 [4.7] Judicial System:**

39 The General Council may adopt a Tribal Court System as allowed by law pursuant to Public Law  
40 03-116 in the Settlement Act of October 27, 1993.

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3 **Article V: Vacancies and Removals from Office**  
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5 **5.1 Mandatory Declaration of Vacancy:** In the event of death, resignation, permanent  
6 removal from Tribal service area, or removal of any member of the Executive Committee or  
7 any other elected official of the Nation from [office], or if such committee member or elected official is  
8 found guilty in any court of a felony involving dishonesty or moral turpitude, the Executive  
9 Committee shall declare the office of the Committee member to be vacant.  
10

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13 **5.2 Failure to Attend Meetings:** If a member of the Executive Committee fails to attend three  
14 consecutive regularly scheduled Executive Committee meetings, without good cause, illness  
15 or other cause beyond the control of the committee member, the Executive Committee shall by  
16 majority vote, declare the office held by the absent committee member to be vacant.  
17

18 **5.3 Removal:**

19 Any member of the Executive Committee found guilty of gross misconduct or gross neglect of  
20 duty shall be removed from the Executive Committee in the following manner:

21 (a) In the event that Fifteen percent (15%) of the voting age members of the Nation present a  
22 written complaint against an Executive Committee member, it will be presented to the General  
23 Council when in session, alleging that a member of the Executive Committee has engaged in  
24 conduct constituting gross misconduct or gross neglect of duty as defined in Section 4.3, together  
25 with supporting evidence of the truth of such allegations, the Executive Committee shall examine  
26 the complaint to determine its merits and its gravity.

27 (b) If upon such examination the complaint is determined sufficient on its face and is of a serious  
28 nature warranting further inquiry, the Executive Committee shall appoint a Hearing - Committee  
29 consisting of five members of the General Council who are not members of the Executive  
30 Committee or among the members of the nation filing the complaint.

31 (c) Within 45 days of its appointment, or such reasonable time as may be extended by the Hearing  
32 Committee, not to exceed 60 days, the Hearing Committee shall hold a public hearing in order  
33 to examine evidence related to the allegations and determine whether any further action is  
34

35 necessitated by the complaint. The hearing procedures shall be recorded and shall be conducted  
36 as an administrative hearing.

37 (d) The Executive Committee member having the complaint filed against them shall be provided  
38 30 days written notice of the date, place and time of the hearing together with a copy of the  
39 complaint.

40 (e) During the hearing the complaining parties shall designate a representative to present their case.  
41 The representative shall have the right to present testimony and other evidence relevant to the  
42 issue of whether the Executive Committee member being complained against should be removed  
43 from office and to cross-examine the accused, if the accused testifies and his witnesses and to  
44 otherwise rebut the evidence presented by the accused.



1 (f) During the hearing the Executive Committee member being complained against shall have the  
2 right to be represented by a person of his own choosing and at his own expense to confront his  
3 accusers, to present testimony and other evidence relevant to the question of he should be  
4 removed from office and to cross-examine the witnesses and to rebut the evidence presented by the  
5 complaining parties.  
6 (g) Within fifteen days of the conclusion of the hearing, the Hearing Committee shall file a written  
7 report with the Executive Committee summarizing its findings and conclusions recommending a  
8 dismissal of the complaint or removal from office of the Executive Committee member  
9 complained against. Upon submittal of the report the work of the Hearing Committee shall be  
10 completed and the committee shall immediately be dissolved.  
11 (h) Upon receipt of the Hearing Committees' report the Executive Committee shall meet  
12 in Executive session to consider the report and act on its recommendations. The Executive  
13 Committee shall act on the hearing report by voting to remove Executive Committee member  
14 complained against from office, if this is the recommendation of the Hearing Committee. Any  
15 vote to dismiss the complaint or to remove the guilty Executive Committee member from office  
16 must be by a majority vote. Following any vote for removal, the Executive Committee shall  
17 immediately enact a resolution declaring the office of the Executive Committee member  
18 complained against to be vacant.  
19 (i) Filling Vacancies: Any vacancy in the Executive Committee resulting from application of the  
20 above provisions of this constitution, Section 4.3 a), b) or c), or for any other cause shall be filled  
21 for the remainder of the term of the vacant office by the procedures of election to that office.  
22

23 **Section 5.4 Oath of Office:**

24 Each elected official of the Nation, prior to assuming the duties of their office, must take the  
25 following Oath of Office before the General Council.  
26 "I, \_\_\_\_\_, do solemnly swear (affirm); that I will support, defend, uphold, and  
27 enforce the Constitution of the Catawba Indian Nation and that I will faithfully and impartially fulfill  
28 the duties of my office to the best of my abilities while always seeking to promote and protect the  
29 best interest of the Catawba Indian Nation and its people, so help me God."  
30 The Oath will be administered by the Chief or Assistant Chief.  
31  
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34 **Article VI: General Council**

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36 **Section 6.1 Definition of The General Council:**

37 The General Council shall be comprised of all members of the Catawba Indian Nation who are of  
38 qualified voting age (18 years of age) on the day of a legally called General Council meeting.  
39

40 **Section 6.2 Meetings and Votes of the General Council:**

41 41 These meetings shall be scheduled in the months of January and July. At that time the Executive  
42 42 Committee shall make reports on the status of the Nation and discuss any general business matters.

1 Recommendations for future topics of business or matters to be voted upon may be made from the  
2 floor of the General Council, seconded from the floor, and placed on the agenda for the next  
3 meeting. All General Council meetings will be chaired by the Chief, in His or Her absence by the  
4 Assistant Chief or other elected officials as called upon or deemed required. The election of officials  
5 shall always be by secret ballot. Except as otherwise provided in the Constitution, all general votes  
6 taken by the General Council shall be decided by a simple majority provided a quorum is present at  
7 the time of the vote. A quorum shall consist of Fifteen (15)% of the eligible voters.  
8  
9

10 **Section 6.3 Agenda for General Council Meetings:**

11 (a) The agenda for meetings of the General Council shall be set by the Executive Committee and  
12 include time for discussion for any old business and new business. The agenda shall be  
13 posted in all tribal government offices and made available for pickup in these offices at least  
14 twenty-one (21) days in advance of the General Council meeting.

15 (b) Copies of the proposed agenda will be mailed upon request from individual members.

16 (c) Suggested topics of discussion may be presented or submitted to any Executive Committee  
17 member thirty (30) days prior to the scheduled General Council meeting.

18 (d) All minutes from the last General Council meeting must be read, and/or amended and  
19 approved at the beginning of every General Council meeting. The minutes will be approved by  
20 a majority show of hands.  
21  
22

23 **Section 6.4 Procedure for Meetings:**

24 Meetings of the General Council shall be governed by Robert's Rules of Order at all times.  
25 The Executive Committee may appoint with the approval of the General Council a Parliamentarian  
26 to facilitate meetings.  
27  
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29 **Section 6.5 Powers of the General Council:**

30 (a) The General Council retains all powers not herein delegated to the Executive Committee.  
31

32 (b) The General Council retains unto itself the right to propose legislation and amendments, which  
33 do not conflict with the powers and duties of the Executive Committee as provided by this  
34 Constitution.

35 (c) The General Council shall receive reports and information from the Executive Committee at the  
36 Jan. and July meetings on plans concerning management, potential economic planned ventures and  
37 investments of the assets of the Nation and the progress of the plans for Economic Development.

38 (d) The General Council shall approve or disapprove the appointment of the members of the Election  
39 Board nominated by the Executive Committee.

40 (e) The General Council must vote on any amendments to the Constitution, under the procedures of  
41 Article 9.

1 (f) Special call meetings of the General Council can be called by a petition of fifteen (15%) of the  
2 voting age members of the tribe. All petitions will be verified as to the validity of the named  
3 petitioners. The special meeting will be held within 15 days of verification. The date, time, and  
4 place of the meeting shall be announced by the Chief.  
5 The Chief can call for special meetings at any time as he or she deems necessary.  
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7

8 **Section 6.6 Visit on the Reservation:**

9 Visitors to the Catawba Indian Nation are subject to the Constitution, By - Laws and Resolutions of  
10 the Catawba Indian Nation. Authority of enforcement is vested in the Executive Committee to  
11 uphold the laws of the Catawba Indian Nation.  
12  
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14 **Section 6.7 Reservation Home Site Application:**

15 Reservation land can be claimed and utilized by tribal members after completing an application to  
16 the Executive Committee for the purpose of home sites for families. Members must furnish proof of  
17 eligibility.  
18  
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20 **Article VII: Official Records of the Catawba Indian Nation**  
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22 **Section 7.1 Description and Deposition of Records:**

- 23 (a) The official records and written history of the Catawba Indian Nation shall be kept in a location  
24 designated by the Executive Committee and made known to the General Council; this is to include  
25 all former records.  
26 (b) A copy of these records should also be kept in a second location in the case of fire, theft, or  
27 weather related hazards.  
28 (c) These records are the property of the Catawba Indian Nation, accessible to all tribal members  
29 upon written request, and after the information request form has been completed. These will become  
30 records for the Tribe.  
31 (d) These records include, but not limited to, all minutes, statements, records, and ballots of the  
32 governing bodies of the Tribe. To see or view these records a written request must be made to the  
33 Secretary/Treasurer office, and all public records will be provided upon request.  
34 (e) No confidential information on another tribal member shall be divulged at any time.  
35  
36

37 **Article VIII: Elections**  
38

39 **Section 8.1 Administration of Elections:**

1 The Executive Committee with the approval of the General Council shall establish an Election Board  
2 for conducting all elections. This Board will be charged with conducting the election, filing  
3 procedures, voter registration, providing notices to eligible voters of the election and the counting of  
4 all votes. The Election Board shall be responsible for developing an Election Ordinance, which will  
5 be presented to the Executive Committee for final approval. The ordinance must provide for voting  
6 to occur over a two day period, with the voting polls open for twelve hours each day. The members  
7 of the Board shall serve a term of two (2) years.  
8  
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10 **Section 8.2 Voting Age:**

11 All members of the Catawba Indian Nation who are at least 18 years of age on the voting date and  
12 are either base enrolled of a lineal descendant of a base enrollee shall be an eligible voter.  
13

14 **Section 8.3 Voting Requirements:**

- 15 (a) All eligible tribal members must present an identification card (tribal identification card or  
16 current validate drivers license) prior to voting and their names will be verified as being on the final  
17 base membership roll and checked off prior to voting.  
18 (b) Elections under the new adopted Constitution by the General Council shall use the July 24,  
19 2000 final base membership roll in determining whom is eligible to vote.  
20  
21

22 **Article IX: Amendments**  
23

24 **Section 9.1 Process:**

25 The Constitution and By - Laws of the Catawba Indian Nation may be amended by a majority vote  
26 of the General Council what at least thirty (30)% of the qualified voters are participating. Any vote  
27 of the General Council that involves an amendment of this Constitution shall only occur after at least  
28 thirty days written notice is given to all qualified members.  
29  
30

31 **Article X: Initiative and Referendum**

32 **Section 10.1 Initiative**  
33

34 The Executive Committee shall submit any proposed ordinance or resolution, except those regarding  
35 land, housing or the adoption of tribal members. An initiative petition requires at least thirty percent  
36 (30%) of the eligible voters of the tribe or upon the request of the majority members of the Executive  
37 Committee. The initiative election shall be held within sixty (60) days after receipt of the qualifying  
38 number petition signatures or at the Executive committee's request. The vote of the majority of the  
39 eligible voters shall decide whether the proposed ordinance or resolution should therefore be in  
40 effect, provided, that at least thirty percent of the eligible shall vote in such initiative.  
41

1 **Section 10.2 Referendum:**

2  
3 The Executive Committee shall submit any enacted ordinance, resolution or other official action of  
4 the Executive Committee, except those regarding land, housing or the adoption of tribal members, to  
5 popular referendum upon petition of at least thirty percent (30%) of the eligible voters of the tribe or  
6 upon the request of the Executive Committee. The referendum election shall be held within sixty  
7 (60) days after the receipt of the qualifying number of petition signatures. The majority of the  
8 eligible voters in such a referendum shall decide whether the enacted ordinance, resolution or other  
9 official action shall therefore be in effect provided that at least thirty percent (30%) of the eligible  
10 voters shall vote in such a referendum.

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15 **Section 10.3 Procedures**

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17 Initiative and referendum elections shall be conducted by the election board and shall be held in  
18 accordance with the provision of an election ordinance which shall include a section on initiative and  
19 referendum procedure.  
20

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24 **Article XI: Adoption**

25  
26 **Section 11.1 Process for adoption of Constitution:**

27 The Constitution of the Catawba Indian Nation shall be adopted by a majority vote of the General  
28 Council when at least thirty (30) % of the qualified voters are participating. Thirty (30) days prior to  
29 a vote on this constitution, all qualified members of the General Council shall receive a copy of the  
30 proposed Constitution for their review.  
31

32  
33 **Section 11.2 Procedure to Follow Adoption:**

- 34 (a) The results of the Constitution vote shall be certified, and the results announced at the next  
35 General Council meeting to be held within thirty days after the vote. The current members of the  
36 Executive Committee shall serve as leaders of the Tribe, fully subject to the terms of the  
37 constitution, until such time as an election is held in accordance with the Legislative Settlement of  
38 1993 and the Constitution and new Executive Committee members are installed in office.  
39 (b) Elections for a new Executive Committee shall be held no later than one hundred twenty (120)  
40 days after the adoption of a new constitution.  
41 (c) Ballots will designate the names of all candidates, the office for which they are running, and the  
42 terms for that office. This information shall be mailed at least 45 days prior to the election date.

1 The elected officials shall take office 30 days after the vote has been certified and they are dully  
2 sworn into office by outgoing officers.

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**CERTIFICATION OF ADOPTION**

6  
7 I, the undersigned Secretary/Treasurer of the Catawba Indian Nation's Executive Committee ,do  
8 hereby certify that this Constitution is a true and correct copy of the Constitution adopted for the  
9 Catawba Indian Nation by the General Council vote of \_\_\_\_\_ for, and \_\_\_\_\_ against, on the Month  
10 of \_\_\_\_\_, Date \_\_\_\_\_, Year \_\_\_\_\_.

11

12 \_\_\_\_\_ Secretary/Treasurer

13

14 Witnessed By the Following Executive Committee Members:

15 \_\_\_\_\_  
16 Chief

\_\_\_\_\_  
Assistant Chief

17 \_\_\_\_\_  
18 Executive Committee

\_\_\_\_\_  
Executive Committee

19