



CONSTITUTION AND BY LAWS OF
THE KICKAPOO TRIBE IN KANSAS

APPROVED DECEMBER 16, 2016

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OF THE KICKAPOO TRIBE IN KANSAS**

PREAMBLE

We, the people of the Kickapoo Tribe in Kansas in order to form a recognized representative council to handle our tribal affairs; in order to take advantage of the benefits of the Indian Reorganization Act of June 18, 1934, and in order to improve the economic condition of the members of the tribe, do establish this Constitution and By-laws.

ARTICLE I – TERRITORY

The jurisdiction of the Kickapoo Tribe in Kansas shall extend to the territory within the confines of the Kickapoo Reservation as defined under the Treaty of May 18, 1854 and to such other lands as may be hereafter added thereto under any law of the United States.

ARTICLE II – MEMBERSHIP

Section 1. The membership of the Kickapoo Tribe in Kansas shall consist of:

- (a) All persons of Indian Blood whose names appear on the official census roll of the Kickapoo Tribe in Kansas as of January 1, 1937, provided that within one year from the adoption and approval of Amendment No. 1 to this Constitution and By-laws corrections may be made in the said roll by the Tribal Council.
- (b) All children born during the period from January 1, 1937, the date of the census roll, to the effective date of Amendment No. 1, (August 20, 1960), to any member of the Kickapoo Tribe in Kansas who is a resident of the Reservation at the time of the birth of said children; provided that children born off the reservation during that period to any member of the Kickapoo Tribe in Kansas may be admitted to membership by a majority vote of the tribal members in general council.
- (c) All children of one-fourth degree or more of Kickapoo blood born on or after the effective date of Amendment No. 1, both of whose parents are members of the Kickapoo Tribe in Kansas.

Section 2. The Kickapoo Tribe in Kansas shall have the power to adopt persons of one-fourth degree or more Indian blood who are residing within the boundaries of the jurisdiction pursuant to Article 1 of this Constitution, and who are intermarried with members of the tribe, provided that such persons relinquish their membership in any other tribe.

Section 3. The Tribal Council shall have the power to make ordinances, governing the adoption of other persons of Indian blood, and governing future membership.

ARTICLE III – GOVERNING BODY

Section 1. The governing body of the Kickapoo Tribe in Kansas shall be the Tribal Council which shall be composed of seven members elected by the General Council. The Tribal Council shall consist of a Chairperson, Vice-Chairperson, Secretary, Treasurer and three additional elected members, at large by eligible voters of the General Council. The additional members are identified as Council Member One, Council Member Two and Council Member Three.

Section 2. The election of tribal council members shall be held on the second Saturday in September. The Chairperson, Treasurer and Council Member Two and Council Member Three will serve for three years following the first election. The Vice-Chairperson, Secretary and Council Member One will serve for two years following the first election. Thereafter, Tribal Council members elected shall serve for three year terms or until their successors are elected and installed in office.

- (a) After approval of the revision(s), and beginning with the first election following approval of these revision(s), the Tribal Election Board shall give notice of the Tribal Council election and within ninety (90) days thereafter shall conduct an election for members of the first Tribal Council under these revision(s). The Tribal Election Board shall make the necessary regulations in conformity with these revision(s) for the first election. Any qualified member of the Kickapoo Tribe in Kansas who desires that his or her name be placed on the ballot as a candidate for the office of Chairperson, Vice-Chairperson, Secretary, Treasurer, or Council Member One, Two, or Three shall file a declaration of candidacy with the Tribal Election Board for the first election under these revision(s) showing his or her name and the office for which he or she desires to become a candidate. Such declaration must be filed at least sixty (60) days prior to the election date.
- (b) Conduct of all elections after the first election under these revision(s) shall be pursuant to the provisions of this Constitution and the tribal election ordinance.
- (c) All ballots from the polling place will be counted following the closing of the polling place.

Section 3. At the first meeting following the election, the incoming Tribal Council will organize for business by appointing, from members of the Tribal Council or of the General Council, committees or boards as it may deem necessary. Eligibility for membership on such boards and committees shall be consistent with those requirements outlined in Article III, Section 5.

Section 4. All members of the tribe who are 21 years of age or over shall be qualified voters in General Council meetings and tribal elections.

Section 5.

- (a) A person must be an enrolled member of the Kickapoo Tribe in Kansas to qualify as a candidate for a position on the Tribal Council.
- (b) A person must be 25 years or older, and be available to fulfill the duties of office to qualify for the positions of Chairperson, Vice-Chairperson, Secretary, Treasurer, or Council Member One, Two, or Three, on the Tribal Council.
- (c) A person must be eligible to be bonded.
- (d) No individual may qualify for more than one position at any election.
- (e) If there are any positions on the Tribal Council which are vacant due to lack of candidates, those positions shall be considered vacant and filled in accordance with Article IV, Section 3.
- (f) Members of the Kickapoo Tribe in Kansas convicted of a felony are ineligible for candidacy.

ARTICLE IV – VACANCIES AND REMOVAL OF COUNCILPERSONS

Section 1. Upon a petition signed by 30 percent of the qualified voters of the General Council stating a complaint against a member of the Tribal Council and asking for his or her recall, the Tribal Council shall call a meeting of the General Council to vote on whether or not the Councilperson shall be recalled. At such meeting the accused Councilperson shall be given an opportunity to speak in his or her own defense. If such Councilperson is recalled, the General Council shall proceed to elect a person to fill the unexpired term.

Section 2. The Tribal Council may by a vote of five of its members remove a Councilperson for neglect of duty or misconduct in office, after giving such Councilperson notice of the charge and an opportunity to be heard.

Section 3. Vacancies in the Tribal Council caused by removal, death or resignation shall be filled by election except when there is less than six (6) months remaining in the term, the Tribal Council by majority vote shall appoint a member of General Council who qualifies pursuant to Article III, Section 5. Such appointee shall serve in the vacated position for the unexpired term.

Section 4. Any Tribal Councilperson convicted of a felony, while in office, shall be ineligible to serve the remainder of his or her term in office. Upon receipt of evidence that a Tribal Councilperson has been convicted of a felony, the Tribal Council shall hold a hearing and the accused Councilperson shall be afforded an opportunity to show cause why his or her position on the council should not be declared vacant. The only defense shall be that the Councilperson was, in fact, not convicted of a felony.

ARTICLE V – POWERS OF THE TRIBAL COUNCIL

Section 1. Enumerated Powers – The Tribal Council of the Kickapoo Tribe in Kansas shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States;

- (a) To negotiate with the Federal, State, and local governments;
- (b) To employ legal counsel;
- (c) To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the Tribal Council;
- (d) To make and enforce ordinances, providing for the manner of making, holding and revoking assignments of tribal land or interests therein;
- (e) To provide for the levying of taxes and the appropriation of available tribal funds for public purposes of the Kickapoo Tribe in Kansas;
- (f) To lease tribal land in accordance with law;
- (g) To regulate the procedure of the Council itself and other tribal agencies and of tribal meetings and elections;
- (h) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards, committees, or officials of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power;
- (i) To govern the conduct of Indians on the reservation; and to provide for the maintenance of law and order and the administration of justice by establishing appropriate courts on the reservation and defining their duties and powers. All codes and ordinances will be enacted by the Tribal Council.

Section 2. Future Powers – The Tribal Council may exercise such further powers as may in the future be delegated to the Council by any member of the tribe.

Section 3. Reserved Powers – Any rights and powers heretofore vested in the Kickapoo Tribe in Kansas but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Kickapoo Tribe in Kansas through the adoption of appropriate By-Laws and constitutional amendment(s).

ARTICLE VI – REFERENDUM

Section 1. Upon petition by 30 percent of the qualified voters of the General Council protesting any action of the Tribal Council, the Tribal Council shall call a special meeting of the tribe to vote on whether the action of the Tribal Council shall be vetoed or upheld. The action of the General Council shall be final.

ARTICLE VII – AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose.

BY-LAWS OF THE KICKAPOO TRIBE IN KANSAS

ARTICLE I – DUTIES OF OFFICERS

Section 1. Chairperson of the Tribal Council – The Chairperson shall preside over all meetings of the Council and of the tribe, and shall perform the usual duties of a Chairperson, and exercise any authority delegated to him or her by the Council.

Section 2. Vice-Chairperson of the Tribal Council – The Vice-Chairperson shall assist the Chairperson when called upon to do so and in the absence of the Chairperson he or she shall preside. When so presiding, he or she shall have all the rights, privileges and duties as well as the responsibilities of the Chairperson.

Section 3. Secretary of the Tribal Council – The Secretary shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at Tribal Council meetings. All records of the Secretary are subject to review by the General Council and can be copied during normal business hours.

Section 4. Treasurer of the Tribal Council – The Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the care of the Council. He or she shall deposit all funds in such depository as the Tribal Council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his or her possession and custody, at such times as are requested by the Tribal Council. He or she shall not pay out or otherwise disburse any funds in his or her possession or care except in accordance with a resolution duly passed by the Tribal Council. When in the opinion of the Tribal Council, sufficient funds have accumulated to the Tribal Council Treasury to make it advisable to bond the Treasurer; the Treasurer shall be required to give a bond satisfactory to the Tribal Council.

ARTICLE II – MEETINGS

Section 1. Regular meetings of the Tribal Council shall be held in October, January, April, and July on such date and at such place as may be designated by the Tribal Council, and at such other regular times as the Council may decide. Special meetings of the Council may be called by the Chairperson at any time.

Section 2. Five members of the Tribal Council shall constitute a quorum.

Section 3. The Tribal Council shall call a regular meeting of the General Council in January and June of every year at which meeting the Council shall report its activities in the preceding six months and take up matters of general tribal interest. Special meetings of the tribe in addition to those required under the Constitution may be called at the discretion of the Tribal Council.

Section 4. Twenty-five qualified voters of the tribe shall constitute a quorum at any General Council meeting.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved December 18, 1936, by the Secretary of the Interior, the attached Constitution and By-Laws was submitted for ratification to the Kickapoo Tribe of the Kickapoo Reservation in Kansas, and was on January 23, 1937, duly ratified by a vote of 70 for, and 8 against, in an election which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378).