



NUMUWAETU NAWAHANA

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Special Edition

THE PYRAMID LAKE PAIUTE TRIBE IS CONSIDERING TO AMEND ITS TRIBAL CONSTITUTION

The Pyramid Lake Paiute Tribe is once again considering amending its Constitution and By-Laws; primarily the Constitution. This special edition of the Tribal newspaper is intended to provide information specifically about the Secretarial Election, the proposed amendments, the draft resolution, and general background information about the history of the Tribe's effort and attempts to amend its Tribal Constitution.

The Pyramid Lake Paiute Tribal Constitution and By-Laws was approved by Tribal election on December 14, 1935 by a vote of 69 for and 34 against, and approved by Secretary of Interior Harold L. Ickes on January 15, 1936. Constitutional and By-Law amendments were considered since 1936. Amendment number one was approved by election on February 3, 1956; amendment number two was approved by election on February 23, 1962; amendments number three and four were approved by election on December 8, 1972; and amendments number five, six, seven, and eight were approved by election on November 3, 1976.

The Pyramid Lake Paiute Tribal Council has considered constitutional amendments in the recent past, specifically in 1998, in 2002, 2003, 2004, and in 2006. However, none of these prior attempts have made it to scheduling a Secretarial Election for an election to occur. In 2008 the Tribe began another effort with the intention to continue the pursuit for constitutional amendments. The last official amendment occurred in 1976, over 33 years ago.

Reports were provided to the Tribal Council indicating effort was being made to develop questions for Constitutional amendments. Public meetings were suggested and were scheduled and held in Sutcliffe, Nixon, and Wadsworth and comments were received from participants. A resolution was adopted by the Tribal Council in September 2008 initiating what it thought was the formal Secretarial Election process. A lawsuit was filed in Tribal Court which was dismissed, but it stopped the process for almost a year. The effort to get the Secretarial Election in the sights of tribal voters is back on schedule.

Certain provisions have been identified for years that should be considered for amendment, and since 1998 the same provisions have been considered as part of the overall amendments for the Tribal Constitution. The 2002 effort up until 2006 were to overhaul the entire the Tribal Constitution, whereas the current effort is aimed to address eight specific provisions. Improvement with the operations of the tribal government is the

general intention with these Constitution and By-Law revisions.

Article IX of the Tribal Constitution states:

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 the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of the council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the tribe.

In 2007 and in 2008, the process was reviewed and the 25 CFR, Section 81 is the official federal requirement and regulation that governs Tribal Constitutional amendments and Secretarial Elections. The 25 CFR, Section 81 is included in its entirety in this special edition newspaper. The two options facing the Tribe were the routes to request a Secretarial Election (25 CFR, Section 81.5(d)). The option involving the petition requires the federal petition procedure to be completed, which is a lengthy process that requires including a witness and a notary for each petition signer. It was acknowledged that this process would have taken a considerable long period of time.

The other option is to have the Tribal Council consider questions from which in comparing the time requirement it would have seemed most time efficient to pursue with this route. It has now been almost two and one-half years in the process and the decision to formalize the Secretarial Election is set for July 2, 2010 with considering adopting a tribal resolution.

The Tribal Council expect that this scheduled time frame for informing tribal members is to have this special publication issued. A major concern has been that there is not enough information being shared with the Tribal membership about the Secretarial Election and the Constitutional Amendments. The proposed amendments and information had been published in 2008 and in 2009 in the Tribal newspaper.

An essential factor that causes concern for either side of an issue is assuming official actions have been taken even though idea(s) only involve consideration and discussion, and that any decision may not have been made. Official action is the proper element that should cause reaction,

but lately the consideration and discussion about ideas or issues without making a decision has caused some to respond by concluding that discussing thoughts and ideas is somehow violating rights of tribal members.

This action of the Tribal Council to initiate the Secretarial Election to amend the Tribal Constitution is an effort to include the entire tribal membership to actively participate with the intent to amend the Tribal Constitution. It is also an opportunity for the entire tribal membership to accept or reject the proposed language aimed at changing the Tribal Constitution. It has been the interest of the current tribal administration to involve the tribal membership in constitutional changes; changes that may or may not be readily accepted by some. The effort to move forward and act has continually reached a certain level and has stopped.

The Tribal Council now set to make a decision to move forward by adopting the resolution and sending it as the official Tribal request to the Bureau of Indian Affairs to schedule the Secretarial Election. Your participation is requested to review the information contained in this edition of the newspaper and offer any comment you may have about the proposed changes to the Tribal Constitution.

Please contact the Tribe at (775) 574-1000 or mail any comments to: Pyramid Lake Paiute Tribe, 208 Capitol Hill, PO Box 256, Nixon, NV 89424.

**Written comments
(mail, fax, hand delivered)
must be received
by July 2, 2010-12 pm**



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**RESOLUTION OF THE TRIBAL COUNCIL
OF THE PYRAMID LAKE PAIUTE TRIBE
NIXON, NEVADA**

WHEREAS, the Pyramid Lake Paiute Tribe is a federally recognized Indian tribe organized pursuant to the provisions of Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 476) affirmed by the Secretary of Interior through the Bureau of Indian Affairs; and

WHEREAS, the Pyramid Lake Paiute Tribal Council is the governing body of the Pyramid Lake Paiute Tribe pursuant to Article VI, Section 1 of the Constitution and By-Laws; and

WHEREAS, under Pyramid Lake Paiute Tribal Constitution and By-Laws approved by election on December 14, 1935 and approved by the Secretary of the Interior January 15, 1936, it requires a formal request by the Tribe to the Secretary of Interior for an election pursuant to Article IX to amend its Constitution and By-Laws; and

WHEREAS, the Pyramid Lake Paiute Tribe has requested and successfully amended its Constitution and By-Laws on February 3, 1956, on February 23, 1962, on December 8, 1972, and on November 3, 1976 in accordance with 25 U.S.C. § 476 and 25 C.F.R. Part 81; and

WHEREAS, the Pyramid Lake Paiute Tribal Council finds that, since the adoption of the last amendment to the Constitution and By-Laws, the Tribe has evolved its business need that includes the adoption of taxation provisions, the increased size of tribal governmental and administrative operations, and the increased need to promote economic development; and

WHEREAS, the Pyramid Lake Paiute Tribal Council considers these revisions designed to enhance tribal self determination; to foster consistency and continuity in tribal governmental and administrative operations; to bring consistency with federal laws; to increase voter participation in tribal elections, improve the candidacy opportunities for tribal members; and to promote sustainable economic development on the Pyramid Lake Indian Reservation; and

NOW THEREFORE BE IT RESOLVED, the Pyramid Lake Paiute Tribal Council hereby formally requests that the Secretary of the Interior schedule a Secretarial Election for the purpose of deciding the proposed amendments to the Pyramid Lake Paiute Tribe's Constitution; and

BE IT FINALLY RESOLVED, the Pyramid Lake Paiute Tribal Council authorizes the Tribal Chairman or their designee to consult with the Secretary and to effectuate necessary processes to implement the purposes of this resolution.

CERTIFICATION

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of _____ members, of whom _____ constituting a quorum were present at a meeting duly held on the 2nd day of July, 2010 was adopted by the affirmative vote of for and _____ against, with _____ abstention; pursuant to the authority contained in the Constitution and By-laws of the Pyramid Lake Paiute Tribe.

Carol Smith, Tribal Secretary

**PYRAMID LAKE PAIUTE TRIBE CONSTITUTION & BY-LAWS AMENDMENT
2010 SECRETARIAL ELECTION**

PURPOSE:

The purpose of this Secretarial Election is to offer an opportunity for the enrolled tribal membership of the Pyramid Lake Paiute Tribe to consider amending its Constitution and By-Laws. A tribe that has adopted a constitution under the Indian Reorganization Act of 1934 (IRA) must use the Secretarial Election process set forth in Section 16 of the IRA to amend its constitution or by-laws and as outlined in Code of Federal Regulations 25 – Indians.

INTRODUCTION:

The Pyramid Lake Paiute Tribe is organized pursuant to Section 16 of the IRA, a Federal Statute. The Pyramid Lake Paiute Tribal membership was afforded the option to organize in accordance with the terms of the 1934 IRA. In doing so, the Pyramid Lake Paiute Tribal membership was required to schedule and conduct an election to adopt a Constitution and By-Laws formalizing the tribal government. The election took place on December 14, 1935 to ratify the proposed Tribal Constitution and By-Laws. By a vote of 69 for and 34 against, the Pyramid Lake Paiute Tribe formed a Tribal government pursuant to Section 16 of the IRA.

The Pyramid Lake Paiute Tribal Constitution and By-Laws is the governing document of the Pyramid Lake Paiute Tribal government. Its general purposes are: 1) it sets forth tribal authorities and fundamental governing principles; 2) it promotes order in the conduct of tribal affairs; 3) it provides continued tribal existence; and 4) protects tribal and individual rights which only Congress can take away. The official governing body of the Pyramid Lake Paiute Tribal government is the Pyramid Lake Paiute Tribal Council.

The Pyramid Lake Paiute Tribe amended its Constitution and By-Laws four (4) times. The first amendment occurred on February 3, 1956 and the most recent amendment occurred on November 3, 1976; over thirty three years ago. There were a total of eight provisions amended when the four Secretarial Elections were held to amend the tribal Constitution.

1. 1936, 15 January; Original adoption of the Pyramid Lake Paiute Tribal Constitution and By-Laws.
2. 1956, 03 February; Amendment No.1, Article IV Section 2 of the By-Laws.
3. 1962, 23 February; Amendment No. 2, Article III Section 4 and Article IV Section 1 of the Constitution.
4. 1972, 08 December; Amendment No. 3, Article III Sections 1, 2 (a), (b), and (c), and 3 of the Constitution. Amendment No. 4, Article IV Section 2 of the Constitution.
5. 1976, 03 November; Amendment No. 5, Article V Section 1 (b) of the By-Laws. Amendment No. 6, Article V Section 1 (c) of the By-Laws. Amendment No. 7, Article V Section 2 of the By-Laws. Amendment No. 8, Article VI Section 1 (j) of the Constitution.

The Constitution is an organic document approved by the eligible voters of the Tribe and approved by the Secretary of Interior. It is an expression of the will of the People and how they wish to be governed and it delegates authority from the People to the elected Tribal officials. Since it is a legal document, it is an agreement or expression of the government-to-government relationship between the United States government and the Tribe.

Article IX of the Pyramid Lake Paiute Tribal Constitution provides the process to amend to the Tribal Constitution.

ARTICLE IX – 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 the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of the council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the tribe.

CONSTITUTION UPDATES AND AMENDMENTS:

Tribal constitutions require updates from time to time because tribal governments have evolved and became a part of mainstream society. Furthermore, constitutions were nothing more than boilerplate documents proposed in the 1930's. Certain Federal Statutes (like PL 83-280) pose to threaten the existence of tribal sovereignty. Amendments are necessary because tribes have increased their economic development capabilities; enactment of new Federal laws and increasing Federal court decisions; tribes have to manage growing bureaucracies; and tribal rights are expanding and increased tribal obligations are occurring under Federal laws. In almost every case, tribal constitutions were boilerplate templates from the 1930's era and not every tribe is the same; a constitution should be custom made to meet the unique needs of the tribe.

Constitution reform means to correct, amend, revise, or remodel a constitution that is outdated, and where it may be inconsistent with tribal laws, tribal needs, Federal Law and certain court decisions. Some of the problems tribes encounter with outdated constitutions include but is not limited to the following: Tribal elections, election processes, election disputes and remedies; tribal council member removal or officer removal; tribal lands; residency requirements (legal

(Continued on page 3)

PYRAMID LAKE PAIUTE TRIBE—CONSTITUTION & BY-LAWS AMENDMENT | 2010 SECRETARIAL ELECTION (con't)

domicile, nominations and voting); terms of office; inconsistency with Federal Law; outdated, last change 34 years ago; and breakdown of tribal government.

SECRETARIAL ELECTION:

According to the Code of Federal Regulation 25: Indians (25 CFR), a Secretarial Election is an election held within a tribe pursuant to regulations prescribed by the Secretary [of Interior] as authorized by Federal Statute (as distinguished from tribal elections which are conducted under tribal authority.) A Secretarial Election is required in accordance with the Pyramid Lake Paiute Tribal Constitution Article IX. In accordance with the 25 CFR §81, the purpose is to provide uniformity and order in adopting constitutional amendments.

Any Secretarial Election is to be conducted in accordance with the 25 CFR §81. The request for the call of a Secretarial Election is to be completed pursuant to Article IX, of the Pyramid Lake Paiute Tribal Constitution and 25 CFR §81. For a Secretarial Election at Pyramid Lake, the Western Regional Office (WRO) in Phoenix, Arizona shall authorize the Pyramid Lake Secretarial Election. Once the Superintendent of the Western Nevada Agency (WNA) receives the Tribal resolution, it shall then notify the WRO Director. The Pyramid Lake Secretarial Election shall then be scheduled within 90 days of the WNA Superintendent calling for the election.

A Pyramid Lake Secretarial Election committee is established whereby the WNA Superintendent is the Chairperson. The Tribal Enrollment Office shall provide information on every Pyramid Lake Paiute Tribally enrolled person 18 years of age and older, and the WNA shall establish a Pyramid Lake Secretarial Election voters list from this information. The WNA shall also conduct a mass mailing that should include the guidelines, the regulations, the current constitution and by-laws, the proposed amendments, a registration form, an absentee ballot request form, and a cover letter.

Any Pyramid Lake Paiute Tribal member 18 years of age and older must register to vote in the Pyramid Lake Secretarial Election. An eligible

voter can request an absentee ballot from the WNA and is required and then the completed request form mailed to the WNA. The WNA is the central point for any and all correspondence directly involved with the Pyramid Lake Secretarial Election. Polling places and its opening and closing times shall be done in coordination with the Pyramid Lake Paiute Tribe. A hand count is conducted once the polling places are closed and the results shall be posted. Any Pyramid Lake Paiute Tribal registered voter may challenge the results of the Pyramid Lake Secretarial Election. A report with the results and certification of the Pyramid Lake Secretarial Election is sent to the WRO, who is required to approve the amendments.

PROPOSED AMENDMENTS:

The following is a description of the proposed amendments. Each of these proposed amendments if approved will affect the Tribal Election Ordinance whereby it too would need to be amended to provide consistency with the Tribal Constitution and By-Laws. Two proposed amendments are required due to Federal law enactment and one provision is redundant and therefore the proposed removal is necessary.

Proposed AMENDMENT NUMBER 6 is necessary to ratify Public Law 106-179, dated March 14, 2000. Since the enactment of PL 106-179, tribal attorney contracts no longer require review or approval by the Bureau of Indian Affairs.

In a Department of Interior Bureau of Indian Affairs memorandum dated October 5, 2000, Deputy Commission of Indian Affairs Sharon Blackwell instructs all Central Office Directors, all Regional Directors, and all Agency Superintendents of this directive. Therefore, this proposed amendment is intended to establish consistency and provide for the Tribe to exercise its sovereign authority.

Proposed AMENDMENT NUMBER 7 is necessary to bring conformance and consistency with enacted legislation by Congress. This amendment involves the leasing authority of the Tribal government. The current provision of the Constitution and By-Laws states that the Tribe has leasing authority limited to 5 years. Congress

enacted Public Law 89-408 in 1966 wherein the Pyramid Lake Paiute Tribe has leasing authority for up to 99 years. This legislation is codified in Title 25 of the U.S. Code Section 415 Leases of Restricted Lands. The Tribe has never amended its Constitution and By-Laws to ratify the Congressional legislation.

Proposed AMENDMENT NUMBER 4 will eliminate a section paragraph. This elimination is necessary if AMENDMENT NUMBER 7 is approved. The paragraph is redundant and it could lead to confusion in interpreting the terms of the Constitution and By-Laws. This was discovered with the review of the lease terms provision.

The remaining proposed amendments are intended to increase sustainability and continuity; and to provide a greater tribal member involvement with the Tribal government. Each tribal member has an inherent right to exercise participation in governing Tribal affairs and more importantly to participate in a Secretarial Election to amend the Tribal Constitution and By-Laws. The following is a summary of each proposed amendment.

PROPOSED AMENDMENTS VOTING FORMAT

The proposed amendments will be placed in a format that will present the questions for the selection for approving the selected proposed amendment or to reject the selected proposed amendment. The voting will be applied to the proposed amendments only. A yes vote and a no vote will be the choices for each of the proposed amendments, and will determine passage or failure for each amendment.

The questions will be accompanied with a selection of choices for a vote to approve the proposed amendment or for a vote to reject the proposed amendment. If the proposed amendment receives more votes to approve the amendment than that number of votes to reject the amendment, the amendment will change to reflect the proposed language change as approved. If the proposed amendment receives more votes to reject the amendment than that number of votes to approve the amendment, the amendment will not change and the original language will remain in place.

AMENDMENT NUMBER 1: VOTING AGE, RESIDENCY REQUIREMENT, ABSENTEE BALLOTS

Article IV, Section 4, currently states *any member of the Pyramid Lake Paiute Tribe who is 21 years of age or over and who has maintained legal residence for at least one year on the Pyramid Lake Reservation shall be entitled to vote.* This requirement limits voting to persons over the age of 21 years and to those Tribal members that reside on the Pyramid Lake Indian Reservation (PLIR). The proposed amendment is for consideration amending the voting age to 18 years.

Article IV, Section 4, also requires that eligible voters maintain legal residency on the PLIR for at least one year prior to an election. The proposed amendment is for consideration to remove the residency requirement. This would allow all tribal members living on or off of the Pyramid Lake Indian Reservation the right to vote.

There is a second question that proposes the 18 year old right to vote, but also includes the residency requirement.

This second proposed amendment will provide the option to choose either amendment option number 1 without the residency requirement or amendment option number 2 with the residency requirement.

The residency requirement is difficult to maintain and manage and has been at the center of election controversy and disputes in every election. Candidate and voter residency has been challenged in each election and according to the Tribal Election Ordinance, a person only has to provide a utility bill with their name and physical address on it to prove residency. People have physically left the Pyramid Lake Indian Reservation for a considerable amount of time, but their billing

information was never changed therefore maintaining a legal domicile or residency. This flawed formality has withstood residency challenges in the past even though it is common knowledge about a person's whereabouts. To avoid the continued controversial requirement, removing it would alleviate the burden of challenging either side of this issue.

Article IV would add Section 5 which would include a provision that provides an absentee ballot for any eligible voter to exercise their vote. The absentee ballot could be used by any eligible voter of the Tribe living on or off of the Pyramid Lake Indian Reservation to be able to participate in a tribal election. The regulation and management of absentee ballots will be governed through the Tribal Election Ordinance.

AMENDMENT NUMBER 1: VOTING AGE, RESIDENCY REQUIREMENT, ABSENTEE BALLOTS (con't)

**Amendment Number 1: Voting Age, Residency Requirement, and Absentee Ballots
Article IV – Nominations and Elections; Section 4.**

NOTES: _____

Original: Any member of the Pyramid Lake Paiute Tribe who is 21 years of age or over and who has maintained a legal residence for at least one year on the Pyramid Lake Reservation shall be entitled to vote.

Proposed 1: Any member of the Pyramid Lake Paiute Tribe who is 18 years or older is eligible to vote at a tribal election. YES NO

Proposed 2: Any member of the Pyramid Lake Paiute Tribe who is 18 years of age or older and who has maintained a legal residence for at least one year on the Pyramid Lake Reservation shall be entitled to vote. YES NO

Proposed: **Article IV – Nominations and Elections; Section 5.**
This is a new section that will be added.
Voting at special and tribal elections is conducted at a designated polling place or, by absentee ballot. YES NO

SOME REASONS TO SUPPORT THIS AMENDMENT:

1. Increases the number of eligible voters. A higher number of voters will increase and improve the viability and integrity of a tribal election; it will also increase the range of political opinion.
2. This would increase the participation and promotes the independence for younger voters. It places an obligation on the Tribe to educate and design campaign platforms to younger voters and increases the dynamics of voter representation.
3. This is consistent with the 26th Amendment of the United States Constitution. Every State allows 18 year olds the right to vote.
4. 18 year olds are eligible to serve in the armed forces and defend the United States; therefore they should be allowed to participate in tribal elections.
5. The Tribal Law & Order Code recognizes an 18-year-old as an adult and the tribal government and tribal election system should do the same.
6. Youth employment laws require the payment of income taxes; are required to pay income taxes so they should be allowed to vote.
7. All tribal members have an inherent right to vote. This amendment will entitle the right to vote for all tribal members regardless of where they choose to live.
8. The reservation condition does not provide the necessary employment or available housing; members should not be excluded from voting because of the lack of employment or residential housing on the PLIR.
9. The residency requirement only means to have a bill in your name with a physical address even though you can move away from the Pyramid Lake Indian Reservation for a period of time.
10. Encouraging voter participation will inspire candidates to reach out and become responsible to all voters who live on and off of the reservation.
11. It addresses the "family" vote to the extent that all tribal members will be relied upon to secure an affirmative vote.
12. A voter registration will include all eligible tribal members; it will be completed with simplicity and relative ease for all eligible voters.
13. Absentee ballots can be provided to any registered eligible voter who requests an absentee ballot; whether they live on or off of the reservation.
14. Since the entire enrolled membership is used when applying for grants and when renewing federal contracts, all members living on and off of the PLIR should be allowed to vote.

SOME REASONS WHY THIS AMENDMENT SHOULD NOT BE SUPPORTED:

1. 18-year-olds are too young to understand the complexity of political issues.
2. The issues do not affect them.
3. Having a smaller number of voters provides better control to the tribal government. It would be dangerous to give young people the right to vote; they might use it in foolish ways.
4. Tribal governments do things that affect every age group but it does not mean everyone deserves the right to vote.
5. Having a broader range of opinions at elections has to be balanced against having responsible voters.
6. This is the way it has always been done.
7. Tribal members living off of the reservation should not vote since they don't live on the reservation. Issues do not always affect those who reside off of the reservation.
8. The residency requirement only means to have a bill in your name with a physical address even though you can move away from the Pyramid Lake Indian Reservation for a period of time.
9. Tribal members who live off of the reservation could control the direction of the Tribe resulting in Tribal government being controlled by voters from off of the reservation.
10. Voter registration will not provide for all voters to participate. The registration process can cause hindrances and discourage voters who are required to process registration forms.
11. It addresses the "family" vote to the extent that all tribal members will be relied upon to secure an affirmative vote.
12. Voter registration is a complicated and cumbersome process that takes up too much time.
13. Using absentee ballots can cause voter fraud and mismanagement of the voting process.
14. It may be expensive to implement and institute the necessary measures and means to complete an effective voting process.

AMENDMENT NUMBER 2: FOUR YEAR TERMS AND TERM LIMIT

Article III 2(a) provides that *the chairman and vice chairman shall be elected through popular vote and each shall serve for a term of two years and that they may serve two terms in succession.*

four year terms for the Chairperson and Vice Chairperson. This amendment is intending to clarify the two consecutive term language by proposing because it states, "...may serve two (2) terms in succession." It can be read as there is no limitation. Although it does not state "may only"

the implication may not limit serving to two consecutive terms. The term Tribal Chairperson and Tribal Vice Chairperson are more acceptable terms since there are times women also serve as the Tribal Chairperson and Tribal Vice Chairperson.

Article III 2(a) will also be amended to provide for

Amendment Number 3: Four Year Terms

(con't)

Article III – Governing Body; Section 2.(b)
[Approval date February 6, 1973].

SOME REASONS TO SUPPORT THIS AMENDMENT:

1. Four year terms will provide a greater ability to continue and complete tribal programs and projects and enhances the opportunity for success.
2. This would reduce the turnover rate with tribal leadership means that the tribe will not change its direction every two years negates any progress that is made.
3. Reducing the turnover rate with tribal leadership and means that the tribe would not change its direction every two years; the majority of successful tribes do not limit terms of office. Many times this change in direction can stop progress achieved on matters started from one Administration to the next.
4. It would provide for an opportunity to gain increase a person's knowledge and experience.
5. Longer terms would increase the opportunity for viable success.
6. Four year terms will provide a greater ability to continue and complete tribal programs and projects and enhances the opportunity for success.

SOME REASONS WHY THIS AMENDMENT SHOULD NOT BE SUPPORTED:

1. Four years is too long for any group of people to remain in tribal elected offices.
2. Two years is long enough.
3. It would be a system of tighter control that would reduce abuses and provides a better means for controlling the direction of the tribe; and it could reduce abuse.
4. "I don't like it and it should stay the same – two years."
5. If a person cannot get anything done in two years, maybe they should not be there in the first place.
6. It is probably better for the Tribe to change direction every two years.

AMENDMENT NUMBER 4: GOVERNING BODY

Article III Section 4 provision is repetitive as the previous Article III 2(a) and Article III 2(b) state the exact language regarding terms of office and how the elected seats are to accept the terms of their

office.

Amendment Number 4: Article III – Governing Body; Section 4
[Approval date February 23, 1962].

NOTES: _____

Original: Councilmen shall hold office for a term of two years or until their successors are elected, except that at the first election of Councilmen under this Amendment to the Constitution, the five candidates receiving the highest number of votes shall hold office for two years and the five candidates receiving the next highest number of votes shall hold office for one year. Thereafter, every year five councilmen shall be elected for a term of two years.

Proposed: To eliminate provision from the record.
___YES ___NO

SOME REASONS TO SUPPORT THIS AMENDMENT:

1. Eliminates redundancy. This provision is addressed in Article III.

SOME REASONS WHY THIS AMENDMENT SHOULD NOT BE SUPPORTED:

1. The duplication is needed to remind people of the requirement.

AMENDMENT NUMBER 5: VACANCY, REMOVAL, AND RECALL

Article V Section 2 provides that any councilman who is proven guilty of improper conduct, or gross neglect of duty may be expelled from the council by a two-thirds vote of the council members, provided that the charged shall be given a written statement of the charges at least five days prior to a scheduled meeting where the charged councilmember would reply.

clarify and present distinction in defining the manner in which the charges can be made against anyone who may be charged. It will also provide a provision for a recall of any Council Member for the same purposes in the removal provision.

eligible voters the opportunity to bring charges against the Chairman, the Vice Chairman, or any Council Member for a recall election. This provision is intended to provide that the voters be allowed to decide the outcome of a recall of an elected tribal official charged be brought before the voters and their decision through a recall election determines the outcome. The provision further provides that any petition must have at least 2/3 of eligible voters signatures on a recall petition and that at least 2/3 of the eligible voters participate in the recall election.

This provision provides that the Tribal Council shall be the judge and jury of the Tribal Council Member charged. The provision is broad and general and leaves much latitude in interpretation.

The proposed amendment provides that the removal provision will require that a Council Member be convicted of a criminal offense, proven guilty of improper conduct, failure to perform duties as prescribed by law, or gross neglect of duty. The same requirements exist for the charges to be provided and a meeting be scheduled where the charged individual may reply to the charges.

The proposed amendment intends to The recall provision is provided to give the

Amendment Number 5: Vacancy, Removal, and Recall
Article V – Vacancies and Removal from Office; Section 2
[Approval date January 15, 1936].

NOTES: _____

Original: Any councilman who is proven guilty of improper conduct, or gross neglect of duty may be expelled from the council by a two-thirds vote of the council members, provided that the accused member is given full opportunity to reply to any and all charges at a designated council meeting and provided further that the accused member shall have been given a written statement of the charges against him at least five days before the meeting at which he is to be given an opportunity to reply.

Amendment Number 5: Vacancy, Removal, and Recall
Article V – Vacancies and Removal from Office; Section 2
[Approval date January 15, 1936].

(con't)

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(Continued from page 6)

Proposed: Article V – Vacancies, Removal, and Recall Section 2 – Removal

The Chairperson, Vice Chairperson, or any Tribal Council member who is convicted of a criminal offense or is proven guilty of improper conduct, proven to have failed to perform duties prescribed by law, or proven guilty of gross neglect of duty may be removed from the tribal council by a two-thirds vote of the full council, provided that the accused is given full opportunity to reply to any and all charges at a designated council meeting and is provided written statement(s) of the charges against him/her at least five days before the meeting at which he/she is given the opportunity to reply.

___ YES ___ NO

Proposed: Section 3 – Recall

The Chairperson, Vice Chairperson, or any Council Member may be recalled from office by the eligible voters of the Pyramid Lake Paiute Tribe. Upon receipt of a petition signed by at least 2/3 of the eligible voters, it shall be the duty of the Tribal Council to certify the petition by validating all charges contained in the petition, to call a special recall election.

___ YES ___ NO

SOME REASONS TO SUPPORT THIS AMENDMENT:

- 1. This revision makes clear the identification of the application of this provision.
2. The Chairperson, the Vice Chairperson and Council members are all a part of the Tribal Council.
3. The elected positions are not identified as separate or together to fit the occasion therefore the clarification here is needed.
4. The Chairperson and Vice Chairperson should be named specifically from the office that is served.
5. The charges will be required to be valid, true, factual, or based on formal court actions or court orders.
6. This will provide the opportunity for eligible voters to recall a Chairperson, Vice Chairperson or any Council member.
7. Once a special recall election is scheduled, any named and accused Chairperson, Vice Chairperson or Council member can present their perspective against any accusation.

SOME REASONS WHY THIS AMENDMENT SHOULD NOT BE SUPPORTED:

- 1. The Chairperson and Vice Chairperson are elected by the eligible voters of the Tribe and therefore should be removed by the eligible voters and not the Tribal Council.
2. Tribal Council members may be elected by voters who oppose the Chairperson and Vice Chairperson and will make the removal provision unfair and unjustified.
3. This does not identify a procedure for an accused Chairperson, Vice Chairperson, or Council member to defend them self against a charge.
4. A recall election can be costly for the Tribe when a special election is scheduled and held. The cost should be borne by the sponsor of the petition.
5. There is no way to prove by facts any charges that may be contained in a recall petition. Many times the Tribal Council may be unaware if information they receive is true.

AMENDMENT NUMBER 6: EMPLOYING LEGAL COUNSEL

Article VI Section 1(b) is the original language of the Pyramid Lake Paiute Tribal Constitution and By-Laws. Public Law 106-179, dated March 14, 2000 authorizes that employing legal counsel by a

Tribal government no longer requires approval by the Bureau of Indian Affairs. The Federal law provides that a Tribe has the authority to approve contracts for legal counsel. This proposed

amendment is required to be consistent with Federal law and Federal procedures.

Amendment Number 6: Employing Legal Counsel
Article VI – Powers and Duties of the Tribal Council; Section 1.(b)
[Approval date January 15, 1936].

NOTES:

Original: To present and prosecute any claims or demands of the Pyramid Lake Paiute Tribe; to assist members of the tribe in presenting their claims and grievances at any court or agency of the Government; and to employ representative or counsel for such services, the choice of counsel and fixing fees for counsel and representatives to be subject to the approval of the Secretary of the Interior.

Proposed: To present and prosecute any claims or demands of the Pyramid Lake Paiute Tribe; to assist members of the tribe in presenting their claims and grievances at any court or agency of the Government; and to employ legal counsel for the protection and advancement of the rights of the Tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior so long as such approval is required by Federal law.

___ YES ___ NO

Amendment Number 6: Employing Legal Counsel

(con't)

Article VI – Powers and Duties of the Tribal Council; Section 1.(b)
[Approval date January 15, 1936].

SOME REASONS TO SUPPORT THIS AMENDMENT:

- 1. A yes vote will support Public Law 106-179 approved March 14, 2000 that provides any attorney contract can be approved by a Tribe and does not require approval by the Secretary of Interior. Congress has authorized an Indian Tribe to approve an attorney contract.
- 2. A yes vote will bring the Tribal Constitution consistent with established federal laws.

SOME REASONS WHY THIS AMENDMENT SHOULD NOT BE SUPPORTED:

- 1. A no vote will require the Secretary of Interior to approve an attorney contract which would not be consistent with Interior policy.
- 2. Congress has removed the Secretary of Interior from the attorney contract approval process.

AMENDMENT NUMBER 7: LEASING

Article VI Section 1(c) states that the approval of any lease shall not be for a period exceeding five years. Congress enacted Public Law 89-408 in 1966 wherein it lists the Pyramid Lake Paiute Tribe as having leasing authority for up to 99 years. This legislation is codified in Title 25 of the U.S. Code Section 415 Leases of

Restricted Lands. The Tribe has never amended its Constitution and By-Laws to ratify the Congressional legislation.

This proposed amendment is intended to make the Tribe's Constitution and By-Laws consistent with Federal law.

The second part of this proposed amendment is to bring consistency and conformance with the Corporate Charter of the Pyramid Lake Paiute Tribe Section 5(b)(2) wherein it too states that the Tribe has leasing authority not to exceed five years.

Amendment Number 7: Lease Provisions

Article VI – Powers and Duties of the Tribal Council; Section 1.(c)
[Approval date January 15, 1936].

NOTES: _____

Original: To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of Interior, the Commissioner of Indian Affairs, or any other official or agency of the Government, provided that no tribal lands shall ever be sold, encumbered, or leased for a period exceeding five years.

Proposed: To negotiate, approve, or veto leases, permits, encumbrances of tribal lands, interests in land, and other tribal assets consistent with Federal law and Article VII – Tribal Lands of this Constitution. ___ YES ___ NO

This amendment will also include amending the **Corporate Charter of the Pyramid Lake Paiute Tribe** Section 5.(b)(2).

Original: No leases, permit (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Pyramid Lake Reservation shall be made by the Tribe for a longer term than five years, and all such leases, permits, or contracts must be approved by the Secretary of Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

Proposed: Leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Pyramid Lake Reservation may be made by the Tribe as any lease, permit, or contract is consistent with Federal law, and all such leases, permits, or contract s must be approved by the Secretary of Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law. ___ YES ___ NO

SOME REASONS TO SUPPORT THIS AMENDMENT:

- 1. Public Law 89-408 was enacted by Congress on April 27, 1966 and it authorized the Tribe to execute leases for a term up to but not exceeding 99 years.
- 2. A yes vote will provide greater opportunity for the Tribe to enter into business leases that provide longer terms for economic development.
- 3. A yes vote will provide for a greater opportunity for the Tribe to obtain financing consideration for project development.

SOME REASONS WHY THIS AMENDMENT SHOULD NOT BE SUPPORTED:

- 1. A no vote will maintain the language to remain the same and state an inconsistency between a federal law enacted by Congress and the ability to administer and enforce lease terms by the Tribe and BIA.
- 2. A no vote will restrict lease term to five years which can be discouraging to long term businesses interested in business on the reservation.
- 3. A no vote will limit the Tribe to engaging with project development to five years.

AMENDMENT NUMBER 8: TRIBAL COUNCIL MEETINGS

This proposed amendment is intended to establish the regular and special tribal council meeting times for the month. It will also clarify for the situation where a regular or special tribal council meeting

may need to be rescheduled.

Amendment Number 8: Article IV – Meetings and Procedures; Section 2
 [Original approval date January 15, 1936;
 Amended on February 3, 1956]

NOTES: _____

Original: The council shall meet regularly on the first Saturday of each month.

Amendment 1: The council shall meet regularly on the first Friday of each month.

Proposed: *The Council shall meet regularly on the first and third Friday of each month. Meetings may be rescheduled by the Tribal Council for purposes of holidays or as determined by the Tribal Council.* YES NO

SOME REASONS TO SUPPORT THIS AMENDMENT:

1. A yes vote will clarify the procedure for scheduling and rescheduling tribal council meetings.

SOME REASONS WHY THIS AMENDMENT SHOULD NOT BE SUPPORTED:

1. A no vote will eliminate the possibility for flexibility.
2. A no vote will provide that the original By-Laws language be followed.

The following is the Title 25 of the Code of Federal Regulations (25 CFR) Section 81 which is applied by the Bureau of Indian Affairs for any Secretarial Election regarding amending tribal constitutions and amending tribal charters. There will be brief comment descriptions for some of the sections below and herein that are directly associated to the Pyramid Lake Paiute Tribe and its Constitution and By-Laws proposed amendment, and the process required by the 25 CFR. COMMENTS will be in italics immediately following certain sections. This 25 CFR Section 81 is provided to you in its entirety for purposes of presenting information that directly corresponds to the federal requirement governing Secretarial Elections.

**Title 25--Indians
 CHAPTER I--BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR
 PART 81--TRIBAL REORGANIZATION UNDER A FEDERAL STATUTE**

Sec. 81.1 Definitions.

As used in this part:

- (a) Adult Indian means any Indian as defined in paragraph (i) of this section who has attained the age of 18 years.
- (b) Amendment means any modification, change, or total revision of a constitution or charter.
- (c) Authorizing Officer means the Bureau of Indian Affairs official having authority to authorize the calling of a Secretarial election.
- (d) Cast ballot means an official ballot that is cast in the proper manner at the proper time by a duly registered voter. A ballot is cast by duly placing it in the ballot box or, in the case of absentee voting, when the ballot is duly received through the mail by the election board.
- (e) Charter means the charter of incorporation the Secretary may issue to a reorganized tribe pursuant to Federal Statute.
- (f) Commissioner means the Commissioner of Indian Affairs or his/her authorized representative.
- (g) Constitution or Constitution and Bylaws means the written organizational framework of any tribe reorganized pursuant to a Federal Statute for the exercise of governmental powers.
- (h) Federal Statute means one of the following: (1) The Act of June 18, 1934, 48 Stat. 984, as amended (Indian Reorganization Act); (2) the Act of June 26, 1936, 49 Stat. 1967 (Oklahoma Indian Welfare Act); or (3) the Act of May 1, 1936, 49 Stat. 1250 (Alaska Native Reorganization Act).
- (i) Indian means: (1) All persons who are members of those tribes listed or eligible to be listed in the Federal Register pursuant to 25 CFR 83.6(b) as recognized by and receiving services from the Bureau of Indian Affairs; provided, that the tribes have not voted to exclude themselves from the Act of June 18, 1934, 43 Stat. 984, as amended; and (2) any person not a member of one of the listed or eligible to be listed tribes who possesses at least one-half degree of Indian blood.
- (j) Invalid ballot means an official cast ballot discovered at the time the votes are counted which does not comply with the requirements for voting or is not an official ballot. An invalid ballot is not to be counted for determining the number of cast ballots.
- (k) Member means any Indian who is duly enrolled in a tribe who meets a tribe's written criteria for membership or who is recognized as belonging to a tribe by the local Indians comprising the tribe.
- (l) Mutilated ballot means an official ballot that has been damaged to the extent that it is not possible to determine the choice the voter intended to make. There are two kinds of mutilated official ballots:

- 1) A ballot that is mutilated and not cast. In this case, the mutilated ballot may be exchanged for a new one. If the need arises to exchange a mutilated absentee ballot, no additional time will be provided for the new ballot to be received by the election board.
- 2) A ballot that is mutilated and cast. A mutilated cast ballot is to be counted in the same manner as a spoiled cast ballot.
- (m) Officer in Charge means the Superintendent, Administrative Officer, or other official of the local unit of the Bureau of Indian Affairs (or a Bureau employee that such person might designate) having administrative jurisdiction over a tribe.
- (n) Official ballot means a ballot prepared by the Bureau of Indian Affairs for use in an election pursuant to this part. It is possible that an official ballot may be found to be either spoiled or mutilated at the time the votes are counted.
- (o) Registration means the act whereby persons, who are eligible to vote, become entitled or qualified to cast ballots by having their names placed on the list of persons who will be permitted to vote.
- (p) Reorganized tribe means a tribe whose members have adopted a constitution pursuant to a Federal Statute.
- (q) Reservation means any area established by treaty, Congressional Act, Executive Order, or otherwise for the use or occupancy of Indians.
- (r) Revocation means that act whereby the adult members of a tribe vote to abandon their constitutional form of government as opposed to their voting to amend or totally revise it.
- (s) Secretarial election means an election held within a tribe pursuant to regulations prescribed by the Secretary as authorized by Federal Statute (as distinguished from tribal elections which are conducted under tribal authority. (See *Cheyenne River Sioux Tribe v. Andrus*, 566 F. 2d 1085 (8th Cir., 1977), cert. denied 439 U.S. 820 (1978)).
- (t) Secretary means the Secretary of the Interior or his/her authorized representative.
- (u) Spoiled ballot means an official ballot that has been marked in such a way that it is not possible to determine the intent of the voter, a ballot that has not been marked at all, or one that has been marked so as to violate the secrecy of the ballot. There are two kinds of spoiled official ballots:
 - 1) A ballot that is spoiled and not cast. In this case, the spoiled ballot may be exchanged for a new one. If the need arises to exchange a spoiled absentee ballot, no additional time will be provided for the new ballot to be received by the election board.
 - 2) A ballot that is spoiled and cast. A spoiled cast ballot is to be counted in tabulating the total votes cast in

- conjunction with determining whether the required percentage of the qualified voters has participated in the election.
- (v) Tribal government means that entity established pursuant to a tribal constitution as empowered to speak for the tribe or in the absence thereof any group or individual that is recognized by the tribal members as empowered to speak for the tribe.
- (w) Tribe means: (1) Any Indian entity that has not voted to exclude itself from the Indian Reorganization Act and is included, or is eligible to be included, among those tribes, bands, pueblos, groups, communities, or Alaska Native entities listed in the Federal Register pursuant to Sec. 83.6(b) of this chapter as recognized and receiving services from the Bureau of Indian Affairs; and (2) any group of Indians whose members each have at least one-half degree of Indian blood for whom a reservation is established and who each reside on that reservation. Such tribes may consist of any consolidation of one or more tribes or parts of tribes.
- (x) Voting district means a geographical area established to facilitate a tribal election process.

Sec. 81.2 Purpose and scope.

- (a) The purpose of this part is to provide uniformity and order in:
 - (1) Holding Secretarial elections for voting on proposed constitutions when tribes wish to reorganize,
 - (2) Adopting constitutional amendments,
 - (3) Ratifying and amending charters,
 - (4) Revoking constitutions, and
 - (5) Facilitating the calling of such elections by the Secretary under provisions of a Federal Statute.
- (b) This part may also be used as a guideline by tribes wishing to hold constitutional elections that are not held pursuant to a Federal Statute.
- (c) Where a discrepancy might appear to exist between these regulations and a specific requirement of the statute governing the reorganization of a tribe or ratification and amendment of charters, the regulations shall be interpreted to conform with the statute.
- (d) As much as possible, Secretarial elections shall be scheduled so as to avoid their being held at the same time as tribal elections in order to avoid the confusion that results from different requirements for each kind of election.

COMMENT: Section 81(a)(2). Part (a)(2) directly applies to the Pyramid Lake Paiute Tribe's proposed constitutional amendments.

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Sec. 81.3 Group eligibility.

- (a) No tribe which has voted to exclude itself from the provisions of the Indian Reorganization Act, or is otherwise precluded by law, may be reorganized under a Federal Statute. Tribes wishing to reorganize or a reorganized tribe seeking to amend its constitution and bylaws or wishing to vote to revoke such document shall do so under the regulations in this part.
- (b) Charters issued to reorganized tribes shall be ratified or amended under the regulations in this part.

Sec. 81.4 Assistance from the Department of the Interior.

Representatives of the Department of the Interior will cooperate with and offer advice and assistance (including the proposing of amendments), to any tribe in drafting a constitution and bylaws, an amendment, a charter or charter amendment, or in revocation of constitutions. Any payments that might be necessary to non-Bureau staff assisting in the conduct of the election shall be made from tribal funds.

COMMENT: The BIA-Western Nevada Agency Tribal Operations staff will be available to provide advice and assistance. The BIA will pay all costs associated with scheduling and conducting the Secretarial Election, but in accordance with this provision, will not pay for non-BIA staff assistance. It is recommended that the Tribe pay for those costs.

Sec. 81.5 Request to call election.

- (a) The Secretary shall authorize the calling of an election to adopt a constitution and bylaws or to revoke a constitution and bylaws, upon a request from the tribal government.
- (b) The Secretary shall authorize the calling of an election to adopt a constitution and bylaws pursuant to a Federal Statute upon receipt of a petition bearing the signatures of at least 60 percent of the tribe's adult members.
- (c) The Secretary shall authorize the calling of an election to ratify a charter at the time the charter is issued, but he/she may issue a charter to a reservation-based tribe only upon petition by at least one-third of the adult members of the tribe. No ratification, however, shall be valid unless the tribe has a constitution adopted and approved pursuant to the relevant Federal Statute.
- (d) The Secretary shall authorize the calling of an election on the adoption of amendments to a constitution and bylaws or a charter when requested pursuant to the amendment article of those documents. The election shall be conducted as prescribed in this part unless the amendment article of the constitution and bylaws or the charter provides otherwise, in which case the provisions of those documents shall rule where applicable.
- (e) If the amendment provisions of a tribal constitution or charter have become outdated and amendment cannot be effected pursuant to them, the Secretary may authorize an election under this part to amend the documents when the recognized tribal government so requests.
- (f) Any authorization not acted upon within 90 days (tribes in Alaska shall be granted 120 days) from the date of issuance will be considered void. Notification of the election date as provided for in Sec. 81.14 shall constitute the action envisioned in this section. Extension of an authorization may be granted upon a valid and reasonable request from the election board. Copies of authorizations shall be furnished the requesting tribe or petitioners.
- (g) In those instances where conflicting proposals to amend a single constitutional or charter provision are submitted, that proposal first received by the officer in charge, if found valid, shall be placed before the voters before any consideration is given other proposals. Other proposals shall be considered in order of their receipt; provided, they are resubmitted following final action on the initial submission. This procedure shall also apply in those instances where new or revised constitutions are at issue.

COMMENT: Section 81.5(d). This section is in reference to Article IX of the Pyramid Lake Paiute Tribe's Constitution. This article reads in part, "It shall be the duty of the Secretary of the Interior to call an election on any proposed

amendments, at the request of the council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters of the tribe."

COMMENT: Section 81.5(f). The authorization date is important and the BIA-Western Nevada Agency Superintendent has to call an election within 90 days and schedule the election thereafter. The election date could be scheduled after the 90 days.

Sec. 81.6 Entitlement to vote.

- (a) If the group is a tribe, or tribes, of a reservation and is acting to effect reorganization under a Federal Statute for the first time:
 - (1) Any duly registered adult member regardless of residence shall be entitled to vote on the adoption of a constitution and bylaws.
 - (2) Duly registered adult nonresident members and ill or physically disabled registered adult resident members may vote by absentee ballot (see Sec. 81.19).
- (b) If the group is composed of the adult Indian residents of a reservation:
 - (1) Any adult duly registered member physically residing on the reservation shall be entitled to vote.
 - (2) Absentee voting shall be permitted only for duly registered residents temporarily absent from the reservation, ill, or physically disabled.
- (c) If the group is a tribe, or tribes, without a reservation as defined in this part, any duly registered member shall be entitled to vote on the adoption of a constitution and bylaws by either arriving at a polling place or by requesting, properly completing, and timely casting an absentee ballot as determined by the election board pursuant to the relevant Federal Statute; provided, that outside of Alaska and Oklahoma, a reservation shall be established for the tribe before it becomes entitled to vote on the adoption of a constitution.
- (d) For a reorganized tribe to amend its constitution and bylaws, only members who have duly registered shall be entitled to vote; provided, that registration is open to the same class of voters that was entitled to vote in the Secretarial election that effected its reorganization, unless the amendment article of the existing constitution provides otherwise.
- (e) For a reorganized tribe to revoke its constitution and bylaws, only members who have duly registered shall be entitled to vote; provided, that registration is open to the same class of voters as was entitled to vote in the Secretarial election that effected its reorganization, unless the amendment article of the existing constitution provides otherwise.
- (f) For a reorganized tribe to ratify a charter or to adopt a charter amendment, any adult member who has duly registered shall be entitled to vote, provided that if the tribe is of a reservation, only duly registered members physically residing on the reservation shall be entitled to vote.

COMMENT: Section 81.6(b). This is a class of voters that is determined by the BIA-Western Regional Office and is the same class of voters that voted on the previous proposed amendments.

Sec. 81.7 Adoption, ratification, or revocation by majority vote.

Except as it may be further limited by this part, a constitution and bylaws, amendments thereto, or charter and charter amendments shall be considered adopted, ratified, or revoked if a majority of those actually voting are in favor of adoption, ratification, or revocation. The total vote cast, however, must be at least 30 percent of those entitled to vote, unless, with regard to amendments, the constitution provides otherwise. The names of persons appearing on the registration list who have not reached eighteen years of age by the date of the election, shall be removed from the list of registered voters when determining whether the required percentage of participation has been achieved. Unless the existing constitution or charter provides otherwise, none of the actions cited in this section shall become effective until they are approved by the Secretary. The validity of any charter ratification shall be dependent upon the tribe first having reorganized. Duly ratified charters shall be revoked or surrendered only by Act of Congress.

COMMENT: The Tribe's Constitution in Article IX provides

for two requirements, a majority vote of qualified voters of the Pyramid Lake Paiute Tribe voting at an election called for that purpose by the Secretary of Interior, and provided that 30% of those entitled to vote shall vote in such election. After the election, the election board will count the votes and post the results. The BIA-Western Nevada Agency will forward a report to the BIA-Western Regional Director with recommendations on the election.

Sec. 81.8 Election board.

- (a) There shall be an election board consisting of the officer in charge acting as chairman and at least two representatives of the tribal governing body or an authorized representative committee. Where such persons may be unwilling or unable to serve, the chairman shall select at least two adult members of the tribe to serve. In addition, the officer in charge may appoint an interpreter and as many clerks and poll watchers as he/she deems necessary, but they shall not be members of the board.
- (b) It shall be the duty of the board to conduct elections in compliance with the procedures described in this part and in particular:
 - (1) To see that the name of each person offering to vote is on the official list of registered voters;
 - (2) To keep the ballot boxes locked at all times except when ballots are being counted;
 - (3) To see that ballots are cast only by registered voters and that the voting list is checked to indicate this;
 - (4) To begin to count the regularly cast ballots immediately after the close of the polls and then the absentee ballots, pursuant to Sec. 81.21;
 - (5) To post and certify the election returns;
 - (6) To return the following to the officer in charge:
 - (i) The ballots (in marked and locked boxes);
 - (ii) All unused ballots; and
 - (iii) The completed Certificate of Results of Election. The officer in charge shall retain the ballots and other material among official records for at least one year. At the end of one year, the officer in charge shall forward the contents of the boxes and other related material to the appropriate Federal Records Center.

COMMENT: Section 81.8(a). The BIA-Western Nevada Agency will accept recommendations from the Tribe for two representatives to serve on the Secretarial Election Board and the Tribe shall make the selection of the two representatives. These persons should be committed to the responsibilities of the Secretarial Election Board and be willing to serve out the election process from beginning to end. The term "Secretarial Election Board" is used specifically in these comments to prevent confusion between the Pyramid Lake Paiute Tribe Election Board and references to the "board" in these regulations.

Sec. 81.9 Voting districts.

If: (a) Voting districts have not already been designated for tribal elections in the tribal constitution or by tribal election ordinance or resolution; and (b) in the election board's judgment voting districts are needed, the board shall establish them and designate a polling place for each district. Where a reservation exists, no voting district may be established beyond its boundaries.

Sec. 81.10 District Election Boards.

- (a) Where voting districts have been established by the tribal constitution, ordinance, resolution, or by the election board, the election board shall appoint district election boards for each district, which shall have the duties prescribed above for the election board except that they shall return to the election board:
 - (1) The ballots (in marked and locked boxes),
 - (2) All unused ballots, and
 - (3) Their certifications of the district election results on the certification forms prescribed by the election board.
- (b) The board will compile the election results for the entire reservation and transmit them together with the aforementioned ballots and ballot boxes to the officer in charge.

Sec. 81.11 Registration.

- (a) Only registered voters will be entitled to vote, and all

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determinations of the sufficiency of the number of ballots cast will be based upon the number of registered voters. The election board, upon receipt of authorization to conduct an election, shall notify by regular mail all adult members of the tribe, who to its knowledge are eligible to vote pursuant to Sec. 81.6 of the need to register if they intend to vote. Any tribal member who, to the election board's knowledge, will become 18 years of age within 150 days (180 days for Alaska tribes) from the date of authorization and who is otherwise eligible to vote shall also be notified and shall be eligible to register, provided that such a person shall not be entitled to vote if election day falls before the individual's 18th birthday. This notice shall be sent to an individual's last known address as it appears on the records of the local unit of the Bureau of Indian Affairs having jurisdiction. Each notice addressed to a tribal member not residing on the reservation shall be accompanied by a preaddressed registration form (BIA Form 8302) which shall set forth the following information in the upper right corner:

- (1) OMB Clearance Number 1076-003, Expires June 30, 1983;
- (2) The name and address of the person desiring to register;
- (3) A statement with a signature line attesting that the individual is a tribal member and is at least 18 years of age, or will be within 150 days, (180 days for Alaska tribes) from the date of authorization; and
- (4) The three following statements: "Completion of and return of this registration form is necessary if you desire to become qualified to vote in the forthcoming constitutional or charter election." "This form, upon completion and return to the election board, shall be the basis for determining whether you qualify to have your name placed upon the list of registered voters and receive a ballot" and "completion and return of this form is voluntary." Members who qualify as absentee voters and wish to cast an absentee ballot must complete and return the above registration form before, or in conjunction with, requesting an absentee ballot in sufficient time to permit compliance with Sec. 81.12.

- (b) The following records shall be kept for all notices:
 - (1) Names and addresses of persons to whom notices are mailed;
 - (2) Date of mailing; and
 - (3) A copy of each return registration request (including from whom received and date and time of receipt).

Tribal members living on the reservation who desire to vote must register with the election board in the manner it determines in time to permit compliance with Sec. 81.12. Registration procedures for such Indians shall be included in the notice of the need to register to resident members.

[46 FR 1670, Jan. 7, 1981, as amended at 46 FR 38352, July 27, 1981. Redesignated at 47 FR 13327, Mar. 30, 1982]

COMMENT: Section 81.11(a). A packet will be mailed out to all adult members, which that will include a Cover Letter, Notice/Rules for the Election, a Sample Ballot, Articles of Association, the Proposed Constitution, a Voter Registration Form, and an Absentee Ballot Request Certification Form. A pre-paid return envelope will be included and all mailings shall be to the BIA-Western Nevada Agency.

Sec. 81.12 Voting list.

The election board shall compile in alphabetical order an official list of registered voters arranged by voting districts, if any. This list shall designate, where applicable, those who have requested an absentee ballot and the members of the tribe who are or will have attained the age of 18 years within 150 days (180 days for Alaska tribes) from the date an election is authorized and who have duly registered to vote. A copy of this list shall be supplied to any district election board and shall be posted at the headquarters of the local administrative unit of the Bureau of Indian Affairs, the tribal headquarters, and at various other public places designated by the election board at least 20 days prior to the election.

COMMENT: The BIA will work with the Tribe to get an updated membership roll and compile the list of eligible voters. The BIA-Western Nevada Agency will print out a

listing of adult tribal members who are 18 years of age and older on the Secretarial Election day, and the listing of these names shall be posted and can be corrected.

Sec. 81.13 Eligibility disputes.

The election board shall determine the eligibility of any written claim to vote presented to it by one whose name does not appear on the official list of registered voters as well as any written challenge of the right to vote of anyone whose name is on the list. Its decision shall be final. It shall rule on all claims no later than ten days before the election. Any claim not presented at least ten days before the election shall be disallowed. Nonresident claimants successfully appealing omission from the list shall immediately be furnished an absentee ballot. Omission of names from the voters list due to late registration, if notification (pursuant to Sec. 81.14) has been timely mailed, shall not be considered grounds for challenge.

COMMENT: The Secretarial Election Board shall make determinations and decisions will all challenges and disputes.

Sec. 81.14 Election notices.

Not less than 30 nor more than 60 days notice shall be given of the date of the election. Such notice shall include the location of where the results will be posted. The notice shall also advise that persons must register if they intend to vote. The election board shall determine whether the notice will be given by television, radio, newspaper, poster, or mail, or by more than one of these methods and whether in an Indian language in addition to English. A copy of any written election notice may be mailed to each registered voter and shall be posted at the local administrative unit of the Bureau of Indian Affairs and elsewhere as directed by the election board. At any time after receiving Secretarial authorization to hold the election, the board shall make available to the adult members of the tribe the text of any amendment or proposed constitution and bylaws, amendment thereto, charter, or charter amendment. The election board may determine the manner and timing of the distribution. However, the text shall be posted at least within the local administrative unit of the Bureau and the tribal headquarters within two days following the giving of notice of the election date by the election board.

COMMENT: The notice shall be posted and the notice will also be mailed to all adult tribal members eligible to vote with the packets of all of the information on the Secretarial Election (listed in Section 81.11 above).

Sec. 81.15 Opening and closing of polls.

If polling places are established, the polls shall remain open from 8 a.m. to 7 p.m., local time, unless different hours are set by the election board and the voters are informed of this in the election notice.

COMMENT: The polling place will be on the Pyramid Lake Indian Reservation and shall be open and closed based on the decision made by the Secretarial Election Board.

Sec. 81.16 Interpreters.

Interpreters, where needed, may be provided to explain the manner of voting to any voter who asks for instructions; provided, that all reasonable precautions are taken to ensure that the interpreter does not influence the voter in casting the ballot. The interpreter may accompany the voter into the booth upon the latter's request.

Sec. 81.17 Electioneering.

There shall be no electioneering during voting hours within 50 feet of any voting place. Sample ballots will be permitted in the voting booth.

Sec. 81.18 Manner of voting.

- (a) Registered voters may vote by arriving at the appropriate polling place within the prescribed voting hours telling officials their names and addresses, signing their signature or mark on the voting list, and by marking and placing in the ballot box the ballots which will be handed to them. Voting shall be by secret ballot.
- (b) Voting may take place at the same time regarding the adoption of a constitution, the ratification of a charter, or the amendment of such documents; provided, that entitlement to vote for the proposal is consistent with Sec. 81.6 of this part and, provided further, that no charter shall be considered ratified if the proposed constitution is not adopted and approved.

- (c) The election board may choose not to use polling places and provide for the issuance and receipt of ballots entirely through the United States Postal Service. In that event, the election board shall use the appropriate procedures set forth in this part relating to absentee balloting.

Sec. 81.19 Absentee voting.

- (a) Nonresident members who have registered may vote by absentee ballot except as prohibited by Sec. 81.6. Also, whenever, due to temporary absence from the reservation, illness, or physical disability, a registered and otherwise eligible voter is not able to vote at the polls and notifies the election board, the voter shall be entitled to vote by absentee ballot. Upon his or her request, the election board shall give or mail absentee ballots to registered voters who may be entitled to receive them pursuant to Sec. 81.6. At the same time, such voters will also be provided a copy of the proposal to be voted upon when the full text does not appear on the ballot. Appropriate records shall be kept of those from whom requests are received and the date they were received. The election board shall allow an absentee voter no less than ten days from the mailing out of an absentee ballot to receive and return the ballot. This period shall not be afforded absentee voters desiring to exchange a mutilated or spoiled ballot less than ten days before the election date. While requests for absentee ballots received less than ten days before an election will be promptly honored, no absentee ballot will be counted if received later than either the close of the polls or after some other deadline established by the election board. The election board shall furnish election officials the names of individuals who have been given or had mailed to them an absentee ballot.
- (b) Accompanying the absentee ballot shall be:
 - (1) An inner envelope bearing on the outside, the words "Absentee Ballot,"
 - (2) Instructions for completion of the absentee ballot,
 - (3) A copy of the proposed amendment, and
 - (4) A preaddressed outer envelope, imprinted on the back with a certificate as follows:

*I, (name of voter), hereby certify that I am a qualified voter of the (name) Tribe of Indians; that I will be 18 years of age or over at the election date and am entitled to vote in the election to be held on (date of election); and that I cannot appear at the polling place on the reservation on the date of the election because (indicate one of the following reasons): I am a non resident voter [squ]; or I expect to be temporarily absent from the reservation [squ]; or because of illness [squ]; or physical disability [squ]; or because no polling place has been established [squ]. I further certify that I marked the enclosed ballot in secret.
Signed: _____ (voter's signature).*

- (c) The absentee voter shall mark the ballot and the ballot shall then be folded so as to conceal the marking and be placed in the envelope marked "Absentee Ballot" and the envelope sealed. The voter shall then place the sealed envelope marked "Absentee Ballot" in the outer envelope, seal it and complete the certificate and mail it. The preaddressed outer envelope shall be directed to the election board at the reservation. Absentee ballots must be received by the election board not later than the close of the polls or as otherwise directed by the election board.
- (d) The election board shall make and keep a record of ballots mailed, to whom mailed, the date of mailing, the address on the envelope, the date of the return of the ballot, and from whom received. After duly recording the receipt date of absentee ballots received on time, representatives of the election board shall open the outer envelopes, secure them and place the unmarked inner envelopes containing the ballots in a separate box reserved for that purpose. After all other ballots have been counted, the absentee ballots shall be counted immediately and included in the results of the election.

COMMENT: Section 81.19(d). This is a log that will be kept by the Secretarial Election Board to track the process of absentee voting.

(Continued on page 12)

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Sec. 81.20 Ballots.

- (a) Ballots are to be prepared clearly and simply so that it is easy for the voters to indicate a choice between no more than two alternatives. For example, if a tribal council or the petitioners propose to reduce the one-half degree blood quantum required to qualify for membership but want the voters to decide whether it should be one-fourth or one-eighth, it would not be appropriate to put those two alternatives on the ballot. Doing so, would deny the voters an opportunity to vote for keeping the one-half degree blood quantum. Neither would it be appropriate to include all three blood quantum alternatives. Rather, those proposing the change should decide which blood quantum is to be submitted to the voters. The ballot in the Secretarial election would then give the electors the choice of marking either "yes" or "no." A vote against the proposed change would be in favor of keeping the one-half degree blood quantum in the example.
- (b) In preparing ballots for proposed amendments, care should be taken to ensure that:
 - (1) Each proposed amendment addresses only a single question.
 - (2) If a proposed amendment conflicts with other provisions of the document being amended, the ballot shall be prepared so that the question includes all changes in those other directly related provisions in order to avoid contradictions within the document.
 - (3) When more than one amendment is being submitted to the voters at a given election, the proposals shall be identified with alphabetical designations rather than numerical. The first of the several proposals would be labeled "Proposed Amendment A," the next would be "Proposed Amendment B," etc. Those amendments that are adopted and approved would then be assigned consecutive numbers to follow those assigned any earlier amendments that may have been made to that governing document. A statement similar to the following shall appear on each of the proposed amendments and shall be completed following the election:

Having been duly adopted and approved, Proposed Amendment (A,B,C, etc.) is hereby designated as Amendment No. -- to the (Constitution, Charter, etc.) of the (name of tribe) Tribe.

- (c) The election board will supply all ballots. Each ballot shall be stamped in red ink on its face in the same place:

OFFICIAL BALLOT
(Facsimile Signature)
CHAIRMAN, ELECTION BOARD

- (d) Should any voter spoil or mutilate a ballot in the course of voting at a poll, the voter shall destroy it in the presence of the election officials and the election officials shall then make note of the destroyed ballot and furnish the voter with another ballot.
- (e) Any spoiled or mutilated absentee ballot may be exchanged for a new one by returning it to the election board with a request for another. The board shall honor the request promptly and note the dates of related actions. No extension of time will be granted for receipt of exchanged ballots that might not be cast on time.

COMMENT: Section 81.20(a). A question will be printed and the voter will vote for the selection choice of YES or NO. A YES vote will represent that the voter agrees with the proposed amendment(s), signifying by the affirmative vote selection. A NO vote will represent that the voter disagrees with the proposed amendment(s), signifying by the negative vote selection.

Sec. 81.21 Counting of ballots.

All duly cast ballots are to be counted. Even though it will not be possible to determine the intent of the voter regarding spoiled and mutilated ballots, they are to be counted for purposes of determining whether the required percentage of voters have cast their ballots in the election. Invalid ballots shall not be counted for purposes of determining the required percentage of votes cast.

COMMENT: shortly after the voting polls close, the ballots will be counted and an unofficial result will be posted.

Sec. 81.22 Contesting of election results.

Any qualified voter, within three days following the posting of the results of an election, may challenge the election results by filing with the Secretary through the officer in charge the grounds for the challenge, together with substantiating evidence. If in the opinion of the Secretary, the objections are valid and warrant a recount or new election, the Secretary shall order a recount or a new election. The results of the recount or new election shall be final.

Sec. 81.23 Posting and certifying election results.

- (a) The results of the election shall be posted in the local Bureau of Indian Affairs office, tribal headquarters, and at other appropriate public places determined by the election board.
- (b) The election board shall certify the results of the election on the following form and transmit them to the local unit of the Bureau of Indian Affairs:

*Certificate of Results of Election
Pursuant to a Secretarial election authorized by the (title of authorizing officer) on (date), the attached Constitution and Bylaws (Amendment, Charter or Charter Amendment) of the (name of tribe) was submitted to the qualified voters of the tribe and on (date), was duly (adopted) (ratified) (rejected) or (revoked) by a vote of (number) for and (number)*

against and (number) cast ballots found spoiled or mutilated in an election in which at least 30 percent (or such percentages" as may be required to amend according to the constitution) of the (number) members entitled to vote, cast their ballot in accordance with (appropriate Federal statute). Signed: (By the chairman of the election board and board members.)

Date: _____

Sec. 81.24 Approval, disapproval, or rejection action.

- (a) Action to approve or disapprove constitutional actions will be taken promptly by the authorizing officer following receipt of the original text of the material voted upon and the original of the Certificate of Results of Election from the officer in charge.
 - (1) When required and granted, the authorizing officer shall furnish a tribe with written approval of constitutional actions. In the absence of an election challenge, the approval shall be issued promptly following the expiration of the contest period. Copies of his/her written approval, the Certificate of Results of Election, and the text of the material voted upon shall be transmitted to the Commissioner of Indian Affairs, 18th and C Streets, NW., Washington, DC 20245.
 - (2) When a proposed constitution or charter action is rejected by the voters, the authorizing officer shall indicate in writing to the tribe his/her awareness of the election results and send to the Commissioner of Indian Affairs in Washington, DC, copies of the communication, the Certificate of Results of Election and the text of the material voted upon.
 - (3) When the authorizing officer disapproves a constitutional action, he/she shall in writing promptly notify the tribe of the determination and furnish the Commissioner of Indian Affairs in Washington, DC, a copy of the communication along with the Certificate of Results of Election and the text of the material voted upon.
- (b) Where Secretarial approval of proposed constitutional and charter actions is required in conjunction with authorization of an election, copies of the formal approval shall immediately be furnished the Commissioner of Indian Affairs in Washington, DC, by the authorizing officer and be followed in accordance with paragraph (a)(1) of this section by copies of the Certificate of the Results of Election and the text of the material voted upon as soon as it is available.

COMMENT: Section 81.24(a). The BIA-Western Nevada Agency (officer in charge) will prepare a report of the Secretarial Election and transmit it to the BIA-Western Regional Director (authorizing officer) with recommendations.

NOTES: _____

Amendment Number 1: Voting Age, Residency Requirement, and Absentee Ballots

Article IV – Nominations and Elections; Section 4.

Original: Any member of the Pyramid Lake Paiute Tribe who is 21 years of age or over and who has maintained a legal residence for at least one year on the Pyramid Lake Reservation shall be entitled to vote.

Article IV – Nominations and Elections; Section 4.

Proposed: Any member of the Pyramid Lake Paiute Tribe who is 18 years or older is eligible to vote at a tribal election. YES NO

Explanation: The proposed amendment is for consideration amending the voting age to 18 years. Currently, the Constitution and By-Laws Article IV, Section 4, requires that eligible voters maintain legal residency on the PLIR for at least one year prior to an election. The proposed amendment is for consideration to remove the residency requirement. This would allow all tribal members living on or off of the Pyramid Lake Indian Reservation the right to vote.

Proposed: Any member of the Pyramid Lake Paiute Tribe who is 18 years of age or older and who has maintained a legal residence for at least one year on the Pyramid Lake Reservation shall be entitled to vote. YES NO

Explanation: This second question proposes the 18 year old right to vote, but includes the residency requirement. This second proposed amendment will provide the option to choose the amendment with the residency requirement.

Article IV – Nominations and Elections; Section 5. This is a new section that will be added.

Proposed: Voting at special and tribal elections is conducted at a designated polling place or, by absentee ballot for eligible voters. YES NO

Explanation: This proposed amendment would add Section 5 to Article IV which would include a provision that provides an absentee ballot for any eligible voter to exercise their vote. The absentee ballot could be used by any eligible voter of the Tribe living on or off of the Pyramid Lake Indian Reservation to be able to participate in a tribal election.

Amendment Number 2: Four Year Terms, Term Succession

Article III – Governing Body; Section 2.(a) [Approval date February 6, 1973].

Original: Chairman and Vice-Chairman. The chairman and vice-chairman shall be elected through popular vote and each shall serve for a term of two (2) years or until their successors are elected. Candidates for the offices of chairman and vice-chairman shall be members of the Pyramid Lake Paiute Tribe, twenty-five (25) years of age or older at the time of election (see By Laws, Article II – QUALIFICATIONS FOR OFFICE), and must have lived continuously on the Pyramid Lake Reservation for not less than one (1) year immediately preceding his announcement of such candidacy. The chairman and vice-chairman may serve two (2) terms in succession.

Proposed: Chairperson and Vice-Chairperson. The Chairperson and Vice Chairperson shall be elected through popular vote and serve a term of four (4) years or until their successors are elected. At the first election after this amendment, the Chairperson and Vice-Chairperson shall serve out their 2-year terms, and the elected Chairperson and Vice-Chairperson shall thereafter serve a 4-year term. Candidates for the offices of Chairperson and Vice Chairperson shall be an enrolled member of the Tribe, twenty-five (25) years of age or older at the time of election, and shall comply with tribal candidacy requirements. The Chairperson and Vice Chairperson may serve any number of terms in succession. YES NO

Explanation: Article III 2(a) will be amended to provide for four year terms for the Chairperson and Vice Chairperson. A significant requirement will be that a candidate shall comply with any such candidacy requirements. This amendment is intending to clarify the two consecutive term language by proposing because it states, "...may serve two (2) terms in succession." It can be read as there is no limitation. Although it does not state "may only" the implication may not limit serving to two consecutive terms. The term Tribal Chairperson and Tribal Vice Chairperson are more acceptable terms since there are times women also serve as the Tribal Chairperson and Tribal Vice Chairperson.

Amendment Number 3: Four Year Terms

Article III – Governing Body; Section 2.(b) [Approval date February 6, 1973].

Original: Councilmen. The councilmen shall be elected by eligible voters of the Pyramid Lake Paiute Tribe and shall serve for a term of two (2) years or until their successors are elected; except that at the December election following the adoption of these amendments half of the councilmen receiving the highest number of votes shall serve a two (2) year term and the remaining half shall serve a one (1) year term. Candidates for councilmen shall be members of the Pyramid Lake Paiute Tribe, twenty-five (25) years of age or older and must have lived on the Pyramid Lake Reservation for not less than one (1) year immediately preceding his announcement of such candidacy. All councilmen shall serve any number terms in succession.

Proposed: Council Members. Council Members shall be elected by eligible voters of the Pyramid Lake Paiute Tribe and shall serve for a term of four (4) years or until their successors are elected. At the first election following the adoption of this amendment, four seats shall be elected for two year terms and four seats shall serve out their current terms. Thereafter, all Council Members shall be elected to four (4) year terms. Candidates for the Tribal Council shall be an enrolled member of the Pyramid Lake Paiute Tribe, twenty-five (25) years of age or older, and shall comply with tribal candidacy requirements. Tribal Council Members may serve any number of terms in succession. YES NO

(Continued from page 13)

Explanation: This amendment will provide for four year terms for each Council Member. The other significant requirement will be that a candidate shall comply with any such candidacy requirements. This means the terms and conditions as set forth in the Tribal Election Ordinance. Another clarification is the term Councilmen. The term Council Member is an acceptable term since there are times women also serve on the Tribal Council.

Amendment Number 4: Article III – Governing Body; Section 4 [Approval date February 23, 1962].

Original: Councilmen shall hold office for a term of two years or until their successors are elected, except that at the first election of Councilmen under this Amendment to the Constitution, the five candidates receiving the highest number of votes shall hold office for two years and the five candidates receiving the next highest number of votes shall hold office for one year. Thereafter, every year five councilmen shall be elected for a term of two years.

Proposed: [To eliminate provision from the record.](#) ___YES ___NO

Explanation: Article III Section 4 provision is repetitive as the previous Article III 2(a) and Article III 2(b) state the exact language regarding terms of office and how the elected seats are to accept the terms of their office.

Amendment Number 5: Removal, and Recall Provisions

Article V – Vacancies and Removal from Office; Section 2 [Approval date January 15, 1936].

Original: Any councilman who is proven guilty of improper conduct, or gross neglect of duty may be expelled from the council by a two-thirds vote of the council members, provided that the accused member is given full opportunity to reply to any and all charges at a designated council meeting and provided further that the accused member shall have been given a written statement of the charges against him at least five days before the meeting at which he is to be given an opportunity to reply.

Proposed: **Article V – Vacancies, Removal, and Recall; Section 2 – Removal**
[The Chairperson, Vice Chairperson, or any Tribal Council Member who is convicted of a criminal offense or is proven guilty of improper conduct, proven to have failed to perform duties prescribed by law, or proven guilty of gross neglect of duty may be removed from the tribal council by a two-thirds vote of the full council, provided that the accused is given full opportunity to reply to any and all charges at a designated council meeting and is provided written statement\(s\) of the charges against him/her at least five days before the meeting at which he/she is given the opportunity to reply.](#) ___YES ___NO

Explanation: The proposed amendment intends to clarify and present distinction in defining the manner in which the charges can be made against anyone who may be charged. It will also provide a provision for a recall of any Council Member for the same purposes in the removal provision. The proposed amendment provides that the removal provision will require that a Council Member be convicted of a criminal offense, proven guilty of improper conduct, failure to perform duties as prescribed by law, or gross neglect of duty. The same requirements exist for the charges to be provided and a meeting be scheduled where the charged individual may reply to the charges.

Proposed: **Section 3 – Recall**
[The Chairperson, Vice Chairperson, or any Council Member may be recalled from office by the eligible voters of the Pyramid Lake Paiute Tribe. Upon receipt of a petition signed by at least 2/3 of the eligible voters, it shall be the duty of the Tribal Council to certify the petition by validating all charges contained in the petition, to call and schedule a special recall election.](#) ___YES ___NO

Explanation: The recall provision is provided to give the eligible voters the opportunity to bring charges against the Chairperson, the Vice Chairperson, or any Council Member for a recall election. This provision is intended to provide that the voters be allowed to decide the outcome of a recall of an elected tribal official charged be brought before the voters and their decision through a recall election determines the outcome. The provision further provides that any petition must have at least 2/3 of eligible voters signatures on a recall petition and that at least 2/3 of the eligible voters participate in the recall election. This will assure that charges are supported with evidence of fact.

Amendment Number 6: Employing Legal Counsel

Article VI – Powers and Duties of the Tribal Council; Section 1.(b) [Approval date January 15, 1936].

Original: To present and prosecute any claims or demands of the Pyramid Lake Paiute Tribe; to assist members of the tribe in presenting their claims and grievances at any court or agency of the Government; and to employ representative or counsel for such services, the choice of counsel and fixing fees for counsel and representatives to be subject to the approval of the Secretary of the Interior.

Proposed: To present and prosecute any claims or demands of the Pyramid Lake Paiute Tribe; to assist members of the tribe in presenting their claims and grievances at any court or agency of the Government; [and to employ legal counsel for the protection and advancement of the rights of the Tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior so long as such approval is required by Federal law.](#) ___YES ___NO

Explanation: Article VI Section 1(b) is the original language of the Pyramid Lake Paiute Tribal Constitution and By-Laws dated 1936. Public Law 106-179, dated March 14, 2000 authorizes that employing legal counsel by a Tribal government no longer requires approval by the Bureau of Indian Affairs. The

(Continued on page 15)

Federal law provides that a Tribe has the authority to approve contracts for legal counsel. This proposed amendment is required to be consistent with Federal law and Federal procedures.

Amendment Number 7: Lease Provisions

Article VI – Powers and Duties of the Tribal Council; **Section 1.(c)** [Approval date January 15, 1936].

Original: To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of Interior, the Commissioner of Indian Affairs, or any other official or agency of the Government, provided that no tribal lands shall ever be sold, encumbered, or leased for a period exceeding five years.

Proposed: To negotiate, approve, or veto leases, permits, encumbrances of tribal lands, interests in land, and other tribal assets consistent with Federal law and Article VII – Tribal Lands of this Constitution. ___YES ___NO

Explanation: Article VI Section 1(c) states that the approval of any lease shall not be for a period exceeding five years. Congress enacted Public Law 89-408 in 1966 wherein it lists the Pyramid Lake Paiute Tribe as having leasing authority for up to 99 years. This legislation is codified in Title 25 of the U.S. Code Section 415 Leases of Restricted Lands. The Tribe has never amended its Constitution and By-Laws to ratify the Congressional legislation. This proposed amendment is intended to make the Tribe’s Constitution and By-Laws consistent with Federal law.

This amendment will also include amending the **Corporate Charter of the Pyramid Lake Paiute Tribe** Section 5.(b)(2).

Original: No leases, permit (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Pyramid Lake Reservation shall be made by the Tribe for a longer term than five years, and all such leases, permits, or contract s must be approved by the Secretary of Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

Proposed: Leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Pyramid Lake Reservation may be made by the Tribe as any lease, permit, or contract is consistent with Federal law, and all such leases, permits, or contract s must be approved by the Secretary of Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law. ___YES ___NO

Explanation: The second part of this proposed amendment is to bring consistency and conformance with the Corporate Charter of the Pyramid Lake Paiute Tribe Section 5(b)(2) wherein the original version too states that the Tribe has leasing authority not to exceed five years.

Amendment number 8: Tribal Council Meetings

Article IV – Meetings and Procedures; **Section 2** [Original approval date January 15, 1936; Amended on February 3, 1956]

Original: The council shall meet regularly on the first Saturday of each month.

Amendment 1: The council shall meet regularly on the first Friday of each month.

Proposed: The Council shall meet regularly on the first and third Friday of each month. Meetings may be rescheduled by the Tribal Council for purposes of holidays or as determined by the Tribal Council. ___YES ___NO

Explanation: This proposed amendment is intended to establish the regular and special tribal council meeting times for the month. It will also clarify for the situation where a regular or special tribal council meeting may need to be rescheduled.

NOTES: _____

**Written comments
(mail, fax, hand delivered)
must be received
by July 2, 2010
12:00 pm at the
PLPT
Tribal Offices
208 Capitol Hill
PO Box 256
Nixon, NV 89424**

Letters to the Editor

The Pyramid Lake Paiute Tribal Newspaper welcomes your "Letters to the Editor."

- ◆ Letters must be 200 words or less. Letters are subject to editing for conformance to the 200 word limit, as well as for libel and taste.
- ◆ Letters must carry a full, legible and signed name of its author. The newspaper staff does not withhold names of letter authors. Pseudonyms are not allowed.
- ◆ Each author is allowed one published letter per newspaper issue.
- ◆ To be published, all letters must have a permanent address and/or a daytime telephone number for verification. **This information will not be published.**
- ◆ Letters addressed to specific parties other than the Pyramid Lake Paiute Tribal newspaper, to readers, letters from other publications, form letters that do not contain original writing content by the signatory or personal complaints outside the public domain are not published.
- ◆ Letters are published in the order which they are received. Promptness of publication depends on the volume of letters received and space availability.

MAIL LETTERS TO:

Letter to the Editor
 PYRAMID LAKE PAIUTE TRIBE
 P O Box 256
 Nixon, NV 89424

Newspaper Submittal for Paper **JUNE (2nd quarter) DEADLINE: June 28th—Monday @ 12:00 p.m.**

Please complete **this form** and submit with your article.

BE SURE TO:

- Include your name, phone # and address.
- Personals may submit a hard copy of article. Hand written Personals ONLY must be printed legibly.
- **Submitted articles must be saved on CD** in Adobe Acrobat, Publisher, Word or WordPerfect format. (Media will be returned).
- **Articles can be submitted via e-mail to newspaper@plpt.nsn.us.** A hard copy of article must also be submitted by deadline.
- Pictures should be submitted in black & white. (Dark backgrounds do not scan well).
- Digital pictures must be taken with a high resolution for a good quality picture.
- REMEMBER: Pictures represent the quality of the picture submitted.
- Submit all information to the Tribal Manager's Office by deadline

DATE: _____ NEWSPAPER MONTH: _____
 NAME: _____
 PHONE: _____ DEPARTMENT: _____
 TITLE OF ARTICLE: _____
 ITEMS TO BE RETURNED: YES or NO
 IF YES, ADDRESS: _____

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DEADLINES FOR THE YEAR 2010 (Tentative Dates, subject to change): Monday @ 12:00 pm

June (2nd qtr) **Due:** June 28th July-Sept (3rd qtr) **Due:** Sept 27th Oct-Dec **Due:** Dec 27th

This schedule will allow us to get the newspaper prepared, edited, and printed and ready for bulk mailing the first week of each month. The Tribal Manager's office collects your articles and will forward them to the Editor.

Thank you for contributing your articles for our Newspaper this past year. Please continue to contribute to our Newspaper and let the people know about your program or department's activities and accomplishments. Please submit on diskette in Microsoft Word, WordPerfect or Publisher format along with a hard copy of article.

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