

**Constitution and By-Laws
Of the Pyramid Lake Paiute Tribe
Nevada**

Original:
Article III-Governing Body

Sec. 2. The entire tribal council, including the chairman and vice-chairman, shall be composed of ten (10) members, and shall be elected through secret balloting by the eligible voters of the tribe.

- (a) **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 Bylaws, Article II-QUALIFICAATIONS 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.
- (b) **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 period of one (1) year. 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 of terms in succession.

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Proposed: Amendment A
Article III Governing Body

Sec.2. The entire Tribal Council, including the Chairperson and Vice-Chairperson, shall be composed of ten (10) members, and shall be elected through secret balloting by the eligible voters of the Tribe.

- (a) **Chairperson and Vice-Chairperson**. The Chairperson and Vice-Chairperson 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 Chairperson and Vice-Chairperson shall be members of the Pyramid Lake Paiute Tribe, twenty-five (25) years of age or older at the time of election (see Bylaws, Article II-QUALIFICATIONS FOR OFFICE), and must have lived continuously on the Pyramid Lake Reservation for not less than one (1) year immediately preceding the date of the election. The Chairperson and Vice-Chairperson may serve any number of terms in succession.
- (b) **Council Members**. The Council Members 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 Council Members receiving the highest number of votes shall serve a two (2) year term and the remaining half shall serve a period of one (1) year. Candidates for Council Members 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 the date of the election. All Council Members may serve any number of terms in succession.

Purpose: Amendment A will:

1. Remove the term limits on the Chairman and Vice-Chairman.
2. Change the terms to be gender inclusive by relabeling them as Chairperson, Vice-Chairperson, and Council Members.

Positives:

Better continuity within the government.

Less change in leadership means that relationships have time to develop.

Less change in leadership means that projects can be completed and not transitioned to the next elected leader.

Negatives:

Original:

Article IV-Nominations and Elections

Sec. 2 Any qualified voter of the tribe who is twenty-five (25) years of age or older may announce his candidacy for chairman, vice-chairman, or councilman by notifying the secretary of the tribal council, in writing, of his candidacy at least fifteen (15) days prior to the election. It shall be the duty of the secretary to post the names of all candidates who have met the requirements at least ten (10) days before the election.

Section 4. Any member of the Pyramid Lake Paiute Tribe who is eighteen (18) years or older and who has maintained continuous legal residency on the Pyramid Lake Indian Reservation for at least one (1) year immediately preceding the election, shall be entitled to vote.

Section. 5. Voting at special and tribal elections is conducted at a designated polling place or by absentee ballot for eligible voters as defined in Article IV, Section 4. Eligible voter means any member of the Pyramid Lake Paiute Tribe who is eighteen (18) years or older and who has maintained continuous legal residency on the Pyramid Lake Indian Reservation for at least one (1) year immediately preceding the election.

Proposed: Amendment B

Article IV-Nominations and Elections

Sec.2 Any member of the Pyramid Lake Paiute Tribe who is twenty-five (25) years of age or older and who has maintained continuous legal residency on the Pyramid Lake Indian Reservation for at least one (1) year immediately preceding the date of the election, may announce his/her candidacy for Chairperson, Vice-Chairperson, or Council Member by notifying the secretary of the Tribal Council, in writing, of his/her candidacy at least fifteen (15) days prior to the election. It shall be the duty of the secretary to post the names of all candidates who have met the requirements at least ten (10) days before the election.

Sec. 4. Any member of the Pyramid Lake Paiute Tribe who is eighteen (18) years or older shall be considered eligible and entitled to vote.

Sec. 5. Voting at special and tribal elections is conducted at a designated polling place or by absentee ballot for eligible voters as defined in Article IV, Section 4. The Tribal Council may approve an ordinance defining the definition and procedures for an absentee ballot.

Purpose: Amendment B will;

1. Allow all members of the Tribe to vote during the general election by removing the residency requirement.
2. Makes the change regarding having maintained continuous legal residency on the reservation for candidacy.
3. Change the terms to be gender inclusive by relabeling them as Chairperson, Vice-Chairperson, and Council Members.
4. Further Strengthen voting procedures by ordinance.

Pros: All members of the Tribe would be allowed to vote.

Cons: voting members that live off the reservation may not be aware of all the issues currently being discussed.

Original:
Article V-Vacancies and Removal from Office

This will add a new section to Article V.

Proposed: Amendment C
Article V-Vacancies and Removal from Office

Sec 4. Each elected Chairperson, Vice-Chairperson, and Council Member must maintain continuous legal residency on the Pyramid Lake Indian Reservation for the entirety of their term, or shall be subject to removal.

Purpose: Amendment C will;

Expand and defines the legal residency requirement for staying an elected official.

Pros:

Adding clears up any confusion that may be of concern in the future.

Cons:

Original:

Article II-Membership

Sec.2 The Council shall have the power to propose ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of member of the tribe, provided that no existing property rights shall be affected by this section.

Article VI-Powers and Duties of the Tribal Council

Section 1. The Pyramid Lake Paiute Tribal Council shall exercise the following powers, subject to any limitations impose by the Statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this con-stitution and the attached by-laws:

(h).To create and maintain a Pyramid Lake Paiute Tribal Council Fund by accepting grants or donations from any person, State, or the United States, or by levying assessments of not less than ten cents or more than one dollar per year per capita on the qualified voters of the Pyramid Lake Paiute Tribe, and to require the performance of community labor in lieu thereof, or by levying taxes and license fees, subject to review by the Secretary of the Interior, upon non-members doing business within the reservation.

(i) to provide by ordinance, subject to review by the Secretary of the Interior, for removal or exclusion from the reservation of any non-members whose presence may be injurious to the members of the tribe.

(j) to promulgate ordinances subject to the review by the Secretary of the Interior for the purpose of safeguarding the peace and safety of residents of the reservation and to

Proposed: Amendment D

Article II-Membership

Sec2. The Council shall have the power to propose ordinances governing future membership and the adoption of members by the tribe, provided that no existing property rights shall be affected by this section.

Article VI-Powers and Duties of the Tribal Council

Section 1. To the fullest extent allowed under federal law, the Pyramid Lake Tribal Council shall exercise the following powers without need for approval of the Secretary of the Interior. Only those actions requiring Secretarial approval under federal law or regulation will be subject to Secretarial review and approval pursuant to the process prescribed by such federal law or regulation:

(h) To create and maintain a Pyramid lake Paiute Tribal Council Fund by accepting grants or donations from any person, State, or the United States, or by levying assessments of not less than ten cents or more than one dollar per year per capita on the qualified voters of the Pyramid Lake Paiute Tribe, and to require the performance of community labor in lieu thereof, or by levying taxes and license fees upon non-members doing business within the reservation.

(i) To provide by ordinance for removal or exclusion from the reservation of any non-member whose presence may be injurious to the members of the tribe.

(j) To promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the reservation and to establish courts for the adjudication of claims and disputes

establish courts for the adjudication of claims and disputes and for the trial and penalizing of all persons, including non-Indians, acting within the exterior boundaries of the reservation, charged with the commission of offenses set forth in such ordinances.

(k) To regulate the inheritance of property within the reservation, subject to review by the Secretary of the Interior.

(l) to provide by ordinance for the appointment of guardians for minors and mental incompetents, subject to the approval of the Secretary of the Interior.

Sec.2 Any resolution or ordinance which, by terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within ten days thereafter approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy bearing his endorsement, to the Secretary of the Interior who may, within ninety days from the date of enactment, rescind the ordinance or resolution by notifying the council of such action.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days from its enactment, he shall advise the tribal council of his reasons therefor. If these reasons appear to the council insufficient it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution becomes effective.

Sec 3. Future powers-The council of the Pyramid Lake Paiute Tribe may exercise, subject to popular referendum, such further powers as may in the future be delegated to the tribe by the Secretary of the Interior, or by any other duly authorized official or agency of Government.

and for the trial and penalizing of all persons, including non-Indians, acting within the exterior boundaries of the reservation, charged with the commission of offenses set forth in such ordinances.

(k) To regulate the inheritance of trust property within the reservation.

(l) To provide by ordinance for the appointment of guardians for minors and mental incompetents.

Sec 2. Future powers-The Council of the Pyramid Lake Paiute Tribe may exercise, subject to popular referendum, such further powers as may in the future be delegated to the Tribe

Sec 4. Reserved powers-Any rights and powers heretofore vested in the Pyramid Lake Paiute Tribe but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Pyramid lake Paiute Tribe through the adoption of appropriate by-laws and constitutional amendments.

by the Secretary of the Interior, or by any other duly authorized official or agency of Government.

Sec 3. Reserved powers-Any rights and powers heretofore vested in the Pyramid Lake Paiute Tribe but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Pyramid Lake Paiute Tribe through the adoption of appropriate by-laws and constitutional amendments.

Purpose: Amendment D will;

1. Remove the review by the Secretary of the Interior for a number of the sections listed.
2. Keep review by the secretary of the interior as is required by law.
3. Define council's role in the inheritance of Trust property.

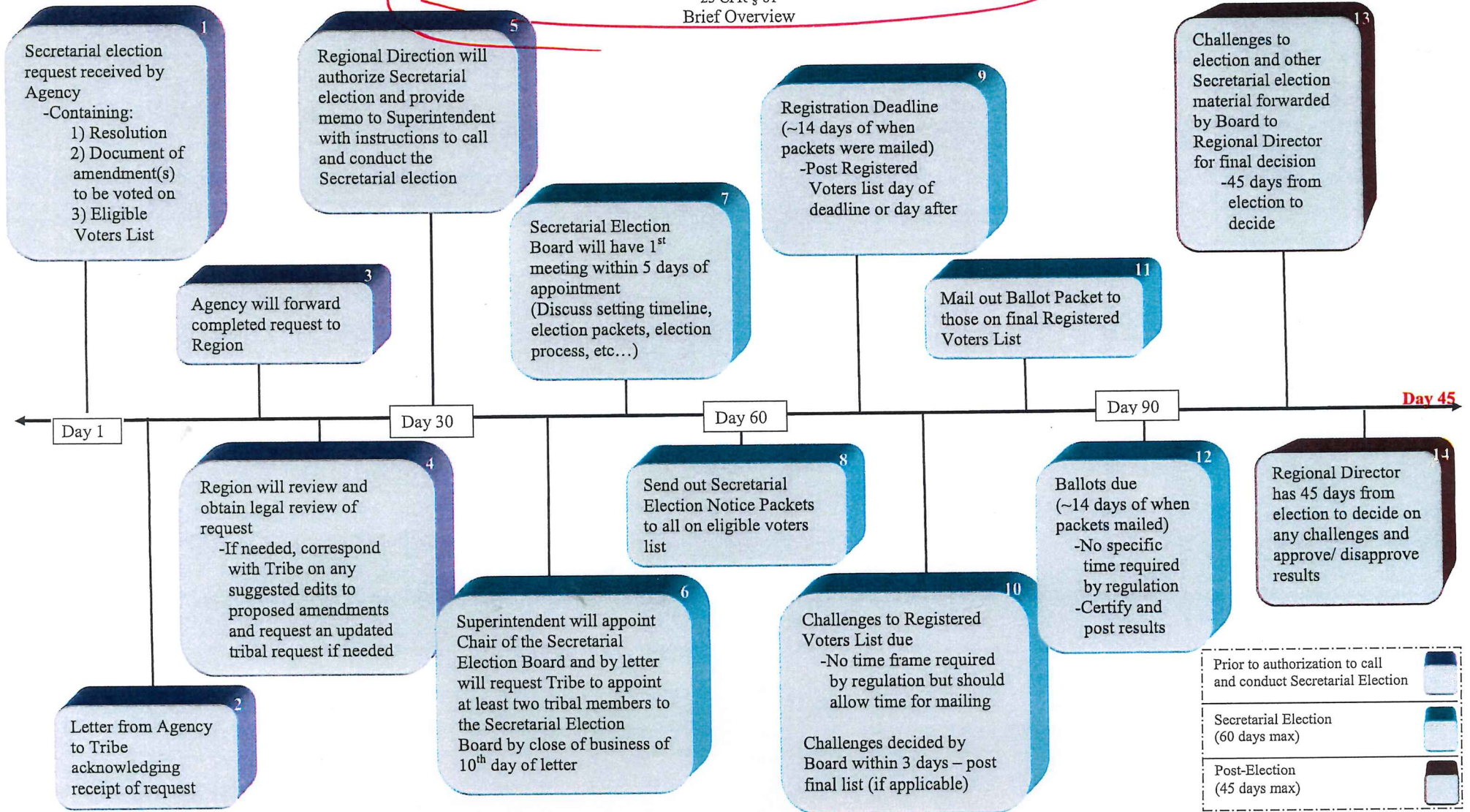
Pros:

Inherit and strengthen Tribal self governance without general oversight of such agencies.
Further define council's role in procedures.

Cons:

90 Day Secretarial Election Timeline – Amendments

25 CFR § 81
Brief Overview



7. POSTING ELECTION RESULTS:

The results of the Secretarial Election shall be posted on **October 23, 2020**, at the following locations:

- BIA, Western NV Agency, 311 E. Washington St., Carson City, NV 89701
- Pyramid Lake Paiute Tribe, 208 Capitol Hill Nixon, NV 89424

8. CONTESTING ELECTION

RESULTS: Any person who is listed on the Eligible Voters List and who submitted a Voter Registration Form may challenge the results of the Secretarial election. Any challenge must be submitted in writing along with substantiating evidence to the Chair of the Secretarial Election Board by **1:00 PM (PST) on October 28, 2020** at Western NV Agency, 311 E. Washington St., Carson City, NV 89701.

Challenges received after the deadline for filing challenges will not be considered.

All challenges will be forwarded by the Secretarial Election Board to the Regional Director for review and decision.

If a challenge alleges errors that would invalidate the election, and the Regional Director sustains any such challenge, the Regional Director will authorize a recount or call for a new Secretarial election. If the challenges are denied or dismissed, the Regional Director will move forward to approve/disapprove the results of the Secretarial election. The decision of the Regional Director shall be a final agency action.

9. ADOPTION: The proposed amendments shall be considered adopted, if the majority vote in favor of adoption; provided, at least **thirty percent (30%)** of the registered voters have cast ballots in the Secretarial election. The Regional Director will then have 45 days to take action to approve.

SECRETARIAL ELECTION BOARD

Colleen LaBelle, Chair, Bureau of Indian Affairs
(775) 887-3500

Marlys Hubbard, Board Member, Bureau of Indian Affairs, (775) 887-3592

, Board Member, PLPT
(775) 574-1000

, Board Member, PLPT
(775) 574-1000

, Board Member, PLPT
(775) 574-1000

NOTICE AND RULES OF ELECTION

RULES TO GOVERN THE
SECRETARIAL ELECTION TO
VOTE ON ADOPTING OR
REJECTING THE PROPOSED
AMENDMENT(S) TO
PYRAMID LAKE PAIUTE TRIBE
CONSTITUTION AND BYLAWS

**YOU MUST REGISTER
TO VOTE IN THIS
SECRETARIAL
ELECTION**

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Western Nevada Agency



RULES OF ELECTION

RULES TO GOVERN THE SECRETARIAL ELECTION TO VOTE ON WHETHER TO RATIFY OR REJECT THE PROPOSED AMENDMENT(S) TO THE PYRAMID LAKE PAIUTE TRIBE, CONSTITUTION AND BYLAWS.

This Secretarial election is a Federal election. These rules are in accordance with Title 25 Part 81 of the Code of Federal Regulations.

This Secretarial election will be conducted by all mailout ballot.

1. ELECTION DATE: October 23, 2022

2. ELIGIBLE VOTERS: All enrolled members who are 18 years old or older on the day of the Secretarial election and who have registered with the Secretary of the Interior will be permitted to vote to ratify or reject the proposed amendment(s).

3. REGISTRATION: The "Voter Registration Form" must be completed and received by the Secretarial Election Board, by U.S. mail or Hand-Delivery no later than 1:00 PM on September 8, 2022. "Voter Registration Forms" are available at the following office(s):

- BIA, Western NV Agency, 311 E. Washington St., Carson City, NV 89701
- Pyramid Lake Paiute Tribe, 208 Capitol Hill Nixon, NV 89424

Mail or Hand-Delivery the "Voter Registration Form" to Western NV Agency, 311 E. Washington St., Carson City, NV 89701

IMPORTANT: If you do not properly register with the Secretary of the Interior, you will not be allowed to participate in this Secretarial election.

4. VOTERS LIST: The registered voter list shall be in alphabetical order and shall be posted for review no later than September 9, 2020 at the following places:

- BIA, Western NV Agency, 311 E. Washington St., Carson City, NV 89701
- Pyramid Lake Paiute Tribe, 208 Capitol Hill Nixon, NV 89424

5. ELIGIBILITY DISPUTES: If you wish to challenge the inclusion, exclusion, or omission of a name on the Registered Voters List, you must submit the challenge in writing to the Secretarial Election Board. You must include the name of the affected individual(s), the reason why the individual(s) name should be added or removed and supporting documentation.

Such claims or challenges must be sent to the Secretarial Election Board at: 311 E. Washington St., Carson City, NV 89701. Attention: Chair of Secretarial Election Board. Claims and challenges must be received by 4:30 PM (PST) on September 16, 2020. The Secretarial Election Board shall make a determination on any claim or challenge within three (3) days of the challenge deadline; its decision shall be final

for the purpose of determining who can vote in the Secretarial election.

The final official list of those entitled to vote shall be posted at the same places identified in Item number 4.

If a challenge is received after the deadline, the Secretarial Election Board must deny the challenge

If an individual failed to submit his or her registration form on time, that individual is precluded from challenging the omission of his/her name on the list.

6. MAILOUT BALLOTS: Mailout ballots with instructions will be mailed promptly after the Registered Voter List is final. No request is required to receive a mailout ballot. Ballots will be sent to all registered voters listed on the final Registered Voters List. The Mailout ballots must be received by October 23, 2020, or by hand deliver to: Western NV Agency, 311 E. Washington St., Carson City, NV 89701, between the hours of 8:00 AM – 1:00 PM.

NOTE: Once you have marked your vote on the ballot, place the ballot in the envelope marked "Mailout Ballot" and seal it. Then place that envelope in the pre-addressed outer envelope. Print your name and sign the certification on the outer envelope before mailing back your ballot. It must be signed to be valid.