

CONSTITUTION AND BY-LAWS FOR THE SWINOMISH INDIAN TRIBAL COMMUNITY

History

Enacting:

Indian Reorganization Act Constitution and By-Laws (11/16/35), SOI (1/27/36).

Amending:

Amend. XVI through XLIV (5/23/17), Requesting Res. 2017-02-030 (2/7/17), SOI (7/7/17).

Amend. X through XV (9/7/85), Requesting Res. 84-7-49 (7/11/84), SOI (10/22/85).

Amend. IX (5/5/66), Requesting Res. 167 (9/1/64), SOI (5/31/66).

Amend. II through VIII (3/26/66), Requesting Res. 167 (9/1/64), SOI (4/27/66).

Amend. I (2/4/50), SOI (4/17/50).

Interpreting:

Res. 82-2-903 (2/2/82), BIA (2/22/83) (interpreting a prior version of Article IV, Sec. 1).

Res. 77-3-431 (3/9/77) (interpreting a prior version of Article VI, Sec. 1(k)).

[Ed. Note: The dates cited for each amendment include (1) the date the Secretarial Election was held, (2) the date the election was requested by Resolution of the Senate, and (3) the date the election was approved by the Secretary of the Interior (SOI).]

[Ed. Note. Requesting Resolution 167 superseded Requesting Resolution 153 (2/11/64).]

[Ed. Note. Although the Secretary of the Interior signed the approval form for Amendment IX, the form was not dated. The May 31, 1966 date was obtained from the BIA.]

[Ed. Note. Requesting Resolution 84-7-49 “approve[d] the attached seven amendments.” The editors believe that the attachment included the amendments made although a copy of the attachment could not be found. In spite of this, the Official Voters Pamphlet for the 1985 election stated that the Senate requested the election by letter dated February 25, 1988. The language found in the Official Voters Pamphlet is consistent with the language of the amendments approved by the Secretary of the Interior.]

[Ed. Note. Resolution 2016-05-094 requested that the Bureau of Indian Affairs Administratively Correct the Text of Various Amendments to the Tribe’s Constitution and By-Laws (5/3/2016). These administrative corrections were approved by the BIA on 6/7/2016.]

CONSTITUTION AND BY-LAWS FOR THE SWINOMISH INDIAN TRIBAL COMMUNITY

PREAMBLE

We, the members of the Swinomish Indian Tribal Community, in order to establish a more perfect tribal organization, promote the general welfare, encourage educational progress, conserve and develop our lands and resources, and secure to ourselves and our posterity the

power to exercise certain rights of home rule, in accordance with and by the authority of the act of Congress of June 18, 1934, do ordain and establish this Constitution for the Swinomish Indian Tribal Community.

[History] Amend. XVI (5/23/17); IRA (11/16/35).

ARTICLE I-NAME, TERRITORY, AND JURISDICTION

SECTION 1. *Name.* The name of this organized body shall be the Swinomish Indian Tribal Community, hereinafter called the Community or Tribe.

[History] Amend. XVII (5/23/17); IRA (11/16/35).

SEC. 2. *Territory.* The territory of the Swinomish Indian Tribal Community shall include, to the fullest extent possible consistent with applicable federal law and the sovereign powers of the Tribe, all lands, water, property, airspace, surface rights, subsurface rights, and other natural resources

- (a) in which the Tribe now or in the future has any interest, or
- (b) which are owned now or in the future by the United States for the exclusive or non-exclusive benefit of the Tribe or for individual tribal members, or
- (c) which are located within the Swinomish Reservation, notwithstanding the issuance of any existing or future patent or right-of-way.

SEC. 3. *Jurisdiction.* To the fullest extent possible consistent with applicable federal law and the sovereign powers of the Tribe, the Swinomish Indian Tribal Community shall have jurisdiction over all persons, subjects, property and activities occurring within

- (a) its territory as defined by this Article; and
- (b) the Tribe's usual and accustomed fishing grounds and stations and all open and unclaimed lands, as guaranteed by treaty for fishing, hunting and gathering, and on such other lands and waters as is necessary for access to such fishing, hunting and gathering areas.

Further, jurisdiction shall extend to all persons, subjects, property and activities that may hereafter be included within the jurisdiction of the Tribe.

[History] Amend. XVII (5/23/17); IRA (11/16/35).

ARTICLE II-MEMBERSHIP

SECTION 1. The membership of the Community shall consist of:

- (a) All persons of Indian blood lawfully enrolled upon the Swinomish Indian Reservation and residing there June 1, 1935: *Provided*, that this section shall not affect the property rights under existing laws of the Indians of the Swinomish Reservation.
- (b) All children born to any member of the Community who is a resident of the reservation at the time of birth of said children.

[History] IRA (11/16/35).

SEC. 2. The governing body shall have the power to promulgate ordinances covering future membership and the adoption of new members, making any necessary adjustments of property rights.

[History] Amend. XVIII (5/23/17); IRA (11/16/35).

ARTICLE III-GOVERNING BODY

SECTION 1. The governing body of the Community shall consist of a council, known as the Swinomish Indian Senate.

[History] IRA (11/16/35).

SEC. 2. This Senate shall consist of eleven (11) members duly elected to serve five (5) years, two being elected each year except in years ending in "1" or "6", when three shall be elected.

[History] Amend. XIX (5/23/17); IRA (11/16/35).

SEC. 3. The Senate so organized shall elect from its own number: (1) a chairman; (2) a vice-chairman; and from within or without, (3) a secretary; (4) a treasurer: *Provided*, that the offices of secretary and treasurer may be combined; and may appoint or employ such other officers and committees as may be deemed necessary, such as supervisory commissioners, managers, etc., to be immediately responsible for each separate industry and activity, the direction and management of which are assumed by the Senate, for example: Health, welfare, education, fisheries, agriculture, land management, horticulture, oyster culture, construction, employees, law and order, finance, etc.

[History] Amend. II (3/26/66); IRA (11/16/35).

SEC. 4. The first election of the Senate hereunder shall be called and supervised by the present tribal council at least thirty (30) days after the ratification and approval of this Constitution. The three (3) candidates receiving the highest number of votes shall hold office

for five (5) years, and the two next highest four (4) years, and the two next highest three (3) years; the two next highest two (2) years; the two next highest one (1) year; and they shall hold office until their successors are duly elected and qualified. After the first election, elections for the Senate shall be called within sixty (60) days prior to the expiration of the terms of office of its members.

[History] IRA (11/16/35).

ARTICLE IV-ELECTION AND NOMINATION FOR THE SENATE

SECTION 1. All members of the Community who are twenty-one (21) years of age or older and who have either been residents, as defined by tribal ordinance, of Skagit County west of the Interstate 5 (I-5) freeway, or exhibited continued and regular contact with the people and activities, on the Swinomish Reservation, for a period of one (1) year immediately prior to any election, shall have the right to vote. The Senate shall define such continued and regular contact by Tribal Ordinances which shall include but not be limited to attending Senate, committee or General Council meetings, participating in social organizations, functions or activities on the reservation, or owning and maintaining land on the reservation.

[History] Amend. XI (9/7/85); Amend. III (3/26/66); IRA (11/16/35).

SEC. 2. The time and places of voting shall be designated by the Senate.

[History] IRA (11/16/35).

SEC. 3. All elections shall be by secret ballot.

[History] IRA (11/16/35).

SEC. 4. Nomination of candidates for the Senate under this Constitution shall be by petition signed by not less than five (5) legal voters. A voter may sign only one petition for each office to be filled. Petitions for nomination shall be filed with the secretary of the Senate at least thirty (30) days prior to the election for which the candidate makes such petition. The secretary shall determine the legality of the petitions and the eligibility of the candidates. The secretary's decision may be appealed to the Senate, whose ruling shall be final. The list of qualified candidates shall be posted by the secretary of the Senate in a public place not less than two (2) weeks prior to the election.

[History] Amend. III (3/26/66); IRA (11/16/35).

SEC. 5. All elections shall be held in accordance with the rules and regulations laid down by the Senate.

[History] IRA (11/16/35).

ARTICLE V-VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a member of the Senate or official shall die, resign, or cease to live in Skagit County west of the Interstate 5 (I-5) freeway, or shall be found guilty of a felony, or misdemeanor involving dishonesty in any Indian, State or Federal court, the Senate shall declare the position vacant and elect to fill the unexpired term.

[History] Amend. XX (5/23/17); Amend. IV (3/26/66); IRA (11/16/35).

SEC. 2. The Senate may by a two-thirds affirmative vote expel any member for neglect of duty or gross misconduct. Before any vote on expulsion is taken on the matter, such member shall be given an opportunity to answer any and all charges at a designated Senate meeting; and the decision of the Senate shall be final.

[History] IRA (11/16/35).

ARTICLE VI-POWERS OF THE SENATE

SECTION 1. *Enumerated powers.* - The Senate of the Swinomish Indian Tribal Community shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and the attached By-Laws:

- (a) To negotiate, consult, and enter into agreements with other governments, entities and persons on behalf of the Tribe.
- (b) To employ legal counsel for the protection and advancement of the rights of the Swinomish Indian Tribal Community and its members.
- (c) To authorize and execute, or veto, any sale, disposition, lease, or encumbrance of tribal lands, interests in lands or other tribal assets not inconsistent with Article VIII.
- (d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Swinomish Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.
- (e) To make assignments of reservation land to members of the Swinomish Reservation in conformity with Article VIII of this Constitution.
- (f) To manage all economic affairs and enterprises of the Swinomish Indian Tribal Community.
- (g) To authorize expenditures and appropriate any available tribal funds for public purposes of the reservation or Tribe.

- (h) To raise revenue, including the power to levy and collect taxes, duties, fees and assessments, for public purposes of the reservation or the Tribe.
- (i) To exclude from the restricted lands of the Swinomish Indian Tribal Community persons subject to the Tribe's jurisdiction under ordinances.
- (j) To enact resolutions or ordinances not inconsistent with Article II of this Constitution governing the adoption and abandonment of membership, and to keep at all times a correct roll of the members of the Swinomish Community.
- (k) To promulgate and enforce ordinances:
 - 1. governing the conduct of all persons within the territory of the Swinomish Indian Tribal Community, as defined in Article I, Section 2 of this Constitution;
 - 2. governing tribal members beyond the limits of the Swinomish Reservation, including with respect to exercising tribal fishing, hunting, and gathering rights on all usual and accustomed fishing grounds and stations of the Tribe and all open and unclaimed lands as guaranteed by treaty for fishing, hunting and gathering and on such other lands and waters as is necessary for access to such fishing, hunting and gathering areas; and
 - 3. providing for the maintenance of law and order and the administration of justice.
- (l) To safeguard and promote the peace, safety, morals, and general welfare of the Tribe and the Swinomish Reservation by regulating the conduct of trade and the use and disposition of property within the territory of the Swinomish Indian Tribal Community, as defined in Article I, Section 2 of this Constitution.
- (m) To establish and regulate subordinate organizations and agencies of the Tribe for any lawful purpose and to regulate the activities of all cooperative associations of members of the Swinomish Community.
- (n) To regulate the inheritance of property, real and personal, within the territory of the Swinomish Indian Tribal Community.
- (o) To regulate the domestic relations of persons subject to the Tribe's jurisdiction.
- (p) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution.

- (q) To cultivate and preserve native arts, crafts, culture, and Indian ceremonials.
- (r) To adopt resolutions regulating the procedure of the Senate itself, and of other tribal agencies and tribal officials of the reservation.
- (s) To delegate to subordinate boards or to cooperative associations, which are open to all members of the Community, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

[History] Amend. XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, XXX, XXXI, XXXII, XXXIII (5/23/17); BIA Administrative Correction (5/3/16); Amend. XIV (9/7/85); Amend. V (3/26/66); Amend. I (2/4/50); IRA (11/16/35).

SEC. 2. (a) *Manner of review.* - Any resolution or ordinance which, by the 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 (10) days after its receipt, approve or disapprove the same.

If the Superintendent shall approve any resolution or ordinance, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of receipt, rescind the said resolution or ordinance for any cause, by notifying the Senate of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance within ten (10) days after its receipt by him, he shall advise the Senate of his reasons therefor. If these reasons appear to the Senate insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its receipt, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

(b) *Laws, when effective.* - Any resolution or ordinance, which, by the terms of this Constitution, is not subject to review by the Secretary of the Interior, shall become effective according to its terms or, if no effective date is specified, immediately upon adoption by the Senate.

[History] Amend. XXXIV (5/23/17); Amend. V (3/26/66); IRA (11/16/35).

SEC. 3. *Future powers.* - The Senate of the Swinomish Reservation may exercise such further powers as may in the future be delegated to it by the Secretary of the Interior, or by any other duly authorized official or agency of government.

[History] IRA (11/16/35).

SEC. 4. *Reserved powers.* - Any rights and powers heretofore vested in the Tribes or Bands of the Swinomish Reservation, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Swinomish Reservation through the adoption of appropriate By-Laws and constitutional amendments.

[History] IRA (11/16/35).

SEC. 5. *Additional powers.* - To the fullest extent possible consistent with applicable federal law and the sovereign powers of the Tribe, the Senate of the Swinomish Indian Tribal Community shall exercise the following rights and powers heretofore vested in the Tribes or Bands of the Swinomish Reservation in addition to all powers already conferred or guaranteed by the Constitution and By-Laws of the Community:

(a) *Zoning power.* - To regulate the land use of all property within the Swinomish Reservation.

(b) *Natural Resource Protection authority.* - To develop, manage, protect and regulate the use of all the Tribe's natural resources wherever situated.

(c) *Residual powers:*

1. To enact ordinances and resolutions necessary or incidental to the exercise of the powers set forth in this Constitution.
2. To take any and all actions necessary and proper for the exercise of the powers and duties enumerated in this Constitution and the accompanying By-Laws, and for all other powers and duties now or hereafter delegated to the Senate, or vested in the Tribe by federal law or through its inherent sovereignty.

[History] Amend. XXXV (5/23/17); Amend. XV (9/7/85).

ARTICLE VII-BILL OF RIGHTS

SECTION 1. *Suffrage.* - All members of the Community over the age of twenty-one (21) years shall have the right to vote in all tribal community elections. The residence qualifications established by Article IV of this Constitution shall apply to all elections except elections for the amendment of this Constitution and the attached by-laws.

[History] IRA (11/16/35).

SEC. 2. *Economic rights.* - All members of the Community shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

[History] IRA (11/16/35).

SEC. 3. *Civil liberties.* - All persons subject to the Tribe's jurisdiction may enjoy without hindrance, freedom of worship, conscience, speech, press, assembly, and association.

[History] Amend. XXXVI (5/23/17); IRA (11/16/35).

SEC. 4. *Rights of accused.* - Any person subject to the Tribe's jurisdiction who shall be accused of any offense shall have the right to a prompt open and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses in his own behalf. Trial by jury may be demanded by any person accused of any offense punishable by more than thirty days (30) imprisonment. Excessive bail shall not be required, and cruel punishment shall not be imposed.

[History] Amend. XXXVII (5/23/17); IRA (11/16/35).

ARTICLE VIII-LAND

SECTION 1. *Allotted lands.* - Allotted lands, including heirship lands within the Swinomish Reservation, shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Washington or of the Federal Government, or by the tribal community itself. It is further recognized that under existing law, such lands may be inherited by the heirs of the present owner, whether or not they are members of the community. Likewise, it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in the Constitution, but the owner of restricted land may, with any approval of the Secretary of the Interior as may be required by applicable federal law, voluntarily convey his land to the Community in exchange for a money payment.

[History] Amend. XXXVIII (5/23/17); IRA (11/16/35).

SEC. 2. *Tribal lands.* - The unallotted lands of the Swinomish Reservation, and all lands which may hereafter be acquired by the Community or by the United States in trust for the Community, shall be held as tribal lands, and no part of such land shall be mortgaged or sold, unless specifically authorized by law, and then only with any consent and approval of the Secretary of the Interior as may be required by applicable federal law. Tribal lands shall not be allotted to individual Indians, but may be leased to members of the Community, or otherwise used by the Community.

[History] Amend. XXXIX (5/23/17); Amend. VI (3/26/66); IRA (11/16/35).

SEC. 3. *Leasing of Community lands.* - To the fullest extent possible consistent with applicable federal law and the sovereign powers of the Tribe, Community lands may be leased by the Senate.

[History] Amend. XL (5/23/17); Amend.VI (3/26/66); IRA (11/16/35).

SEC. 4. *Assignments not to be granted.* - There shall be no further assignments of any type granted by the Community: Provided, that assignments heretofore granted and in effect shall continue in effect in accordance with the terms of said assignment and the provisions of the Constitution for the Swinomish Indians of the Swinomish Reservation in effect at the time said assignment was granted.

[History] Amend. VI (3/26/66).

SEC. 5. *Use of Community land.* - Community land, including any land under lease, shall be managed by the Senate for the benefit of the entire Community, and any income derived from such land shall accrue to the benefit of the Community as a whole.

[History] Amend. VI (3/26/66); IRA (11/16/35).

SEC. 6. *Acquisition of land by Community.* - The Community may acquire land, or interests in land, by purchase or otherwise, provided such acquisitions are in accordance with applicable federal law.

[History] Amend. XLI (5/23/17); Amend. VI (3/26/66); IRA (11/16/35).

ARTICLE IX-TRIBAL COURT SYSTEM

SECTION 1. *Establishment.* The judicial power of the Tribe shall be vested in the Tribal Court System. The Tribal Court System shall include a Tribal Court and such other lower courts of special jurisdiction, including forums for traditional dispute resolution, as the Senate may establish by ordinance. There shall also be a Court of Appeals which shall be the court of last resort for all cases filed within the Tribal Court System.

SEC. 2. *Jurisdiction.* The judicial power of the courts shall extend to all cases and controversies within the jurisdiction of the Tribe, in law or equity, arising under this Constitution, the laws or customs of the Tribe, or which are vested in the tribal courts by federal law or by virtue of the Tribe's inherent sovereignty. Any case or controversy arising within the jurisdiction of the Tribe shall be filed in the Tribal Court or other appropriate forum established by the Senate before it is filed in any other court. This grant of jurisdiction shall not be construed to be a waiver or limitation of the Tribe's sovereign immunity.

SEC. 3. *Appointment of Judges.* The Senate shall appoint judges who shall serve for a term of four (4) years unless sooner removed for cause as provided by this Constitution or by resignation, but shall be eligible for reappointment. There shall be one Chief Judge for the

Tribal Court and such Associate Judges and Judges pro tempore as may be appointed by the Senate. The Court of Appeals shall consist of a panel of three (3) judges randomly selected. No judge shall preside over a matter in the Court of Appeals if he or she presided over the same matter in the Tribal Court.

SEC. 4. *Qualifications of Judges.* The qualifications for judges shall be established by ordinance, Provided, that no additional requirements may be added during the tenure of a judge already in office, unless the additions or changes exempt the present judges during their term.

SEC. 5. *Compensation.* Judges shall receive for their services reasonable compensation that shall not be diminished during their term of office, except during any period of suspension or discipline as may be ordered by the Senate pursuant to Section 6 of this Article.

SEC. 6. *Removal and Discipline of Judges.*

- (a) A judge shall be removed by the Senate for a conviction in Swinomish Tribal Court of a felony as defined by ordinance or for any equivalent conviction in a federal, state, or tribal court while serving as judge, immediately effective upon issuance of the judgment of conviction.
- (b) By a vote of at least seven (7) of its members, the Senate may suspend a judge charged with any criminal offense under federal, state, or tribal law pending the outcome of the trial and any appeals, and an interim judge may be appointed for the period of the suspension.
- (c) By a vote of at least seven (7) of its members, a judge may be disciplined or removed by the Senate for:
 - 1. any act or omission which would have resulted in ineligibility for appointment;
 - 2. being under the influence of intoxicants or drugs while performing official duties;
 - 3. converting tribal property or monies for personal use;
 - 4. conviction in Swinomish Tribal Court of any misdemeanor as defined by ordinance or any equivalent conviction in a federal, state, or tribal court while serving as judge;
 - 5. desertion of office; or

6. violation of any applicable Judicial Code of Conduct.

(d) A judge shall be given full and fair opportunity to reply to any and all charges for which he or she may be disciplined or removed. A judge who is disciplined or removed may appeal directly to the Court of Appeals.

SEC. 7. *Judicial power.* The Tribal Court System shall have the power to interpret and apply the Constitution and laws of the Tribe, and applicable federal or state law.

[History] Amend. XLII (5/23/17).

ARTICLE X-AMENDMENTS

Amendments to the Constitution and By-Laws may be ratified and approved in the same manner as this Constitution and By-Laws.

Whenever five (5) members of the Senate shall consider an amendment necessary, such amendment shall be duly approved by five (5) or more members of the Senate and sent to the Secretary of the Interior. It shall then be the duty of the Secretary of the Interior to call an election. If at such election the amendment is adopted by a majority of the qualified voters of the Tribe voting herein and if at least thirty (30) percent of those entitled to vote shall vote in such election, such amendment shall be submitted to the Secretary of the Interior and, if approved by him, shall thereupon take effect.

[History] Amend. XLII (5/23/17); IRA (11/16/35).

*Previously codified as Article IX.

BY-LAWS FOR THE SWINOMISH INDIAN TRIBAL COMMUNITY

ARTICLE I-DUTIES OF OFFICERS

SECTION 1. *Chairman of the Senate.* - The Chairman of the Senate shall preside over all meetings of the Senate and of the general council, shall perform all duties of a chairman, and exercise any authority delegated to him by the Senate. He shall vote only in the case of a tie.

[History] IRA (11/16/35).

SEC. 2. *Vice-Chairman of the Senate.* - The Vice-Chairman shall assist the Chairman when called upon so to do, and in the absence of the Chairman he shall preside. When so presiding, he shall have all the rights, privileges, and duties as well as the responsibilities of the Chairman.

[History] IRA (11/16/35).

SEC. 3. *Secretary of the Senate.* - The secretary of the Senate shall conduct all Community correspondence and shall keep an accurate record of all matters transacted at Senate meetings. He shall be privileged to vote in the Senate only in the event that he is an elected member thereof.

[History] Amend. XLIII (5/23/17); IRA (11/16/35).

SEC. 4. *Treasurer of the Senate.* - The treasurer of the Senate shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Senate, whether same be Community funds or special funds for which the Senate is acting as trustee or custodian. He shall deposit all such funds in such banks or elsewhere as directed by the Senate, and shall make and preserve a faithful record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the Senate at regular meetings and at such other times as requested by the Senate.

He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the Senate, except when properly authorized so to do by resolution duly passed by it. The books and records of the treasurer shall be audited at least once each year by a competent auditor employed by the Senate, and at such other times as the Senate may direct.

The treasurer shall be present at all special or regular meetings of the Senate, but shall be privileged to vote only in the event that he is an elected member of the Senate.

[History] Amend. XLIV (5/23/17); IRA (11/16/35).

SEC. 5. *Appointive officers.* - The duties of all appointive committees or officers of the Community shall be clearly defined by resolution of the Senate at the time of their creation or appointment. Such committees and officers shall report, from time to time as required, to the Senate, and their activities and decisions shall be subject to review by the Senate upon the petition of any person aggrieved.

[History] IRA (11/16/35).

ARTICLE II-QUALIFICATIONS OF THE MEMBERS OF THE SENATE

No person shall be a candidate for membership in the Senate unless he shall be a member of the Community, and shall have been a resident, as defined by tribal ordinance, of the Skagit County west of the Interstate 5 (I-5) freeway, for a period of one (1) year next preceding the election, and shall be at least twenty-one (21) years of age. The Senate shall have the authority to promulgate additional candidate requirements as part of the rules and regulations laid down by the Senate pursuant to Article IV, Section 5.

[History] Amend. X (9/7/85); Amend. VII (3/26/66); IRA (11/16/35).

ARTICLE III-CERTIFICATION OF ELECTION

It shall be the duty of the members of the Senate to certify to the election of the duly elected members. This shall be done within thirty (30) days after the election and the certificate filed with the secretary.

[History] Amend. VIII (3/26/66); IRA (11/16/35).

ARTICLE IV-INSTALLATION OF SENATORS

Newly elected members who have been duly certified shall be installed at the first regular meeting of the Senate following the election upon subscribing to the following oath, which shall be administered by any authorized person and filed with the secretary of the Senate: "I, -----, do hereby solemnly swear (or affirm) that I shall preserve, support, and protect the Constitution of the United States, and the Constitution and By-Laws of the Swinomish Indian Tribal Community to the best of my ability, so help me God."

[History] Amend. XVI (5/23/17); IRA (11/16/35).

ARTICLE V-TIME AND PLACE OF REGULAR MEETINGS AND PROCEDURE

SECTION 1. *Meetings.* - Regular meetings of the Senate shall be held on the first Tuesday of each month. The date of regular meetings may be changed by resolution of the Senate. Meetings shall be held at the business office or such other places as the Senate may designate

from time to time. Special meetings may be called by a written notice, signed by the Chairman, or by a majority of the Senate, and when so called the Senate shall have power to transact business as in regular meetings.

[History] Amend. IX (5/5/66); IRA (11/16/35).

SEC. 2. *Annual election and general council.* - The annual election and general council meeting shall be held on the second Saturday in February of each year, or at such other time as the Senate determines, at which time the Chairman shall report in detail to the council what has been done during the year. This shall be freely discussed by the general council, and the wishes of the general council may be expressed by resolution which will govern the action of the Senate.

The Chairman shall call special meetings of the general council at the direction of the Senate or upon the written request signed by fifty (50) eligible voters.

[History] BIA Administrative Correction (5/3/16); Amend. XIII (9/7/85); Amend. IX (5/5/66); IRA (11/16/35).

SEC. 3. *Quorum.* - No business shall be transacted unless a quorum is present. A quorum of the general council shall consist of fifty (50) eligible voters.

[History] BIA Administrative Correction (5/3/16); Amend. XII (9/7/85); Amend. IX (5/5/66); IRA (11/16/35).

SEC. 4. *Order of business.* - The following order of business is established for all meetings:

- Call to order by the Chairman.
- Roll call.
- Ascertainment of a quorum.
- Reading the minutes of the last meeting.
- Adoption of the minutes by vote or common consent.
- Unfinished business.
- New business.
- Adjournment.

[History] IRA (11/16/35).

SEC. 5. *Ordinances and resolutions.* - All final decisions of the Senate on matters of general and permanent interest to the members of the Community shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Community.

All final decisions of the Senate on matters of temporary interest (such as action on the reservation budget for a single year, or petitions to Congress or to the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoptions of

members, instructions for Community employees or rules of order for the Senate) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion duly passed, or by the ruling of the Chairman if no objection is heard.

In all ordinances, resolutions or motions, the Senate may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement, and parliamentary procedure shall otherwise be governed by Robert's Rules of Order.

[History] IRA (11/16/35).

SEC. 6. *Legislative forms.* - Every ordinance shall begin with the words: "Be it enacted by the Swinomish Indian Senate * * *".

Every resolution shall begin with the words: "Be it resolved by the Swinomish Indian Senate * * *".

Every ordinance or resolution shall contain a citation of the provisions of the Swinomish Constitution under which authority for the said ordinance or resolution is found.

[History] Amend. IX (5/5/66); IRA (11/16/35).

ARTICLE VI-CENTRAL GENERAL COUNCIL

SECTION 1. The Senate shall have the power to select delegates to sit in a central general council of Northwest Indians.

[History] IRA (11/16/35).

ARTICLE VII-ADOPTION

This Constitution and By-Laws attached hereto shall be in full force and effect whenever a majority of the adult Indians residing on the Swinomish Reservation voting at an election called by the Secretary of the Interior in which at least thirty (30%) percent of the eligible voters shall vote, shall have ratified such Constitution and By-Laws, and the Secretary of the Interior shall have approved same, as provided in the act of June 18, 1934, as amended by the act of June 15, 1935.

[History] IRA (11/16/35).

CERTIFICATION OF ADOPTION

Pursuant to all order, approved October 21, 1935, by the Secretary of the Interior, the attached Constitution and By-Laws was submitted for ratification to the Indians of the Swinomish Reservation and was on November 16, 1935, duly ratified by a vote 87 for, and 1 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the act of June 15, 1935 (Pub. No. 147, 74th Cong.).

[History] IRA (11/16/35).

MARTIN J. SAMPSON,
Chairman of Election Board.

GEORGE ALEXANDER,
Chairman of Swinomish Indian Senate.

CLARA (WILBUR) JAMES,
Secretary.

O. C. UPCHURCH,
Superintendent.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-Laws of the Indians of the Swinomish Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or By-Laws are hereby declared inapplicable to the Indians of the Swinomish Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-Laws.

Approval recommended January 20, 1936.

WILLIAM ZIMMERMAN, Jr.,
Assistant Commissioner of Indian Affairs.

CHARLES WEST,
Acting Secretary of the Interior.
[SEAL]

WASHINGTON, D. C., January 27, 1936.