

Seminole Tribe



Location: Florida

Population: 2,000

Date of Constitution: 1957

PREAMBLE

We, the members of the Seminole Tribe of Florida, in order to promote justice, insure tranquility, encourage the general welfare, safeguard our interests and secure the blessings of freedom and liberty for ourselves and for our posterity, do hereby form and organize a Seminole Tribal Council and we do ordain and establish this Constitution and set of Bylaws as the rules for its deliberation.

ARTICLE I. TERRITORY

The jurisdiction of the Seminole Tribe of Florida shall include all lands within the Dania, Big Cypress and Brighton Reservations, the title to which is held by the United States in trust for the Seminole Tribe of Florida, or by the United States in trust for the Seminole Indians in Florida, lands held under Executive Order No. 1379, dated June 28, 1911, and such other lands as may hereafter be acquired for the use and benefit of the Seminole Tribe of Florida.

ARTICLE II. MEMBERSHIP

The membership of the Seminole Tribe of Florida shall consist of the following:

SECTION 1. Any person of Seminole Indian blood whose name appears on the Census Roll of the Seminole Agency of January 1, 1957, shall be eligible for enrollment, regardless of blood quantum or place of residence, upon written application to the Tribal Council, provided, that within five years after the approval of this Constitution and Bylaws the Census Roll may be corrected by the Seminole Tribal Council.

SECTION 2. Any child, of Seminole Indian blood, born to a parent or parents either or both whose names appear on the Census Roll of the Seminole Agency of January 1, 1957, shall be eligible for enrollment, regardless of blood quantum or place of residence, upon written application to the Tribal Council.

SECTION 3. Any descendant of Seminole Indian blood of a person whose name appears on the Census Roll of the Seminole Agency of January 1, 1957, shall be eligible for enrollment, regardless of blood quantum or place of residence, upon written application to the Tribal Council.

SECTION 4. In the event the applicant is a minor, the application may be prepared and presented by the parent or parents of the minor, or by any adult relative having knowledge of the minor's eligibility.

SECTION 5. The Tribal Council shall have the power to pass ordinances, which are consistent with and pursuant to this Constitution, governing future membership, loss of membership and the adoption of members into the Seminole Tribe of Florida, which ordinances shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

ARTICLE III—ORGANIZATION OF GOVERNING BODY

SECTION 1. The governing body of the Seminole Tribe of Florida shall be known as the Tribal Council and shall consist of eight (8) members elected by secret ballot as provided in Article IV, Section 8.

SECTION 2. The Tribal Council shall select from within its membership a Chairman and Vice-Chairman. It shall also select from within or without the membership of the tribe a Secretary and a Treasurer and such committees as may be deemed necessary. All officers and committees so selected shall hold office for a period of two years or until the next election of councilmen as provided in Article IV, Section 4.

SECTION 3. The members of the Tribal Council shall be qualified voters of the Seminole Tribe of Florida, 21, years of age and over. They shall take office the first Monday in the month immediately following the election.

ARTICLE IV. NOMINATIONS AND ELECTIONS

SECTION 1.

- (a) The first election of the Tribal Council hereunder shall be called and held within thirty (30) days following the adoption and approval of the Constitution and Bylaws under the supervision of the Constitutional Committee and the Superintendent of the Seminole Agency.
- (b) For the purpose of the first election of Tribal Council representatives, any person, 21 years of age and over, whose name appears on the Census Roll of the Seminole Agency of January 1, 1957, shall be eligible to vote as a tribal member or to hold office as a Tribal Council representative.

SECTION 2. In any election of the Seminole Tribe after the election to adopt the Constitution and Bylaws and to elect the first Tribal Council, eligible voters shall be enrolled members of the tribe 18 years of age and over. Resident voters shall register with the reservation of their domicile or residence. Where this constitution provides for election of representatives or candidates from a particular reservation, only voters registered with such reservation shall be eligible to participate in the election of such representatives or candidates. Non-resident voters may register with the reservation of their affiliation or they may choose to register as nonresident voters. Nonresident voters shall not vote for reservation representatives.

SECTION 3. The Dania, Big Cypress and Brighton Reservations shall each have on the Tribal Council one reservation representative. Each candidate for the office of reservation representative must have been continuously a resident of his or her reservation for a period of at least six (6) months immediately preceding the election in which he or she may be a candidate. In addition to the reservations' representatives there shall be elected five (5) at-large members of the Tribal Council, two (2) of whom shall be nonresidents of the reservations herein referred to, but who are otherwise eligible to hold office. The Tribal Council of the tribe may, if a new area be acquired or set aside for the Seminole Tribe of Florida, cause additional reservation representatives and at-large representatives to be established.

SECTION 4. The candidates in the first election shall hold office as follows:

- (a) The successful candidate from each reservation receiving the largest number of votes shall hold office for four (4) years.
- (b) The successful nonresident at-large candidate receiving the largest number of votes shall hold office for four (4) years. The other successful candidates shall hold office for two (2) years.

The candidates in all succeeding elections shall hold office for a period of four (4) years.

SECTION 5. The Tribal Council may by an affirmative vote of a majority remove any official or councilman from office who fails to carry out his responsibilities, or is found guilty of a misdemeanor involving moral turpitude or a felony in any county, State or Federal Court, or for gross neglect of duty or misconduct reflecting on the dignity and integrity of the Tribal Council. Each reservation, by petition signed by twenty percent (20%) of the eligible voters, may request the recall of such reservation representative by the Tribal Council. The recall of at-large representatives shall be by petition signed by twenty-five (25) eligible voters from any reservation or nonresident eligible voters.

Before any vote of recall or removal is taken, the member or official shall be given a written statement of all charges filed against him at least ten (10) days before the meeting of the Tribal Council before which he is to appear and he shall be given an opportunity to answer any and all written charges at such meeting. The decision of the Tribal Council shall be final.

SECTION 6. The Tribal Council may by an affirmative vote of a majority appoint a replacement to fill the unexpired term of the removed councilman or official, whether involuntarily removed or by death or resignation. In the event the vacated position is that of a reservation representative, the replacement shall be selected from said reservation. In the event the vacated council position is a nonresident at-large position, the replacement shall be a nonresident member eligible to hold office, and any other vacant at-large position may be filled by an eligible resident or nonresident member of the tribe.

SECTION 7. Any qualified member of the Seminole Tribe of Florida may announce his or her candidacy for Tribal Council, such announcement to be in writing and supported by the signature of at least ten (10) eligible voters from the reservation from which he resides or in the case of an at-large candidate, his announcement must also be in writing and supported by ten (10) eligible voters from any reservation or off reservation. All announcements shall

be presented to the Secretary of the Tribal Council at least twenty (20) days prior to the date of election. It shall be the duty of the Secretary of the Tribal Council to post in at least one public place on each reservation and publish at least once in a newspaper of general circulation at least fifteen (15) days before the election the names of the candidates for Tribal Council.

SECTION 8. After the first election is held an election by secret ballot shall be held every two (2) years. The Tribal Council, subject to the review of the Secretary of the Interior, or his authorized representative, shall enact an ordinance wherein the ballot, eligibility of voters, voting lists, rules for calling elections, absentee balloting procedures, selection of election officials, polling places, dates and such other pertinent factors shall be prescribed. In the event the Tribal Council does not call an election as herein provided, the Secretary of the Interior, within sixty (60) days after the regular election date, may call such an election.

SECTION 9. Upon receipt of a petition signed by twenty (20) percent of the eligible voters, or by an affirmative vote of a majority of the Tribal Council members, any enacted or proposed ordinance or resolution of the Tribal Council shall be submitted to a referendum of the eligible voters of the tribe. The majority of the votes cast in such referendum shall be conclusive and binding on the Tribal Council. The Tribal Council shall call such referendum and prescribe the manner of conducting the vote.

ARTICLE V. POWERS OF TRIBAL COUNCIL

In addition to all powers vested in the Seminole Tribal Council by existing law, the Tribal Council of the Seminole Tribe of Florida shall exercise the following powers, subject to any limitation imposed by the Constitution or the Statutes of the United States, and subject further to all expressed restriction upon such powers contained in this Constitution and Bylaws.

SECTION 1. To negotiate with the Federal, State and local governments and others on behalf of the tribe and to advise and consult with the representatives of the Department of the Interior on all activities of the Department which may affect the Seminole Tribe of Florida, excepting those tribal affairs which may hereafter be specifically delegated under the provisions of the Charter of the Seminole Tribe.

SECTION 2. To employ legal counsel for the protection 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, or his authorized representative.

SECTION 3. To manage and lease or otherwise deal with tribal lands and communal resources in accordance with law and to prevent the sale, disposition, lease or encumbrance of tribal lands, interest in lands, or other tribal assets without the consent of the tribe.

SECTION 4. To advise with the Secretary of the Interior, or his authorized representative, with regard to all appropriation estimates or Federal projects for the benefit of the Seminole Indians of Florida prior to the submission of such estimates to the Bureau of the Budget and the Congress.

SECTION 5.

- (a) To administer any funds within the control of the tribe; to make expenditures from available funds for tribal purposes, including salaries and expenses of tribal officials or employees; subject, however, to the condition that this authority shall not extend over the responsibilities and authorities specifically delegated to the Board of Directors by the Charter of the tribe. All expenditures of tribal funds under control of the Tribal Council shall be by resolution duly approved by a majority of the Tribal Council in legal session and the amounts so expended shall be a matter of public record at all times.
- (b) The Tribal Council, subject to the approval of the Secretary of the Interior, or his authorized representative, shall prepare annual budget requests for the advancement to the control of the tribe such money as is now or may hereafter be deposited to the credit of the tribe in the United States Treasury or which may hereafter be appropriated for the use of the tribe.

SECTION 6. To make and enforce ordinances, subject to the review of the Secretary of the Interior, or his authorized representative, covering the tribe's right to levy taxes and license fees on persons or organizations doing business on the reservation.

SECTION 7. To promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Seminole Tribe of Florida.

SECTION 8. To adopt resolutions regulating the procedures of the Seminole Tribal Council, its officials and committees in the conduct of tribal affairs.

SECTION 9.

- (a) No authorities contained in this Constitution may be delegated by the Tribal Council to tribal officials, district councils, or associations to carry out any function for which the Tribal Council assumes primary responsibility, except by ordinance or resolution duly enacted by the Tribal Council in legal session, and excepting also those specific requirements contained in the Bylaws of the Seminole Tribe of Florida.
- (b) The Seminole Tribal Council is hereby authorized to recognize any district committees, associations or other organization open to the members of the Seminole Tribe of Florida and approve such organizations, subject, however, to the provision that no such committee, association organization may assume authorities specifically granted to the Seminole Tribal Council unless by a proper delegation of authority by the Seminole Tribal Council.

SECTION 10. To deposit to the credit of the Seminole Tribe of Florida tribal funds, without limitation on the amount in any account, in any National or State bank whose deposits are insured by any agency of the Federal Government; provided, that funds advanced to the tribe from funds held in trust in the United States Treasury shall be deposited with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior, or his authorized representative in connection with such advance require that the advance be so deposited.

ARTICLE VI. MANNER OF REVIEW

SECTION 1. Any resolution or ordinance which by the terms of this Constitution and Bylaws is subject to review by the Secretary of the Interior, or his authorized representative, shall be presented to the Superintendent of the reservation within ten (10) days of its enactment. The Superintendent shall within ten (10) days after its receipt 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 of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of enactment rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten (10) days after its receipt, he shall advise the Tribal Council of his reason therefor. If the reasons appear to the Tribal Council to be 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 enactment of the resolution of referral, approve or disapprove same in writing, provided however no such ordinance shall become effective until approved by the Secretary of the Interior or his duly authorized representative.

SECTION 2. Any resolution or ordinance by the terms of this Constitution and Bylaws that is subject to the approval of the Secretary of the Interior, or his authorized representative, shall be presented to the Superintendent who shall transmit the same to the Secretary with his recommendations as to the merits of the proposals.

The said ordinance or resolution shall not become effective until it shall have been approved by the Secretary of the Interior, or his duly authorized representative.

ARTICLE VII—AMENDMENTS

Whenever the Tribal Council, by a unanimous vote of all members, or the tribal membership by a petition signed by twenty (20) percent of the eligible voters, calls for the submission of an amendment, the Secretary of the Interior shall call an election upon the proposed amendment to the Constitution and Bylaws. If at such election the amendment is adopted by a majority vote of the qualified voters of the tribe voting therein, and if at least thirty (30) percent of those entitled to vote shall vote, such amendment shall be submitted to the Secretary of the Interior and, if approved by him, shall thereupon take effect.

BYLAWS OF THE SEMINOLE TRIBE OF FLORIDA

ARTICLE 1. DUTIES OF OFFICERS

SECTION 1. The Chairman of the Tribal Council shall preside over all meetings of the council and exercise any authority specifically delegated to him as provided in Article V, Section 9, of

the Constitution. The Chairman shall not vote on any issue before the council except only in the case of a tie.

SECTION 2. The Vice-Chairman shall assist the Chairman when called on to do so, and in the absence of the Chairman shall preside and when so presiding shall have all the privileges, duties and responsibilities delegated to the Chairman. In the absence of the Secretary, the Vice-Chairman shall assume all the duties and responsibilities of the Secretary.

SECTION 3. The Secretary shall cause to be prepared all minutes, resolutions and ordinances enacted at all meetings and forward copies, every instance, to the Superintendent. In addition to the duties prescribed pursuant to Article V, Section 8, the Secretary shall maintain all files, records, and correspondence of the Tribal Council in an orderly manner for the convenience of the Tribal Council and exercise such other duties as may be specifically delegated to him.

SECTION 4.

- (a) The tribal Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the tribe from whatever source. He shall deposit all funds in such bank, or else- where as directed by the Tribal Council in accordance with Article V, Section 10 and shall cause to be made and preserved 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 to be made in writing and filed with the Secretary at each regular meeting of the Tribal Council and at such other times as requested by the Tribal Council.
- (b) He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the Tribal Council, except when properly authorized to do so by a duly enacted resolution.
- (c) The books and records of the tribal Treasurer shall be audited at least once every year by a competent auditor employed by the council and at such other time as the council or the Commissioner of Indian Affairs or his authorized representative may direct. In addition to the copies prepared for the governing body, one copy of the audit shall be prepared for the Superintendent, one copy for the Area Director and one copy for the Commissioner of Indian Affairs.
- (d) The tribal Treasurer shall be required to give a bond satisfactory to the Tribal Council and the Commissioner of Indian Affairs, or his authorized representative, and make such provisions for carrying out the Tribal Council directives in the manner and method for custody and disbursement of funds as shall guarantee their safety, proper disbursement and use.

ARTICLE II. OATH OF OFFICE

SECTION 1. All duly elected members of the Tribal Council who have been certified shall be installed as provided in Article III, Section 3, upon subscribing to the following oath to be administered by the Superintendent:

"I, _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will faithfully and impartially carry out the duties of my office to the best of my ability; that I will cooperate, promote, and

protect the best interest of the tribe, in accordance with the Constitution and Bylaws of the Seminole Tribe of Florida."

ARTICLE III. SALARIES AND REMUNERATIONS

SECTION 1. The Tribal Council may prescribe such salaries and remunerations pursuant to the provision of Article V, Section 5, as may be available and necessary to carry on its responsibilities and the responsibilities of its officials and employees.

ARTICLE IV. ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the Tribal Council on matters of general and permanent interest to members of the tribe and to tribal administration shall be embodied in ordinances. Each ordinance shall be numbered consecutively beginning with Number 1. Such enactments shall be available for public inspection.

SECTION 2. All final decisions of the Tribal Council on matters of temporary interest or relating to particular individuals, officials or committees shall be embodied in resolutions. Such resolutions shall be numbered consecutively beginning with Number 1 and shall also be subject to public inspection.

ARTICLE V. MEETINGS

SECTION 1. The date and place of regular meetings of the Tribal Council shall be on the first Monday of each month at the Seminole Agency headquarters, and such meetings will convene at 10:00 a. m. Special meetings shall be called by the Chairman by written notice setting time, place, and date of meeting and the purpose of such meeting. No special meeting shall be called except on matters of serious concern to the Tribal Council.

SECTION 2. A quorum of five members shall constitute a quorum and no official actions shall be transacted in the absence of a quorum at any time.

ARTICLE VI. ORDER OF BUSINESS

SECTION 1. The order of business of the Tribal Council shall be

- (a) call to order by Chairman
- (b) roll call
- (c) reading of minutes of last meeting
- (d) unfinished business
- (e) reports
- (f) new business
- (g) adjournment

ARTICLE VII. RATIFICATION

This Constitution and Bylaws, when approved by the Secretary of the Interior, shall be effective from and after the date of its ratification by a majority vote of adult Indians of the

Seminole Tribe of Florida 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 an election.

For the purpose of this election any adult 21 years of age and over whose name appears on the Census Roll of the Seminole Agency of January 1, 1957, shall be eligible to vote. A voting list of such eligible persons shall be prepared by the Constitutional Committee and the Superintendent.

CERTIFICATE OF RATIFICATION

Pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378), the attached Constitution and Bylaws approved on July, 11, 1957, by Roger Ernst, Assistant Secretary of the Interior was submitted for ratification to the adult Indians of the Seminole Tribe of Florida and was on August 21, 1957, ratified by a vote of 241 for, and 5 against, in an election in which at least 30 percent of those entitled to vote cast their ballots.