



**UNITED HOUMA NATION**

**CONSTITUTION**

**MAY 12, 2001**

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## PREAMBLE

We, the members of the United Houma Nation, being a sovereign native people, do establish and adopt this Constitution in order to organize for the common good, to protect our inherent right to govern ourselves under our own laws and customs, to maintain and foster our tribal culture, to protect our homeland, to conserve and develop our natural resources, to promote the social and economic well-being of our people, and to govern, protect, and advance the common good of the United Houma Nation and the members of this Nation.

## ARTICLE I NAME

The name of this Tribe shall be the United Houma Nation and the members of this Tribe shall be known as Houma Indians.

## ARTICLE II JURISDICTION

To the full extent that Federal law allows, and unless restricted by tribal law, the Tribe's jurisdiction shall extend over all territory of the Tribe which constitutes Indian Country or its equivalent under federal law and to any person, property, subject and activity within this territory. In addition, to the full extent that federal law allows, the Tribe's jurisdiction shall extend to any person, property, subject and activity outside the Tribe's Indian Country territory or its equivalent under federal law.

## ARTICLE III MEMBERSHIP

### Section 1. Requirements.

Membership in the United Houma Nation shall consist of the following persons:

- (a) All persons whose names appear on lists of members submitted prior to December 22, 1994 by the United Houma Nation in its petition for Federal acknowledgment as an Indian tribe pursuant to 25 C.F.R. Part 83, and who have not voluntarily relinquished membership in the United Houma Nation.
- (b) Any child born of a person who is a member under Section 1(a) above and Section 1(c) below; *provided* that, such child is enrolled before the age of five. Any such child not enrolled before the age of five may be enrolled under Section 1(c) below.
- (c) Any person who establishes direct lineal descendancy from a list of names to be set forth by ordinance and who has a significant community relationship with the United

Houma Nation.

Section 2. Ineligibility For Membership

No person shall be eligible to be a member of the United Houma Nation if that person is enrolled in another Indian tribe.

Section 3. Enrollment Board.

- (a) Within 60 days of the effective date of this Constitution, an Enrollment Board composed of three tribal members shall be appointed by a majority vote of the entire Tribal Council for staggered terms of three years. The initial term of each Board member first appointed shall be randomly assigned with one Board member serving one year, the second Board member serving two years, and the third Board member serving three years. Board members may be removed from office prior to the expiration of their term only for cause. Any person who holds any elective or appointive tribal office or is a candidate for such office shall be ineligible to serve on the Enrollment Board. Any Board member who becomes a candidate or is elected to tribal office or is appointed to tribal office shall automatically forfeit the remainder of their term of office on the Enrollment Board.
- (b) The Enrollment Board shall be responsible for enforcing tribal enrollment laws. The duties of the Enrollment Board shall include, but not be limited to, the following:
  - (1) maintaining the tribal membership roll; and
  - (2) reviewing and approving or rejecting all applications for enrollment into the United Houma Nation; *provided*, a rejected applicant may appeal such decision under Section 4 of this Article.
- (c) The Tribal Enrollment Board shall perform such other duties as may be delegated to the Board by Ordinance.
- (d) The Tribal Enrollment Board may issue such regulations as may be necessary to carry out tribal enrollment ordinances.

Section 4. Appeal of Denial of Membership Application.

Any person whose application for membership in the United Houma Nation is rejected by the Enrollment Board shall have the right to appeal such adverse decision to the Tribal Judiciary, but only after exhausting all remedies available within the Tribal Council. That person may appeal the Tribal Council's decision to the Tribal Judiciary according to tribal court rules. The judgment by the Tribal Judiciary shall be final.

Section 5. Automatic Forfeiture.

A member shall be deemed to have automatically forfeited membership in the Tribe along with all rights and benefits to which members are entitled by virtue of their membership (1) upon enrollment in another tribe, or (2) upon a final finding that membership in the Tribe was obtained by fraud.

Section 6. Removal From Membership Roll by Tribal Council.

If, upon the report and recommendations of the Enrollment Board, the Tribal Council determines that an enrolled tribal member lacks a required membership requirement, the Tribal Council may remove that person from the tribal membership roll; *provided that*, that person may appeal the Tribal Council's decision to the Tribal Judiciary according to tribal court rules. Only after a final judgment by the Tribal Judiciary is rendered in favor of the Tribal Council shall that person's name be removed from the membership roll.

Section 7. Relinquishment of Membership.

Members of the United Houma Nation may relinquish membership in the Tribe in accordance with procedures established by the Enrollment Board. Any member of the Tribe who relinquishes membership voluntarily shall not again be eligible to enroll as a member of the United Houma Nation. Any minor whose membership is relinquished by a parent or legal guardian shall have the right to petition the Enrollment Board for automatic reinstatement of membership upon reaching the age of 18; *provided that*, such person petitions within 90 days from the day that person reaches the age of 18. If such person fails to petition for automatic reinstatement, such person may apply for reinstatement of membership under Section 1(c) of this Article.

Section 8. Enforcement.

The Tribal Council shall enforce this Article by ordinance; *provided that*, the Tribal Council shall have no power to establish substantive requirements for membership or removal from the membership roll in addition to those established in this Article nor to waive any of those requirements.

## ARTICLE IV ELECTIONS

Section 1. Voter Requirements.

Any enrolled member of the United Houma Nation who is registered to vote shall be entitled to vote in tribal elections, unless such member is judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

## Section 2. Voting.

Except as may be otherwise specified in this Constitution, voting in tribal elections shall be by secret ballot cast at polls established by the Tribal Election Board at such sites within the exterior boundaries of the Tribe's voting districts. Absentee voting and write-in voting shall be permitted in accordance with such procedures as shall be established by the Tribal Election Board. No proxy voting shall be allowed in tribal elections.

## Section 3. Regular and Special Elections.

The Tribal Council shall provide by ordinance for the holding of regular elections, including establishing dates, times and places for holding such elections. The Tribal Council shall also provide by ordinance for the holding of special elections by establishing the procedure by which such elections may be called and held with adequate notice provided to registered Tribal voters.

## Section 4. Election Board.

- (a) Within 60 days of the effective date of this Constitution, an Election Board composed of three registered voters of the United Houma Nation, who are from different voting districts, shall be appointed by a majority vote of the entire Tribal Council for staggered terms of three years. The initial term of each Board member first appointed shall be randomly assigned with one Board member serving one year, the second Board member serving two years, and the third Board member serving three years. Board members may be removed from office prior to the expiration of their term only for cause. Any person who holds any elective or appointive tribal office or is a candidate for such office shall be ineligible to serve on the Election Board. Any Board member who becomes a candidate or is elected to tribal office or is appointed to tribal office shall automatically forfeit the remainder of their term of office on the Election Board.
- (b) The Tribal Election Board shall be responsible for enforcing tribal election laws. The duties of the Election Board shall include, but shall not be limited to, the following:
  - (1) establishing and maintaining a system of voter registration, and
  - (2) maintaining a current list of registered voters of the United Houma Nation, and
  - (3) certifying eligibility of candidates for tribal offices (both elective and appointive) according to eligibility requirements specified in Article VI or by tribal ordinance, and
  - (4) conducting tribal elections, and
  - (5) certifying the results of tribal elections, and
  - (6) at least every 12 years, beginning one year prior to the next regularly scheduled election, ensure that all districts are approximately equal in

population.

- (c) The Election Board shall perform such other duties as may be delegated to the Board by ordinance.
- (d) The Election Board may issue such regulations as may be necessary to carry out tribal election ordinances.

Section 5. Election Ordinance.

The Tribal Council shall enact an election ordinance that shall include, but shall not be limited to, voter registration requirements, a provision for the appointment of a three-member Election Board, and a provision to judicially resolve disputed elections.

**ARTICLE V  
TRIBAL GOVERNMENT POWERS**

Section 1: Separation of Powers.

The Tribal Council and the Tribal Judiciary shall be separate and equal branches of the Tribal Government. Each branch shall exercise only the powers vested in it and shall have no authority over the other branch except as may be granted by this Constitution. Article V, Section 3 and Article X which separate tribal government powers shall become effective upon the appointment of the three Judges of the Tribal Supreme Court under Article X of this Constitution. Until that time, the Tribal Council will continue to exercise all Tribal government powers and any reference in this Constitution in provisions other than Article V, Section 3 and Article X to Tribal Judiciary shall mean the Tribal Council. If the United States fails to federally recognize the United Houma Nation, Article V, Section 3 and Article X shall be ineffective and unenforceable.

Section 2: Tribal Council Powers.

The Tribal Council, as established in Article VI of this Constitution, shall be vested with all executive and legislative powers of the Tribe including the power to make and to enforce laws, and including such powers as may in the future be restored or granted to the Tribe by any law of the United States, or other authority. This Constitution, and ordinances or other legislation of the Tribal Council adopted under this Constitution, shall be the supreme law of the United Houma Nation. The Tribal Council shall exercise its powers consistent with the letter and spirit of this Constitution.

Section 3: Tribal Judiciary Powers.

The Tribal Judiciary, as established in Article X of this Constitution, shall be vested with all the Tribe's judicial powers.

Section 4: Ethics in Tribal Government.

To promote the integrity and openness in the tribal political process and to maintain the trust of tribal members in their representative tribal government, the Tribal Council shall, promptly after the adoption of this Constitution, by ordinance, establish a code of ethics in Tribal government for tribal public officials or others as it deems appropriate to meet the needs of the Tribe.

**ARTICLE VI  
TRIBAL COUNCIL**

Section 1: Composition, Ex-officio Members, Qualifications, Terms of Office, Officers.

- (a) The Tribal Council shall be composed of 12 members—11 of whom shall be elected by majority vote from single member geographical districts, and one of whom, the Principal Chief, shall be elected by majority vote of all registered tribal voters.
- (b) Former Chairpersons or Principal Chiefs who no longer serve on the Tribal Council, and are no longer employed in Tribal Government, may serve on the Tribal Council as ex-officio members without voting privileges and shall not count towards a quorum. They shall serve so long as that member's behavior remains acceptable as determined by the Tribal Council.
- (c) For a person to be eligible for election or appointment to any Tribal Council office, that person shall :
  - (1) be a registered voter of the United Houma Nation, and
  - (2) be at least 25 years of age, and
  - (3) be a high school graduate or have the equivalent of a high school diploma, and
  - (4) reside in the voting district in which the person seeks office for two or more consecutive years immediately preceding the election, and
  - (5) be free of any felony conviction, and
  - (6) not hold a tribal office, unless the person is seeking election or re-appointment to that office.
- (d) In addition to the qualifications immediately preceding, the candidate for Principal Chief shall:
  - (1) be at least 35 years of age, and
  - (2) have previously served at least one term on the Tribal Council.
- (e) The Tribal Council members shall serve four-year terms of office and remain in office until their successors are elected and installed. The Principal Chief shall



be limited to two consecutive terms of office. All members of the Tribal Council at the time this Constitution becomes effective shall continue to serve and shall be entitled to exercise all powers granted by this Constitution to the Tribal Council until such time as their successors are elected and installed under this Constitution.

- (f) The Tribal Council shall elect from within its own number a Vice-Principal Chief, Secretary, Treasurer and Parliamentarian. The Tribal Council shall appoint from without its numbers, a Sergeant-at-Arms, and may appoint or employ those other officers and committees as may be necessary. Those officers who are appointed from without the Tribal Council shall neither be counted for a quorum nor may they vote at Tribal Council meetings.

## ARTICLE VII DUTIES OF OFFICERS

### Section 1. Duties of the Principal Chief.

The Principal Chief shall preside over all meetings of the Tribal Council and shall perform the usual duties of a Principal Chief including, but not limited to, acting as the official spokesperson for the United Houma Nation on matters specifically authorized by the Tribal Council, engaging in public relations, serving as coordinator of overall tribal government activities, and exercising any authority delegated to the Principal Chief by the Tribal Council. The Principal Chief shall vote in case of a tie.

### Section 2. Duties of the Vice-Principal Chief.

The Vice-Principal Chief shall assist the Principal Chief when called upon to do so or in the absence of the Principal Chief shall preside over the meeting. When so presiding, the Vice-Principal Chief shall have all rights, privileges, duties, and responsibilities of the Principal Chief.

### Section 3. Duties of the Secretary.

The Secretary of the Tribal Council shall be responsible for all correspondence issued by the Tribal Council, shall keep an accurate record of all matters transacted at Tribal Council meetings, and shall perform those other duties as required by the Tribal Council.

### Section 4. Duties of the Treasurer.

The Treasurer shall accept, receive, preserve, and safeguard all tribal funds or special funds for which the Tribal Council is acting as trustee or custodian. The Treasurer shall deposit all funds in such appropriate insured depositories as the Tribal Council shall direct, make or preserve a faithful record of those funds, and report on all receipts and expenditures and the amount and nature of all funds in the Tribal treasury accounts at each regular meeting of the Tribal Council or at such other times as directed by the Tribal Council. After the United States federally recognizes the United

Houma Nation, an audit of accounts shall be made once a year and at such other times as the Tribal Council may require. All checks drawn upon tribal funds will be handled according to the accounting procedure manual approved by the Tribal Council. The Treasurer shall be required to give satisfactory bond to the Tribal Council and that bond shall be paid from Tribal funds.

Section 5. Duties of the Parliamentarian.

The Parliamentarian shall assist the Principal Chief in making decisions on the correct use of Robert's Rules of Order, as revised by the Tribal Council, for the conduct of the Tribal Council. The Parliamentarian will function only in an advisory role to the Principal Chief.

Section 6. Duties of the Sergeant-at-Arms.

The Sergeant-at-Arms shall attend all Tribal Council meetings when requested by the Principal Chief so as to maintain order under the direction of the Principal Chief and execute the commands of the Principal Chief and all processes issued under the Principal Chief's authority.

Section 7. Duties of Committees or Appointive Officers.

The duties of all committees or officers appointed by the Tribal Council shall be clearly defined by resolution of the Tribal Council at the time of their creation or appointment. Those committees or officers shall report to the Tribal Council from time to time as the Tribal Council requires and the Tribal Council may review their activities and decisions.

**ARTICLE VIII**  
**VACANCIES AND REMOVAL OF TRIBAL OFFICIALS**

Section 1. Recall.

- (a) At any time after holding office for six months, any elected official of the United Houma Nation may be recalled from office by the registered voters of the Tribe who are from that elected official's voting district, or by all registered voters of the Tribe if that elected official is elected from all districts, and such recall shall be in accordance with procedure as set forth by ordinance; *provided that*, recall shall be allowed only once a year against any particular elected official.
- (b) The affirmative vote of 60 percent of those voting at the recall election shall effect a recall of the official from office; *provided that*, at least 30 percent of the total number of registered voters vote in the recall election. In the event the official is recalled, the office shall be deemed vacant and shall be filled in accordance with Section 4 of this Article.

Section. 2. Expulsion and Suspension of Tribal Council Members.

- (a) The Tribal Council shall by affirmative vote of nine members of the Tribal Council expel

a member of the Tribal Council from office on grounds of failure to attend three successive regular meetings of the Tribal Council in a given calendar year without good reason as determined by the Tribal Council, a lack of a required qualification for holding office, an occurrence of a disqualification for office, or misuse of funds.

- (b) The Tribal Council member sought to be expelled shall be notified in person or by registered mail at least 10 days before the holding of any meeting at which the member's expulsion from office is to be considered. The notice shall set forth the alleged grounds for expulsion with specificity. The member in question shall be given full opportunity to be heard at such meeting and to confront any and all adverse witnesses. If the Tribal Council votes to expel the member in question, the grounds for removal shall be set forth with specificity in the minutes of the meeting, and the Tribal Council's decision shall be subject to prompt review by the Tribal Judiciary at the request of the expelled member.
- (c) In the event the decision of the Tribal Council to expel the Tribal Council member in question is upheld by the Tribal Judiciary, the office shall be deemed vacant and shall be filled in accordance with Section 4 of this Article.
- (d) A Tribal Council member may be suspended from office without pay pending the appeal of the member's conviction of a major crime by a vote of nine Tribal Council members. In such event, if the conviction is overturned on appeal such Tribal Council member shall receive back pay for the time suspended from office without pay.

### Section 3. Automatic Vacancies.

- (a) The office of any elected or appointed tribal official, shall be deemed to be automatically vacant upon the official's death, resignation, or conviction of a major crime. Resignation of office shall be written and shall be deemed to be effective as of the date tendered unless otherwise designated in the resignation document. Major crime within the meaning of this subsection means any crime included in 18 U.S.C. § 1153, or any amendment thereto, and any equivalent crime defined under state law.
- (b) Any vacancy in office which occurs under this section shall be filled in accordance with Section 4 of this Article.

### Section 4. The Filling of Vacancies In Office.

- (a) Any vacancy in the office of an elected official shall be filled as follows:
  - (1) If the term of the vacant office has more than one year to run from the date of vacancy, the Tribal Council shall appoint by a vote of at least nine members of the entire Tribal Council within 60 days an eligible Tribal member to fill such vacancy until the next tribal election; *provided that*, the Tribal Council shall exercise this right of appointment only once in any calendar year. If any additional vacancies occur in the same year, they shall

be filled by a special election.

- (2) If the term of the vacant office has one year or less to run, the Tribal Council shall within two months appoint by a vote of at least nine members of the entire Tribal Council, an eligible tribal member to fill the office; *provided that*, if a special election is required to fill one or more other vacancies under subsection (a)(1) of this Section the Tribal Council shall submit all vacancies to election.
  - (3) Paragraph (1) and (2) of this subsection (a) shall not apply to fill a vacancy in the office of Principal Chief. Such vacancy shall be filled as follows:
    - (i) If the term of the office of Principal Chief has more than six months remaining from the date of vacancy, then the Tribal Council shall call for a special election to fill the office of Principal Chief for the remainder of the term in accordance with this Constitution and applicable tribal ordinance to be held no later than two months from the date of the vacancy.
    - (ii) If the term of the Office of Principal Chief has less than six months remaining from the date of vacancy, the Tribal Vice-Principal shall fill the office of Principal Chief for the remainder of the term.
- (b) Any special election required to be held under this Article shall be conducted in accordance with this Constitution and applicable tribal ordinance. If a regular election is scheduled to be held within the time permitted to hold a special election, all issues shall be submitted to vote at the regular election.
- (c) If, by reason of vacancies in office, the remaining members of the Tribal Council constitute fewer than nine, the Election Board shall cause all vacant offices to be filled by special election held in accordance with this Constitution and applicable tribal ordinance.
- (d) Any tribal member appointed to office under the provisions of this section shall be deemed to be subject to all provisions of this Article, and other Articles of this Constitution, and to other tribal ordinances generally applicable to elected tribal officials, and that tribal official's particular office.

#### Section 5. Tribal Judiciary Excluded.

This Article shall not be applicable to the removal of Tribal Judges, nor to the filling of any vacancies in the office of Tribal Judge.

**ARTICLE IX  
PROCEDURES OF THE TRIBAL COUNCIL**

Section 1. Meetings of the Tribal Council.

(a) Regular Meetings.

The Tribal Council shall meet in official session at least four times a calendar year on a quarterly basis at such time and place as shall be established by ordinance. The order of business for any such meeting shall be posted in accordance with Section 3 of this Article. Other business, however, may also be transacted at such meeting if the Tribal Council votes to consider such other business.

(b) Special Meetings.

(1) Calling and Notice.

Special meetings of the Tribal Council shall be called by the Principal Chief of the Tribal Council at that person's discretion or upon the written request of any four Tribal Council members; *provided that*, at least 72 hours written notice of such meetings shall be given to each Tribal Council member by personal service or registered mail sent to the Tribal Council member's usual place of residence, by electronic means that documents receipt thereof, or left at the Tribal Council member's usual place of residence with some person who is suitable to receive such notice and who resides at that place. Notice, however, shall be considered waived by any Tribal Council member who attends the meeting. Notice to tribal members shall be posted as provided in Section 3 of this Article promptly after such meeting is called.

(2) Business.

No business shall be conducted at any special meeting of the Tribal Council unless the business has been stated in the notice of that meeting. Any business, however, which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the entire Tribal Council consent in writing.

(c) Emergency Meetings.

An emergency meeting of the Tribal Council may be called upon less than 72 hours written notice if that meeting is necessary for the preservation or protection of the health, welfare, peace, safety, or property of the Tribe. The Tribal Council shall make every effort to give maximum practical notice to each Tribal Council member for that meeting, and the notice shall be posted as provided in Section 3 of this Article promptly after that meeting is called. No business other than that stated in the notice shall be conducted.

(d) Open Meetings and Executive Sessions.

All meetings of the Tribal Council called under this Article shall be open to tribal members who shall have a reasonable opportunity to be heard under such rules and regulations as the Tribal Council may prescribe; *provided that*, the Tribal Council may meet in executive session for the following purposes:

- (1) Personnel matters.
- (2) Claims against the Tribe, Tribal Council or Tribal Courts or their officials, whether in litigation or otherwise.
- (3) Legal consultation and advice.
- (4) Matters involved in litigation concerning the Tribe, Tribal Council or Tribal Courts, or their officials.
- (5) Deliberation or review of any matter heard by the Tribal Council in a quasi-judicial capacity.
- (6) Negotiations concerning the purchase, sale, lease or other acquisition of real or personal property, or interests therein, or concerning any contracts except those required to be the subject of competitive bidding.
- (7) Matters involving the privacy interest of individuals.

The Tribal Council may determine not to keep a record of all or any part of the discussion in executive session. The general reason for that determination shall be recorded and a record shall be kept of any action taken in executive session. The record may be withheld from inspection by tribal members pending final disposition of the matter concerned.

(e) Organization and Rules of the Tribal Council.

The Tribal Council shall adopt by motion written rules governing its own organization and procedure consistent with this Constitution. Those rules shall be open and available to review by tribal members in accordance with Section 3 of this Article.

(f) Voting by The Tribal Council.

- (1) Ordinances.

Except for emergency ordinances, every ordinance shall be adopted at a regular meeting of the Tribal Council by the affirmative vote of at least nine Tribal Council members of the entire Tribal Council; *provided that*, the quorum for those meetings shall be nine Tribal Council members.

- (2) Resolutions and Motions.

Every resolution and motion shall be adopted by the affirmative vote of at least a majority of the Tribal Council members present at a regular or special meeting of the

Tribal Council; *provided that*, the quorum for those meetings shall be seven Tribal Council members.

## Section 2. Ordinances, Resolutions, and Motions.

Promptly after the effective date of this Constitution, the Tribal Council shall enact an ordinance establishing procedures for adopting, amending, or rescinding ordinances, resolutions and motions, and handling of tribal records.

## Section 3. Posting Procedure.

The following shall be the procedure of the Tribal Council in posting any notice or other document as required by this Constitution or by tribal ordinance.

- (a) The Tribal Council shall designate by ordinance no fewer than two public places where that posting shall be made. If any posting place is to be changed, the Tribal Council shall make such change by ordinance.
- (b) Posting shall take place as soon as practicable.

# ARTICLE X TRIBAL JUDICIARY

## Section 1. Structure.

- (a) The Tribal Judiciary shall be composed of one Supreme Court and of such lower courts as are designated to be established in this Article, and as may be established by ordinance by the Tribal Council as it deems appropriate to meet the needs of the Tribe.
- (b) The Supreme Court of the Tribe shall have jurisdiction over appeals from all final decisions of the lower courts of the Tribe. The Supreme Court shall be composed of three Judges who are from different voting districts. Supreme Court Judges may, if necessary and if so instructed by the Tribal Council, also serve as Judges of the lower courts. In that situation, however, the Supreme Court Judge shall be disqualified from participating in a review of any decision entered by that judge while sitting as a lower court judge.
- (c) The Tribal Council shall determine and establish the number of lower trial courts necessary to serve the judicial needs of the Tribe. Such trial courts shall have general and original jurisdiction over all cases of a civil or criminal nature. Each trial court shall be presided over by one Judge.
- (d) If the Tribal Council establishes special kinds of lower courts with original jurisdiction over specified subject areas, the Tribal Council shall specify whether such jurisdiction

is exclusive or concurrent with the jurisdiction of the trial courts established in subsection (c) of this Section.

- (e) If the Tribal Council establishes an intermediate level of courts to hear appeals from all final decisions of the lower courts, the Supreme Court shall hear appeals only from decisions of the intermediate courts of appeals. In addition, the Tribal Council may authorize the Supreme Court to exercise its discretion in all or designated kinds of cases in deciding whether to hear an appeal in any particular case.

#### Section 2. Appointment and Term of Office.

- (a) The Tribal Council shall by ordinance establish a procedure for selection of judges.
- (b) Tribal Judges shall be appointed by nine or more votes of the Tribal Council.
- (c) Lower Court Judges shall be appointed to a term of four years.
- (d) Supreme Court Judges shall be appointed to a term of eight years.

#### Section 3. Compensation.

Tribal Judges shall receive for their services a reasonable compensation, as fixed from time to time by the Tribal Council. The Tribal Council shall not diminish the compensation of a Tribal Judge during that judge's term of office.

#### Section 4. Qualifications and Disqualifications.

- (a) To hold the office of Tribal Judge, a person shall be an enrolled member of the Tribe, at least 35 years of age, having a minimum education of a high school graduate or an equivalent, and shall demonstrate fitness and competency for the office by taking an appropriate examination administered by the Tribe relevant to demonstrate competence for the office of Tribal Judge.
- (b) No person shall be eligible to be appointed to the office of Tribal Judge who has been convicted of a felony or a crime of moral turpitude.

#### Section 5. Removal from Office by Tribal Council and Automatic Vacancies.

- (a) Tribal Judges may be removed from office by the Tribal Council by the affirmative vote of at least nine members of the entire Tribal Council, but only upon grounds of inability to carry out the duties of the office, failure to carry out the duties of the office, or lack of a requisite qualification for serving as a Tribal Judge. The Tribal Council shall notify the Tribal Judge in question and the Supreme Court, in writing, not less than 20 days prior to the meeting at which the Judge's removal is to be considered and voted upon.



The notice shall specify the charges and shall state the facts in support thereof. The Tribal Judge in question shall have full opportunity at the meeting at which that Judge's removal is to be considered and decided upon to examine all adverse witnesses and to present witnesses. The decision of the Tribal Council shall be final and not appealable to the Tribal Judiciary. The Supreme Court, may upon receipt of notice of the removal charges, suspend the Tribal Judge in question from office pending final action of the Tribal Council at the meeting.

- (b) The office of any Tribal Judge who is convicted of a felony or a crime of moral turpitude, who dies, or who resigns shall be deemed to be automatically vacant. Resignation from office shall be written and shall be deemed to be effective as of the date tendered unless otherwise designated in the resignation document.

#### Section 6. Rules of Tribal Courts.

The Supreme Court shall by order establish written rules of procedure and ethics for all Tribal Courts. Such rules may from time to time be amended as deemed necessary or appropriate by the Supreme Court. The Supreme Court shall consult with the Judges of the lower courts in establishing rules of procedure for the lower courts.

#### Section 7. Records and Court Clerk.

The Supreme Court shall implement the system of keeping records of proceedings of the Tribal Judiciary. The Supreme Court shall appoint a court clerk which shall be responsible for keeping the records of the Judiciary and generally for administering the daily business of the Judiciary.

#### Section 8. Appropriations.

The Tribal Council shall give priority for appropriations of such funds as may be necessary to enable the Tribal Judiciary to carry out the provisions of this Article.

#### Section 9. Enforcement.

The Tribal Council shall implement this Article by ordinance.

### ARTICLE XI RIGHTS OF TRIBAL MEMBERS

#### Section 1. Civil Rights.

The United Houma Nation in exercising its power of self-government over any person subject to tribal jurisdiction shall not:

- (a) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances,
- (b) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized,
- (c) subject any person for the same offense to be twice put in jeopardy,
- (d) compel any person in any criminal case to be a witness against himself,
- (e) take any private property for a public use without just compensation,
- (f) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense,
- (g) require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of one year and a fine of \$5,000, or both,
- (h) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law,
- (i) pass any bill of attainder or ex post facto law, or
- (j) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

Section 2. Rights Retained by the People.

The enumeration in this Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

**ARTICLE XII  
INITIATIVE AND REFERENDUM**

Section 1. General Authority.

- (a) Initiative. Registered voters of the Tribe may propose any ordinance to the Tribal Council for consideration, in accordance with procedures set forth by ordinance, except

ordinances concerning membership matters, the budget of the tribal government, appropriations of funds, levy of taxes, salaries of tribal officials, employees or appointees, or ordinances establishing tribal businesses. If the Tribal Council votes not to enact the proposed ordinance, or if the Tribal Council votes to enact the proposed ordinance with substantive amendments, the proposed ordinance, in the original form and in the amended form if any, shall be submitted to the registered voters of the Tribe at a tribal election for their approval or rejection .

(b) Referendum.

- (1) By action of registered voters. Registered voters of the Tribe may require the Tribal Council to consider the repeal of any ordinance, in accordance with procedures set forth by ordinance, except ordinances concerning membership matters, the budget of the tribal government, appropriations of funds, levy of taxes, salaries of tribal officials and employees or appointees, emergency ordinances, or ordinances establishing tribal businesses. If the Tribal Council fails to repeal such ordinance, the ordinance shall be submitted to the registered voters of the Tribe at a tribal election for their approval or repeal.
- (2) By action of the Tribal Council. The Tribal Council, on its own motion, may submit at a tribal election any proposed ordinance or other proposed action of the Tribal Council to a vote of the registered voters of the Tribe for their approval or rejection.

Section 2. Results of Election.

- (a) Initiative. If a majority of the registered tribal voters voting on a proposed initiated ordinance vote in its favor, it shall be considered effective upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greater number of affirmative votes shall prevail.
- (b) Referendum. If a majority of the registered tribal voters voting on a referred ordinance vote for repeal, it shall be considered repealed upon certification of the election results. If a majority of the registered tribal voters voting on a referred ordinance vote to approve such ordinance, it shall be considered approved upon certification of the election results.
- (c) Voting Percentage Requirements. No initiative or referendum election shall be effective unless at least 30 percent of the total number of registered voters vote in that election.

Section 3. Implementation.

The Tribal Council shall implement this Article by ordinance.

**ARTICLE XIII  
AMENDMENTS**

Section 1. Amendments to the Constitution.

If the United States federally recognizes the Tribe, then this Constitution may be amended by a majority vote of the registered voters of the United Houma Nation voting at an election called for that purpose by the Secretary of the Interior, pursuant to 25 C.F.R. §§ 81 and 82, provided at least 30 percent of those registered to vote shall vote in such election. The Secretary of the Interior shall authorize an election on any proposed amendment upon receipt of a resolution adopted by at least nine members of the entire Tribal Council, or upon receipt of a petition signed by at least 30 percent of the registered voters of the Tribe. The election shall be conducted in accordance with the rules and regulations set forth in 25 C.F.R. § 81 and in this Constitution. The Secretary of the Interior shall not propose amendments to this Constitution.

Section 2. Federal Recognition.

If the United States fails to federally recognize the Tribe, then this Constitution may be amended by a majority vote of the registered voters of the United Houma Nation voting at an election called for that purpose by the Tribal Council provided at least 30 percent of those registered to vote shall vote in such election. The election shall be conducted in accordance with this Constitution.

**ARTICLE XIV  
CERTIFICATE OF RESULTS  
OF ELECTION AND SAVINGS**

This Constitution shall be effective from the date the Tribal Council certifies the election results adopting this Constitution. All tribal law, resolutions, and policy of whatever nature adopted before the effective date of this Constitution shall continue in effect to the extent they are consistent with this Constitution.