Constitution of the Chickasaw Nation

The following language is as originally ratified on August 27, 1983, and as amended as of June 21, 2002.

Constitution of the Chickasaw Nation

Preamble

We, the people of the Chickasaw Nation, acknowledging with gratitude the grace and beneficence of God, in permitting us to make choice of our own form of government, do, in accordance with the first, second, fourth and seventh articles of the Treaty between the United States, the Choctaws and Chickasaws, made and concluded at Washington City, June 22, A.D. 1855, and the Treaty of April 28, A.D. 1866, ordain and establish this Constitution for our government, within the following limits, to-wit:

Beginning on the north bank of Red River, at the mouth of Island Bayou, where it empties into Red River, about twenty-six miles on a straight line below the mouth of False Washita, thence running a northwesterly course along the main channel of said bayou to the junction of the three prongs of said bayou nearest the dividing ridge between Washita and Low Blue Rivers, as laid down on Captain R.L. Hunter's map; thence northerly along the eastern prong of said Island Bayou to its source; thence due north to the Canadian River; thence west along the main Canadian to the ninety-eight degree

of west longitude; thence south to Red River and thence down Red River to the beginning;

Provided; however, if a line running due north from the eastern source of Island Bayou to the main Canadian, shall not include Allen's or Wapanucka Academy within the Chickasaw District, then an off-set shall be made from said line, so as to leave said academy two miles within the Chickasaw District, north, west and south from the lines of boundary.

Article I.
Name

The name of this body shall be "the Chickasaw Nation."

Article II.
Citizenship

Section 1. This Chickasaw Nation shall consist of all Chickasaw Indians by blood whose names appear on the final rolls of the Chickasaw Nation approved pursuant to Section 2 of the Act of April 26, 1906, (34 Stat. 137) and their lineal descendants.

Section 2. The Tribal Legislature shall have the power to enact ordinances governing future citizenship and loss of citizenship in the Chickasaw Nation.

Article III.
Rights of Suffrage

Section 1. All citizens eighteen (18) years of age or older shall be deemed qualified electors under the authority of this Constitution; provided, they have duly registered to vote.

Section 2. No enrolled member of another tribe or person who votes as a citizen or member of another tribe shall be eligible to vote.

Article IV.
Bill of Rights

Section 1. Nothing in this Constitution shall be interpreted in a way which would change the individual rights and privileges the tribal members have as citizens of the Chickasaw Nation, the State of Oklahoma, and the United States of America.

Section 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times the inalienable right to alter, reform or abolish their form of government in such a manner as they may think expedient; provided, such action is taken pursuant to this Constitution.

Section 3. No religious test shall ever be required as a qualification for any office of public trust in this Nation.

Section 4. Every citizen shall be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of that privilege, and no law shall ever be passed curtailing the liberty of speech, or of the press.

Section 5. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with powers of government; for redress of grievances or other purposes, by address, or remonstrance.

Article V.
Division of the Powers of Government

Section 1. The powers of the government of the Chickasaw Nation shall be divided into three (3) distinct departments: 1. Legislative 2. Executive 3. Judicial. No person or collection of persons, being one of those departments, shall exercise any power properly attached to either of the others.

Section 2. The officers of the Nation are to include all elective officials.

Article VI.
Legislative Department

Section 1. The Legislative authority of the Chickasaw Nation shall be vested in the Tribal Legislature.

Section 2. Members of the Tribal Legislature must be citizens of the Nation and have been residents of the Nation for at least one (1) year and of their respective district for at least six (6) months immediately preceding the election. They must remain residents of their elected district during the tenure of their office. They must be registered to vote and be at least twenty-five (25) years of age to serve as members of the Tribal Legislature.

Section 3. The Tribal Legislature shall consist of thirteen (13) members to be elected from the following districts according to an apportionment plan prescribed by the Tribal Legislature: Panola, Pickens, Tishomingo, Pontotoc. The district boundaries are as follows:

Panola District - Commencing at the mouth of Island Bayou, on the north bank of Red River, thence up said bayou to the line between the Chickasaws and Choctaws, thence along said line to Blue River, then up Blue River to the road that leads from Fort Washita to Fort Smith, where it crosses Blue River at Andrew Colbert's, thence along said road to Hatsborough, thence

along the road that leads from Hatsborough to Tiner's, where it crosses Washita River, thence down said river to where it empties into Red River, thence down said river to the beginning point.

Pickens District - Commencing on the north bank of Red River, at the mouth of Washita River, thence up Red River to the 98th. Meridian Line, thence north along said line to where it crosses Washita, down Washita to the beginning point.

Tishomingo District - Commencing where the road crosses Blue River that leads from Fort Washita to Fort Smith, at Andrew Colbert's, thence up Blue River to the fork above the old Dragoon crossing, thence up the eastern prong to the road which leads from Fort Arbuckle to Fort Smith, thence along said road to the crossing of the Washita River, thence down said river to the line of the Panola District, thence along said line to the beginning point.

Pontotoc District - Commencing on the east bank of Blue River, where the line crosses which runs between the Chickasaws and Choctaws, thence along said line to the Canadian River, thence up said river to the 98th. Meridian Line, thence south along said line to Washita River, thence down said river to the line of the Tishomingo District, thence along said line to the line of the Panola District, thence down said line to the beginning point.

Section 4. For the first election under this Constitution, the thirteen (13) positions on the Tribal Legislature shall be apportioned among the four (4) districts pursuant to the number of registered voters who reside in each district together with those nonresident registered voters who formally designate their affiliation with one (1) of the four (4) districts. Each district shall have at least one (1) representative on the Tribal Legislature. Each nonresident registered voter shall choose one (1) district for the purpose of voting to choose a representative on the Tribal Legislature. On the date successful candidates are installed in office, there shall be a drawing of lots for each district to determine which representative will serve for a three (3) year term. There shall be a second drawing of lots among the remaining nine (9) members of the Tribal Legislature to determine those five (5) who are to serve two (2) year terms and the four (4) who will each hold office for one (1) year, in order to establish a system of staggered terms of office. In the event of a tie vote in the intial election, the flip of a coin will determine the winner. Thereafter, members of the Legislature shall be elected for three (3) year terms and shall serve until their successors are duly elected and installed.

Section 5. Within nine (9) months following the first election of officials under this Constitution, the Tribal Legislature shall adopt a plan for reapportionment based on the number of

registered voters of the four (4) districts, including those nonresidents who affiliate with each district. Apportionment based on the number of registered voters shall be used until such time a more reliable means can be established pursuant to legislative action.

Section 6. No person who has been convicted of a felony by a court of competent jurisdiction, shall be considered eligible for office in the Tribal Legislature.

Article VII.
Privileges, Duties and Powers of Legislative Department

Section 1. The Tribal Legislature, at its first regular session each year, shall organize and elect officers from its membership. Officers to be elected are a Chairperson and a Secretary. A Recording Secretary and Sergeant-At-Arms (non-members of the Tribal Legislature) shall be nominated by the Chairperson, and placed in office by and with the advice and consent of the Tribal Legislature.

Section 2. The Chairperson shall preside over all meetings of the Tribal Legislature.

Section 3. The Secretary of the Tribal Legislature shall maintain all records and enactments of the Tribal Legislature. They shall be kept on file in the Chickasaw Nation Headquarters, Ada, Oklahoma and available for inspection by Chickasaw citizens during normal office hours. All such records and enactments of the Tribal Legislature shall be the property of the Chickasaw Nation.

Section 4. The Tribal Legislature shall enact rules and regulations pertaining to the Chickasaw Nation.

Section 5. The Tribal Legislature shall prescribe procedures and regulations for voter registration.

Section 6. The Tribal Legislature shall prescribe election procedures and regulations for tribal elections.

Section 7. The Tribal Legislature shall make decisions pertaining to the acquisition, leasing, disposition and management of real property, subject to Federal Law.

Section 8. The Tribal Legislature shall sit as a court in all cases of impeachment; its decision shall be final.

Section 9. The Governor shall prepare an Annual Tribal Budget and present it to the Legislature for approval. Approval shall require a majority vote of the Legislature. Rejection, amendment or alteration shall be considered by legislative

act subject to executive veto. Such veto shall be overriden only by an affirmative vote of at least nine (9) members of the Legislature.

Section 10. For all business of the Legislature, a quorum is required. A quorum consists of nine (9) members of the Legislature.

Section 11. The Tribal Legislature shall have the power to fix and prescribe salaries and allowances for all elected or appointed officials and employees of the Nation. The salary and allowances for elected and appointed officials shall not be increased or diminished during terms of office for which they have been elected. The Tribal Legislature will set a pay scale for all tribal employees.

Section 12. The Tribal Legislature shall adopt rules of procedure for operation of the Tribal Legislature within ninety (90) days after the initial installation of legislators.

Article VIII.
Sessions of the Tribal Legislature

Section 1. Regular sessions of the Tribal Legislature shall be held on the third Friday of each month at 9:00 a.m. at the Chickasaw Nation Headquarters, Ada, Oklahoma, unless and until otherwise provided by the Tribal Legislature.

Section 2. Nine (9) members must be present to constitute a quorum.

Section 3. The Governor may call a special session of the Legislature at any time he deems necessary by notifying each member, by the most expedient way, at least twenty-four (24) hours in advance of the meeting and shall call a special session upon receipt of a letter signed by at least nine (9) members of the Tribal Legislature.

Section 4. All regular and special sessions shall be open to the citizens of the Nation.

Section 5. Roll call votes shall be recorded, showing how each member of the Tribal Legislature voted.

Section 6. Robert's Rules of Order shall be followed in conducting Tribal Legislature business unless in conflict with this Constitution.

Article IX.
Order of Business

The order of business at any regular or special session of the Tribal Legislature shall be as follows; provided, this order of business may be suspended by the Tribal Legislature for any meeting:

- Call to Order
- Roll Call
- Reading of minutes of last session
- Unfinished business
- Reports of Committees
- New business (comments from citizens)
- Adjournment

Article X.
Executive Department

Section 1. The Supreme Executive power of this Nation shall be vested in a Chief Magistrate, who shall be styled "The Governor of the Chickasaw Nation."

Section 2. The Lieutenant Governor shall assist the Governor and perform all duties as assigned to him by the Governor.

Section 3. The Governor and the Lieutenant Governor shall run as a team and shall be elected for a term of four (4) years and shall serve until their successors have been elected and installed.

Section 4. Any citizen of the Chickasaw Nation who is at least thirty (30) years of age and who possesses no less than one-quarter (1/4) of Chickasaw Indian Blood may be eligible to become a candidate for the office of Governor or Lieutenant Governor.

Section 5. The Governor and the Lieutenant Governor must be registered to vote and must have been residents of the Chickasaw Nation for at least one (1) year immediately preceding any election for which they are candidates and must remain residents of the Chickasaw Nation during the tenure of their office.

Section 6. No person who has been convicted of a felony by a court of competent jurisdiction shall be considered eligible for either of the executive offices.

Article XI.
Privileges, Duties and Powers of Executive Department

Section 1. The Governor shall perform all duties appertaining to the office of Chief Executive. He shall sign official papers on behalf of the Nation.

Section 2. The Governor shall have power to establish and appoint committees, members and delegates to represent the Chickasaw Nation, by and with the advice and consent of the Tribal Legislature.

Section 3. The Governor shall have power to veto any decision of the Tribal Legislature and it must be done within five (5) working days after

passage and written presentation; provided, the Tribal Legislature may override the Governor's veto in accordance with Article VII, Section 9.

Section 4. The Governor shall prepare and submit an annual tribal budget to the Tribal Legislature.

Section 5. The Lieutenant Governor shall serve in the absence of the Governor and when serving shall have all the privileges, duties and powers of the Governor.

Article XII.
Judicial Department

Section 1. The Judicial authority of the Chickasaw Nation shall consist of a three (3) member court elected by popular vote by qualified voters of the Chickasaw Nation.

Section 2. Members of the Judicial Department must be qualified electors, citizens of the Chickasaw Nation and residents of the Chickasaw Nation during tenure of their office.

Section 3. Tribal Judges shall be elected for terms of three (3) years and shall serve until their successors are duly elected and installed. In the initial election, judges shall serve terms of one (1), two (2) and three (3) years to be determined by lot in order to establish staggered terms.

Section 4. On an annual basis, the three (3) judges shall select the presiding judge from among their number.

Section 5. No person who has been convicted of a felony by a court of competent jurisdiction shall be eligible for judicial office.

Article XIII.
Privileges, Duties and Powers of the Judicial Department

Section 1. The Judicial Department shall have jurisdiction to decide disputes by vote of two (2) members, arising under any provision of this Constitution or any legislation enacted by the Tribal Legislature and such other jurisdiction as may be conferred upon it by the Tribal Legislature.

Section 2. Rules of procedure for the Judicial Department shall be prescribed by the Judicial Department within sixty (60) days of its members taking office and shall insure that the citizen receives due process of law and a prompt and speedy trial. Those procedures shall be presented to the Legislature which must act on those procedures within sixty (60) days after such presentation, otherwise, those procedures will become effective.

Section 3. The decisions of the Judicial Department shall be final.

Section 4. The Tribal Judicial Department shall have jurisdiction to hear claims regarding malapportionment. If a reapportionment plan is not adopted at least ninety (90) days before the election, then the Judicial Department shall have jurisdiction to prepare a reapportionment plan for submission to the Legislature.

Article XIV.
Initiative Petition

Section 1. Upon submission to the Judicial Department of a valid petition, outlining the proposed measure, and signed by at least twenty percent (20%) of the registered voters of the Chickasaw Nation, it shall be the duty of the Tribal Legislature, within sixty (60) days, to submit the proposition to a vote of the electorate; provided, that if a petition is presented within one hundred eighty (180) days of the next regular election, the proposition shall be presented to the voters at that time.

Section 2. The election shall be conducted pursuant to rules and procedures prescribed by the Tribal Legislature.

Section 3. Passage of the proposition shall require a majority of votes cast; provided, at least thirty percent (30%) of the registered voters cast ballots.

Article XV.
Filling Vacancies

Section 1. In case of death, resignation, impeachment, or recall of the Governor, the Lieutenant Governor shall immediately become Governor for the remainder of the unexpired term. The Chairperson of the Tribal Legislature shall immediately succeed to the office of Lieutenant Governor for the unexpired term. The Tribal Legislature shall elect a member of the Legislature to serve the unexpired term of the Chairperson.

Section 2. In the event of vacancies occurring in the Tribal Judicial Department or Tribal Legislature, a special election shall be held within sixty (60) days of the vacancy, or reasonably

delayed until the next regularly scheduled election for that position. The vacancy shall be filled by popular vote.

Article XVI.
Impeachment and Recall of Officials

Section 1. Impeachment

(a) Any elected official shall be subject to impeachment for willful neglect of duty, corruption in office, habitual drunkenness, incompetency, becoming incapable of performing his duties or any offense involving moral turpitude while in office.

(b) Upon submission to the Judicial Department of a valid petition, stating the cause of action, and signed by not less than twenty-five percent (25%) of the registered voters residing within the district or area from which the official was elected, it shall be the duty of the Judicial Department to determine the validity of the charges and file formal impeachment charges.

(c) The official against whom charges may be preferred, shall be entitled to a hearing by the Tribal Legislature under rules and procedures prescribed by the Tribal Legislature.

(d) The official against whom articles of impeachment are preferred, shall be suspended from the exercise of duties of his office during the pendency of his impeachment proceedings.

(e) The Tribal Legislature shall appoint a prosecutor to present the charges before the Tribal Legislature. Such prosecutor shall be a citizen of the Nation and shall not be employed or hold office in the Nation.

(f) The Tribal Legislature shall sit as a court in all cases of impeachment and its decision shall be final.

(g) The Tribal Legislature shall prescribe rules and procedures that are necessary to carry into effect the provisions of this Article.

(h) The (10) votes shall be required to impeach the official.

Section 2. Recall

(a) Upon submission to the Judicial Department of a valid petition, stating the cause for action, and signed by not less than twenty-five percent (25%) of the registered voters residing within the district or area from which the official was elected, it shall be the duty of the Tribal Legislature to call and conduct, within sixty (60) days, a recall election.

(b) The election shall be conducted pursuant to rules and procedures prescribed by the Tribal Legislature.

(c) Recall from office shall require a majority of votes; provided, thirty percent (30%) or more of the registered voters cast ballots.

(d) Only one (1) official shall be subject to recall at any given recall election.

(e) Any official shall be subject to the recall provision only one (1) time during his term of office.

Article XVII.
Oath of Office

All elected or appointed officials shall take the following oath:

I,_____, do solemnly swear (or affirm) that I will support, obey and defend the Constitutions of the Chickasaw Nation, and the United States of America and will discharge the duties of my office with fidelity, so help me God.

Article XVIII.
Amendment

Section 1. Proposed amendments to this Constitution may be initiated by either of the following methods:
(a) A resolution of the Tribal Legislature adopted by at least nine (9) affirmative votes.

(b) A valid petition submitted to the Tribal Legislature signed by not less than twenty percent (20%) of the registered voters of the Chickasaw Nation.

Section 2. Amendments proposed by either (a) or (b) in the above section shall be submitted to a vote of the electorate in an election called for that purpose by the Governor and conducted pursuant to rules and procedures prescribed by the Tribal Legislature.

Section 3. Any amendment adopted by a majority of the votes cast in the election shall be submitted to the Secretary of the Interior, or his authorized representative, for approval action. If no action is taken within thirty (30) days following its receipt by the Secretary's authorized representative, the amendment shall be deemed approved and it shall thereafter be effective.

Article XIX.
Effective Date of Constitution

This Constitution shall become effective when approved by the Secretary of the Interior and ratified by the Chickasaw people.

Article XX.
Approval

I, John W. Fritz, Deputy Assistant Secretary - Indian Affairs (Operations) by virtue of the authority delegated to me by 209 D.M. 8.3, do hereby approve this Constitution of the Chickasaw Nation of Oklahoma. It shall become effective upon ratification; provided, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.

John W. Fritz
Deputy Assistant Secretary
Indian Affairs (Operations)

Washington, D.C.
Date: 15 July 1983

Article XXI.
Certificate of Ratification

Pursuant to the June 17, 1981, order of the U.S. District Court for the District of Columbia, as amended January 6, 1983, in Cravatt v. Watt, Civil No. 77-1664, the Deputy Assistant Secretary - Indian Affairs (Operations), on July 15, 1983, approved this Constitution and authorized the calling of an election for its ratification to be conducted on August 27, 1983. On August 27, 1983, the qualified voters of the Chickasaw Nation duly ratified this Constitution by a vote of 1,595 for, and 232 against. The results are hereby certified by members of the Chickasaw Election Commission shown below:

Fred L. Ragsdale, Jr.
Arbitrator/Administrator

Charles Guy Tate
Representative for Plaintiffs

Sally Bell
Representative for Plaintiffs

Clarence Lee Cravatt
Representative for Plaintiffs

Pat Woods
Representative for Tribal Defendant

Ted Key
Representative for Tribal Defendant

Kenneth Meeler
Representative for Tribal Defendant

Ardmore, Oklahoma
Date: August 27, 1983

Amendments to the Constitution

Articles in addition to, and amendment of, the Constitution of the Chickasaw Nation ratified by the Chickasaw electorate pursuant to the Eighteenth Article of the original Constitution:

Amendment I.
(September 13, 1984)

Article XII, Judicial Department, Section 2, is amended to read:

Section 2. Members of the Judicial Department must be registered to vote and must have been residents of the Chickasaw Nation for at least one (1) year immediately preceding any election for which they are candidates and must remain residents of the Chickasaw Nation during the tenure of their office.

Amendment II.
(September 13, 1984)

Article XV, Filling Vacancies, Section 1, is amended to read:

Section 1. In the event of a vacancy occuring in the position of Lieutenant Governor, the Governor shall appoint a successor to serve the unexpired term, by and with the advice and consent of the Tribal Legislature.

Amendment III.
(September 21, 1987)

The purpose of Amendment III was to identify a specific date for newly elected officials to begin terms of office. The Amendment was proposed to clarify and specify that date in Article VI - Legislative Department; Article X - Executive Department and Article XII - Judicial Department.

Section 1. All elected officials of the Chickasaw Nation shall begin serving their terms of office on October 1 of the year in which they are elected. This shall apply to all persons elected to tribal office, beginning with any and all officers which might be elected during the elections of 1988. This will allow a three (3)year period during which all tribal judges and members of the legislature will be installed into or go out of office on October 1. By the 1991 gubernatorial elections, all elected officials shall have terms beginning on October 1.

Section 2. Should October 1 fall on a Saturday, Sunday or holiday, installation shall take place on the first working day after October 1.

Amendment IV.
(September 27, 1990)

Article VII is amended to read:

Section 1. The tribal legislature shall have the power to fix and prescribe salaries and allowances for all elected or appointed officials and employees of the Nation. The tribal legislature shall review said salaries and allowances every fourth year and shall increase or decrease as necessary. The tribal legislature will set a pay scale for all tribal employees.

Amendment V.
(October 27, 1994)

The Chickasaw Nation shall repeal Article XII and XIII of the Constitution of the Chickasaw Nation and adopt the following Amendment:

Section 1. The Judicial powers of this Nation shall be vested in one Supreme Court, and in such inferior Courts as the Legislature shall ordain and establish in the development, maintenance and administration of the Tribal Justice System.

Section 2. The Judicial power shall extend to all cases arising under this Constitution, the laws of the Chickasaw Nation and treaties made, or which shall be made under their authority; and to all controversies to which the Chickasaw Nation shall be a party.

Section 3. The Supreme Court shall consist of three (3) Justices elected by popular vote by qualified voters of the Chickasaw Nation, and shall be qualified electors, citizens of the Chickasaw Nation at least thirty (30) years of age, and residents of the Chickasaw Nation during their tenure of office. No person who has been convicted of a felony by any court of competent jurisdiction shall be eligible to be a Supreme Court Justice. They shall be elected for terms of three (3) years and shall serve until their successors are duly elected and installed. The Justices shall select a Chief Justice from among their number on an annual basis.

Section 4. The appellate jurisdiction of the Supreme Court shall be coextensive with the Chickasaw Nation and shall extend to all cases of law and in equity. The Supreme Court, by appropriate order, shall have the power to hear appeals, shall have the power to compel inferior Courts or their officials, and officers of the Nation to appropriate actions under law, and may exercise such other jurisdiction as may be conferred by statute.

Section 5. The incumbent Tribal Judges of the Tribal Court, shall be designated Supreme Court Justices; and, the Tribal Court shall be

Designated the Supreme Court. Staggered terms for those Justices shall continue for the terms in which they were elected and continue in this same manner for their successors.

Amendment VI.
(August 22, 1995)

The original language of Article VII, Section 11 which provides: "The Tribal Legislature shall have the power to fix and prescribe salaries and allowances for all elected or appointed officials and employees of the Nation. The salary and allowances for elected and appointed officials shall not be increased or diminished during the terms for which they have been elected. The Tribal legislature will set a pay scale for all tribal employees." is hereby repealed.

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The Unconquered and Unconquerable Chickasaw Nation
Bill Anoatubby, Governor