

49 **Section 6. Appeals.** Any person who has been rejected for enrollment or who has been
50 removed from the Membership Roll shall have the right to appeal to the Judiciary for a
51 remedy in equity consistent with this Constitution.

52 **ARTICLE III – ORGANIZATION OF THE GOVERNMENT**

53 **Section 1. Sovereignty.** The Minnesota Mdewakanton Dakota Nation possesses inherent
54 sovereign powers by virtue of self-government and democracy.

55 **Section 2. Branches of Government.** The government of the Minnesota Mdewakanton
56 Dakota Nation shall be composed of four (4) branches: General Council, Legislature,
57 Executive, and Judiciary.

58 **Section 3. Separation of Functions.** No branch of the government shall exercise the
59 powers and functions delegated to another branch.

60 **Section 4. Supremacy Clause.** This Constitution shall be the supreme law over all
61 territory and persons within the jurisdiction of the Minnesota Mdewakanton Dakota Nation.

62 **ARTICLE IV – GENERAL COUNCIL**

63 **Section 1. Powers of the General Council.** The Oyate of the Minnesota Mdewakanton
64 Dakota Nation hereby grant all inherent sovereign powers to the General Council. All
65 eligible voters of the Minnesota Mdewakanton Dakota Nation are entitled to participate in
66 General Council.

67 **Section 2. Delegation of Authority.** The General Council hereby authorizes the
68 legislative branch to make laws and appropriate funds in accordance with Article VI. The
69 General Council hereby authorizes the judicial branch to interpret and apply the laws and
70 Constitution of the Minnesota Mdewakanton Dakota Nation in accordance with Article VII.

71 **Section 3. Powers Retained by the General Council.**

- 72 a. The General Council retains the power to set policy for the Minnesota Mdewakanton
73 Dakota Nation.
74 b. The General Council retains the power to review and reverse actions of the Legislature
75 except those enumerated in Section 4 of this Article. The General Council shall return
76 such reversals to the Legislature for reconsideration consistent with the action of the
77 General Council. The General Council retains the power to review and reverse decisions
78 of the Judiciary which interpret actions of the Legislature. The General Council does not
79 retain the power to review and reverse decisions of the Judiciary which interpret this
80 Constitution.
81 c. The General Council retains the power to propose amendments in accordance with
82 Article XIII, including those which reverse decisions of the Judiciary interpreting this
83 Constitution.
84 d. The General Council retains the power to establish its own procedures in accordance
85 with this Constitution.
86 e. The General Council retains the power to call a Special Election.
87 f. Actions by the General Council shall be binding.

88 **Section 4. Excepted Powers.** The General Council does not retain the power to review
89 actions relating to the hiring or firing of personnel.

90 **Section 5. Quarterly Meetings.** The Oyate of the Minnesota Mdewakanton Dakota
91 Nation shall meet in General Council at least four (4) times each year, when called by the
92 Itȁçȁ (Chief), and at other times as provided in Section 6 of this Article. Notice shall be
93 provided by the Itȁçȁ for all Quarterly Meetings of the General Council.

94 **Section 6. Special Meetings.** Special Meetings of the General Council shall be called by
95 the Itāčą upon petition by twenty (20) percent of the eligible voters, or upon written
96 request by a majority of the Legislature, or when deemed necessary by the Itāčą. Notice
97 shall be provided by the Itāčą for all Special Meetings of the General Council. All special
98 meetings shall be announced and posted within 24 hours of the approval of the meeting
99 and shall remain posted for at least 48 hours before the meeting convenes.

100 **Section 7. Procedures.** Twenty (20) percent of the eligible registered voters of the
101 Minnesota Mdewakanton Dakota Nation present in General Council shall constitute a
102 quorum. Each action of the General Council shall require the presence of a quorum. The
103 Itāčą shall call all Annual and Special General Council Meetings except those meetings
104 called pursuant to Article IX, Section 2. When a quorum is attained, the General Council
105 shall elect either the Itāčą or another person to conduct the meeting. A Wowapi Itāčą
106 (Secretary) shall be elected by the General Council to record the minutes of all General
107 Council meetings, including any votes taken. The Wowapi Itāčą shall transmit the minutes
108 of the General Council meetings to the Legislature. The Wowapi Itāčą shall serve a four-
109 year term and may be reelected.

110 **ARTICLE V – LEGISLATURE**

111 **Section 1. Composition of the Legislature.**

- 112 a. Legislative powers shall be vested in the Legislature.
113 b. The Legislature shall be composed of Representatives from the following Districts,
114 subject to Section 4 of this Article: Lower Sioux, which shall elect one representative for
115 every seventy-five members; Prairie Island, which shall elect one representative for
116 every seventy-five members; Prior Lake, which shall elect one representative for every
117 seventy-five members; and from outside the Districts listed above, one at-large
118 representative for every seventy-five members shall be elected.
119 c. The Legislature shall select from among its Members an Očeti Itāčą (Council Chief) to
120 serve throughout such Member's term. The Itāčą shall preside over meetings of the
121 Legislature. The Očeti Itāčą shall preside over meetings of the Legislature in the absence
122 of the Itāčą and at such times the Očeti Itāčą shall retain the power to vote.

123 **Section 2. Powers of the Legislature.** The Legislature shall have the power:

- 124 a. To make laws, including codes, ordinances, resolutions, and statutes;
125 b. To establish Executive Departments, and to delegate legislative powers to the Executive
126 branch to be administered by such Departments in accordance with the law; any
127 Department established by the Legislature shall be administered by the Executive; the
128 Legislature reserves the power to review any action taken by virtue of such delegated
129 power;
130 c. To constitute a Board of Directors for each Department, except the Itāčą shall name the
131 Executive Director, subject to confirmation by the Legislature;
132 d. To authorize expenditures by law and appropriate funds to the various Departments in
133 an annual budget;
134 e. To raise revenue, including the power to levy and collect taxes and license fees;
135 f. To set salaries, terms and conditions of employment for all governmental personnel;
136 g. To set its own procedures, select its officers, and to enact laws governing attendance of
137 its members, including penalties for absences;
138 h. To enact all laws prohibiting and regulating conduct, and imposing penalties upon all
139 persons within the jurisdiction of the Minnesota Mdewakanton Dakota Nation;
140 i. To negotiate and enter into treaties, compacts, contracts, and agreements with other
141 governments, organizations, or individuals;
142 j. To authorize and appropriate funds to employ legal counsel in accordance with
143 applicable law;

- 144 k. To acquire or purchase lands for the benefit of the Minnesota Mdewakanton Dakota
145 Nation and its members;
146 l. To enact laws to manage, lease, permit, or otherwise deal with the Minnesota
147 Mdewakanton Dakota Nation's lands, interests in lands, or other assets;
148 m. To enact laws to prevent the sale, disposition, or encumbrance of Minnesota
149 Mdewakanton lands or other Minnesota Mdewakanton assets;
150 n. To purchase under condemnation proceedings any lands within the jurisdiction of the
151 Minnesota Mdewakanton Dakota Nation;
152 o. To enact laws to regulate and zone any lands within the jurisdiction of the Minnesota
153 Mdewakanton Dakota Nation;
154 p. To enact laws to create and regulate a system of property including but not limited to
155 use, title, deed, estate, inheritance, transfer, conveyance, and devise;
156 q. To issue charters of incorporation, to charter corporations and other organizations for
157 economic or other purposes, and to provide regulation for their activities;
158 r. To protect and foster Minnesota Mdewakanton Dakota religious freedom, culture,
159 language, and traditions;
160 s. To promote public health, education, charity, and such other services as may contribute
161 to the social advancement of the members of the Minnesota Mdewakanton Dakota
162 Nation;
163 t. To enact laws governing law enforcement on lands within the jurisdiction of the
164 Minnesota Mdewakanton Dakota Nation;
165 u. To enact laws to regulate domestic relations of persons within the jurisdiction of the
166 Minnesota Mdewakanton Dakota Nation;
167 v. To establish and maintain headquarters for the Minnesota Mdewakanton Dakota Nation;
168 w. To enact laws to regulate hunting, fishing, trapping, recreation, and all other related
169 activities on lands within the Minnesota Mdewakanton Dakota Nation's jurisdiction;
170 x. To enact any other laws, ordinances, resolutions, and statutes necessary to exercise its
171 legislative powers delegated by the General Council pursuant to Article III, including but
172 not limited to the forgoing list of powers.

173 **Section 3. Codes.** The Legislature shall adopt Codes governing Membership, Open
174 Meetings, Elections, Ethics including conflicts of interest, nepotism, and the conduct of all
175 elected and appointed officials and employees, and other Codes as deemed necessary.

176 **Section 4. Redistricting or Reapportionment.** The Legislature shall have the power to
177 redistrict or reapportion, including changing, establishing, or discontinuing Districts. The
178 Legislature shall maintain an accurate census for the purposes of redistricting or
179 reapportionment. The Legislature shall redistrict and reapportion at least once every five
180 (5) years beginning in the year 2010, in pursuit of one-person/one-vote representation.
181 The Legislature shall exercise this power only by summoning a final proposal to the vote of
182 the Oyate by Special Election, which shall be binding and which shall not be reversible by
183 the General Council. Any redistricting or reapportionment shall be completed at least six
184 (6) months prior to the next election, and notice shall be provided to the voters.

185 **Section 5. Compensation.** Members of the Legislature shall receive compensation
186 established by the General Council. No increase or decrease in compensation for
187 Legislators shall take effect until after the next General Election. No member of the
188 Legislature shall receive compensation as an employee or in any other capacity within the
189 Executive Branch during their term of office.

190 **Section 6. Terms of Office.** Members of the Legislature shall serve four (4) year terms,
191 which shall be staggered. Legislators shall represent their respective Districts until their
192 successors have been sworn into office except if the Legislator has been successfully
193 removed or recalled in accordance with this Constitution. Members of the Legislature shall
194 be elected by a majority vote of the eligible voters from their respective Districts.

195 **Section 7. Qualifications.** Members of the Legislature shall be at least twenty-one (21)
196 years old and eligible to vote. No person shall become a member of the Minnesota
197 Mdewakanton Dakota Nation Legislature if otherwise employed by the Minnesota
198 Mdewakanton Dakota Nation. No person convicted of a felony shall serve as a Legislator
199 unless pardoned by the Wakapa Itȃčȃ (Supreme Court).

200 **Section 8. Meetings.** The Legislature shall hold regular monthly meetings. The
201 Legislature may hold special meetings as necessary. Members of the Legislature shall hold
202 and attend regularly scheduled meetings in their respective Districts. Failure to attend
203 such monthly or District meetings on a regular basis may constitute grounds for removal
204 or recall. The Legislature shall not schedule a special meeting at the same time as a
205 regularly scheduled District meeting.

206 **Section 9. Open Meetings.** All meetings of the Legislature shall be open to all members
207 of the Minnesota Mdewakanton Dakota Nation.

208 **Section 10. Executive Session.** The Legislature may, upon duly recorded vote, go into
209 executive session. At such sessions, all persons, except members of the Legislature and its
210 officers, shall be excluded from the meeting chamber, except any person whose presence
211 shall be required by the Legislature.

212 **Section 11. Quorum.** A majority of the Legislature shall constitute a quorum. A quorum
213 shall be necessary to transact official business of the Legislature. Each session of the
214 Legislature shall require a quorum.

215 **Section 12. Voting.** A majority vote of the quorum shall be necessary to exercise the
216 powers of the Legislature, except as otherwise provided by this Constitution. The votes of
217 each member of the Legislature shall be recorded in the minutes of the meeting.

218 **Section 13. Budget.** The Legislature shall enact an annual budget. The budget shall
219 include an appropriation of operating funds for each branch of the government. The
220 Legislature shall not appropriate funds which have not been authorized by law. No item
221 shall be included in the budget if it is not authorized by established tribal law law.

222 **ARTICLE VI – EXECUTIVE**

223 **Section 1. Composition of the Executive.**

- 224 a. The Executive power of the Minnesota Mdewakanton Dakota Nation shall be vested in
225 the Itȃčȃ.
226 b. The Executive Branch shall be composed of the Department of the Treasury and any
227 administrative Departments created by the Legislature, including a Department of
228 Justice, Administration, Housing, Business, Health and Social Services, Education, Labor,
229 Personnel, and other Departments deemed necessary by the Legislature. Each
230 Department shall include an Executive Director, a Board of Directors, and necessary
231 employees. The Executive Director of the Department of Justice shall be called the
232 Attorney General of the Minnesota Mdewakanton Dakota Nation. The Executive Director
233 of the Department of the Treasury shall be called the Maza Ska Itȃčȃ (Money Chief) of
234 the Minnesota Mdewakanton Dakota Nation. The Maza Ska Itȃčȃ shall be elected by the
235 General Council to serve a four-year term. The Maza Ska Itȃčȃ can be reelected.

236 **Section 2. Powers of the Itȃčȃ.** The Itȃčȃ shall have the power:

- 237 a. To execute and administer the laws of the Minnesota Mdewakanton Dakota Nation;
238 b. To make recommendations to the Legislature on matters of interest or benefit to the
239 Minnesota Mdewakanton Dakota Nation;

- 240 c.To propose legislation and an annual budget to the Legislature;
241 d.To administer all Departments, boards, and committees created by the Legislature;
242 e.To nominate the Executive Directors of each Department subject to confirmation by the
243 Legislature except that if a confirmation vote is not taken by the Legislature within
244 ninety (90) days the nomination shall be deemed confirmed;
245 f. To remove an Executive Director of a Department or to reassign an Executive Director to
246 another position;
247 g.To select and hire personnel in accordance with applicable law;
248 h.To preside over meetings of the Legislature;
249 i. To cast the deciding vote in the case of a tie;
250 j. To call Quarterly and Special Meetings of the General Council;
251 k.To represent the Minnesota Mdewakanton Dakota Nation on all matters that concern its
252 interests and welfare;
253 l. To execute, administer, and enforce the laws of the Minnesota Mdewakanton Dakota
254 Nation necessary to exercise all powers delegated by the General Council and the
255 Legislature, including but not limited to the foregoing list of powers.

256 **Section 3. Qualifications.** The Itāčą shall be at least thirty-five (35) years old and be
257 eligible to vote. No person convicted of a serious crime in tribal or federal court within the
258 last ten (10) years shall serve as Itāčą unless pardoned by the Wakapa Itāčąti.

259 **Section 4. Compensation.** The Itāčą shall receive compensation established by the
260 General Council. No increase or decrease in compensation for the office of Itāčą shall take
261 effect until after the next General Election.

262 **Section 5. Term of Office.** The Itāčą shall serve four (4) year terms. The Itāčą shall
263 serve until a successor has been sworn into office. The Itāčą shall be elected by a majority
264 of eligible voters of the Minnesota Mdewakanton Dakota Nation.

265 **ARTICLE VII – JUDICIARY**

266 **Section 1. Composition of the Judiciary.** There shall be a Wakapa Itāčąti (Supreme
267 Court) of the Minnesota Mdewakanton Dakota Nation, a Itāčątiapi (Trial Court) of the
268 Minnesota Mdewakanton Dakota Nation, such other lower courts of special jurisdiction as
269 deemed necessary by the Legislature, and other forums of special jurisdiction for
270 traditional dispute resolution as deemed necessary by the Legislature.

271 **Section 2. Composition of the Wakapa Itāčąti.** There shall be one Itāčą Wowičake
272 (Chief Justice) and two Kičiča Wowičake (Associate Justices) of the Wakapa Itāčąti.

273 **Section 3. Composition of the Itāčątiapi.** There shall be one Itāčą Wayačo (Chief
274 Judge) of the Itāčątiapi and other Kičiča Wayačo (Associate Judges) as deemed necessary
275 by the Legislature.

276 **Section 4. Powers of the Judiciary.** The judicial power of the Minnesota Mdewakanton
277 Dakota Nation shall be vested in the Judiciary. The Judiciary shall have the power to
278 interpret and apply the Constitution and laws of the Minnesota Mdewakanton Dakota
279 Nation.

280 **Section 5. Jurisdiction of the Judiciary.**

281 a.The Itāčątiapi shall have original jurisdiction over all cases and controversies, both
282 criminal and civil, in law or in equity, arising under the Constitution, laws, customs and
283 traditions of the Minnesota Mdewakanton Dakota Nation, including cases in which the
284 Minnesota Mdewakanton Dakota Nation, or its officials and employees, shall be party.
285 Any such case or controversy arising within the jurisdiction of the Minnesota

286 Mdewakanton Dakota Nation shall be filed in Itāčatiapi before it is filed in any other
287 court. This grant of jurisdiction by the General Council shall not be construed to be a
288 waiver of the Minnesota Mdewakanton Dakota Nation's sovereign immunity.
289 b.The Wakapa Itāčati shall have appellate jurisdiction over any case on appeal from the
290 Itāčatiapi.

291 **Section 6. Powers of the Itāčatiapi.**

292 a.The Itāčatiapi shall have the power to make findings of fact and conclusions of law. The
293 Itāčatiapi shall have the power to issue all remedies in law and in equity including
294 injunctive and declaratory relief and all writs including attachments and mandamus.
295 b.The Itāčatiapi shall have the power to declare the laws of the Minnesota Mdewakanton
296 Dakota Nation void if such laws are not in agreement with this Constitution.

297 **Section 7. Powers of the Wakapa Itāčati.**

298 a.The Wakapa Itāčati shall have the power to interpret the Constitution and laws of the
299 Minnesota Mdewakanton Dakota Nation and to make conclusions of law. The Wakapa
300 Itāčati shall not have the power to make findings of fact except as provided by
301 enactment of the Legislature.
302 b.The Wakapa Itāčati shall have the power to establish written rules for the Judiciary,
303 including qualifications to practice before the Minnesota Mdewakanton Dakota courts,
304 provided such rules are consistent with the laws of the Minnesota Mdewakanton Dakota
305 Nation.
306 c.Any decision of the Wakapa Itāčati shall be final.

307 **Section 8. Qualifications.**

308 a.The Itāčā Wowičake of the Wakapa Itāčati shall be at least forty (40) years old, and an
309 attorney admitted to practice in any State and before the Minnesota Mdewakanton
310 Dakota courts. No person convicted of a felony shall serve as Itāčā Wowičake of the
311 Wakapa Itāčati unless pardoned.
312 b.Kičiča Wowičake of the Wakapa Itāčati shall have been admitted to practice before the
313 Minnesota Mdewakanton Dakota courts. No person convicted of a felony shall serve as
314 Kičiča Wowičake of the Wakapa Itāčati unless pardoned.
315 c.The Itāčā Wayačo and the Kičiča Wayačo of the Itāčatiapi shall possess all qualifications
316 required by enactment of the Legislature. No person convicted of a felony shall serve as
317 Itāčā Wayačo or Kičiča Wayačo of the Itāčatiapi unless pardoned.

318 **Section 9. Terms of Office.** The Itāčā Wowičake of the Wakapa Itāčati shall be elected
319 to serve for six (6) years and until such time as an election is held and a successor has
320 been sworn into office. At the first election for positions on the Wakapa Itāčati, the
321 candidate receiving the highest number of votes for the position of Kičiča Wowičake shall
322 serve a four-year term. The candidate receiving the second highest number of votes shall
323 serve a two-year term. Thereafter, Kičiča Wowičake shall serve for four (4) year staggered
324 terms. A Itāčā Wowičake shall serve until a successor has been sworn into office. The
325 Itāčā Wayačo and any Kičiča Wayačo of the Itāčatiapi shall be appointed by the Legislature
326 to serve for three (3) year staggered terms and until their successors have been sworn
327 into office.

328 **Section 10. Election of Wakapa Itāčati Wowičake.** Wakapa Itāčati Wowičake shall be
329 elected by a majority of the eligible voters of the Minnesota Mdewakanton Dakota Nation,
330 in accordance with the General Election provisions of Article VIII, Section 1, unless
331 otherwise provided.

332 **Section 11. Appointment of the Itāčatiapi Wayačo.** The Legislature shall appoint an
333 Itāčā Wayačo and any Kičiča Wayačo to the Itāčatiapi.

334 **Section 12. Compensation.** Wakapa Itāčāti Wowičake and Itāčātiapi Wayačo shall
335 receive compensation established by the General Council. No increase or decrease in
336 compensation for Wowičake or Wayačo shall take effect until after the next General
337 Election or appointment to that office.

338 **Section 13. Conflict of Interest.** Any Wowičake or Wayačo with a direct personal or
339 financial interest in any matter before the Judiciary shall recuse; failure to recuse
340 constitutes cause for removal in accordance with Article IX, Section 4. The Legislature
341 shall appoint a Wowičake or Wayačo pro tempore to fill any vacancy due to recusal.

342 **Section 14. Right to Appeal.** Any party to civil action, or a defendant in a criminal
343 action, who is dissatisfied with the judgment or verdict may appeal to the Wakapa Itāčāti.
344 All appeals before the Wakapa Itāčāti shall be heard by the full Court.

345 **ARTICLE VIII – ELECTIONS**

346 **Section 1. General Elections.** General Elections shall be held on the fourth Tuesday in
347 April of odd numbered years. Offices of the Legislature, Executive, and Judiciary shall be
348 filled at General Elections.

349 **Section 2. Special Elections.** Special Elections shall be held when called for by the
350 General Council, the Legislature, or by this Constitution or appropriate ordinances. In all
351 Special Elections notice shall be provided to the voters.

352 **Section 3. Election Code.** The Legislature shall enact an Election Code governing all
353 necessary election procedures at least one hundred and twenty (120) days before the
354 election.

355 **Section 4. Election Board.** The Legislature shall enact a law creating an Election Board.
356 The Election Board shall conduct all General and Special Elections. At least sixty (60) days
357 before the election, the Election Board may adopt rules and regulations governing
358 elections. Election Board members shall serve for one (1) year. The Legislature may
359 remove Election Board members for good cause.

360 **Section 5. Eligible Voters.** Any member of the Minnesota Mdewakanton Dakota Nation
361 who is at least eighteen (18) years old and who meets all other requirements established
362 by the Minnesota Mdewakanton Dakota Nation shall be eligible to vote.

363 **Section 6. Certification of Election Results.** The Election Board shall certify election
364 results within two (2) days after the election.

365 **Section 7. Challenges of Election Results.** Any member of the Minnesota Mdewakanton
366 Dakota Nation may challenge the results of any election by filing suit in the Itāčātiapi
367 within ten (10) days after the Election Board certifies the election results. The Judiciary
368 shall hear and decide a challenge to any election within sixteen (16) days after the
369 challenge is filed in the Itāčātiapi. An automatic recount will occur if the difference in the
370 number of votes cast for two candidates running for the same position amounts to one
371 percent (1%) or less.

372 **Section 8. Oath of Office.** The Election Board shall administer the oath for the offices of
373 Itāča, Legislature, and Judiciary on the fourth Wednesday following the election after the
374 Election Board certifies the election results.

375 **ARTICLE IX – REMOVAL, RECALL, AND VACANCIES**

376 **Section 1. General Council Removal of Legislators.** The General Council will take
377 immediate action to remove any member of the Legislature for malfeasance. No vote by
378 the General Council to remove a member of the Legislature shall take place until such
379 Legislator has been given notice of the impending action and has had an opportunity to be
380 heard in the Itaçatiapi.

381 **Section 2. General Council Removal of the Itaçã.** The General Council may remove
382 the Itaçã for malfeasance. No vote by the General Council to remove the Itaçã shall take
383 place before such Itaçã has been given notice of the impending action and has had an
384 opportunity to be heard.

385 **Section 3. Legislative Removal of Legislators.** The Legislature may remove a member
386 of the Legislature for good cause. Any member of the Legislature subject to removal shall
387 be informed of the charges, be given adequate notice of the impending removal action,
388 and given an opportunity to prepare and present a defense that includes presenting
389 witnesses and other evidence. An affirmative vote of three-fourths (3/4) of the entire
390 Legislature shall be required for all legislative removal actions under this Section. The
391 Legislator subject to removal shall not vote.

392 **Section 4. Legislative Removal of Wayaço.** The Legislature may remove a Wayaço for
393 good cause. A Wayaço subject to removal shall be informed of the charges, be given
394 adequate notice of the impending removal action, and given an opportunity to prepare and
395 present a defense that includes presenting witnesses and other evidence. An affirmative
396 vote of three-fourths (3/4) of the entire Legislature shall be required for all legislative
397 removal actions under this Section.

398 **Section 5. Recall by General Council.** The Itaçã, Legislators, and Members of the
399 Judiciary shall be removable by recall vote at a Special Election requested by the General
400 Council. At the request of the General Council, the Election Board shall hold a Special
401 Election not less than thirty (30) days and not more than ninety (90) days from the date a
402 petition is duly submitted. If the Election Board fails to hold such Special Election within
403 ninety (90) days, any eligible voter may request the Itaçatiapi to order such Special
404 Election. In any Special Election no more than three (3) persons shall be subject to recall
405 vote.

406 **Section 6. District Recall of Legislators.** A member of the Legislature shall be
407 removable by a recall vote called by a petition of twenty (20) percent of all eligible voters
408 of the District which elected such member of the Legislature. A petition shall be submitted
409 to the Election Board, which shall hold a Special Election not less than thirty (30) days and
410 not more than ninety (90) days from the date a petition is duly submitted. If the Election
411 Board fails to hold such Special Election within ninety (90) days, any eligible voter may
412 request the Itaçatiapi to order such Special Election.

413 **Section 7. Removal for Felony Conviction While in Office.** Any person serving as
414 Itaçã, Legislator, or a member of the Judiciary, who is convicted of a felony while in office
415 shall be removed from office immediately upon conviction.

416 **Section 8. Vacancies in the Judiciary.** If a vacancy occurs in an office of the Wakapa
417 Itaçati because of death, mental or physical incapacity, removal or recall vote, or any
418 other reason, such vacancy shall be filled in the following manner:

419 a.If twelve (12) months or more remain before the next General Election, the Election
420 Board shall call a Special Election in accordance with Article VIII.

421 b.If less than twelve (12) months remains before the next General Election, the
422 Legislature shall fill the office by appointment.

423 **Section 9. Vacancy of the Office of the Itāčā.** If the office of the Itāčā becomes vacant
424 by reason of death, mental or physical incapacity, removal or recall vote, resignation, or
425 for any other reason, such vacancy shall be filled in the following manner:

426 a.If twelve (12) months or more remain before the next General Election, the Očeti Itāčā
427 shall serve as Itāčā pro tempore and the Election Board shall call a Special Election in
428 accordance with Article VIII. Upon election of the Itāčā at a Special Election, the Očeti
429 Itāčā shall reassume his or her seat on the Legislature for the remainder of his or her
430 term, if any.

431 b.If less than twelve (12) months remain before the next General Election, the Očeti Itāčā
432 shall serve as Itāčā pro tempore. If less than twelve (12) months but more than three
433 (3) months remain before the next General Election, the Election Board shall call a
434 Special Election in the appropriate District within thirty (30) days to fill the seat vacated
435 by the Očeti Itāčā. Upon election of the Itāčā at the next General Election, the Očeti
436 Itāčā shall reassume his or her seat on the Legislature for the remainder of his or her
437 term, if any.

438 c.If less than three (3) months remain before the next General Election, the office shall
439 remain vacant.

440 d.Očeti Itāčā serving in the capacity of Itāčā pro tempore shall not vote in the Legislature
441 except to cast the deciding vote in the case of a tie.

442 **Section 10. Vacancies in the Legislature.** If a vacancy occurs in the Legislature
443 because of death, mental or physical incapacity, removal or recall vote, or for any other
444 reason, such vacancy shall be filled in the following manner:

445 a.If three (3) months or more remain before the next General Election, the Election Board
446 shall call a Special Election in the appropriate District to be held within thirty (30) days.

447 b.If less than three (3) months remains before the next General Election, the seat shall
448 remain vacant, except when the Očeti Itāčā assumes the office of the Itāčā pursuant to
449 Section 9(b) of this Article, an election to fill that vacancy shall be held within thirty (30)
450 days.

451 **Section 11. Terms for Vacancies.** Persons elected or appointed to fill a vacancy in the
452 Judiciary, the Office of the Itāčā, or the Legislature shall serve out the term of the person
453 they are replacing.

454 **ARTICLE X – BILL OF RIGHTS**

455 **Section 1. Bill of Rights.** The Minnesota Mdewakanton Dakota Nation shall adhere to the
456 spirit and letter of the American Indian Civil Rights Act. The Minnesota Mdewakanton
457 Dakota Nation in exercising its powers of self-government shall not:

458 1.Make or enforce any law prohibiting the free exercise of religion, or abridging the
459 freedom of speech, or of the press, or the right of the Oyate to peaceably assemble and
460 petition for a redress of grievances;

461 2.Violate the right of the Oyate to be secure in their persons, houses, papers, and effects
462 against unreasonable search and seizures, issue warrants, but upon probable cause,
463 supported by oath or affirmation, and particularly describing the place to be searched
464 and the person or thing to be seized;

465 3.Subject any person for the same offense to be twice put in jeopardy;

466 4.Compel any person in any criminal case to be a witness against himself or herself;

467 5.Take any private property for a public use without just compensation;

468 6.Deny to any person in a criminal proceeding the right to a speedy and public trial, to be
469 informed of the nature and cause of the accusation, to be confronted with the witnesses

470 against him or her, to have compulsory process for obtaining witnesses in his or her
471 favor, and at his or her own expense to have the assistance of counsel for his or her
472 defense and to have these rights explained at the time of arrest;
473 7. Require excessive bail, impose excessive fines, or inflict cruel and unusual punishments;
474 8. Deny to any person within its jurisdiction the equal protection of its laws or deprive any
475 person of liberty or property without the due process of law;
476 9. Pass any bill of attainder or ex post facto law; or
477 10. Deny to any person accused of an offense punishable by imprisonment the right, upon
478 request, to a trial by jury of not less than six persons.

479 **ARTICLE XI – STATUTES AND RESOLUTIONS**

480 **Section 1. Statutes.** All final decisions of the Legislature on matters of permanent
481 interest shall be embodied in statutes. Such enactments shall be available for inspection
482 by members of the Minnesota Mdewakanton Dakota Nation during normal business hours.

483 **Section 2. Resolutions.** All final decisions on matters of temporary interest where a
484 formal expression is needed shall be embodied in a resolution, noted in the minutes, and
485 shall be available for inspection by members of the Minnesota Mdewakanton Dakota
486 Nation during normal business hours.

487 **Section 3. Form.** All statutes and resolutions shall be dated and numbered and shall
488 include a certificate of verification.

489 **Section 4. Review.** The Legislature shall submit statutes and resolutions to the Secretary
490 of the Interior for approval when required by federal law.

491 **ARTICLE XII – SOVEREIGN IMMUNITY**

492 **Section 1. Immunity of the Minnesota Mdewakanton Dakota Nation from Suit.** The
493 Minnesota Mdewakanton Dakota Nation shall be immune from suit except to the extent
494 that the Legislature expressly waives its sovereign immunity, and officials and employees
495 of the Minnesota Mdewakanton Dakota Nation acting within the scope of their duties or
496 authority shall be immune from suit.

497 **Section 2. Suit Against Officials and Employees.** Officials and employees of the
498 Minnesota Mdewakanton Dakota Nation who act beyond the scope of their duties or
499 authority shall be subject to suit in equity only for declaratory and non-monetary
500 injunctive relief in Itȧčȧtiapi by persons subject to its jurisdiction for purposes of enforcing
501 rights and duties established by this constitution or other applicable laws.

502 **ARTICLE XIII – AMENDMENTS**

503 **Section 1. Requirements.** This Constitution may be amended by a majority vote of the
504 qualified voters of the Minnesota Mdewakanton Dakota Nation voting at an election called
505 for that purpose by the Secretary of the Interior, provided that at least forty (40) percent
506 of those entitled to vote shall vote in such election; but no amendment shall become
507 effective until approved by the Secretary of the Interior or until deemed approved by the
508 Secretary of the Interior by operation of law. If the voters adopt the amendment(s), the
509 Secretary of the Interior shall approve such amendment(s) within forty-five (45) days
510 after the election unless the amendment(s) are contrary to applicable law.

511 **Section 2. Requests for a Secretarial Election.** It shall be the duty of the Secretary of
512 the Interior to call and hold an election on any proposed amendment to this Constitution
513 at the request of two thirds (2/3) of the entire Legislature, at the request of the General

514 Council, or upon presentation of a petition signed by forty (40) percent of the eligible
515 voters of the Minnesota Mdewakanton Dakota Nation.

516 **ARTICLE XIV – ADOPTION OF CONSTITUTION**

517 This Constitution, when adopted by a majority vote of the registered voters voting at a
518 Special Election authorized by the Secretary of the Interior, provided at least forty (40)
519 percent of those registered in accordance with Secretarial regulations to vote shall vote,
520 shall be submitted to the Secretary of the Interior for approval and, if approved by the
521 Secretary of the Interior or by operation of law, shall be effective from the date of such
522 approval.

523 **NOTE:** At the May 22, 2004 Convention, the election of the Itaca (Chief), the Oceti Itaca
524 (Council Chief), the Wowapi Itaca (Paper Chief), and the Maza Ska Itaca (Money Chief)
525 shall be held. All other positions shall be filled at a future date.