

Purpose: To review the Lower Brule Constitution for areas of improvement to benefit tribal members. Input will be sought from Lower Brule Tribal members; selection of proposed revisions/amendments will be made and presented to the tribal council for referral for a secretarial election for voting on by membership.

Tribal Constitution and Bylaws

Request to call election.

(A) The Secretary shall authorize the calling of an election to adopt a constitution and bylaws or to revoke a constitution and bylaws, upon a request from the tribal government

(B) The Secretary shall authorize the calling of an election to adopt a constitution and bylaws pursuant to a Federal Statute upon receipt of a petition bearing the signatures of at least 60 percent of the tribe's adult members.

(C) The Secretary shall authorize the calling of an election to ratify a charter at the time the charter is issued, but he/she may issue a charter to a reservation-based tribe only upon petition by at least one-third of the adult members of the tribe. No ratification, however, shall be valid unless the tribe has a constitution adopted and approved pursuant to the relevant Federal Statute.

(D) The Secretary shall authorize calling of an election on the adoption of amendments to a constitution and bylaws or a charter when requested pursuant to the amendment article of those documents. The election shall be conducted as prescribed in this part unless the amendment article of the constitution and bylaws or the charter provided otherwise, in which case the provisions of those documents shall rule where applicable.

(E) If the amendment provisions of a tribal constitution or charter have become outdated and amendment can not be effected pursuant to them, the Secretary may authorize an election under this part to amend the documents when the recognized tribal government so requests.

(F) Any authorization not acted upon within 90 days (tribes in Alaska shall be granted 120 days) from the date of issuance will be considered void. Notification of the election date as provided for in section 81.14 shall constitute the action envisioned in this section. Extension of an authorization may be granted upon a valid and reasonable request from the election board. Copies of authorization shall be furnished the requesting tribe or petitioners.

(G) In those instances where conflicting proposals to amend a single constitutional or charter provision are submitted, that proposal first received by the officers in charge, if found valid, shall be placed before the voters before any consideration is given other proposals. Other proposals shall be considered in order of their receipt; provided , they are resubmitted following final action on the initial submission. This procedure shall also apply in those instances where new or revised constitutions are at issue.

Section 81.6

Entitlement to vote.

(A) If the group is a tribe, or tribes, of a reservation and is acting to effect reorganization under a Federal Statute for the first time.