



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Requesting that the Bureau of Indian Affairs Conduct a Secretarial Election by Mail-in Ballot to Amend Article X of the Constitution of the White Mountain Apache Tribe)

WHEREAS, Article X, Section 2 of the Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation (“Constitution”) provides, “It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the Council...”; and

WHEREAS, Pursuant to the Tribe’s Constitution, the Tribal Council (“Council”) of the White Mountain Apache Tribe hereby requests a Secretarial election for the proposed amendment to the Tribe’s Constitution; to wit:

“Article X – Amendments

Section 1. Requirements. This Constitution may be amended by a majority vote of the qualified voters of the Tribe voting at an special election ~~called~~ **conducted** for that purpose by ~~the Election Board the Secretary of the Interior~~, provided that at least thirty percent of those entitled to vote shall vote in such election. ~~but no amendment shall become effective until it shall have been approved by the Secretary of the Interior or by operation of law.~~

Section 2. Requests for ~~Special ecretarial~~ Election. It shall be the duty of the ~~Tribe’s Election Board Secretary of the Interior to call an~~ **conduct a special** election on any proposed amendment at the ~~request~~ **direction** of the Council, or upon receipt of a petition signed by at least thirty (30%) percent of the qualified voters of the Tribe, **and certified as valid by the Election Board in accordance with the Tribe’s Election Code, and shall conduct the special election not later than 60 days after receipt of the petitions, provided that the requirements herein are satisfied.”**

WHEREAS, In 2009, 2013, and 2016, the Tribe requested that the Bureau of Indian Affairs (“BIA”) conduct secretarial elections pursuant to Article X, Section 2, of the Constitution, and these requests were not acted on by the BIA, citing the logistical difficulty of mailing-out ballots to the requisite number of enrolled members of the Tribe; and

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WHEREAS, Due to the recent COVID-19 relief payments, the Tribe's vital records currently has the updated addresses of more than 95% of eligible tribal voters, which eliminates the logistical difficulties of conducting a secretarial election by mail-in ballot; and

WHEREAS, The Council finds that in this era of tribal self-determination, the portions of Article X of the Tribe's Constitution that requires that a constitutional amendment special election be conducted by the Secretary of the Interior, and that the results be approved by the Secretary before becoming legal, is paternalistic and anachronistic, and should be removed.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that pursuant to Article X, Section 2 of the Constitution, it hereby formally requests that the Secretary of the Interior call and conduct a Secretarial election so that qualified voters of the Tribe can vote on the proposed amendment to the Constitution of the White Mountain Apache Tribe contained herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorize the ballot to substantially read as follows:

It is proposed that Article X be amended as follows:

"Article X – Amendments

Section 1. Requirements. This Constitution may be amended by a majority vote of the qualified voters of the Tribe voting at an **special election called** conducted for that purpose by ~~the Election Board the Secretary of the Interior~~, provided that at least thirty percent of those entitled to vote shall vote in such election. ~~, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior or by operation of law.~~

Section 2. Requests for ~~Special secretarial~~ Election. It shall be the duty of the Tribe's Election Board ~~Secretary of the Interior~~ to ~~call an~~ **conduct a special election on any proposed amendment at the request** direction of the Council, or upon receipt of a petition signed by at least thirty (30%) percent of the qualified voters of the Tribe, **and certified as valid by the Election Board in accordance with the Tribe's Election Code, and shall conduct the special election not later than 60 days after receipt of the petitions, provided that the requirements herein are satisfied."**

If you are in favor of the proposed amendment, indicate "YES" on the ballot. If you are against the proposed amendment, indicate "NO" on the ballot.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the secretarial election to take place by mail-in ballots.

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BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorize the secretarial election to take place by absentee/mail in ballots.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

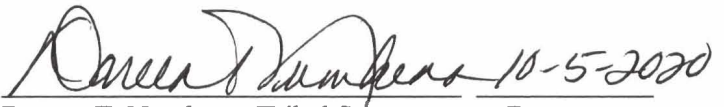
The foregoing resolution was on AUGUST 5, 2020 duly adopted by a vote of SEVEN for, TWO against, and TWO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



Gwendena Lee-Gatewood, Chairwoman

10/5/2020

Date



Doreen T. Numkena, Tribal Secretary

Date