

RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION

- WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS, Article IV, Section 5 of the Constitution and Bylaws of the Three Affiliated Tribes provides, in part, that the Tribal Business Council of the Three Affiliated Tribes (or an election board appointed by it) shall make rules and regulations governing all elections; and
- WHEREAS, Article VI, Section 5(1) of the Constitution and Bylaws of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council of the Three Affiliated Tribes to adopt resolutions regulating the procedure of the Tribal Business Council; and
- WHEREAS, On the 21st day of September, 1982, a Regular Election will be held to fill a number of positions on the Tribal Business Council, including the position of Chairman; and
- WHEREAS, There has recently arisen the issue as to what action must be taken by an incumbent member of the Tribal Business Council with respect to his or her continued membership as a general member thereof in his or her present seat, in the event that such incumbent Council member, who is not up for reelection, but has two (2) years remaining in his or her elected term, should become a candidate for the office of Chairman; and
- WHEREAS, Neither the Constitution and Bylaws of the Three Affiliated Tribes nor the Tribal Election Ordinance (Ordinance 72-1 as revised) addresses this particular issue, and a judicial determination has not been made on this issue by any court in those cases involving tribal elections; and
- WHEREAS, Therefore, in the absence of any guidance from the Tribal Constitution and Bylaws, the Tribal Election Ordinance, or judicial precedent, the Tribal Business Council of the Three Affiliated Tribes, within its discretion and authority, must make a determination for the purpose of resolving this issue;
- NOW, THEREFORE, BE IT RESOLVED, that, in the event that an incumbent general member of the Tribal Business Council, who is not up for reelection, but who has two (2) years remaining in his or her elected term, should become a candidate for the office of Chairman, such Council member must submit his or her resignation as a general member of the Council on the date of the filing of his or her Notice of Candidacy for Tribal Office with the Secretary of the Tribal Business Council, said resignation to be effective on the date of the installation of the newly-elected and certified Council members; that, upon such resignation (on the date of the filing of the Notice of Candidacy), the Tribal Business Council shall forthwith declare the seat of such Council member vacant and to be filled by popular election for a two (2)-year term, and shall forthwith cause notice of such to be published; that such Council member shall continue his or her membership as a general member of the Council until the date of the installation of the newly-elected and certified Council members; and

BE IT FURTHER RESOLVED, that the Election Ordinance of the Three Affiliated Tribes (Ordinance 72-1 as revised) be forthwith amended so as to include a new, additional provision, cited as Subsection "g)" of Section 2 of Part II thereof, such provision to read as follows:

"In the event that an incumbent general member of the Tribal Business Council, who is not up for reelection, but who has two (2) years remaining in his or her elected term, should become a candidate for the office of Chairman, such Council member must submit his or her resignation as a general member of the Council on the date of the filing of his or her Notice of Candidacy for Tribal Office with the Secretary of the Tribal Business Council, said resignation to be effective on the date of the installation of the newly-elected and certified Council members. Upon such resignation (on the date of the filing of the Notice of Candidacy), the Tribal Business Council shall forthwith declare the seat of such Council member vacant and to be filled by popular election for a two (2)-year term, and shall forthwith cause notice of such to be published. Such Council member shall continue his or her membership as a general member of the Council until the date of the installation of the newly-elected and certified Council members."

BE IT FURTHER RESOLVED, that the amendment to the Election Ordinance of the Three Affiliated Tribes, as set forth hereinabove, shall become effective immediately and shall be complied with in the conduct of the General Election to be held on the 21st day of September, 1982.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 11 members of whom 7 constitutes a quorum, 7 were present at a Regular Meeting, thereof duly called, noticed, convened and held on the 23rd day of August, 1982; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 4 members, 3 members opposed, 0 members abstained, 0 members not voting, and that said resolution has not been rescinded or amended in any way. Chairman (Voting) (Not-Voting).

DATED THIS 23 DAY OF AUGUST, 1982.


SECRETARY, TRIBAL BUSINESS COUNCIL

ATTEST:


CHAIRMAN, TRIBAL BUSINESS COUNCIL