

PART I

CONSTITUTION OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY*

* **Editors Note:** The constitution was approved Feb. 28, 1990, by election; Mar. 19, 1990, by Mr. Ronald Eden, Acting Deputy to the Assistant Secretary - Indian Affairs (Tribal Services); and Amendment No. 2 was approved Aug. 15, 2005. The provisions have been included as enacted; however, catchlines which are not a part of the constitution, as enacted, to facilitate indexing have been supplied in brackets.

Approved February 28, 1990

Amendment #2 approved August 15, 2005

PREAMBLE

We, the Pimas and Maricopas of the Salt River Pima-Maricopa Indian Community, within the State of Arizona, in order to maintain our culture and independence of our people, to provide the continued self-government of our community; to encourage the economic well-being of our people; and to promote the rights of our people and their common welfare, do ordain and establish this constitution for the Pimas and Maricopas of the Salt River Pima-Maricopa Indian Community henceforth to be known as the Salt River Pima-Maricopa Indian Community which shall replace the Constitutions and Bylaws of the Salt River Pima-Maricopa Indian Community approved by the Secretary of the Interior on June 11, 1940, and March 18, 1971. (Note: The Constitution has been amended twice since March 19, 1990. The first amendment was approved on April 23, 1996 by the Bureau of Indian Affairs (BIA) and the second amendment was approved on August 15, 2005 by the BIA).

ARTICLE I -- TERRITORY

The jurisdiction of the Salt River Pima-Maricopa Indian Community shall extend to all lands within the boundaries of the Salt River Pima-Maricopa Indian Community established pursuant to the Act of February 28, 1859 (11 Stat. 401), and Executive Orders, to such other lands as may in the future be added thereto and to all land which may from time to time be owned by the Salt River Pima-Maricopa Indian Community.

ARTICLE II - MEMBERSHIP

Section 1. Membership By Right. The membership of the Salt River Pima-Maricopa Indian Community shall

consist of:

- (a) All persons of Indian blood whose names appear, or rightfully should appear, on the official allotment roll of the Salt River Pima-Maricopa Indian Community; and
- (b) All persons whose names validly appear on the latest duly certified membership roll of the Salt River Pima-Maricopa Indian Community; provided that, the Community Council may correct such roll in accordance with applicable Community law; and
- (c) Any biological lineal descendent of an original Salt River allottee who meets all of the following:
 - (1) is at least one-fourth (1/4) degree Indian blood; and
 - (2) is the biological child or biological grandchild of an enrolled member of the Salt River Pima-Maricopa Indian Community; and
 - (3) is a United States citizen; and
 - (4) is not enrolled in any other federally recognized tribe; and
 - (5) has never relinquished enrollment from any other federally recognized tribe (with exception to Article II, Section 2).

Section 2. Membership of Minors Enrolled Elsewhere. Any person enrolled in any other federal recognized tribe before reaching the age of eighteen (18) years is eligible for enrollment by right with the Salt River Pima-Maricopa Indian Community if such person:

- (a)
 - (1) is a biological lineal descendent of an original Salt River allottee; and
 - (2) is at least one-fourth (1/4) degree Indian blood; and
 - (3) is the biological child or biological grandchild of an enrolled member of the Salt River Pima-Maricopa Indian Community; and
 - (4) is a United States citizen; and
- (b) Files an application for enrollment with the Community within one hundred and eighty (180) days after turning eighteen (18) years of age; and
- (c) Relinquishes membership in any other federally recognized tribe before filing an application for enrollment with the Community.

Section 3. Court Jurisdiction. No decree of an outside court determining membership in the Salt River Pima-Maricopa Indian Community shall be recognized. All questions relating to the paternity of an applicant for enrollment shall be decided by the community court and the decision of the court shall be final.

Section 4. Future Membership. The community council shall have the power to enact ordinances governing membership of the Salt River Pima-Maricopa Indian Community consistent with the provisions of this article.

Section 5. Membership Roll. The community council shall provide for the establishment and maintenance of an up-to-date roll of members of the Salt River Pima-Maricopa Indian Community and shall provide for a fair hearing to any claimant to membership aggrieved by the omission or deletion of his name to such roll.

ARTICLE III -- EXECUTIVE BRANCH

Section 1. President. The president shall be the chief executive officer of the Salt River Pima-Maricopa Indian Community and president of the community and presiding chairman of the community council, and shall see that the ordinances thereof are enforced. He shall regularly report to the community council in regard to the affairs of the Salt River Pima-Maricopa Indian Community and make recommendations to assist in the governing of the Salt River Pima-Maricopa Indian Community. The president shall be a full voting participant on the community council. The president may take command of the police and govern the Salt River Pima-Maricopa Indian Community by proclamation during times of great public danger.

Section 2. Vice President. The vice president shall preside over the community council in the absence of the president and shall perform all duties of the president during such periods as the office is vacant or the community council declares the president to be incapacitated. The vice president shall perform such duties of the president, subject to supervision of the president, as the president may from time to time delegate. The vice president shall be a full voting participant on the community council.

Section 3. Secretary. The community council shall appoint a secretary, who shall not be a member of the community council, to maintain all records of the community and perform such other duties as the community council may prescribe. The secretary shall hold office at the pleasure of the community council.

Section 4. Other Officers. The community council may create other offices, and prescribe the qualifications and duties thereof, and the manner in which they shall be filled.

Section 5. Officers Defined. The president, vice president, secretary, all council members and all other persons specifically designated by the community council shall be officers of the Salt River Pima-Maricopa Indian Community.

Section 6. Oath of Office. Before any officer of the Salt River Pima-Maricopa Indian Community enters upon the duties of his office he shall take and subscribe the following oath:

I, _____, do solemnly (swear) (affirm) that I will support the Constitution and laws of the Salt River Pima-Maricopa Indian Community and the Constitution of the United States; that I will bear true faith and allegiance to the same, and defend them against all enemies whatever, and that I will faithfully and impartially discharge the duties of my office.

The foregoing oath shall be taken before the president or vice president of the Salt River Pima-Maricopa Indian Community, or any judge of the community court of the Salt River Pima-Maricopa Indian Community and shall be filed with the secretary or such other officer as the community council may designate.