

## **PART I**

### **CONSTITUTION OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY\***

#### **Preamble**

#### **Article I. Territory**

#### **Article II. Membership**

- Sec. 1. Membership By Right.
- Sec. 2. Membership of Minors Enrolled Elsewhere.
- Sec. 3. Court Jurisdiction.
- Sec. 4. Future Membership.
- Sec. 5. Membership Roll.

#### **Article III. Executive Branch**

- Sec. 1. President.
- Sec. 2. Vice President.
- Sec. 3. Secretary.
- Sec. 4. Other Officers.
- Sec. 5. Officers Defined.
- Sec. 6. Oath of Office.
- Sec. 7. Salaries of Officers.

#### **Article IV. Legislative Branch**

- Sec. 1. Governing Body, Number of Members.
- Sec. 2. Qualifications For The President and Vice President.
- Sec. 3. Qualifications For Council Members.
- Sec. 4. Term of Office.
- Sec. 5. Community Council Members Not To Hold Other Offices.
- Sec. 6. Meetings of Community Council.
- Sec. 7. Attendance Required.

#### **Article V. Electoral Districts**

- Sec. 1. Districts Defined.
- Sec. 2. Districts Apportionment.

#### **Article VI. Nominations and Elections**

- Sec. 1. Election Board.
- Sec. 2. Elections.
- Sec. 3. Nominations of Council Members.
- Sec. 4. Voter Qualifications.
- Sec. 5. Absentee Voting.
- Sec. 6. Secret Ballot.

---

**\*Editor's note**—The Constitution was approved February 28, 1990, by election and approved on March 19, 1990, by Mr. Ronald Eden, Acting Deputy to the Assistant Secretary - Indian Affairs (Tribal Services). Amendment No. 1 was approved by the Community on February 27, 1996, and on April 23, 1996, by the Bureau of Indian Affairs. Amendment No. 2 was approved August 15, 2005, by the Bureau of Indian Affairs. 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.

COMMUNITY CODE OF ORDINANCES

**Article VII. Powers of the Community Council**

- Sec. 1.
- Sec. 2. Review of Secretary of the Interior.

**Article VIII. Initiative and Referendum**

- Sec. 1. Initiative.
- Sec. 2. Referendum.

**Article IX. Removal and Recall From Office**

- Sec. 1. Removal.
- Sec. 2. Recall.

**Article X. Vacancies**

- Sec. 1. Council Member.
- Sec. 2. President.
- Sec. 3. Vice President.
- Sec. 4. Vacancy of Both Offices.

**Article XI. Land**

- Sec. 1. Policy Against Alienation of Land.
- Sec. 2. Land Acquisition Program.
- Sec. 3. Land Exchange.
- Sec. 4. Land Retention.

**Article XII. Bill of Rights**

**Article XIII. Amendments**

**Article XIV. Adoption of Constitution**

**Article XV. Repeal of Previous Constitution and Savings Clause**

- Sec. 1.
- Sec. 2.

**Article XVI. Certificate of Results of Election**

## 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 four times since March 19, 1990. The first amendment was approved on April 23, 1996 for the Bureau of Indian Affairs ("BIA"). The second amendment on SRPMIC membership criteria was approved on August 15, 2005 by the BIA. The third amendment regarding Article VIII, Section I Initiative was approved by the BIA on April 2, 2018. After the third amendment, the SRPMIC Constitution no longer required BIA approval for Constitutional elections and amendments. The fourth amendment regarding changes to the SRPMIC election process was voted on by the SRPMIC people and 9 of the 10 proposals passed by a majority vote that was certified by the SRPMIC Council on March 26, 2024.)

(Referendum of 3-26-2024)

## 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

### Sec. 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 ( $\frac{1}{4}$ ) 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).

### Sec. 2. Membership of Minors Enrolled Elsewhere.

Any person enrolled in any other federal recognized tribe before reaching the age of 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 ( $\frac{1}{4}$ ) 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;
- (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.

### **Sec. 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.

### **Sec. 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.

### **Sec. 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 or her name to such roll.

## **ARTICLE III. EXECUTIVE BRANCH**

### **Sec. 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.

### **Sec. 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.

### **Sec. 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.

### **Sec. 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.

### **Sec. 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.

**Sec. 6. Oath of Office.**

Before any officer of the Salt River Pima-Maricopa Indian Community enters upon the duties of his or her office he or she 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 whatsoever, 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.

**Sec. 7. Salaries of Officers.**

The salaries and other compensation of the members of the Community Council and the president and vice president and other officers shall be determined by the Community Council.

**ARTICLE IV. LEGISLATIVE BRANCH****Sec. 1. Governing Body, Number of Members.**

The governing body of the Salt River Pima-Maricopa Indian Community shall be the Salt River Pima-Maricopa Indian Community Council and shall consist of the president, Vice President and seven (7) council members to be chosen as follows:

*President.* By popular vote of the voters of the Salt River Pima-Maricopa Indian Community.

*Vice President.* By popular vote of the voters of the Salt River Pima-Maricopa Indian Community.

*Five (5) council members.* By popular vote of the voters that are a resident of the Salt River District as defined in Article V, Section 1; and

*Two (2) council members.* By popular vote of the voters that are a resident of the Lehi District as defined in Article V, Section 1.  
(Referendum of 3-26-2024)

**Sec. 2. Qualifications For The President and Vice President.**

A person shall be eligible for the office of president or vice president if such member meets the following criteria:

- i. is an enrolled member of the Salt River Pima-Maricopa Indian Community;
- ii. has physically resided in the Salt River Pima-Maricopa Indian Community for at least one (1) year immediately preceding the election date;
- iii. is twenty-five (25) years of age;
- iv. has not been convicted of a felony during the ten (10) years preceding the date of the election. A felony is any criminal offense punishable by more than one (1) year incarceration in the jurisdiction the person was convicted.

(Referendum of 3-26-2024)

**Sec. 3. Qualifications For Council Members.**

A person shall be eligible for the office of council member if such person meets the following criteria:

- i. is an enrolled member of the Salt River Pima-Maricopa Indian Community;
- ii. has physically resided in the Salt River Pima-Maricopa Indian Community for at least one (1) year and in the district as provided in Article V, Section 1 for at least six (6) months immediately preceding the election date;
- iii. is twenty-five (25) years of age; and
- iv. has not been convicted of a felony during the ten (10) years preceding the date of the election. A felony is any criminal

offense punishable by more than one (1) year incarceration in the jurisdiction the person was convicted.

(Referendum of 3-26-2024)

#### **Sec. 4. Term of Office.**

The president and vice president and members of the council shall be elected for terms of four (4) years. The officers in office or elected to office at the time this constitution is adopted shall complete their full term of office and if for any reason any such officer fails to complete the full term, the replacement for the office will complete the term of office.

#### **Sec. 5. Community Council Members Not To Hold Other Offices.**

No member of the Community Council shall be an employee of or hold other constitutional office in the Salt River Pima-Maricopa Indian Community government. Nor shall any member of the Community Council be employed in any branch of the United States Government nor shall any member of the Community Council hold any elective office in any other governmental body. The office of any member shall be vacant at the time a member of the Community Council assumes employment or elective office prohibited by this section. The Community Council may adopt ordinances which restrict or annul the right to hold office as a member of the Community Council of any member who is an employee of a business or other enterprise owned by the Salt River Pima-Maricopa Indian Community.

#### **Sec. 6. Meetings of Community Council.**

The Community Council shall hold its regular meeting on the date set by the Community Council unless there is no quorum for such meeting. Special meetings shall be held at the call of the president or at the call of three (3) members of the Community Council. A majority of the members of the Community Council shall constitute a quorum for the transaction of business. Meetings shall be held in any place within the Salt River Pima-Maricopa Indian Community the members present deem convenient. Meetings may be held outside the Salt River

Pima-Maricopa Indian Community upon the assent of six (6) members of the Community Council. In the absence of the president and vice president from any regular or special meeting, the council shall choose a presiding officer for such meeting from among the members of the council present.

#### **Sec. 7. Attendance Required.**

If a member of the Community Council fails to attend two (2) successive meetings of the Community Council, the council office held by that member shall be vacant at the adjournment of the next succeeding regular council meeting unless that member was excused by the Community Council or was absent because of illness. At any time prior to the time the office becomes vacant the Community Council may determine by appropriate action that the member's absence was due to reasons satisfactory to the Community Council which were beyond the control of the member. Upon such an action of the Community Council the council office will not become vacant.

### **ARTICLE V. ELECTORAL DISTRICTS**

#### **Sec. 1. Districts Defined.**

There shall be two (2) electoral districts: the Salt River District consisting of all the Salt River Pima-Maricopa Indian Community lying west of the west boundary of Section 35, T.3N., R.5E, and Sections 2, 11, 14, 23, 26 and 35 in T.2N., R.5E, G & SRB & M from which five (5) council members shall be elected; and the Lehi District consisting of all the remaining land of the said Salt River Pima-Maricopa Indian Community from which two (2) council members shall be elected.

#### **Sec. 2. Districts Apportionment.**

The Community Council shall have the power to enlarge and to decrease its membership only as to the representatives from the Salt River District and the Lehi District, but no additional members may be added until the position has been voted on in a regular general election, and no member may be removed because of decrease



in size of the Community Council until the term normally expires. The Community Council shall never contain less than seven (7) council members—five (5) from the Salt River District and two (2) from the Lehi District.

## ARTICLE VI. NOMINATIONS AND ELECTIONS

### Sec. 1. Election Board.

The Community Council shall enact ordinances to provide for the appointment of election boards and officials as are necessary to impartially and fairly supervise elections conducted under this constitution.

### Sec. 2. Elections.

a. *Election Day.* Elections for president, vice president and council members shall be held on the third Tuesday in November in each even numbered year.

b. *Inauguration.* The candidates who are certified as elected by the Salt River Pima-Maricopa Indian Community Council shall be inaugurated into office on the third Saturday in December.

c. *Election Only for Expiring Terms.* Elections shall be held only for those positions of council members whose terms are to expire during the year of the election. All elected officers and council members shall hold office until their successors have been elected and installed. (Referendum of 3-26-2024)

### Sec. 3. Nominations of council members.

(a) *Nominations of President and Vice President.* Nominations for each office of the president and vice president shall be made at a meeting in each of the electoral districts called for that purpose. No less than two (2) candidates for each office of president and vice president shall be nominated at a general community meeting called for that purpose.

(b) *Nominations of Council Members.* Nominations shall be made at a meeting in each of the electoral districts called for that purpose. No

less than two (2) candidates for each office of council member shall be nominated at a general community meeting called for that purpose. (Referendum of 3-26-2024)

### Sec. 4. Voter qualifications.

Any member of the Salt River Pima-Maricopa Indian Community who is at least eighteen (18) years of age may vote at any election conducted in the electoral district of which such member has been a resident for at least one (1) year or in such district in which such member is authorized to vote as a non-resident member as may be enacted by ordinance by the Community Council, unless

- a. a member is a prisoner in any jail or prison on the date of election;
- b. a member has been declared by a court of competent jurisdiction to be incompetent (except when they are accompanied by their guardian to the polls or provide reasonable verification from their guardian that they have the mental faculties to vote at this particular time, and the Election Board Judge for that polling site has approved the member to vote in such election); or
- c. a member shows signs of impairment or being under the influence at the polls on the election day, and the Election Board Judge for that polling site determines either that member is too incapacitated to vote, or is disrupting other voters and staff at the election poll.

(Referendum of 3-26-2024)

### Sec. 5. Absentee voting.

The Community Council may enact ordinances to provide uniform and standard forms for voting by absentee ballot so as to allow persons to vote who are otherwise qualified and who are unable to come to the polling sites on the date of any election.

(Referendum of 3-26-2024)

**Sec. 6. Secret Ballot.**

All elections for offices within the Salt River Pima-Maricopa Indian Community shall be conducted with secret ballots.

## **ARTICLE VII. POWERS OF THE COMMUNITY COUNCIL**

**Sec. 1.**

The Community Council shall have authority to exercise any power now or hereafter vested in the Salt River Pima-Maricopa Indian Community, subject to the limitations of Federal law and this constitution. Without limiting the foregoing, the Community Council shall have the following powers:

- (a) *Legislative Branch.* To regulate its own procedures, to appoint committees, to employ sergeants-at-arms, advisors and clerks, and to provide for the safekeeping of its records;
- (b) *Executive Branch.* To establish and disestablish departments and offices in the executive branch of the community government, to provide for personnel, prescribe the functions, powers and procedures of the executive branch and the qualifications and duties of its personnel;
- (c) *Police Power.* To exercise the police power of the Salt River Pima-Maricopa Indian Community by providing ordinances:
  - (1) To govern the conduct of members of the Salt River Pima-Maricopa Indian Community and visitors within its territory;
  - (2) To establish a community court system;
  - (3) To establish law enforcement agencies within the community;
  - (4) To protect the public health and morals and public and private property rights;

- (5) To provide for the public welfare and particularly the welfare and protection of children, the poor, unfortunate, disabled and aged;
  - (6) To regulate domestic regulations of members of the Salt River Pima-Maricopa Indian Community;
  - (7) To regulate the use and disposition of private property within its territory insofar as such use and disposition may affect the welfare of the Salt River Pima-Maricopa Indian Community at large;
  - (8) To prescribe rules of inheritance and to enact ordinances to provide for the administration of probate estates;
  - (9) To regulate hunting and fishing;
  - (10) To preserve historic and prehistoric arts, crafts, sites and other things culturally important to the people of the Salt River Pima-Maricopa Indian Community.
- (d) *To Administer Land And Other Public Property:*
- (1) To prevent the sale or encumbrance of tribal lands and interests in lands without the consent of the members of the Salt River Pima-Maricopa Indian Community by referendum;
  - (2) To lease and otherwise grant to private persons and public bodies the right to use tribal land;
  - (3) To enter into agreements concerning the use, exploration, development and extraction of the natural and mineral resources of the Salt River Pima-Maricopa Indian Community;
  - (4) To acquire lands or other property by gift, escheat, exchange of purchase; and to acquire lands or other property needed for public purposes by negotiation or condemnation as provided by law;



- (5) To provide for the proper use and development and prevent the misuse of the lands, natural resources and other public property of the Salt River Pima-Maricopa Indian Community.

(e) *Fiscal Powers:*

- (1) To adopt annually a budget and general appropriations ordinance which shall determine and limit the amounts of money to be spent for the various and particular functions of community government;
- (2) To enact and levy taxes or assessments on persons, transactions and property within the Salt River Pima-Maricopa Indian Community to the extent the Community Council deems necessary to provide for the support of the public purposes and common welfare of the Salt River Pima-Maricopa Indian Community;
- (3) To borrow money for public purposes and to secure the repayment thereof.

(f) *To Charter And Regulate Organizations.* To authorize, charter and regulate voluntary associations and corporations formed by members or by the Community Council of the Salt River Pima-Maricopa Indian Community for business or charitable purposes; to authorize formation of corporations under State or Federal law for economic, charitable or public purposes;

(g) *Exclusion.* To remove and exclude from the territory of the Salt River Pima-Maricopa Indian Community nonmembers whose presence is found detrimental to the peace, health or morals of the Salt River Pima-Maricopa Indian Community or violates tribal laws or ordinances.

(h) *Agreements With Government.* To consult, negotiate, contract, conclude and perform agreements with Federal, State, local, governments and Indian tribal governments on behalf of the Salt River Pima-Maricopa Indian Community;

(i) *Employment of Lawyers.* To employ legal counsel consistent with the requirements of Federal law;

(j) *To Advise and Recommend to the Federal Government.* To advise and to recommend to the United States Government;

(k) *To Take Necessary Action to Exercise Its Powers.* To make all laws and take such action as shall be necessary and proper for carrying into execution the foregoing powers vested by this Constitution in the government of the Salt River Pima-Maricopa Indian Community.

## **Sec. 2. Review of Secretary of the Interior.**

Any resolution or ordinance which by the terms of any law of the United States is subject to review or requires the approval of the Secretary of the Interior before it may become effective, and any legislation which the Community Council wishes to become effective only with the approval of the Secretary of the Interior, shall be presented to the local Bureau of Indian Affairs representative, who, having Bureau authority to do so, shall within ten (10) days thereafter, approve or disapprove the same in writing to the president of the Salt River Pima-Maricopa Indian Community and forward the resolution or ordinance with approval or disapproval endorsed thereon to the Secretary of the Interior. If the local Bureau representative has no such Bureau authority, the representative shall within five (5) days thereafter transmit the resolution or ordinance to the bureau office having such authority who shall within ten (10) days thereafter, approve or disapprove the same in writing to the president of the Salt River Pima-Maricopa Indian Community and forward the resolution or ordinance with approval or disapproval endorsed thereon to the Secretary of the Interior. If such ordinance or resolution is approved by the appropriate representative, it shall become effective at the time of such approval. The Secretary of the Interior may, within sixty (60) days of the date of receipt of the ordinance or resolution, unless under Federal law a longer or shorter period is provided, in which case the period provided in Federal law will apply, rescind the ordinance or resolution for any cause by notifying the Salt River Pima-Maricopa Indian Community Council of the action.

If the appropriate Bureau representative refuses to approve a resolution or ordinance, the representative shall advise the Salt River Pima-Maricopa Indian Community of the reason therefore. The Community Council may, by majority vote of the members present, a quorum existing, refer the ordinance or resolution to the Secretary of the Interior directly, who may within sixty (60) days of the date of receipt, or within such other period of time as specifically provided by Federal law, approve or disapprove the same in writing. If the Secretary of the Interior fails to take action within the time provided, the resolution or ordinance shall become effective one (1) days after the period of time for determination has expired.

## **ARTICLE VIII. INITIATIVE AND REFERENDUM**

### **Sec. 1. Initiative.**

Upon receipt of a petition in writing signed by no less than fifteen (15) percent of the total number of voters of the Salt River Pima-Maricopa Indian Community and calling for a vote to consider the enactment of any ordinance or resolution and if the Community Council fails to take action within fifteen (15) days to conform with the petition, the Community Council shall hold an election to consider the enactment of such ordinance or resolution. The election shall take place no less than thirty (30) days nor more than sixty (60) days of receipt of the petition by the Community Council. If the vote of a majority of the voters voting is in favor of the enactment of such an ordinance or resolution, the ordinance or resolution shall be enacted. No action undertaken by this procedure shall be repealed by the Community Council except with the express approval of the voters of the community voting in an election called for that purpose by the Community Council. No initiative petition shall be effective if its enactment would impair the obligations of any contract previously authorized by an ordinance or resolution enacted or adopted by the Community Council.  
(Referendum of 3-26-2024)

### **Sec. 2. Referendum.**

The Community Council may refer to the voters of the community proposals for the enactment of ordinances or resolutions which shall be enacted only after the approval by a majority of the voters who vote in such an election. No action undertaken by this procedure shall be repealed by the Community Council except with the express approval of the majority of the voters of the community voting in an election called for that purpose by the Community Council.  
(Referendum of 3-26-2024)

## **ARTICLE IX. REMOVAL AND RECALL FROM OFFICE**

### **Sec. 1. Removal.**

The office of any elected officer of the Salt River Pima-Maricopa Indian Community shall be forfeited and declared vacant if during such officer's term of office the officer is found guilty by a court of competent jurisdiction of any felony. Any elected officer convicted by a court of competent jurisdiction of a misdemeanor involving moral turpitude or who is found guilty by the Community Council of neglect of duty, malfeasance in office, or misconduct reflecting on the dignity and integrity of the community government may be removed from office by majority vote of the Community Council after a hearing before the Community Council. Five (5) days before such hearing a written statement of the charges shall be served on such person and at that hearing an opportunity to answer such charges shall be allowed. The decision of the Community Council shall be final.

### **Sec. 2. Recall.**

The Community Council shall call a recall election when there is filed with the community secretary a petition demanding the recall of any elected officer signed by at least thirty-five (35) percent of the voters of the district from which such person was elected, or in the case of the president or vice president a petition bearing the signatures of at least thirty five (35) percent of the voters of the community, Provided That the office held by such person shall not be subject to

election at a regular general election within sixty (60) days of the date the recall petition is filed. Such election shall be called and held not less than twenty-five (25) nor more than forty (40) days from the date of the filing of the petition. No council member or other elected official shall be recalled unless a majority of those voting vote in favor of the recall and unless at least thirty (30) percent of the voters of the district or districts vote in the election. (Referendum of 3-26-2024)

## **ARTICLE X. VACANCIES**

### **Sec. 1. Council Member.**

If for any reason a council member's office becomes vacant, the Community Council shall within thirty (30) days call and hold a special election for the purpose of the election of a new council member to serve the unexpired term of the former council member unless said death or removal occurs within sixty (60) days of the next general election and in which case the vacancy in office shall be filled at the next general election for the balance of the term.

### **Sec. 2. President.**

Upon the death, resignation, recall or removal from office of the president, the vice president of the community shall perform the duties of the president until a new president shall have been elected. The Community Council shall within thirty (30) days call and hold a special election to fill the unexpired term of the president unless the vacancy in office occurs within sixty (60) days of the next general election in which case the vacancy in office shall be filled at the next general election for the balance of the term.

### **Sec. 3. Vice President.**

Upon the death, resignation, removal or recall from office of the vice president, the Community Council shall within thirty (30) days call and hold a special election for the purpose of the election of a new vice president to serve for the unexpired term of the former vice president unless said death or removal occurs within sixty (60) days of the next general election in which

case the vacancy in office shall be filled at the next general election for the balance of the term.

### **Sec. 4. Vacancy of Both Offices.**

If the offices of both the president and vice president are vacant under the conditions set out in Sections 2 and 3 of this article, the Community Council shall within twenty-four (24) hours appoint one (1) of its members to serve as acting president until the offices of the president and vice president shall have been filled by election as provided above in Sections 2 and 3 for the balance of the term.

## **ARTICLE XI. LAND**

### **Sec. 1. Policy Against Alienation of Land.**

It is the public policy of the Salt River Pima-Maricopa Indian Community that all land within the boundaries of the Salt River Pima-Maricopa Indian Community shall be owned by the Salt River Pima-Maricopa Indian Community or its individual members forever.

### **Sec. 2. Land Acquisition Program.**

The Community Council shall, consistent with Federal law, establish a program to acquire by purchase, escheat, condemnation or otherwise, all land within the boundaries of the Salt River Pima-Maricopa Indian Community which is not owned by the Salt River Pima-Maricopa Indian Community or its members. The acquisition of such land is declared to be a public purpose of the Salt River Pima-Maricopa Indian Community.

### **Sec. 3. Land Exchange.**

The Community Council may exchange unallotted Community land for allotted land located within the boundaries of the Salt River Pima-Maricopa Indian Community for public purposes and upon reasonable terms.

### **Sec. 4. Land Retention.**

The Community Council shall establish a program to insure that land owned by the community or its members will not be divested into the ownership of others.

## ARTICLE XII. BILL OF RIGHTS

No law shall be made under this constitution or action taken by an officer of the Salt River Pima-Maricopa Indian Community:

1. Respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people of this community peaceably to assemble, and to petition the government for a redress of grievances.
2. Depriving any person of life, liberty or property or to be expelled from this community without due process of law as understood through the cultural experience of the people of this community.
3. Violating the right of the people to be secure in their persons, houses, papers and effects against unreasonable search and seizures nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.
4. Granting irrevocably any privilege, franchise or immunity.
5. Compelling any person in a criminal case to give evidence against himself or be twice put in jeopardy for the same offense.
6. Taking any private property for a public use without just compensation.
7. Requiring excessive bail, imposing excessive fines, inflicting cruel and unusual punishment, imposing for conviction of any one offense any penalty or punishment greater than is authorized by the laws of the United States to be imposed by Indian tribal courts.
8. Denying to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of

counsel for his defense; to deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

9. Constituting a bill of attainder, ex post facto law, or law impairing the obligation of contracts.
10. Denying to any person within its jurisdiction the equal protection of its laws consistent with the right of the people of the Salt River Pima-Maricopa Indian Community to maintain the integrity of their culture and their community.

## ARTICLE XIII. AMENDMENTS

This constitution may be amended by a majority vote of the voters of the Salt River Pima-Maricopa Indian Community voting in an election called for that purpose at the request of the Community Council or upon receipt of a petition signed by not less than fifteen (15) percent of the eligible voters of the Community.  
(Referendum of 3-16-2018, approved 4-2-2018; Referendum of 3-26-2024)

## ARTICLE XIV. ADOPTION OF CONSTITUTION

Note: The Constitutional Referendum vote of March 16, 2018 removed the requirement for the BIA to approve of the SRPMIC's Constitution or its amendments. This Article has been removed, as it referred to Secretarial approval, which is no longer required per the majority vote of the SRPMIC members on March 16, 2018.  
(Referendum of 3-26-2024)

## ARTICLE XV. REPEAL OF PREVIOUS CONSTITUTION AND SAVINGS CLAUSE

### Sec. 1.

The Constitution of the Salt River Pima-Maricopa Indian Community approved by the



Secretary of the Interior on March 18, 1971, shall be considered revoked upon ratification and approval of this constitution.

## **Sec. 2.**

All prior laws, ordinances and resolutions enacted by the Salt River Pima-Maricopa Indian Community shall remain in full force and effect to the extent that they are not inconsistent with this constitution until such time as they might be duly rescinded or repealed pursuant to the provisions of this constitution.

## **ARTICLE XVI. CERTIFICATE OF RESULTS OF ELECTION**

Pursuant to an order issued by Hazel E. Elbert, Deputy to the Assistant Secretary — Indian Affairs (Tribal Services), on November 21, 1989, the foregoing Constitution of the Salt River Pima-Maricopa Indian Community was submitted to the qualified voters of the Salt River Pima-Maricopa Indian Community and on February 28, 1990, was duly adopted/rejected by a vote of 58 for, and 20 against, and 0 cast ballots found separated or mutilated, in an election in which at least thirty (30) percent of the 189 (number) members entitled to vote, cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

### **FIRST AMENDMENT CERTIFICATE OF RESULTS OF ELECTION**

Pursuant to a Secretarial Election authorized by Walter R. Mills, Phoenix Area Director, on September 28, 1995, the attached Amendment No. 1 to the Salt River Pima-Maricopa Indian Community's Constitution and Bylaws was submitted to the qualified voters of the Salt River Indian Community, and on February 27, 1996 was duly adopted/rejected by a vote of 144 for, and 124 against and 4 cast ballots found or mutilated in an election in which at least thirty percent (30%) of the 541 members entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 13, 1934, (48 Stat. 984) as amended by the Act of June 15, 1934, (49 Stat. 378).

## **SECOND AMENDMENT**

Proposed Amendment A, Article II, Sections 1 and 2—Membership:

Pursuant to a Secretarial Election authorized by the Western Regional Director, on March 25, 2006, Proposed Amendment A to the Constitution and Bylaws of the Salt River Pima-Maricopa Indian Community of Arizona, was submitted to the registered voters of the Community and on July 26, 2005, was duly adopted by a vote of 471 for, and 68 against and 1 cast ballots found spoiled or mutilated in an election in which at least thirty percent (30%) of the 886 members entitled to vote, cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

/s/ \_\_\_\_\_  
Chairman, Election Board

/s/ \_\_\_\_\_  
Election Board Member

/s/ \_\_\_\_\_  
Election Board Member

Date: August 1, 2005

## **APPROVAL**

I, Bryan Bowker, Acting Regional Director, Western Regional Office, Bureau of Indian Affairs, by virtue of the authority delegated to the Assistant Secretary—Indian Affairs by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me, do hereby approve the foregoing Amendment No. II to the Constitution and Bylaws of the Salt River Pima-Maricopa Indian Community of Arizona; provided that nothing in this approval shall be construed as authorizing any action under the Constitution and Bylaws that would be contrary to Federal law.

/s/ \_\_\_\_\_  
Acting Regional Director,  
Western Regional Office  
Bureau of Indian Affairs

Date: August 15, 2005

### THIRD AMENDMENT CERTIFICATE OF RESULTS OF ELECTION

Under a Secretarial election authorized by Bryan Bowker, Regional Director, Wester Region, Bureau of Indian Affairs, on December 15, 2017, the attached Amendment A to the Constitution of the Salt River Indian Community was submitted to the registered voters of the tribe and on March 16, 2018, duly adopted by a vote of 272 or and 133 against and 2 cast ballots found spoiled in an election in which at least 30 percent of the 657 registered voters cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

/s/ \_\_\_\_\_  
Chair of the Secretarial Election Board

/s/ \_\_\_\_\_  
Election Board Member

/s/ \_\_\_\_\_  
Election Board Member

/s/ \_\_\_\_\_  
Election Board Member

Date: March 16, 2018

### CERTIFICATE OF APPROVAL

Amendment A, to the Constitution of the Salt River Indian Community which was adopted by the qualified voters of the Tribe on March 16, 2018, is hereby approved and designated as Amendment III pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended and re-delegated to me under 3 IAM 4. This approval is effective as of this date; provided that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.

/s/ \_\_\_\_\_  
Acting Regional Director

Date: April 2, 2018

### FOURTH AMENDMENT CERTIFICATION OF ELECTION RESULTS - PROPOSED AMENDMENTS TO THE SRPMIC ELECTION PROCESSES

Pursuant to the authority contained in Article XIII of the SRPMIC Constitution as ratified by the Tribe on February 28, 1990, and approved by the Secretary of the Interior on March 19, 1990, the foregoing changes were adopted by a majority vote of the people on March 26, 2024 with the Community Council certifying these election results on the same evening in a duly called meeting of the Community Council at Salt River, Arizona, at which a quorum of 9 members was present, by a vote of 8 for; 1 opposed; 0 abstaining; and 0 excused.

SALT RIVER PIMA-MARICOPA  
INDIAN COMMUNITY

/s/ \_\_\_\_\_  
Martin Harvier

Attest:

/s/ \_\_\_\_\_  
Erica Harvier, Council Secretary



## CONSTITUTION COMPARATIVE TABLE

### ORDINANCES

This table shows the location of the sections of the basic Constitution and any amendments thereto.

Referendum Date	Approval Date	Section	Section this Constitution
2-28-1990	3-19-1990		Const. (note)
3-16-2018	4- 2-2018		Art. XIII
3-26-2024	3-26-2024	1	Preamble
		2	art. IV, § 1
			art. VIII, §§ 1, 2
			art. IX, § 2
			art. XIII
			art. XIV
		3	art. IV, §§ 2, 3
		4	art. VI, §§ 2—5
		5	art. XIV
		6—8	art. XVI