

# CONSTITUTION OF THE ZUNI TRIBE ZUNI RESERVATION, ZUNI, NEW MEXICO

## PREAMBLE

We, the members of the Zuni Tribe, Zuni Indian Reservation, New Mexico, in order to secure to us and to our posterity the political and civil rights guaranteed to us by treaties and by the Constitution and statutes of the United States; to secure educational advantage; to encourage good citizenship; to exercise the right of self-government; to administer both as a municipal body and as a proprietor of our tribal affairs; to utilize, increase and protect our tribal resources; to encourage and promote all movements and efforts leading to the general welfare of our tribe; to guarantee individual rights and freedom of religion; and to maintain our tribal customs and traditions; do ordain and establish this constitution.

## ARTICLE I – JURISDICTION

The jurisdiction of the Zuni Tribe, Zuni Indian Reservation exercised through the Zuni Tribal Council, the Executive Department and the Judicial Department, acting in accordance with this constitution and the ordinances adopted in accordance herewith, shall extend to all tribal lands included within the present boundaries of the Zuni Indian Reservation and to such other lands as may hereafter be added thereto, unless otherwise provided by law. This jurisdiction shall apply to and be for the benefit and protection of all Indians who now, or may in the future, reside on the Zuni Reservation. The name of this organization shall be the Zuni Tribe.

## ARTICLE II – MEMBERSHIP

**Section 1.** The membership of the Zuni Tribe, Zuni Indian Reservation, shall consist of the following:

- a. All persons enrolled on the Zuni Agency census roll of April 1, 1963; provided that the roll may be corrected at any time by the tribal council, subject to the approval of the Secretary of the Interior.
- b. All descendants of such persons, provided such descendants shall have not less than one-quarter (1/4) Zuni Indian blood.
- c. The membership roll of the Zuni Tribe shall be kept current by striking therefrom the names of persons who have relinquished in writing their membership in the tribe; and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Zuni Tribal Council, and by adding thereto the names of persons who meet the membership requirements and who comply with the procedure for enrollment as members of the tribe. The membership roll will be maintained by the tribal secretary.

**Section 2.** The Zuni Tribal Council shall determine eligibility for membership in the Zuni Tribe. No decree of any outside court determining paternity or degree of Zuni Indian blood shall be binding on the tribe for membership purposes.

**Section 3.** The Zuni Tribal Council shall have the authority to enact ordinances, consistent with this constitution, governing future membership, and to establish enrollment procedures, which ordinances

shall be subject to approval by the Secretary of the Interior. No person shall be adopted as a member unless he shall have at least one-quarter (1/4) degree Indian blood.

**Section 4.** Honorary tribal membership may be bestowed by the Governor of the Zuni Tribe. This honorary membership will entitle the individual to the title of “honorary tribal member” only.

**Section 5.** No person may be at the same time enrolled as a member of the Zuni Tribe and as a member of any other Indian tribe.

### **ARTICLE III – BILL OF RIGHTS**

**Section 1.** Subject to the limitations prescribed by this constitution, all members of the Zuni Tribe shall have equal political rights and equal opportunities to share in tribal assets, and no member shall be denied freedom of conscience, speech, religion, association or assembly, nor shall he be denied the right to bear arms.

**Section 2.** The Zuni Tribe, in exercising its powers of self-government, shall not:

- a. Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
- b. Violate 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;
- c. Subject any person for the same offense to be twice put in jeopardy;
- d. Compel any person in any criminal case to be a witness against himself;
- e. Take any private property for a public use without just compensation;
- f. Deny 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;
- g. Require excessive bail, impose excessive fines, inflict cruel and unusual punishments and in no event impose for conviction of any one offense any penalty, punishment or fine the imprisonment for a term of up to one year or a fine of up to \$5,000, or both;
- h. Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
- i. Pass any bill of attainder or *ex post facto* law; or
- j. 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 persons.

History

Section 2 (g) read "Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of \$500, or both;"

October 23, 2014 amended to "Require excessive bail, impose excessive fines, inflict cruel and unusual punishments and in no event impose for conviction of any one offense any penalty, punishment or fine the imprisonment for a term of up to one year or a fine of up to \$5,000, or both;

The purpose of this amendment is to increase the amount of fine and imprisonment that the Zuni Tribe may impose upon conviction of a criminal offense. Imprisonment terms could be for a term of up to one (1) year or a fine of up to \$5,000, or both. This is consistent with the limits imposed by the Indian Civil Rights Act, 25 U.S.C §1302.

#### **ARTICLE IV – ORGANIZATION OF THE GOVERNMENT OF THE ZUNI TRIBE**

**Section 1.** The government of the Zuni Tribe shall consist of a Legislative, and Executive, and a Judicial Department.

#### **ARTICLE V – THE LEGISLATIVE DEPARTMENT: COMPOSITION AND QUALIFICATIONS**

**Section 1.** The legislative authority of the Zuni Tribe shall rest in the Zuni Tribal Council, hereinafter sometimes called the tribal council, which shall hold its sessions at Zuni, New Mexico.

**Section 2.** The tribal council shall consist of eight (8) members, including a governor and lieutenant governor, all elected at large by popular vote as hereinafter provided.

**Section 3.** No person shall serve as a member of the Zuni Tribal Council while holding any other elective office, or policy making or judicial position, with the tribe.

**Section 4.** Members of the Zuni Tribal Council shall be no less than twenty-five (25) years of age at the time of their election and shall have lived within the reservation for not less than one (1) year immediately preceding the date of the election. Any person who has been convicted of a felony shall be ineligible for membership on the Zuni Tribal Council for a period of not less than three (3) years following release from confinement.

#### **ARTICLE VI – AUTHORITIES OF THE TRIBAL COUNCIL**

**Section 1.** The Zuni Tribal Council, as the legislative body of the tribe, shall exercise the following authorities subject to any limitations imposed by statutes of the United States applicable to Indians or Indian tribes, and subject to all expressed restrictions contained in this constitution.

a. To regulate its own procedures; to appoint subordinate boards, committees, officials and employees not otherwise provided for in this constitution and to prescribe their salaries, tenure and duties, provided that the tribal council shall, by appropriate ordinance, establish the personnel policies and procedures of the tribe, including a requirement that a statement of qualifications and standards be developed and published for all personnel employed by the tribe;

- b. To establish tribal corporations, associations and other subordinate organizations for economic and other purposes, and to transfer assets of the tribe thereto for management and control;
- c. To borrow money for tribal purposes;
- d. To represent the tribe, and to act in all matters that concern the welfare of the tribe;
- e. To negotiate with the Federal, State or local governments, and with the governments of other Indian tribes, and to advise and consult with representatives of the Interior Department on all activities that may affect the tribe, and in regard to all appropriation estimates and Federal projects for the benefit of the tribe before such estimates or projects are submitted to the Bureau of the Budget and to Congress;
- f. To prevent the sale, disposition, lease or encumbrance of tribal land, interests in land, water, minerals or other tribal assets; to approve and provide for the execution of any sale, grant, lease, or relinquishment of any interests in land, water, minerals or other assets of the tribe or the use thereof, subject to the approval of the Secretary of the Interior where required by law;
- g. To regulate the use of tribal property; to protect the wildlife and natural resources of the tribe; to foster Indian arts and crafts; to administer charity; to levy and collect taxes and fees on tribal members; and to impose taxes or fees on non-members of the tribe doing business on the Zuni Reservation, provided that the imposition of such taxes and fees on non-members of the tribe shall be in conformity with appropriate ordinances subject to approval by the Secretary of the Interior. All actions of the tribal council relating to the use and protection of tribal lands shall be in conformity with applicable regulations of the Department of the Interior designed for the protection of Indian range and timber resources;
- h. To appropriate and administer any funds or property within the exclusive control of the tribe and to make expenditures from available funds for public purposes of the tribe, including salaries and remuneration of officers and other employees; limited only by provisions of this constitution;
- i. To provide by ordinance, subject to approval by the Secretary of the Interior, for the removal or exclusion from the reservation of non-members, whose presence may be injurious or undesirable to the tribe or the members thereof;
- j. To employ legal counsel for the protection and advancement of the rights of the tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by Federal law;
- k. To enact ordinances, subject to approval by the Secretary of the Interior, for the maintenance of peace and order on the Zuni Reservation; for the protection of individual rights and property of tribal member; to govern the inheritance of personal property of tribal members; and to provide for the appointment of guardians for minors and mental incompetents;
- l. To provide for the enforcement of tribal ordinances;
- m. To provide by ordinance for the conduct of tribal elections and the orderly management of tribal affairs;

**Section 2.** The tribal council shall approve an annual budget to finance the programs and governmental functions of the tribe. No expenditures of tribal funds will be made except in conformity with the approved tribal budget.

#### **ARTICLE VII – MEETINGS OF THE ZUNI TRIBAL COUNCIL: QUORUM**

**Section 1.** At the first meeting of the Zuni Tribal Council after each regular election, the tribal council shall see that the members have a correct and clear understanding of the constitution, and procedures regulating the conduct of the governing body of the tribe.

**Section 2.** The tribal council shall meet at least once each month.

**Section 3.** Special meetings may be called by the Governor of the Zuni Tribe, or at the request of not less than four (4) members of the tribal council.

**Section 4.** A legal quorum of the Zuni Tribal Council for the conduct of official business shall be four (4) or more councilmen and the presiding officer. The presiding officer shall be entitled to vote as a member of the tribal council.

**Section 5.** No enactment of the tribal council shall have any validity or effect in the absence of a quorum of the membership thereof at a legally called session.

**Section 6.** Only regularly called meetings, or meetings announced by written notice to each council member and posted on the official tribal bulletin board, shall constitute legally called sessions.

#### **ARTICLE VII – CONFLICTS OF INTEREST**

**Section 1.** Any councilman who may be personally interested in any matter before the Zuni Tribal Council shall not vote on such matter without the consent of the remaining members. Failure to reveal a personal interest, not similarly shared by all members of the council, to the Zuni Tribal Council, in a matter before the council, shall constitute dereliction of official duty, and may be cause for removal from office.

#### **ARTICLE IX – TRIBAL ENACTMENTS**

**Section 1.** All final decisions of the Zuni Tribal Council on matters of general and permanent interest to members of the Zuni Tribe and to the tribal administration shall be embodied in resolutions or ordinances. Such enactments shall be available for inspection by members of the Zuni Tribe at normal office hours.

**Section 2.** All final decisions of the Zuni Tribal Council on matters of temporary interest or relating to particular individuals, officials or committees shall be noted in the minutes of the council deliberations and shall be available for inspection by members of the Zuni Tribe during normal office hours.

**Section 3.** All resolutions and ordinances shall be dated and numbered, and shall include a certification showing the presence of a quorum and the number of tribal council members voting for and against any proposed enactment.

**Section 4.** Every resolution or ordinance passed by the tribal council shall, within five (5) days of its passage, be presented to the governor for approval. If he approves, he shall sign it within ten (10) days following its receipt and deposit it with the secretary of the Zuni Tribe for such further action as may be necessary. If he does not sign an enactment of the tribal council within ten (10) days following its receipt

by him, he shall, at the next legally constituted meeting of the tribal council following its submittal to him for signature, return it to the tribal council with a statement of his objections. It shall thereafter not become effective unless it is again approved by at least five (5) council members voting in favor of the issue.

**Section 5.** Any enactment of the tribal council which is subject to approval by the Secretary of the Interior shall be presented to the Superintendent of the Zuni Agency who shall, within ten (10) days following receipt thereof, transmit the same to the Secretary of the Interior with his recommendation for or against approval.

#### **ARTICLE X – THE SECRETARY OF THE COUNCIL**

**Section 1.** The secretary of the tribal council shall be appointed by the governor from within or without the membership of the tribal council, with the concurrence of a majority of the members of the tribal council.

**Section 2.** The secretary shall call the roll, handle all official correspondence of the council, keep the minutes of all regular and special meetings of the tribal council, and it shall be his duty to submit promptly to the tribal governor and the Superintendent of the Zuni Agency copies of minutes of all regular and special meetings of the tribal council.

#### **ARTICLE XI – THE EXECUTIVE DEPARTMENT**

**Section 1.** The governor, lieutenant governor and the treasurer shall comprise the executive department of the tribal government, exercising the authorities set forth in this constitution, and such other authorities as the tribal council may, from time to time, by appropriate ordinance, delegate to the executive officers.

**Section 2.** The governor and lieutenant governor shall be elected as provided in this constitution.

#### **ARTICLE XII – DUTIES OF EXECUTIVE OFFICERS**

**Section 1.** The Governor of the Zuni Tribe shall exercise the following authorities as the chief executive officer of the tribe; and such other authorities as the tribal council may assign.

- a. The governor shall preside over meetings of the Zuni Tribal Council;
- b. The governor shall appoint all non-elected officials and employees of the executive department of the tribal government and shall direct them in their work, subject only to applicable restrictions embodied in this constitution or in enactments of the tribal council establishing personnel policies or governing personnel management;
- c. The governor, subject to the approval of the tribal council, may establish such boards, committees or subcommittees as the business of the council may require, and shall serve as an ex-officio member of all such committees and boards;
- d. The governor shall serve as contracting officer for the tribe, following approval of all contracts by the tribal council;
- e. The governor shall have veto power over enactments of the tribal council, as provided in Article IX, Section 4;

f. The governor shall present a budget for consideration by the tribal council not less than sixty (60) days before the beginning of the fiscal year of the tribe. The proposed budget shall be posted in not less than three (3) public places for at least ten (10) days prior to presentation of the budget to the council. It shall be the responsibility of the governor to operate the tribal government within the approved budget. The annual tribal budget shall be subject to approval by the Secretary of the Interior as may be required under Federal Law;

g. The governor shall direct the tribal police, to assure the enforcement of ordinances of the tribal council;

h. The governor shall hold no other tribal office or engage in private remunerative employment without the consent of the tribal council, during his term as governor.

**Section 2.** In the absence of the governor, the lieutenant governor or a governor pro tempore, who may be appointed by the governor from within the membership of the tribal council, shall preside and shall have all authorities, privileges and duties of the governor. The lieutenant governor shall perform such other duties as the governor, with the consent of the tribal council, may direct.

**Section 3.** All checks shall be signed and all vouchers shall be approved for payment by two (2) officers of the Zuni Tribal Council as follows: The governor or, in his absence, the lieutenant governor or the governor pro tempore, together with the treasurer or, in his absence, the secretary.

**Section 4.** The tribal council will require all tribal officials and employees who handle tribal funds to be placed under surety bond. The premium for the bond shall be paid by the tribe.

### **ARTICLE XIII – TREASURER**

**Section 1.** The treasurer shall be appointed from within the tribal council by the governor, with the concurrence of a majority of the members of the tribal council.

**Section 2.** The treasurer may be removed from office by the governor with the concurrence of a majority of the members of the tribal council.

**Section 3.** The treasurer shall supervise the tribal accountant, and shall be responsible to accept, receipt for, keep and safeguard all funds under the exclusive control of the Zuni Tribe by depositing them in a bank insured by an agency of the Federal Government, or in tribal accounts as directed by the governor, and shall keep an accurate record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his custody to the tribal council at regular meetings, and at such other times as the governor may direct. He shall not authorize payment or disbursement of any funds in the custody of the tribe except as duly authorized by the approved tribal budget.

**Section 4.** The books and records of the treasurer shall be audited at least once each year by a competent auditor, and at such other times as the governor or the tribal council may require.

### **ARTICLE XIV – THE JUDICIAL DEPARTMENT**

**Section 1.** The trial court shall consist of a chief judge and two associate judges, appointed by the Governor of the Zuni Tribe, with the concurrence of the tribal council. Any one of the judges may hold court as determined by the chief judge.

**Section 2.** By ordinance, subject to the approval by the Secretary of the Interior, the tribal council shall establish a court of appeals.

**Section 3.** The tenure of trial judges shall be six (6) years. Their salary shall be established by ordinance of the tribal council.

**Section 4.** No person shall be appointed to the office of trial judge unless he is at least thirty (30) years of age and not more than seventy (70) years of age; nor shall any person be appointed as a trial judge who has ever been convicted of a felony or within one year, of a misdemeanor.

**Section 5.** The Trial and Appellate Courts of the Zuni Tribe shall have jurisdiction over all criminal offenses and civil causes involving Indians on the Zuni Reservation, except such offenses as may fall within the exclusive jurisdiction of Federal or State courts.

**Section 6.** The duties, jurisdiction and procedures of the courts of the Zuni Tribe shall be more fully prescribed by appropriate ordinances which will constitute the tribal law and order code, enacted pursuant to Article VI, Section 1(k).

#### **ARTICLE XV – NOMINATIONS AND ELECTIONS**

**Section 1.** The Zuni Tribal Council shall, by appropriate ordinance, establish procedures and regulate the conduct of all tribal elections, including the nomination of candidates for all elective offices of the tribe, the appointment of an election board, the registration of voters, the filing and posting of election notices, and absentee voting.

**Section 2.** Any qualified member of the tribe may become a candidate for any elective office of the tribe.

**Section 3.** The candidates for office of governor and lieutenant governor shall run for office as a team on a single ticket.

**Section 4.** All voting for candidates to office on the Zuni Tribal Council shall be by secret ballot, the form of which shall be established by ordinance of the Zuni Tribal Council

**Section 5.** Any member of the Zuni Tribe who is eighteen (18) years of age, or older, who has registered to vote and who presents himself at the polls on election day shall be entitled to vote.

**Section 6.** The regular election of the Zuni Tribe shall be held every four (4) years on a date to be set by the Zuni Tribal Council, to be called and held during the period intervening between the end of Shalako and the beginning of the winter Teshkwi. The first election under this constitution shall be held on a date to be set by tribal council in 1970. The incumbent tribal council members, at the time of the adoption of this constitution, shall hold office until the expiration of the term for which they were elected, and until their successors are duly elected and installed on the first day after the winter Teshkwi.

**Section 7.** The candidates for governor, lieutenant governor, and councilmen receiving the largest number of votes shall be elected for terms of four (4) years. Elected officials shall serve until their successors are elected and installed. The winning candidates shall be installed on the first day after the winter Teshkwi. The two councilmen receiving the largest number of votes shall be known as the head councilman and lieutenant governor's councilman, respectively.

#### **ARTICLE XVI – OATH OF OFFICE**

The newly elected Governor, Lieutenant Governor, and members of the Zuni Tribal Council shall be required to individually take an oath of office at the time of their installation. The Head Cacique will delegate his authority to administer the oath of office to a Zuni religious leader in accordance with the Zuni religious hierarchy.

### OATH OF OFFICE

On this day, with authority vested unto me, and with the powers bestowed upon me, I entrust unto you, our lands and our people. As humble as you may be; lack of oratory to express yourself fluently, to the best of your ability, be the protector, for your people against all enemies and strangers. You will cherish and protect all that contains life to your people. You will faithfully execute the duties of your office to the best of your ability. You will refrain from harsh use of words to your people to the best of your ability and be impartial when making judgment in settlements.

This, I give the blessing of our spiritual fathers onto you.

I bestow this oath of office to you, with the breath of our spiritual leaders four times.

### History

Article XVI read "All newly elected officers and members of the Zuni Tribal Council shall be required to take an oath of office, as shown below, at the time of their installation. Such oath shall be administered by the Head Cacique of the Pueblo and his aides.

### OATH OF OFFICE

"Into your care we entrust our land and our people. Regardless of whether you are poor, or lack the oratory to express yourself fluently, you will, to the best of your ability, be the protector, impartially, for your people. The stranger who comes into our land will become as one of your people, regardless of race, color or creed, and you will give unto them the same protection and rights as you would your own. You will cherish and protect all that contains life; from the lowliest crawling creature to the human. By hasty word or deed you will refrain from hurting the feelings, both mentally and physically, of your people. In times when you, to the best of your ability and judgment, have resorted to every peaceful means of bringing reason to an individual, on a matter, and that individual, through stubbornness, remains contrary to the point of disrespect for the office you hold, and would, through his action, be a bad example to his fellowmen, you will question him four times if he will continue to set aside peaceful intelligent reasoning. If his answer is yes the four times, then you may strike him with the flat of your hand, and four times if necessary."

October 23, 2014 amended to "The newly elected Governor, Lieutenant Governor, and members of the Zuni Tribal Council shall be required to individually take an oath of office at the time of their installation. The Head Cacique will delegate his authority to administer the oath of office to a Zuni religious leader in accordance with the Zuni religious hierarchy.

### OATH OF OFFICE

On this day, with authority vested unto me, and with the powers bestowed upon me, I entrust unto you, our lands and our people. As humble as you may be; lack of oratory to express yourself fluently, to the best of your ability, be

the protector, for your people against all enemies and strangers. You will cherish and protect all that contains life to your people. You will faithfully execute the duties of your office to the best of your ability. You will refrain from harsh use of words to your people to the best of your ability and be impartial when making judgment in settlements.

This, I give the blessing of our spiritual fathers onto you.

I bestow this oath of office to you, with the breath of our spiritual leaders four times."

The intent of this amendment is to set out an installation process for the newly elected Governor, Lieutenant Governor, and members of the Tribal Council to ensure an orderly transition of tribal government after an election. This is to prevent disruption of tribal government activities and services if the oath of office is not given as required by the Constitution.

## **ARTICLE XVII – VACANCIES, REMOVAL AND RECALL FROM OFFICE, SUCCESSIONS TO OFFICE**

**Section 1.** Any member of the tribal council, judge, or elected officer of the Zuni Tribe who, during his term is convicted of any felony, shall automatically forfeit his office. Any member of the tribal council, judge, or elected officer found guilty of a misdemeanor involving moral turpitude, gross neglect of duty, malfeasance in office or misconduct reflecting on the dignity and integrity of the tribal government, may be removed from office if not less than five (5) members shall cast ballots in favor of removal at a legally called meeting. Before any vote for removal from office is taken, such member, judge, or officer shall be given a written statement of the charges against him at least five (5) days before the meeting of the tribal council at which he is to appear, and he shall be given an opportunity to answer any and all charges at the designated council meeting. The decision of the tribal council shall be final.

**Section 2.** Upon receipt of a petition signed by at least twenty-five percent (25%) of those entitled to vote demanding recall of any member of the tribal council, or elected officer, filed with the secretary of the tribal council at least four (4) months before the expiration of such council member's or official's term of office, it shall be the duty of the tribal council to call a special election upon the question of recall. Such election shall be held not less than twenty-five (25) or more than forty (40) days from the filing of the petition. No council member or elected officer may be recalled unless at least two-thirds (2/3) of the voters casting ballots vote in favor of the recall, and unless at least thirty percent (30%) of those entitled to vote cast their ballots in the election.

**Section 3.** With the exception of the governor and the lieutenant governor, any member of the Zuni Tribal Council, who may resign, or may be removed from office, shall be replaced at special election to be called and held by the Zuni Tribal Council in conformity with this constitution and ordinances of the tribal council. In the event the governor resigns, dies, becomes otherwise incapacitated or is removed from office, his unexpired term shall be filled by the lieutenant governor. The head councilman will succeed to the office of the lieutenant governor. An election will be called to replace the head councilman.

**Section 4.** If a member of the tribal council fails to attend four (4) legally called successive meetings of the tribal council or a committee thereof, of which he is a member, or any combination of tribal council or such committee meetings, he shall automatically cease to be a member of the tribal council. In such

event, the tribal council shall declare the position vacant and the governor shall arrange for a special election to choose a successor to serve the unexpired term, unless such member:

- a. Is excused by the tribal council, or
- b. Is absent by reason of illness, or due to reasons beyond his control which are satisfactory to the tribal council.

**Section 5.** In the event of a vacancy, for any cause, in the membership of the tribal council, the unexpired term corresponding to the vacancy shall be filled by a qualified person in accordance with this constitution and in conformity with established tribal election procedures.

## **ARTICLE XVIII – CULTURAL AND HISTORIC PRESERVATION**

**Section 1.** The Zuni Tribe values its cultural resources as priceless because of the importance to the Zuni culture and heritage, traditional knowledge and traditional cultural practices. The Zuni Tribe asserts and maintains collective property rights in tribal cultural objects and sites, wherever they are located. The Zuni Tribe asserts the collective right to maintain, control, protect and preserve its cultural resources on behalf of its people and culture.

**Section 2.** Zuni cultural resources include all objects created by tribal members and ancestors used in traditional cultural practices, whether portable or embedded in the ground, or painted, drawn or carved on to any surface; all sites and places used for traditional cultural practices or that hold cultural significance to the Zuni Tribe; and all intellectual property such as dances and songs.

**Section 3.** Such Zuni cultural resources are not individually owned but are held in trust for the Zuni people by an authorized caretaker or caretakers according to Zuni culture and tradition. No such traditional caretaker, or any other person, has, or has ever had, the individual property right or authority under Zuni law, culture or tradition to sell or dispose of cultural resources within their care or possession. No person has the authority to misuse or destroy Zuni cultural resources.

**Section 4.** The Zuni Tribe shall have the rights of replevin and repatriation and the right to seek injunctive and declaratory relief or take any other action under the civil and criminal laws of the Zuni Tribe in the Zuni tribal court or in any court of competent jurisdiction to protect and recover Zuni cultural resources. This includes the right to seek civil and criminal penalties against any tribal member, Indian or non-Indian who violates this Article.

History

Article XVIII was added in its entirety on October 23, 2014.

The intent of this amendment is to create a new Article in the Zuni Constitution to protect and preserve Zuni cultural resources that are of sacred, cultural, traditional or historical importance to the Zuni Tribe.

## **ARTICLE XIX – INHERENT POWERS OF THE ZUNI TRIBE**

**Section 1.** No provision of this constitution shall be construed as a limitation of the inherent residual sovereign powers of the Zuni Tribe. Any such powers, not delegated to the representative tribal government by this constitution, are retained for direct exercise by the people through referendum, as provided for herein, or for exercise by the tribal government following amendment of the constitution.

History

Article XVIII became Article XIX, with the amended addition of Article XVIII - CULTURAL AND HISTORIC PRESERVATION.

## ARTICLE XX – AMENDMENTS

**Section 1.** This constitution may be amended at an election authorized by the tribal council by a majority of all members of the tribal council, or upon receipt of a signed petition with a minimum of thirty percent (30%) of those entitled to vote.

**Section 2.** If at such election, the amendment is adopted by majority vote of the qualified voters of the tribe voting therein, and if the number of ballots cast represents not less than thirty percent (30%) of those entitled to vote, such amendment shall be submitted to the Governor, Lieutenant Governor and Tribal Council for public posting on the next business day and it shall thereupon take effect.

### History

Article XX, previously referred to as XIX, read "Section 1. This constitution may be amended at an election which shall be authorized by the Secretary of the Interior upon request by the tribal council:

- a. Whenever by majority vote of all members of the tribal council, the governing body of the tribe shall authorize the submission of a proposed amendment to the electorate of the tribe, or
- b. Whenever a minimum of thirty percent (30%) of those entitled to vote, by signed petition, shall request such amendment.

Section 2. If, at such election, the amendment is adopted by a majority vote of the qualified voters of the tribe voting therein, and if the number of ballots cast represents not less than thirty percent (30%) of those entitled to vote, such amendment shall be submitted to the Secretary of the Interior and, if approved by him, it shall thereupon take effect."

October 23, 2014 amended to "Section 1. This constitution may be amended at an election authorized by the tribal council by a majority of all members of the tribal council, or upon receipt of a signed petition with a minimum of thirty (30%) of those entitled to vote.

Section 2. If at such election, the amendment is adopted by majority vote of the qualified voters of the tribe voting therein, and if the numbers of ballots cast represents not less than thirty percent (30%) of those entitled to vote, such amendment shall be submitted to the Governor, Lieutenant Governor and Tribal Council for public posting on the next business day and it shall thereupon take effect."

Article XIX became Article XX, with the amended addition of Article XVIII - CULTURAL AND HISTORIC PRESERVATION.

The intent of this amendment is to remove the requirement that the Secretary of the Interior must authorize and conduct a Secretarial election to amend the Zuni Constitution. It would allow the Tribe to exercise self-determination by amending its own constitution through a vote of tribal members at a tribal election without the consent of the federal government.

## ARTICLE XXI – REFERENDUM

**Section 1.** Upon receipt of a petition signed by at least thirty percent (30%) of those entitled to vote and filed with the secretary of the tribal council demanding a referendum thereon, any proposed or enacted resolution, ordinance or other action of the tribal council shall either be repealed by the tribal council or be submitted by it to the electorate for decision by the tribe in a general election to be held within thirty (30) days after receipt of the petition. The referendum shall be conclusive only if at least thirty percent (30%) of those entitled to vote cast their ballots therein.

**Section 2.** When a majority of the members of the tribal council shall request a referendum on any proposed or enacted resolution, ordinance or other action of the tribal council, the tribal council shall call an election within thirty (30) days thereafter at which those entitled to vote shall approve or disapprove, by majority vote, the ordinance or action in question; provided, however, that such approval or disapproval shall be effective only in the event thirty percent (30%) or more of those entitled to vote cast their ballots in such election.

**Section 3.** No referendum conducted pursuant to the provisions of Sections 1 or 2 above shall serve or abrogate, modify, or amend any properly approved contract or agreement with third parties.

History

Article XX became Article XXI, with the amended addition of Article XVIII - CULTURAL AND HISTORIC PRESERVATION.

## **ARTICLE XXII – RATIFICATION**

**Section 1.** This constitution, when adopted by majority vote of the qualified voters of the Zuni Tribe, voting at an election authorized for that purpose by the Secretary of the Interior, in which at least thirty percent (30%) of those entitled to vote shall cast their ballot, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from and after the date of his approval.

History

Article XXI became Article XXII, with the amended addition of Article XVIII - CULTURAL AND HISTORIC PRESERVATION.

## **APPROVAL**

I, Harrison Loesch, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted to me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution of the Zuni Tribe, Zuni Reservation, Zuni, New Mexico.

Approval recommended /s/ G. Smioh  
Associate Commissioner of Indian Affairs

/s/ Harrison Loesch  
Assistant Secretary of the Interior

Washington, D.C.  
Date: Aug. 13, 1970