

PREAMBLE

We, the members of the Tuskarora Nation of Moratoc Indians (TNMI) in North Carolina, remain grateful to the Creator who laid the foundation for our governance through the Great Peace, recognizing that our inherent sovereignty has perpetually existed since time immemorial. We aspire to maintain and enhance our birthright to promote growth and future generations, to enact freedom and self-rule, and to cultivate the blessings we have enjoyed, while respecting our Nation's traditions and customs. Thus, in order to ensure the consistent progress of our Nation, as we engage in and establish relationships of parity with other governments, to provide security for the pursuit of liberty, life, and justice for our Nation, and to develop intellectually, socially, and ethically, we hereby adopt and institute the ensuing Constitution for the Tuskarora Nation of Moratoc Indians in North Carolina.

ARTICLE I: Bill of Rights

In the spirit of the Indian Civil Rights Act of 1968, this Constitution explicitly states that nothing shall grant or empower the ruling body, while enacting its powers of self-governance to:

- 1.) Establish or enforce any law that prohibits the free practice of religion, infringes upon the freedom of speech, freedom of the press, or the right of individuals to assemble peacefully and petition for a correction of wrongs.
- 2.) Infringe upon the right of individuals to remain secure in their persons, homes, documents, and possessions against irrational searches and seizures, or issue warrants without probable cause, backed by sworn statement, and precisely identifying the location to be searched and the person or object to be seized.
- 3.) Place any individual at risk of being tried twice for the same offense.
- 4.) Force any individual in a criminal case to testify against themselves.
- 5.) Seize any private property for public use without fair compensation.
- 6.) Deny any person in a criminal proceeding the right to a quick and public trial, to be informed of the nature and reason of the accusation, to be faced with the witness against them, to have compulsory process for securing witnesses in their favor, and to have, at

their own expense, the aid of legal counsel for their defense.

- 7.) Demand excessive bail, impose heavy fines, inflict cruel and abnormal punishments, and under no circumstances impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of one year and a fine of \$5,000, or both.
- 8.) Deny any person within its jurisdiction the equal protection of its laws or deprive any person of freedom or property without due legal process.
- 9.) Pass any bill of attainder or retroactive law.
- 10.) Deny to any person accused of an offense punishable by imprisonment the right, if requested, to a trial by a jury of no fewer than six persons.

ARTICLE II: Legislative Branch

Section 1 - Tribal Council

The power of legislation shall be vested in a Tribal Council, which shall comprise ten (10) members, known as the Tribal Council. Council members shall serve four (4) year tenures and shall be elected on a two-year staggered basis. The structure of staggered elections will initially be determined in the November 20__ election as follows: Ten (10) Council members from each Reservation receiving the highest number of votes shall initially serve four (4) years.

Section 2 - Eligibility for Tribal Council

- (1). A member of the Tuskarora Nation of Moratoc Indians is eligible to be a candidate in a Tribal Council election if he or she:
 - (a). Has reached the age of 25 or older by the election date;
 - (b). Holds a high school diploma or its equivalent;
 - (c). Either has an associate's degree or higher, or alternatively, three years of cumulative work or military experience;
 - (d). Has not been convicted of, or pleaded guilty or no contest to, any felony, or any crime involving theft, fraud, or violence against individuals, within the last eight

years. Those listed as sex offenders are prohibited from being a Tribal Council member.

- (e). Has not been sentenced to a prison term of one year or longer within the last eight years;
 - (f). Has not been ousted or recalled from any paid, elected, or appointed office within the last 10 years, where such conduct does not result in a conviction or plea in a court of competent jurisdiction;
 - (g). Has not gained membership of Tuskarora Nation of Moratoc Indians through the adoption process outline in the Constitution; and
 - (h). Does not have a spouse, parent, legal guardian, ward, child, or sibling on the Tribal Council during any part of the time they would serve on the Tribal Council.
- (2). The burden of establishing the qualifications for candidate eligibility falls on the candidate or prospective candidate.

Section 3 - Election

- (a) The inaugural election under this Constitution will take place on the first Tuesday of November 20___, and thereafter every two years on the first Tuesday of November in every ____ **even/odd** numbered year.
- (b) Prior to or on the 15th day leading up to the two year election, all aspiring candidates are required to file their intent to run for office with the Clerk of the Tuskarora Nation of Moratoc Indians. No candidate will be permitted to register for office beyond this 15-day limit before the two year election, except in the circumstance of a candidate's death, where replacements on previously submitted candidate tickets will be accepted.
 - [i] All elections will adhere to an election ordinance drawn up by the Grand Council for the Board of Elections. This election ordinance will lay down the procedures for candidate nominations and filings, voting poll rules, absentee voting, voter registration, runoff elections, and the selection of an election board entrusted with the conduct of all tribal elections. Ballots must be delivered to the Board of Elections at least twenty-four (24) hours before the election date. Votes are to be cast on a single ballot featuring the names of all nominated candidates for the

Tribal Council. These votes should be cast individually, privately, and without an Election Board member's supervision. Assigned voting polls will be determined no later than ___ days before each election and will be operational from 9:00 a.m. until 7:00 p.m., in accordance with the Election ordinance.

Section 4 - Election of Tribal Council member(s)

- (1). The Election Board will hold authority over the election process as outlined in the Election Code.
- (2). The election proceedings and outcomes must be officially verified by the Election Board, in alignment with the stipulations of the Election Code.
- (3). Before the commencement of the inaugural regular meeting of the Tribal Council, after the election results are certified, the newly elected members of the Tribal Council will be inaugurated into office.
 - (a). The oath of office will be the first matter of discussion at the organizational meeting following the validation of the election results.
 - (b). In an open session, the Secretary will administer the oath of office to the newly elected Tribal Council members. This oath will be registered in the Office of the Secretary of the Interior. The following oath will be administered: "I do solemnly swear, or affirm, that I will faithfully fulfill the duties as _____ of the Tuskarora Nation of Moratoc Indians, and will to the best of my capacity, preserve, protect, and uphold "The Great Binding Law", the Constitution of the Tuskarora Nation of Moratoc Indians, and the Constitution of the United States of America. I additionally swear or affirm that I will do everything within my ability to advance the culture, heritage, and traditions of the Tuskarora Nation of Moratoc Indians in North Carolina and beyond."
 - (c). Following the oath's administration, the new Tribal Council member(s) may take their seat at the Council Table. Those departing the Council will be acknowledged and celebrated for their contributions to the community as they step down from office.
 - (d). The organizational meeting of the newly elected/appointed Council can then begin, starting with the election of officers as described in Section 6, the organizational meeting/election of Tribal Council officers.
- (4). No person may perform the duties of a Tribal Council member until such person is duly

elected or appointed and has taken the oath of office. Once a member of the Council leaves his or her seat on Council, he or she no longer has any authority to act on behalf of the Tribal Council or the community in general, unless through the appointment by Tribal Council to some other position and then only within the constraints of that newly appointed position.

Section 5. Appointment of Tribal Council member(s)

(1). A seat on the Tribal Council is deemed vacant under the following circumstances:

- (a). A Council member is expelled from their position, or
- (b). A Council member no longer holds membership of the Tribe, or
- (c). A Council member willingly steps down; or
- (d). The Council member passes away while in office or becomes too ill to carry out their responsibilities.

(2). If a seat on the Tribal Council becomes vacant, the remaining members of the Tribal Council shall:

- (a). Propose a formal motion declaring the vacancy of the seat, specifying the reason for the vacancy and the date on which the seat became vacant; and
- (b). By majority consensus of all remaining members, appoint a tribe member who meets the constitutional and statutory qualifications to serve until the next special election to be held in April at the General Membership meeting.
- (c). The declaration of a vacant seat on the Tribal Council and the appointment of a new Council member does not necessarily have to occur in the same meeting.
- (d). The Tribal Council exclusively holds the authority over the appointment process to fill a vacant Council seat and may choose to keep a seat vacant until the next General Membership meeting unless five Council members are needed for a pending action before the Council.
- (e). To fill a vacant seat on the Tribal Council by appointment, the Council shall:
 - [i] Consult the Tribal Enrollment Office to confirm that the appointee is an eligible tribal member; and

[ii] Ensure the appointee is not disqualified subject to the provisions stated in Article III, Section 4, of the Constitution, including a background check.

- (3). Upon satisfying the qualifications to hold office as stated in Article II Section 5(2)(e) of these bylaws, the Tribal Council may vote on the appointment of the individual.
- (4). If the Tribal Council approves the appointment by majority consensus of the entire Tribal Council, the appointee shall take the oath of office, as outlined in Article II Section 4(3)(b) above.
 - (a) The Tribal Committee Secretary shall administer the oath of office.
 - (b). The appointed Council member may not carry out the duties of a Tribal Council member until they have taken the oath of office.
- (5). The individual appointed to fill the vacant seat shall serve until the next special election or when the term of the vacant seat concludes, whichever comes first.

Section 6. Organizational meeting/election of Tribal Council officers

A. Nomination/Election of Officers

- (1). After any recently elected members of the Tribal Council are sworn into office following a regular election, an organizational meeting will be conducted by the Tribal Council for the purpose of electing Tribal Council officers.
 - (a). The organizational meeting will be held separately and before the first regular monthly meeting of the newly elected Tribal Council.
 - (b). The organizational meeting is open to all members of the tribe.
- (2). In circumstances where a new member of the Tribal Council is sworn into office after an appointment or a special election to fill a vacant seat as described in Section 5, the newly appointed or elected member will automatically assume the officer position held by the previous member whose seat was vacant, barring the position of Head Councilor of the Tribal Council, which necessitates an organizational meeting.
- (3). All current members of the Council and any newly elected members are expected to attend the organizational meeting. Nevertheless, if a Council member who will be stepping down is unable or unwilling to attend, the organizational meeting can still proceed.

- (4). For the purpose of conducting the election of Tribal Council officers, the Head Sachem shall be the highest-ranking officer still in office.
 - (5). Officers of the Tribal Council are chosen by a simple majority vote of the entire Tuskarora Nation of Moratoc Indians.
 - (6). The organizational meeting shall be called to order by the Head Sachem, who will also seek nominations for the Head Councilor of the Tribal Council. Upon conducting the vote and depending on the results, the Head Sachem will introduce the Head Councilor of the Tribal Council. The appointment is then official, and the Head Councilor will oversee the rest of the officer elections and the subsequent meeting.
 - (7). The Head Councilor shall call for nominations for each officer position in the Tribal Council in descending order of rank.
 - (8). The line of succession of the Tribal Council officers is as follows:
 - (a). The Head Councilor serves as the leader of the Tribal Council. In the absence of the Head Councilor, the duties and responsibilities will be assumed by the Vice Councilor. If both the Head Councilor and the Vice Councilor are absent, the Clerk will assume the duties.
 - (b). In an instance where three seats on the Council are simultaneously vacant, the Tribal Sachem will be summoned to fill the vacant seats on the Council in the following order:
 - (i). The duties of the Head Councilor will be assumed by the highest-ranking remaining officer of the Tribal Council.
 - (ii). The duties of the Vice Councilor will be assumed by the remaining officer of the Tribal Council.
 - (iii). Members of the Tribal Sachem Council, apart from the Council member who is the Head Sachem, will fill the remaining seats and officer positions on the Tribal Council following the same hierarchical order of the seats they hold on the Tribal Sachem Council.
- B. Once the appointments are finalized, the newly elected Head of Council will conclude the election of officers and the organizational meeting.

Section 7 - Duties of Tribal Council

- a. A minimum of ten (10) members of the Council, along with the elected officers of the Tribal Council, collectively constitute a quorum when convened in Council for the purpose of conducting tribal affairs.
- b. The Council shall correspond with the Secretary of the Department of Interior to communicate any necessary activities happening on either reservation of the Tuskarora Nation of Moratoc Indians in North Carolina. This includes the obligation to provide financial forecasts for all significant projects.
- c. The Council shall preside over all impeachment proceedings in a court established by ordinance. The Impeachment Court will consist of the Head Councilor and no less than ten (10) Council members of the Tribal Council, unless the Head Councilor is being impeached. In cases where the Head Councilor is on trial for impeachment, the impeachment court will be made up of no less than ten (10) members of the Tribal Council and at least half of the Nation's Surrogates.
- d. The Council is responsible for promoting Native American arts, crafts, and cultures.
- e. The Council also has the responsibility to protect and preserve the wildlife, plant life, forests, natural resources, and water rights of the Tuskarora Nation of Moratoc Indians in North Carolina. This includes the authority to regulate hunting and fishing on the reservation.

Section 8 - Fiduciary Powers of Tribal Council

- a. The Tribal Council is empowered to allocate tribal funds and to expend these funds in line with an annual budget. Any appropriation of tribal money by the Tribal Council necessitates an affirmative vote from no fewer than ten (10) Tribal Council members. The Council, under no circumstance, is permitted to allocate public funds in a given year exceeding the total revenue of that year. However, the Council retains the right to allocate tribal money under extraordinary circumstances deemed necessary for the continuity of the government and welfare of the Nation, if required.
- b. The Council has the authority to veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, tribal funds, or other tribal assets that may be sanctioned by any agency or employee of the Government.

- c. The Council is entrusted with the management of all economic affairs and enterprises of the Tuskarora Nation of Moratoc Indians. This includes tribal lands, timber, any mills, community stores, and all other tribal activities.
- d. The Council has the jurisdiction to regulate the use and disposition of tribal property.
- e. The Council has the authority to accept grants and donations from any individual, State, or the United States.
- f. The Council can borrow money from any source and can pledge or assign chattels or future tribal income as security.
- g. The Council has the power to create ordinances for the assignment, use, or transfer of tribal lands within the reservation.
- h. The Council can pass ordinances, in compliance with applicable law, covering the granting of both surface and subsurface leases for such periods as are permitted by law.
- i. The Council has the authority to levy and collect taxes and to impose license fees.

Section 9 - Council Powers

- (1). The Tribal Council of the Tuskarora Nation of Moratoc Indians, under this Constitution, holds the following powers, respecting the limitations set forth within this Constitution:
- a. To legislate in alignment with this Constitution, to represent the Tuskarora Nation of Moratoc Indians, to determine all matters of tribal welfare, and to make decisions that are not contrary to or inconsistent with this Constitution.
 - b. To impeach, subject to the majority vote from all elected members.
 - c. To negotiate, construct, and execute all contracts and agreements, provided they align with Federal law and this Constitution. These may involve any individual, association, or corporation, any municipality or county, or with the State of North Carolina or the United States, including agreements for the provision of public services.
 - d. To employ legal counsel, the selection of which and the establishment of fees will be subject to the approval of the Secretary of the Department of Interior, as long as such approval is required by Federal Law.

- e. To legislate ordinances to provide for the adoption of minor children.
- f. To legislate ordinances to establish tribal courts and law enforcement on the reservation, appoint guardians for minors and mentally handicapped, probate estates within the jurisdiction of the Tuskarora Nation of Moratoc Indians, and regulate the removal or banishment of any non-member from the reservation whose behavior may pose a threat to persons or property within the reservation of the Moratoc Indians in North Carolina.
- g. To legislate ordinances governing the activities of voluntary associations, irrespective of their purpose, while operating on the reservation.
- h. To regulate its own procedures, appoint subordinate committees (whether they are commissions, boards, advisory or otherwise), tribal officials, and employees not otherwise stipulated in this constitution, and to oversee subordinate organizations for economic and other purposes.
- i. The Council of the Tuskarora Nation of Moratoc Indians in North Carolina may wield further powers delegated to it by members of said Nation or vested in the said Nation through its inherent sovereignty or by Federal Law.
- j. The Tribal Council possesses the authority to enact any laws necessary to enforce any of the aforementioned powers. These powers are additive to, but not restricted by, the inherent sovereign powers of the Tuskarora Nation of Moratoc Indians in North Carolina.

ARTICLE III: Executive Branch

Section 1. Executive Power

- a. The executive authority of the Tuskarora Nation of Moratoc Indians in North Carolina shall be vested in the position of the Head Councilor. The Head Councilor, alongside the Vice Councilor elected for the same term, will hold office during his or her term as Head Councilor. The Head Councilor is elected by a majority of the qualified voting members of the Tuskarora Nation of Moratoc Indians for a term of four (4) years. To be eligible for the office of Head Councilor, an individual must be an enrolled member of the Nation, be at least thirty-six (36) years old, and have resided on the Reservation they represent for two (2) years.

- b. Prior to assuming the duties of their office, the Head Councilor shall take the following Oath or Affirmation: "I solemnly swear (or affirm) that I will dutifully carry out the responsibilities of the Office of Head Councilor of the Tuskarora Nation of Moratoc Indians, and to the best of my abilities, uphold, protect, and defend this Constitution and the Constitution of the United States."

This oath will be administered by a Council member authorized by the Council to oversee oaths and shall be filed with the Office of the Secretary of the Department of Interior.

Section 2 - Duties of Office

- a. The Head Councilor of the Tribal Council is entrusted with executing all duties associated with the Head Councilor's role and shall exercise any authority specifically delegated by the Tribal Council of the Nation or by a general assembly of the Tribe.
- b. The Vice Councilor assumes the role of presiding officer in the absence of the Head Councilor, possessing all the powers, privileges, and duties of the Head Councilor. Should the Head Councilor's office be vacated due to death, resignation, or forfeiture, the Vice Councilor is slated to succeed them. The Vice Councilor does not have veto powers at any point. In circumstances where the Tribal Council vote results in a tie, the vote of the Vice Councilor serves as the tiebreaker. The Vice Councilor is elected by a majority of the qualified voting members of the Tuskarora Nation of Moratoc Indians for a term of four (4) years.

Section 3. Executive Proceedings

The Head Councilor is responsible for leading all meetings of the Tribal Council. Periodically, they should share updates on the condition of the Nation with the elected Council members and suggest measures for their review that they believe to be essential and beneficial, ensuring these suggestions align with the laws of the Tuskarora Nation of Moratoc Indians in North Carolina. The Head Councilor is tasked with guaranteeing the faithful implementation and execution of all laws, ordinances, resolutions, and rules of the Tuskarora Nation of Moratoc Indians.

Section 4. Vacancies

The Head Councilor possesses the authority to fill any vacancies that occur due to death, resignation, or impeachment of any officer of the Nation by making appointments. These appointees will serve in their roles until successors are elected and appropriately prepared for duty.

Section 5. Power to Veto

The Head Councilor of the Tribal Council holds the authority to veto any laws, ordinances, or resolutions enacted by the Tribal Council. However, this veto can be overridden by a two-thirds vote of the Tribal Council. Any acts not ratified or vetoed by the Head Councilor within a thirty (30) day period will be considered legitimate legislation.

Section 6. Monetary Approval

The Head Councilor must endorse all resolutions or proposals that necessitate a financial allocation from the treasury of the Tuskarora Nation of Moratoc Indians in North Carolina, passed by the Tribal Council. If sanctioned, the bill will be signed by the Head Sachem of the Grand Council. If disapproved, the proposal will be sent back to the Council members, along with the written objections of the Head Councilor for further review.

- (a). The Head Councilor's objections should be documented in the Clerk's minutes.

Following this, the resolution or proposal can only become enforceable and binding on the Nation if it is passed by a subsequent vote involving no fewer than ten (10) Council members.

In all such cases, the name of each member voting shall be entered in the journal of the proceedings of the Tribal Council.

Section 7. Impeachment

The Head Councilor, Vice Councilor, and all civil officers of the Tuskarora Nation of Moratoc Indians can be dismissed from their positions upon impeachment and conviction for offenses such as treason, bribery, or other serious crimes and misdemeanors.

ARTICLE IV: Cabinet

There shall be a cabinet composed of the following persons who shall be members of the Tuskarora Nation of Moratoc Indians:

Section 1. Clerk

The Clerk of the Tribal Council of the Tuskarora Nation of Moratoc Indians is responsible for handling all council correspondence and keeping a record of all council meeting minutes. The Clerk also supports the executive branch with regular administrative tasks at the Tuskarora Nation of Moratoc Indians office, such as sorting mail, managing files, answering phone calls, welcoming visitors, organizing meetings, and replenishing office supplies.

Section 2. Treasurer

- (a) The Treasurer has the responsibility to receive, provide receipts for, maintain and protect all funds allocated to the Tribal Council. The Treasurer is obligated to deposit these funds as directed by the Council, keep accurate financial records, and report on all revenue and expenses, including the details of all funds in their custody, to the Council at regular meetings or whenever requested by the Council. The Treasurer is only permitted to disburse Council funds with proper Council authorization.
- (b) The financial records managed by the Treasurer are to be audited at least once per year by a Certified Public Accountant that has received Council approval. The Council may also request additional audits as needed.
- (c) The Treasurer is required to provide a surety bond, the adequacy of which is to be determined by the Tribal Council.
- (d) All checks must bear the signatures of both the Treasurer and the Head Councilor of the Council. In the absence of the Head Councilor, another designated officer can countersign.

Section 3. Duties of the Cabinet

All cabinet members are to be appointed by the Head Councilor and must receive approval from the Tribal Council. The duties and responsibilities of cabinet members are to be outlined by the Tribal Council. The Council may create additional cabinet positions as deemed necessary, upon the recommendation of the Head Councilor. Cabinet members have the authority to select their staff as defined by the Tribal Council's ordinance. The Council may, upon the Head Councilor's recommendation, dissolve any existing cabinet position or modify the title or responsibilities of any cabinet department.

ARTICLE V: Judicial Branch

Section 1. Judicial authority

The judicial power of the Tuskarora Nation of Moratoc Indians will be vested in the Court of Appeals, a Peacemakers Court, and a Surrogate's Court. Both a Peacemakers Court and a Surrogate's Court will be established within the Moratoc Indians Reservation or any future lands owned by the Tuskarora Nation of Moratoc Indians in North Carolina. There will be one (1) Court of Appeals.

Section 2. Court of Appeals Officials

The Court of Appeals will be made up of six (6) judges, with any three (3) required to adjudicate each appeal. The judges serving on the Court of Appeals should have formal legal training. The Peacemakers Court will have three (3) judges, two (2) of whom have the authority to conduct court proceedings and carry out all responsibilities of the Peacemakers court. The Surrogate's Court will consist of a single judge.

Section 3. Election of Judges

The Judges of the Court of Appeals will be elected from the residents of the Reservations belonging to the Moratoc Indians of North Carolina, with three (3) of the Judges elected from the residents of any Reservations belonging to the Tuskarora Nation of Moratoc Indians of North Carolina. The Judges of each of the Peacemakers and Surrogates Courts on the Reservation shall be elected from the residents of that said Reservation of residence. The election of Judges shall be on the first Tuesday of November. Beginning in 20__, Judges shall not be elected in the same year that the other Nation's officials are elected. Judges elected in November 20__ shall serve in office until their successors are duly elected in November 20__, provided that Judges of the Court of Appeals shall first be elected in November 20__.

Section 4. Term of Office for Court of Appeals

The judges of the Court of Appeals will serve a term of four (4) years. The first election of the judges will establish staggered terms, with three (3) judges serving an initial term of two (2)

years and three (3) judges serving an initial term of four (4) years. All subsequent judges will serve a four-year term.

Section 5. Term of Office for Peacemaker and Surrogate

The term of office of the Peacemakers and Surrogates will be four (4) years, provided that, at the next judicial election following the approval of the amendment, except if judicial elections are moved to an off-year, one (1) Peacemaker from each Peacemakers Court shall be elected for a term of two (2) years, with the remaining two (2) Peacemakers from each court and all subsequently elected Peacemakers elected for a term of four (4) years.

Section 6. Judicial Power

The judicial authority will extend to all cases under this Constitution, the customs and laws of the Tuskarora Nation of Moratoc Indians in North Carolina, and any case involving the Nation, a member of the Nation, or any person or corporate entity residing on or doing business on the Reservations.

Section 7. Process and proceedings

The forms of process and proceedings in all Courts be such as is prescribed by law.

Section 8. Court of Appeal Decisions

All determinations and decisions of the Peacemakers and Surrogates Courts will be subject to appeal to the Court of Appeals. All cases of appeal will be decided by the Court of Appeals upon the evidence taken in the Peacemakers and Surrogates Courts. In every case on appeal, it will be the duty of the Judge or Judges before whom the case was heard to certify the evidence and record in that case to the Court of Appeals. The Court of Appeals will then decide the case upon the certified evidence and record. Upon the hearing of the appeal, a party shall have the right to be heard and to appear in person or by counsel and argue the merits of the case at his or her own expense.

Section 9. Power of Appeals

All determinations of the Court of Appeals will be subject to appeal to the Tribal Council upon the granting of a writ of permission by a vote of not less than ten (10) Tribal Council members. Such appeal, if granted, will be heard by at least a quorum of the Tribal Council.

In the event that no appeal is made to the Council, the decision of the Court of Appeals is final, and no other court of subsequently elected Council members will have the right to re-open, re-hear, reverse, or affirm the decision of the Court of Appeals. All cases of appeal will be decided by the Tribal Council upon the evidence taken in the Peacemakers or Surrogates Courts. In every case on appeal, it will be the duty of the judges before whom the case was heard to certify the record in the case to the Tribal Council. The Council will then decide the case upon the certified evidence and record. Upon the hearing of an appeal, a party in interest will have the right to be heard and to appear in person or by counsel and argue the merits of the case at his or her own expense.

- (a). In every action in any Court, such action will be brought in the name of the real party in interest.
- (b). Nothing herein will be construed as affecting the right of any Tribal Council member to repeal or modify existing laws and regulations passed and approved by a previous Tribal Council member.

ARTICLE VI: Oath of Officers and Officials

Section 1.

All individuals elected or appointed to official positions within the Tuskarora Nation of Moratoc Indians must, prior to assuming their respective roles, affirm and commit to the following pledge:

"I solemnly affirm that I will dutifully fulfill the responsibilities of my role as an official of the Tuskarora Nation of Moratoc Indians to the best of my abilities, safeguarding, upholding, and advocating for 'The Binding Law', the Constitution of the Tuskarora Nation of Moratoc Indians, as well as the Constitution of the United States of America. I further pledge that I will strive wholeheartedly to enhance the cultural heritage and traditions of the Tuskarora Nation of Moratoc Indians in North Carolina."

Section 2.

This oath of office shall be facilitated by any Council member granted the authority by the Council to officiate oaths. The affirmed oath should be documented and kept on record in the Office of the Secretary of the Department of Interior.

ARTICLE VII: Elected Officers Term

The current officials of Tribal Law within the Tuskarora Nation of Moratoc Indians will maintain their positions until the first Tuesday of November 20____, when a tribal election, as outlined by this Constitution, will take place, unless they are rightfully removed from their positions prior to this date.

ARTICLE VIII: Rules for Tribal Law Enforcement Officers/Marshals/Officials

Section 1. Tribal Law Enforcement

The tribal law enforcement officers within the Tuskarora Nation of Moratoc Indians shall respect and adhere to all regulations in accordance with Federal, State, and Local laws. Their responsibility includes a variety of public safety services such as responding to emergency calls, investigating criminal activities, enforcing traffic laws, carrying out arrest warrants and serving legal processes, ensuring court security, and coordinating search and rescue operations.

Section 2. Marshal(s)

All Marshals of the Tuskarora Nation of Moratoc Indians named in this Constitution, except for certain tribal law enforcement officers otherwise provided for herein, unless selected, shall be elected by the Nation having Law Enforcement experience two (2) years prior to their selected position as Marshal. The Marshal(s) are to obey and follow all rules subject to Federal, State and Local laws.

- (a). Marshals, under the Tribal Council's discretion, are responsible for escorting any disruptive individuals out of Tribal Council or member meetings.
- (b). Marshals are to assist in conducting ceremonies associated with the oath of office for appointed government officials.
- (c). Marshals also serve as private messengers, carrying messages from the people to the Wiroan, the leader of the Tuskarora, with equivalent rights and powers as a tribal law enforcement officer.

Section 3. Code of Ethics

The Tuskarora Nation of Moratoc Indians' enrolled tribal members have a right to expect absolute loyalty and integrity from their Tribal Council, its Officers, and Officials. This Code of Ethics establishes clear ethical conduct and behavior standards for the Tribe's Elected Officials.

- (1). Elected Officials must always conduct themselves honestly and with high moral integrity, recognizing the significant responsibility they carry as Tribal Council members and Officers.
- (2). Elected Officials should remain unbiased in their duties and always act with all enrolled tribal members' best interests in mind.
- (3). Elected Officials are not to accept privileges or benefits that could potentially impact their ability to remain unbiased in their duties, other than those officially granted by the Tribe.
- (4). Tribal Council members shall abstain from voting on any motion, resolution, or other Council action that involves immediate family members or creates a conflict of interest.
- (5). Elected Officials shall refrain from illegal narcotics use. Moreover, Tribal Council members shall neither gamble nor consume alcohol at any Tribal Council-sponsored function or at any facility owned by the Tuskarora Nation of Moratoc Indians while they are present in their official capacity as a Council member.
- (6). Tribal Council members shall not engage in abuses of their powers as Tribal Council members to include:
 - (a). Intentionally profiting from any contract, job, or service for the Tribe or accepting any service or thing of value on more favorable terms than those granted to the general public from any person, firm, or corporation dealing with the Tribe.
 - (b). Intentionally using their official influence to assist any person for a fee or other compensation. The performance of usual and customary constituent services without additional compensation does not constitute misuse of power for private gain.
 - (c). Independently accessing information, documents, or other materials not available to all enrolled Tribal members, unless such access is available to all Council members, is necessitated by their position on the Council, or is due to their membership on a Council committee or board.
 - (d). Attempting to direct the work or interfere in the working conditions of any Tribe or economic entity employee outside the established chain of command.
- (7). Tribal Council members and Officers shall not gain monetary or material benefit from their

position, other than the compensation and benefits provided to the Elected Officials.

- (8). Tribal Council members shall publicly disclose any interest relating to an individual or business with whom they are doing business, or with whom they propose to do business.
 - (a). Employment with said business.
 - (b). A business relationship.
 - (c). An economic interest other than the holding of common stock in said business.
- (9). Public disclosure shall be made at a regular Tribal Council meeting within 30 days from when the Tribal Council member is sworn in or acquires or learns of an interest as described above.
- (10). Tribal Council will abide by certain policies and procedures applicable to tribal government employees. Council shall confer after each election which brings new members onto the Tribal Council and decide which government policies and procedures shall apply.
- (11). Tribal Council members shall also refrain from the following activities:
 - (a). Making personal investments that could conflict with their duties as Tribal Council members.
 - (b). Using their position to obtain employment or business for themselves or their immediate family members within the Tuskarora Nation of Moratoc Indians government or its businesses.
 - (c). Entering into compensation arrangements with clients on matters before the Tribal Council.
 - (d). Engaging in negotiations with businesses or other governments doing business with the Tribe without the knowledge and authorization of the Tribal Council.

ARTICLE IX: Removal from Office

Section 1.

The Head Councilor, Vice Councilor, Council members, Attorney General, tribal law enforcement, or any elected officials within the Tuskarora Nation of Moratoc Indians may be removed from their positions for deliberate neglect of duty, behavioral corruption while holding office, habitual intoxication, incompetence, or any felony conviction, or for a crime under the laws of the Tuskarora Nation of Moratoc Indians that would be considered a felony or misdemeanor involving moral turpitude or offenses against the Tuskarora Nation of Moratoc Indians committed during their term in office.

Section 2.

Unless otherwise stipulated in this Constitution, all appointed officials may be subject to removal for "just cause," as determined by law.

Section 3.

No elected or appointed official may be removed under Sections 1 or 2 of this Article or Judiciary without first undergoing a trial before the Council, ensuring that the accused is granted due process and an opportunity to be heard. A two-thirds ($\frac{2}{3}$) vote of the Council members is required for removal under Sections 1 or 2 of this Article or Judiciary.

Section 4. Process for removal

- (1). If grounds for removal exist, the Council member facing removal must be personally served a written notice outlining the grounds for his or her removal at least ten (10) days before the meeting at which the Tribal Council will deliberate on the removal.
- (2). The vote must occur in an open session of a regular or special Tribal Council meeting and must be included in the posted agenda for that meeting.
- (3). The Council member facing removal should be given an opportunity to answer the charges by presenting testimony or other evidence.
- (4). A two-thirds ($\frac{2}{3}$) affirmative vote by the Tribal Council members is necessary to remove any Tribal Council officer from office.
- (5). The Council's decision is final.

Section 5. Process for after a Council member is removed

- (1). After the Council votes to remove a member, the remaining Tribal Council members must declare the removed member's seat vacant and schedule a meeting to fill the vacancy after the appeal filing period or after the final decision on a member's appeal has been issued by the Tribal Court.
- (2). The removed member has the right to appeal the Tribal Council's decision to the Tribal Court.
 - (a). The appeal must be filed with the Tribal Court within fourteen (14) calendar days after the Tribal Council announces its decision.
 - (b). The Tribal Court may overturn the decision of the Tribal Council only if the Tribal Council violated the removal laws established in this code and the Constitution. The decision of the Tribal Court is final and not open to further appeal.

Section 6. Recall of Officials

In addition to the Council's removal powers, the People of the Tuskarora Nation of Moratoc Indians reserve the exclusive right to recall any elected official through a petition and recall referendum. A petition must be signed by registered Moratoc citizens. For the Head Councilor or Vice Councilor, the petition must gather signatures equating to at least fifteen percent (15%) of the total registered voters from the previous general election. For district offices, the petition must obtain the greater of either five hundred (500) signatures or twenty-five percent (25%) of the total registered voters from the district in the previous general election. The signed petition must be filed with the Election Commission, which has thirty (30) days to verify the validity of the signatures.

Once the Election Commission verifies the required number of signatures, it must certify the petition as valid and notify the Council and the Secretary of the Nation. Upon notification of a valid certified petition, the Council must immediately schedule and approve a special recall election for the office in question within sixty (60) days. The special recall election will be confined to the voting populace for the elected office in question. The vote count and result certification shall follow the same process as in general elections. A majority vote to affirm the official will retain the official in office. A majority vote to recall will immediately remove the official from office. In the event of a tie-vote, the Council must hold a special meeting to conduct a tie-breaking vote. Elected offices vacated under this section will be filled as otherwise provided in this Constitution.

ARTICLE X: Voting Rights

Registered members of the Tuskarora Nation of Moratoc Indians in North Carolina who have attained the age of twenty-one (21) years and have not been found guilty of a felony by any Nation within the past eight years, shall have the right to participate in any tribal elections and engage in decision-making during tribal meetings. These members are also eligible to hold any position granted by the consensus of the Tuskarora Nation of Moratoc Indians.

ARTICLE XI: Salaries and Compensation

The payment for all officials of the Tuskarora Nation of Moratoc Indians, as mentioned in the Constitution, will be determined by tribal law. The remuneration should not be increased or decreased during their active term of service.

ARTICLE XII: Clans and Hereditary Rights

No part of this Constitution should be interpreted to infringe upon the rights of any Moratoc Indian who is a member of any recognized clans or any organization within the Tuskarora Nation of Moratoc Indians.

This Constitution does not impede the hereditary rights pertaining to the titles of Wiroan, War Sachem, or Sachem, which are birthrights belonging to the men and women of the Tuskarora Nation of Moratoc Indians.

ARTICLE XIII: Adoption of Constitution

The laws and rules previously established and adopted by the Tribal Council, which do not conflict with this Constitution, will remain fully effective until repealed or modified, in a manner the Tribal Council deems lawful and appropriate.

ARTICLE XIV: Appointment of Committee for Revision of Constitution

Section 1. The Tribal Council, at their discretion, may lawfully appoint a committee of three (3) members for revision of the Constitution through a majority vote constituting a quorum. The committee's duty, after a ten (10) day notification of their appointment, is to prepare amendments or modifications to the Constitution for submission to the Tribal Council, with the exemption of Article XII.

Section 2. The Tribal Council's responsibility is to present these proposed changes to the Nation's eligible voters for their acceptance or rejection, which will be decided by a majority vote of the qualified voters at a meeting convened for this purpose on any Reservation belonging to the Moratoc Indians of their respective residences. In case the committee's proposed amendments are declined, neither the Tribal Council nor the voters should take any action concerning the amendment of the constitution for one (1) year from the date of such meeting and rejection.

ARTICLE XV: Fiscal Year

Section 1. The financial year shall start on the first day of October each year, unless designated otherwise by tribal law.

Section 2. The Council must establish laws for the yearly allocation of funds, determining their source, to cover the anticipated expenses of the Executive, Legislative, and Judicial branches and other departments of the Tuskarora Nation of Moratoc Indians for each financial year. The budget should not surpass projected revenues

Section 3. At least forty-five (45) days before the start of each financial year, the treasurer must prepare and present to the Tribal Council an itemized estimate of revenues and expenditures for the upcoming fiscal year, complying with Generally Accepted Accounting Principles (GAAP).

Section 4. The Tribal Council must ensure that all funds, monies, accounts, debts, and other fiscal interests of the Tuskarora Nation of Moratoc Indians, including external business interests (both profit and non-profit), are tracked and reported using an accounting system adhering to Generally Accepted Accounting Principles (GAAP). The annual financial statement should be audited by a Certified Public Accountant and presented to the Council within six (6) months after the end of each fiscal year. Interim unaudited reports will be submitted as requested by the Council.

Section 5. The treasurer is empowered to accept all grants, monetary donations, fund interests, judgments, and all other monetary sources available to the Tuskarora Nation of Moratoc Indians, for the uses and purposes and subject to the conditions and restrictions under which they were given or donated. The Tuskarora Nation of Moratoc Indians pledges to manage these grants and donations as a sacred trust and, if or when specified, maintain them for the use and purposes for which they were given or donated.

Section 6. The Tribal Council shall give the Treasurer authority to invest the funds or money of the Tuskarora Nation of Moratoc Indians, deciding the priority given to the security

for such investments, selecting the securities, establishing the rules, regulations, restrictions, and conditions upon which the funds will be loaned or invested. No investments will be made in mortgages other than primary mortgages only, and all necessary steps will be taken to ensure the funds' safety and the investments' sustainability. If required by law, such investments would need the approval of the Secretary of the Department of Interior.

Section 7. The credit of the Tuskarora Nation of Moratoc Indians should not be granted, pledged, or loaned to any individual, firm, company, corporation, or association without the approval of the Tribal Council. The Tuskarora Nation of Moratoc Indians should not make any donations, whether as a gift, bonus, or otherwise, to any individual, firm, company, corporation, or association without the Tribal Council's approval.

ARTICLE XVI: Meetings

Section 1. Meetings of the Tribal Council

(1). Scheduling regular Tribal Council meetings.

(a). The Tribal Council must conduct a minimum of one regular meeting every month. These meetings should be preceded by separate workshop and preparation sessions.

[i] The regular monthly Council meeting shall be held on the third Thursday of every month.

[ii] When the regular monthly meeting cannot be held on the third Thursday due to closure of the government center, for whatever reason, the meeting shall be held on a Thursday of that same month that would allow for the scheduling of both the workshop and prep sessions.

(b). Prep session shall be held on the Tuesday of the week of the regular meeting. When prep sessions cannot be held that day, for whatever reason, it shall be scheduled the same week as the regular meeting and on a day prior to the regular meeting.

(c). Workshop shall be held on the first Tuesday of every month. When workshops cannot be held the first Tuesday of the month, for whatever reason, it shall be scheduled at least one week prior to the regular meeting when possible.

(2). Notice for regular meetings.

(a). Notices for regular meetings should include the location, date, and time of the meeting.

- (b). The Tribal Council will announce the schedule for the month's regular meeting on the calendar of events on the website, or in other Tuskarora Nation of Moratoc Indians tribal publications. These publications should be issued at least five business days before the regular meeting.
- (c). Tribal Council shall also instruct staff to post, at least five business days prior to the regular meeting, a written notice of the date, time, and location, for the regular monthly meeting in the following locations:
 - [i] In a conspicuous location at each tribal government or tribal community facility and;
 - [ii] On the Tuskarora Nation of Moratoc Indian's official website.

Section 2. Special meetings

(1). Scheduling special meetings. Special meetings can be called at any time by the Head Councilor or by any two Tribal Council members who submit a written petition stating the reasons for the meeting.

(2). Notice for special meetings.

- (a). If there are at least 24 hours before the meeting begins, notice of the meeting, including the time, date, location, and draft agenda, should be posted on the Tribe's official website. When special meetings are called with less than 24 hours' notice, efforts should be made to inform the membership of the meeting.
- (b). The Head Councilor must notify the other Council members in writing of the date, time, location, and item(s) to be discussed at special meetings. The written notice requirement can be met by reproducible written electronic communications, such as email, fax, and text messaging.

(3). Business conducted at special meetings.

- (a). The only business that should be conducted at a special meeting is that which directly pertains to the item(s) identified in the Head Councilor's written notice to the other Council members.
- (b). The Council cannot take any action on any other item(s) not identified in the written notice without calling a separate special meeting and fulfilling the notice

requirements for that meeting.

Section 3. Procedures for regular and special meetings

(1). Quorum. To conduct a regular or special meeting, a quorum is necessary.

- (a). The quorum for business transactions of the Tribal Council should comprise at least three Tribal Council members.
- (b). Tribal Council members must be present in person for regular meetings to establish a quorum.
- (c). Tribal Council members can establish a quorum for special meetings via teleconference or videoconference.

[i] The Tribal Council may conduct business at special meetings through the use of teleconferencing if necessary to establish a quorum for a special meeting.

[ii] Votes of Tribal Council members during such meetings must be documented via teleconference, videoconference, or facsimile, in accordance with tribal laws and policies governing such meetings.

[iii] Unless the Tribe's Constitution or relevant law stipulates otherwise, the Tribal Council should document all business transacted at any meeting conducted by teleconference, videoconference, or facsimile. Records of all actions should be available at a subsequent regular or special meeting.

[iv] Meeting Agenda. The agenda for regular meetings will be prepared during the preceding workshop and prep sessions. The Council's Administrative Coordinator, or their appointee, should draft an agenda for the regular meeting based on items approved at the prep session to proceed to the regular meeting. The Head Councilor or their designee should develop an agenda for a special meeting.

(2). Proceedings.

- (a). All meetings shall be audio and or visually recorded only by persons authorized to do so by the Tribal Council.

[i] Approved meeting minutes serve as the official record of the Council's meetings.

- [ii] Approved audio or video recordings of Council meetings serve as legislative history, not the official record.
- (b). A roll call of Tribal Council members to establish a quorum should initiate a regular or a special meeting. If there is no quorum, the meeting must be rescheduled. If a quorum is established, the meeting can proceed as planned.
- (c). Voting.
- [i] Council members should propose motions and resolutions.
 - [ii] Motions and resolutions must receive a second to proceed to a vote.
 - [iii] Once seconded and stated by the Head Councilor, motions and resolutions belong to the Tuskarora Nation of Moratoc Indians, per tribal law, and only the Tribal Council can dispose of them, not the motion maker.
 - [iv] Except when unanimous consent is given, all votes on motions and resolutions will be conducted via a roll call vote.
 - [v] Tribal Council members should abstain from voting only if they have a conflict of interest.
 - [vi] If the Head Councilor believes there is unanimous consent on any motion or resolution, they may state, "Without objection, this motion/resolution is adopted." If one or more Tribal Council members object to unanimous consent, the Head Councilor must then call for a vote on the motion, first asking for those in favor, then those opposed.
- (d). The draft agenda should then be reviewed, amended as necessary, and approved. Any additional item(s) added to the agenda require a majority vote until the time the agenda is adopted. Once adopted by a simple majority vote, changes require a two-thirds ($\frac{2}{3}$) vote or unanimous consent.
- (e). The Head Councilor or Acting Head Councilor should address items listed on the consent agenda.
- [i] Consent agenda items do not require a resolution for adoption by the Council.
 - [ii] Consent agenda items must be unanimously approved by the Council members

present.

[iii] Council may consult with the Legal Department to determine which items are appropriate for the consent agenda.

(f). If a board, committee, American Indian, or community organization where a Council member holds a seat has taken action or is planning to, that Council member should report back to the Council at the next regularly scheduled Tribal Council meeting.

(g). Old and new business items.

[i] Old business should include unresolved items from previous meetings if there is new information or resolution now possible.

[ii] New business should consist of items not previously presented to the Council for action and that requires a formal motion or resolution.

(h). Council members may then provide reports regarding their offices and actions since the last meeting.

(i). The Council will hear tribal member comments.

[a] [See:] Section 5. Conduct of attendees at regular and special meetings.

(j). Closed Sessions Authorized. The Tribal Council may convene in a closed session to discuss personnel, business, or legal matters. They can hold part or all of a meeting in a closed session. The Tribal Council should disclose the general topic to be discussed in the closed session to the tribal members.

[i]. Purpose. Closed sessions aim to allow the Tribal Council to engage in open discussions and debates on matters that might require confidentiality, involve proprietary business matters, negotiating positions, or are covered by one or more legally recognized privileges. The Tribal Council can adopt motions or take other official actions in closed sessions, subject to restrictions.

[ii]. Procedures applicable to closed meetings.

[a] Tribal Council members should maintain confidentiality of all discussions, motions, resolutions, and all documents or information disclosed during a closed session.

[b] The Tribal Council can only transition to a closed session following a motion

and vote of the Tribal Council, or through an agenda that requires a closed session, or by unanimous consent that has been duly adopted by a majority vote of the Tribal Council.

- [c] Before entering a closed session, the Head Councilor should provide a general description of the matters to be discussed, the person(s) required to be present during each closed session agenda item's discussion, and the general reason for discussing such matters in a closed session. The description of the matters by the Head Councilor should be general enough to preserve any proprietary or privileged information.
- [d] If the Tribal Council takes any official action in a closed session, they should maintain a complete record of items considered and decided in closed session, including minutes. These minutes should be filed confidentially unless the Tribal Council or the Tribal Judiciary orders all or part of the record of such meeting to be opened to the public.
- [e] At each closed session's conclusion, the Tribal Council will discuss whether any information discussed (i.e., documents or written minutes) in such meetings can be made public.
- [f] Upon any closed session's conclusion, the Head Councilor should ask for unanimous consent to transition to an open session. If unanimous consent is not given, any Tribal Council member can make a motion to move into open session, which a majority vote can approve.
- [g] Any Tribal Council member who knowingly or recklessly discloses information discussed, or documents reviewed, in a closed session, which has not been approved for public dissemination, shall be subject to disciplinary action as stated herein.

(k). Meetings should end with an announcement of completion of the agenda items and the next regular meetings date, time, and location.

Section 4. Who may attend regular and special meetings

- (1). Enrolled tribal members of the Tuskarora Nation of Moratoc Indians are granted the privilege to attend both open sessions of Tribal Council meetings and General Membership gatherings.
- (2). Nonmember staff are permitted to be present in open and closed sessions, provided they

have been extended an invitation by the Tribal Council or are in possession of an item for discussion on the meeting agenda.

- (3). The Tribal Council of the Tuskarora Nation of Moratoc Indians possesses the right to restrict meeting attendance solely to the enrolled tribal members and has the power to mandate any nonmember present to vacate the premises.
- (4). Nonmember parents of minor tribal members and non-tribal individuals serving as legal guardians for incapacitated adult tribal members do not enjoy member status. As such, they are only allowed to attend meetings accessible to the public or when invited by a majority vote of the Tribal Council.

Section 5. Conduct of attendees at regular and special meetings

- (1). For all Tribal Council and General Membership meetings, sign-in sheets must be filled out by all attendees. These records are to be included in the meeting minutes and subsequently become part of the public tribal record.
- (2). The privilege to video or audio record Tribal Council and/or General Membership meetings is exclusively reserved for individuals appointed by the Tribal Council. Unauthorized recording devices are subject to seizure, with the inclusion of any associated recordings.
- (3). Attendees causing interruptions to the proceedings or deliberately creating an environment not conducive to orderly and fair meetings risk being evicted from the meeting. Refusal to exit upon request from any Officer or Marshal could potentially result in criminal and civil penalties for disorderly conduct and trespassing.
- (4). Those wishing to make a comment or address a question to the Tribal Council are advised to write their thoughts down on the approved form or other suitable paper. This should then be handed over to the staff member assigned by the Tribal Council to manage and acknowledge these comments or queries.