

**2024 Sisseton-Wahpeton Oyate –
Proposed Constitutional Amendments**

Amendment #1

The SWO Constitution Presently Reads:

All Sections in the Constitution, including proposed amendments, which have masculine language.

AMEND TO:

- Chairman = Chairperson
- Vice-Chairman = Vice-Chairperson
- Councilman = Councilperson
- Councilmen = Councilperson
- His = Their
- He = Their, They
- Article V, Section 2. – His = Their
- Article V, Section 4. – He = They
- Article VI, Section 2. – Him = Them, He = They, His = Their
- Article VI, Section 4. – His = Their
- By-Laws, Article I, Section 1. (a)-(g) – He = The Chairperson
- By-Laws, Article I, Section 2. (a) – (c) – He = The Secretary
- By-Laws, Article I, Section 2. (d) – He = The Secretary, Him = The Secretary
- By-Laws, Article I, Section 3. (b) – He is = They are, His = Their
- By-Laws, Article I, Section 3. (h) – He Shall = The Vice-Chairperson

Effect of passing the amendment:

YES VOTE – Means all masculine language in the SWO Constitution will be changed to gender neutral language.

NO VOTE – Means the sections remain as is.

Amendment #2

The SWO Constitution Presently Reads:

Article II, Section 2.

A member of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation SHALL NOT be dually enrolled in another tribe.

AMEND TO:

Article II, Section 2.

An adult member of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation over the age of eighteen (18) years and six (6) months SHALL NOT be dually enrolled in another Tribe.

Effect of passing the amendment:

YES VOTE – Means a dually enrolled child has 6 months after their 18th birthday to no longer be dually enrolled.

NO VOTE – Means the section remains as is.

Amendment #3

The SWO Constitution Presently Reads:

Article II – Membership, Section 1.

(a) – (h) to remain the same. Proposed New Section.

AMEND TO:

ADD NEW SECTION

- (i) All persons applying for membership under Article II, Section 1. (a), (b), (c), (d), (e), (f), (g) and (h) (on or after the effective date of this amendment) may be Sisseton-Wahpeton Oyate Sioux Indian blood, for a period of one-year from the date of this amendment, totaling one-eighth (1/8) degree or more of Sisseton-Wahpeton Sioux Indian blood and who have at least one biological parent who is or was at the time of their death an enrolled member of the Sisseton-Wahpeton Oyate, is a current physical and legal resident of the Lake Traverse Reservation and has been for a minimum of one year from the date of the amendment, and has lived more than 50% of their life on the Lake Traverse Reservation and can show significant ties to the Lake Traverse Reservation as determined by the Enrollment Committee and Tribal Council and Executives.

Effect of passing the amendment:

YES VOTE – Means that enrollment for those that are 1/8 degree or more of Sisseton-Wahpeton Sioux Indian blood can be enrolled if the person has at least one biological parent who is or was at the time of their death an enrolled member, the person is a current physical and legal resident of the Lake Traverse Reservation, has been a resident for a minimum of one year from the date of the amendment, has lived more than 50% of their life on the Lake Traverse Reservation, and can show significant ties to the Lake Traverse Reservation determined by the Enrollment Committee and Tribal Council and Executives.

NO VOTE – Means no new section would be added and the section remains as is.

Amendment #4

The SWO Constitution Presently Reads:

Article III - Organization, Section 3.

Members of the Council shall serve terms of two (2) years commencing on the date of the first regular meeting in January, 2007, and thereafter in January of odd numbered years and until their successors have been elected and seated. Any Council and Executive Committee member shall serve no more than two (2) consecutive terms for a total of four (4) years in the same office. Any Council member or Executive Committee member may again file for office after a two (2) year time period. (As amended by Amendment XXI, effective April 15, 1997 and Amendment I, effective December 19, 2002, and further amended by Amendment No. II, effective November 15, 2006).

AMEND TO:

Article III - Organization, Section 3.

Members of Council shall serve terms of four (4) years commencing ten (10) business days (if challenged) or immediately on Wednesday the day after election commencing in November 2024, and thereafter in November of even numbered years and until their successors have been elected and seated. Any Council and Executive Committee member shall serve no more than two (2) consecutive terms for a total of eight (8) years in the same office. Any Council member or Executive Committee member may file for office after a four (4) year time period. (As amended by Amendment XXI, effective April 15, 1997 and Amendment I, effective December 19, 2002, and further amended by Amendment No. II, effective November 15, 2006.)

Effect of passing the amendment:

YES VOTE – Means that Tribal Council and Executives will be sworn in on the Wednesday after the November general election, except if there is a challenge, then ten (10) days after the November general election.

NO VOTE - Means the section remains as is.

Amendment #5

The SWO Constitution Presently Reads:

Article III – Organization, Section 3.

Members of the Council shall serve terms of two (2) years commencing on the date of the first regular meeting in January, 2007, and thereafter in January of odd numbered years and until their successors have been elected and seated. Any Council and Executive Committee member shall serve no more than two (2) consecutive terms for a total of four (4) years in the same office. Any Council member or Executive Committee member may again file for office after a two (2) year time period.

AMEND TO:

Article III – Organization, Section 3.

Members of the Council shall serve terms of four (4) years, with staggered terms. Beginning with the election for the 2024 term, three (3) districts will start with a four (4) year term, the other 4 districts will serve a 3-year term, to start the staggered. After which, all terms will be four years. Any Council and Executive Committee member shall serve no more than two (2) consecutive terms for a total of eight (8) years in the same office. Any Council member or Executive Committee member may again file for office after a four (4) year time period.

Effect of passing the amendment:

YES VOTE – Means that Tribal Council and Executives will serve terms of four (4) years instead of terms of two (2) years, with staggered terms. Staggered terms will start with four (4) districts starting with a four (4) year term while the other three (3) districts start with a three (3) year term.

NO VOTE - Means the section remains as is.

Amendment #6

The SWO Constitution Presently Reads:

Article III – Organization, Section 5.

(b) Judges shall be appointed by a two-thirds (2/3) vote of the Council for a term of four (4) years.

AMEND TO:

Article III – Organization, Section 5.

(b) Judges shall be appointed by a two-thirds (2/3) vote of the full Council for a term of four (4) years.

Effect of passing the amendment:

YES VOTE – Means that when the Tribal Council and Executives appoint a Judge, all ten members of the Tribal Council and Executive must be present for the vote.

NO VOTE - Means the section remains as is.

Amendment #7

The SWO Constitution Presently Reads:

Article III – Organization, Section 5.

- (a) There shall be a judicial branch comprised of a Tribal Court consisting of one Chief Judge and two Associate Judges with supportive staff; and an appellate court. (Section 5 added by Amendment V, effective November 21, 1978.) (and further amended by Amendment XVII – D, effective December 27, 1994.)
- (b) Judges shall be appointed by a two-thirds (2/3) vote of the Council for a term of four (4) years;
- (c) Upon appointment, Judges may be removed only by provision of recall and impeachment procedure by tribal ordinance;
- (d) Rules of operation shall be provided by the tribal ordinance.

AMEND TO:

Add New Section(s)

Article III – Organization, Section 5.

There shall be a Tribal Judiciary independent from the legislative and executive functions of the tribal government and no person exercising powers of the legislature or executive functions of government shall exercise powers properly belonging to the judicial branch of government. (Section 5 added by Amendment V, effective November 21, 1978.) (and further amended by Amendment XVII – D, effective December 27, 1994.)

- (a) There shall be one Chief Judge and at least two Associate Judges with supportive staff; and an appellate court consisting of a minimum of one Chief Supreme Court Justice and two Associate Justices.
- (b) Judges shall be elected by the tribal membership for a term of four (4) years.
- (c) Judges shall be elected every four (4) years and such election shall be conducted simultaneously with the elections of Tribal Council. Following passage of this provision, the first judicial election is be held by Special Election no later than March 3, 2025 for a term to be served from March 4, 2025 until the results of the next general election, subsequent judicial elections shall be every four years thereafter.
- (d) Elected Judges shall meet on the first working day of their term and determine, amongst themselves, who shall serve as Chief Judge, First Associate Judge, Second Associate Judge and so on. Elected Appellate Court Judges shall meet on the first working day of their term to determine, amongst themselves, who shall serve as Chief Supreme Court Judge and who shall serve as an Associate Justice and so on.
- (e) Judicial candidates shall have the following minimum requirements to be an approved candidate: must be at least 30 years of age, a graduate of an accredited law school, be licensed by any state bar association, and shall not be a felon.
- (f) Judges shall commence service on the first working day after a general election.

- (g) Upon election, Judges may be removed only by provision of recall and impeachment procedure by tribal ordinance.
- (h) Judges shall not perform administrative functions of the Courts.
- (i) Rules of operation shall be provided by the tribal ordinance.

Effect of passing the amendment:

YES VOTE – Means that a separation of powers between the Judiciary, legislative and executive functions statement will be added. A vote of yes also means that Judges will be elected by the members with a special election taking place on March 3, 2025, with Judges terms starting on March 4, 2025. A vote of yes also means that elections, with the exception of the very first election, shall be held every four years thereafter. A vote of yes also means that once elected, Judges who ran to serve as a Tribal Court Judge shall choose amongst themselves who shall service as a Chief Judge and an Associate Judge, and Judges who ran to serve as a Supreme Court judge shall choose amongst themselves who shall serve as the Chief Justice and an Associate Justice.

NO VOTE – Means no new sections would be added and the section remains as is.

Amendment #8

The SWO Constitution Presently Reads:

Article III – Organization

Section 1-5 to remain the same. Proposed New Section.

AMEND TO:

ADD NEW SECTION

Article III , Section 6.

The Sisseton-Wahpeton Oyate of the Lake Traverse Reservation is a sovereign and federally recognized Native American Tribe exercising its inherent right of immunity from suit in any court or proceeding. Only a duly enacted Tribal Council Resolution and or motion with clear and unequivocal language may authorize a waiver or limited waiver of sovereign immunity and such waiver, if granted, shall be in writing with specific language and for a limited scope and direction.

Effect of passing the amendment:

YES VOTE – Means that any waiver of sovereign immunity would require a duly enacted Tribal Council Resolution and or motion with clear and unequivocal language.

NO VOTE – Means no new sections would be added and the section remains as is.

Amendment #9

The SWO Constitution Presently Reads:

Article V – Nominations and Elections, Section 2.

(a) – (c) to remain the same. Proposed New Section.

AMEND TO:

ADD NEW SECTION

(d) No person maybe a candidate, if person was removed or suspended, from previously appointed Council position or executive positions.

Effect of passing the amendment:

YES VOTE –Means no person may run for office if they have been removed or suspended from a previously appointed Council or Executive position.

NO VOTE – Means no new sections would be added and the section remains as is.

Amendment #10

The SWO Constitution Presently Reads:

Article V – Nominations and Elections, Section 2.

Any qualified registered member of the Sisseton-Wahpeton Oyate twenty one (21) years of age or over may announce his candidacy for the Council in writing of his candidacy at least (45) days prior to the election, It shall be the duty of the Secretary to post at least ten (10) days before the Primary Election the names of all qualified candidates who have met this requirement. Notice of all elections shall be given as prescribed by ordinance.

AMEND TO:

Article V – Nominations and Elections, Section 2.

Any qualified registered member of the Sisseton-Wahpeton Oyate twenty one (21) years of age or over may announce their candidacy for the Council in writing of their candidacy at least (45) days prior to the election. It shall be the duty of the Election Board to post at least ten (10) days before the Primary Election the names of all qualified candidates who have met this requirement. Notice of all elections shall be given as prescribed by the Election ordinance.

Effect of passing the amendment:

YES VOTE –Means that the Election Board has the duty to post the qualified names for a primary election, not the Tribal Secretary and any notice will be proscribed by the Election ordinance.

NO VOTE – Means the section remains as is.

Amendment #11

The SWO Constitution Presently Reads:

Article V – Nominations and Elections, Section 3.

The Council, or an Election Board appointed by the Council, shall supervise the maintenance of the District voting rosters, and shall determine rules and regulations governing elections, including absentee voting, qualifications for office, election dates and recall elections. The Council shall certify to the election of members after the election has been held.

AMEND TO:

Article V – Nominations and Elections, Section 3.

An Election Board consisting of elected members from each district shall determine rules and regulations governing elections, including absentee voting, qualifications for office, election dates and recall elections. The Council shall certify to the election of members after the election has been held.

Effect of passing the amendment:

YES VOTE – Means that an Election Board shall determine rules and regulations governing elections and removes Tribal Council from the section.

NO VOTE – Means the section remains as is.

Amendment #12

The SWO Constitution Presently Reads:

Article V – Nominations and Elections, Section 2.

(a) - (c) to remain the same. Proposed New Sections.

AMEND TO:

ADD NEW SECTION(S)

- (d) No person may be a candidate for a Council or Executive position if they have ever been found guilty and were removed by Tribal Council for violating the Code of Ethics.
- (e) No person may be a candidate for a Council or Executive position if they have ever resigned from an elected position due to Tribal Council's passage of a motion to suspend the person pending a removal hearing for violating the Code of Ethics.

Effect of passing the amendment:

YES VOTE – Means that any person, who was removed from a Council or Executive elected position for violating the Code of Ethics, or any person who resigns based on a suspension pending removal motion for violating the Code of Ethics will not be allowed to be a candidate for a Council or Executive position.

NO VOTE – Means no new sections would be added and the section remains as is.

Amendment #13

The SWO Constitution Presently Reads:

Article VII – Powers of Tribal Council

Section 1(g).

(g) To take any action by ordinance, resolution, or otherwise which are reasonably necessary through committees, boards, agents or otherwise, to carry into effect the fore-going purposes and to add such further powers, as may be permitted by law, through appropriate amendment to this Revised Constitution.

AMEND TO:

Article VII – Powers of Tribal Council

Section 1(g).

(g) To take any action by ordinance, resolution or motion which are reasonably necessary through committees, boards, or agents, to carry into effect the fore-going purposes and to add such further powers, as may be permitted by law, through appropriate amendment to this Revised Constitution.

Effect of passing the amendment:

YES VOTE – Means that the two phrases “or otherwise” would be removed.

NO VOTE - Means the section remains as is.

Amendment #14

The SWO Constitution Presently Reads:

Article XI – Amendments

Section 1 to remain the same. Proposed New Section.

AMEND TO:

ADD NEW SECTION

Article XI – Amendments

SECTION 2: In the event a proposed amendment is in conflict with another proposed amendment, the conflicting amendments may be proposed by the Registered voters of the Tribe, and the amendment receiving the highest number of votes shall prevail.

Effect of passing the amendment:

YES VOTE –Means if a proposed amendment conflicts with another proposed amendment, both amendments may be on the ballot and if the required number of members vote in the election, the proposed amendment receiving the most votes will prevail.

NO VOTE – Means no new section would be added and the section remains as is.

Amendment #15

The SWO Constitution Presently Reads:

By-Laws, Article I, Duties of Officials, Section 4. Code of Ethics for all elected or selected officials.

(a), (b)(1) – (4) to remain the same. Proposed New Sentence.

AMEND TO:

Add New Section(s)

(b) Improper Conduct

5. Wrongful Interference with Tribal Courts: attempt to influence or harass Tribal Court Judges, Justices or staff to influence a Tribal Court case outcome.

Effect of passing the amendment:

YES VOTE – Means that improper conduct would include a new sentence that includes wrongful interference with Tribal Courts, such as attempting to influence or harass Tribal Court Judges, Justices, or staff in order to influence the outcome of a Tribal Court case.

NO VOTE - Means no new sentence would be added and the section remains as is.

Amendment #16

The SWO Constitution Presently Reads:

By-Laws, Article II, Oath of Office.

“I _____, do solemnly swear (or affirm) that I will support the Revised Constitution and By-Laws of the Sisseton-Wahpeton Oyate and the Constitution of the United States, and will faithfully and impartially perform the duties of my office to the best of my ability and will work to promote and protect the best interest of the Indians of the Sisseton-Wahpeton Oyate, and will assist them in every way within my power toward better citizenship and progress.”

AMEND TO:

By-Laws, Article II, Oath of Office.

“I _____, do solemnly swear (or affirm) that I will support the Revised Constitution and By-Laws of the Sisseton-Wahpeton Oyate, tribal law and all other applicable laws, as our Oyate pre-dates the formation of the United States of America, and will assist our people in every way within my power toward better citizenship and progress and will also carry out my duties promoting our traditional values and ensuring our way of life through the preservation and advancement of our language, culture and tribal government.

Effect of passing the amendment:

YES VOTE – Means that the proposed language aims to change the oath of office to include language about the tribal law, removes the reference to the U.S. Constitution, and adds language regarding traditional values for language, culture and tribal government.

NO VOTE - Means the oath remains as is.