

CONSTITUTION  
OF THE  
APACHE TRIBE  
OF  
OKLAHOMA

(As ratified February 5, 1972,  
amended July 17, 1976  
and further amended June 20, 1987)

ARTICLE I - NAME

The name of this organization shall be The Apache Tribe of Oklahoma.

ARTICLE II - MEMBERSHIP

(Pursuant to Amendments II, III, and IV, adopted 6-20-87)

Section 1. The membership of the Apache Tribe of Oklahoma shall consist of the following, provided they have not received land or money by virtue of being enrolled members of another tribe.

- (a) All persons of Apache Indian or captive blood who received an allotment of land as members of the Apache Tribe under the Act of June 6, 1900 (31 Stat. 672), and subsequent Acts, shall be included as full blood members of the Apache Tribe of Oklahoma.
- (b) All living direct descendants by blood of allottees (including captives) eligible for membership under the provisions of Section 1 (a) of this Article who possess at least one-fourth (1/4) degree Apache Indian or captive blood, as defined by and derived from Section 1 (a), shall be eligible provided they apply for membership in the Apache Tribe of Oklahoma.
- (c) All living direct descendants by blood of allottees eligible for membership under the provisions of Section 1 (a) of this Article who possess at least one-eighth (1/8) degree total Indian blood shall be eligible provided all of their Indian blood shall be counted as Apache Indian blood for the purpose of computing the eligibility of their descendants for membership in the Apache Tribe of Oklahoma.

Section 2. The business committee shall prepare and maintain a current roll of the members of the tribe based upon the rules set forth in Section 1 of this Article.

Section 3. The business committee shall have the authority to adopt ordinances with the approval of the tribal council and the Commissioner of Indian Affairs for membership and adoption.

Section 4. Persons who are enrolled as a member of another tribe shall not be eligible for enrollment with the Apache Indian Tribe if they have, by virtue of such enrollment, received benefits in land or money. Persons who are enrolled as a member of another tribe and who have not shared in that tribe's assets shall be eligible for Apache membership if they file a formal relinquishment with the other tribe.

Section 5. Notwithstanding the provisions of Article II, Section 4, involving the receipt of benefits in land or money, any person who meets the eligibility criteria of Article II, Section 1, who as a minor accepted material or monetary benefits by virtue of being a member of another tribe, shall have the option of relinquishing their membership in the other tribe and becoming a member of the Apache Indian Tribe not later than one year after they reach the age of 18 years; provided, further that any person eligible for membership in the Apache Indian Tribe must take appropriate action to enroll as a member of the Apache Indian Tribe no later than ninety (90) days subsequent to the adoption of this section.

#### ARTICLE III - TRIBAL COUNCIL

The supreme governing body of the Apache Tribe of Oklahoma shall be the tribal council. The tribal council shall consist of all members of the Apache Tribe eighteen (18) years of age, and older.

#### ARTICLE IV - OFFICERS

The officers of the tribe shall be the chairman, vice-chairman and secretary-treasurer.

#### ARTICLE V - BUSINESS COMMITTEE

There shall be a business committee which shall consist of the officers as provided in Article IV and two (2) members. The term of office for each officer and business committee member shall be for a period of two (2) years and until a successor is elected and certified. This committee shall have such powers as may be delegated to it by appropriate resolutions of the tribal council, and, within such delegated authority, may transact business and otherwise speak or act on behalf of the tribe in all matters on which the tribe is empowered to act now or in the future. The business committee may as it deems necessary appoint subordinate committees and representatives.

## ARTICLE VI - MEETINGS

Section 1. Annual meetings of the Apache Tribal Council shall be held on the 3rd Saturday in June each year for the purpose of receiving reports and transacting any other business which may come regularly before the Apache Tribal Council.

Section 2. Special meetings of the Apache Tribal Council may be called at the discretion of the chairman, and shall be called by the chairman upon written request of fifty (50) members of the Apache Tribal Council, and shall be called upon the written request of the majority of the business committee, providing, that at least ten (10) days notice shall be given in each instance.

- (a) The principal object of a special council meeting must be stated in the notice calling the meeting and may include the words "and for the transacting of other business that may be presented;" and unless these words are added no other business may be transacted except for the object stated in the called meeting.

Section 3. The Apache Business Committee shall meet regularly once every month on the 3rd Saturday unless a quorum of the business committee shall decide to meet on another day of the month.

Section 4. Special meetings of the business committee may be called by the chairman at his discretion and shall be called by the chairman at the written request of three (3) members of the business committee.

## ARTICLE VII - ELECTIONS

(Pursuant to Amendment I, adopted July 17, 1976)

Section 1. The first election of officers and committeemen under this constitution shall be held not later than sixty (60) days following its ratification. Thereafter, the general election shall be held at two (2) year intervals on the 3rd Saturday of the month during which the initial election took place. Should that day fall on a holiday the election shall take place on the following Saturday.

Section 2. Elections shall be by secret ballot and absentee voting shall be provided for. The elected officers shall take office immediately upon certification of their election. They shall serve until their successors are elected and certified.

Section 3. All elections shall be conducted according to an ordinance duly adopted by the business committee, provided that the initial one held under this constitution shall be conducted in accordance with provisions established by the Superintendent.

Section 4. In the event a valid election is not conducted by the tribe within thirty (30) days of the regularly scheduled date for such an election, the Superintendent of the Anadarko Agency is authorized to appoint five members of the Apache Tribe as an election board who shall conduct an election pursuant to rules and regulations he prescribes within 30 days of their appointment. The Superintendent is also authorized to take this action whenever it is impossible for the tribe to conduct an election for whatever reason.

#### ARTICLE VIII - VACANCIES

Vacancies in any elective office, except that of the chairman, shall be filled for the unexpired term at a special election to be held according to Article VII within sixty (60) days of the vacancy; provided, that if such vacancy shall have been created within six (6) months of the next scheduled election, it shall be filled by an appointee selected by the majority vote of the remaining members of the business committee to serve until the next scheduled election.

#### ARTICLE IX - REMOVAL OF OFFICERS

Upon the signed petition of fifty (50) members of the Apache Tribal Council, the chairman shall call a special meeting of the Apache Tribal Council to act upon complaints of misconduct in office of members of the business committee providing such complaints are supported by affidavits. The Apache Tribal Council shall have the power, by a majority vote, after giving the accused a hearing, and, if found guilty of charges, to remove him and proceed to elect a successor as provided for in Article VIII.

#### ARTICLE X - BILL OF RIGHTS

Section 1. All members of the Apache Tribe of Oklahoma shall enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly and association.

Section 2. These rules and regulations shall not in any way alter, abridge or otherwise jeopardize the rights and privileges of the members of the Apache Tribe of Oklahoma as citizens of the State of Oklahoma or of the United States.

Section 3. The individual property rights of any member of the Apache Tribe of Oklahoma shall not be altered, abridged or otherwise affected by the provisions of these rules and regulations without the consent of such individual member.

Section 4. The enumeration of any rights in this article shall not be interpreted to limit the rights otherwise guaranteed by the Civil Rights Act of 1968, 25 USCA 1302.

#### ARTICLE XI - AMENDMENTS

This constitution may be amended in the same manner by which it was adopted as provided in Article XVI of this constitution.

It shall be the duty of the Commissioner of Indian Affairs to call such an election at the request of a majority of the business committee members or upon presentation of a petition signed by at least fifty (50) adult members of the tribal council provided that not less than thirty (30) days notice of such an election shall be given by appropriate publicity throughout the communities in which the members of the Apache Tribe of Oklahoma reside. Copies of any proposed amendment shall be furnished members upon request.

#### ARTICLE XII - DUTIES OF OFFICERS

Section 1. Chairman: The Chairman shall preside at all meetings of the Apache Tribal Council, and at all meetings of the business committee. He shall have general supervision of the Apache Tribal Council and of the business committee and shall perform all duties of the office of chairman.

Section 2. Vice-Chairman: In the absence of the chairman, the vice-chairman shall perform the duties of the office. In the case of vacancy, the vice-chairman shall succeed at once to the office of the chairman.

Section 3. Secretary-Treasurer: The secretary shall keep an accurate account of all proceedings and official records of the Apache Tribal Council and of the business committee and shall file a copy of same with the Superintendent at the Anadarko Agency in Anadarko, Oklahoma. He shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the Apache Tribal Council and of the business committee, and he shall exercise all of the powers and duties usually associated with the office of treasurer. All official records of the secretary-treasurer shall be open to inspection by the Apache Tribal Council in the presence of the secretary-treasurer, upon the order of the business committee or upon the written request of fifty (50) members of the Apache Tribal Council. He shall keep a correct list of all members of the Apache Tribal council, shall authenticate all accounts or orders of the Apache Tribal Council, and in the absence of the chairman and the vice-chairman, shall call meetings to order until a chairman (pro tem) is selected. At the expiration of his term of office, the records and all papers in his possession shall be turned over to his successor.

## ARTICLE XIII - QUALIFICATIONS OF OFFICERS

Any person elected to the business committee shall be not less than twenty-five (25) years of age.

Any person who has been found guilty of a felony in any city, county, state or federal court shall be ineligible to hold office. Upon the conviction of any officer or committeeman his office shall automatically become vacant. Any person holding elective office who without an excuse from the business committee misses three regular or special meetings in succession shall automatically lose office.

## ARTICLE XIV - PLACE OF MEETINGS

All regular and special meetings of the Apache Tribal Council and of the Apache Business Committee shall be held at the Anadarko Agency Conference Room unless some other point, under the Anadarko Agency jurisdiction, is designated in the notice of call.

## ARTICLE XV - QUORUM

Section 1. Fifty (50) members of the Apache Tribal Council shall constitute a quorum to transact business at any meeting.

Section 2. Three (3) members of the business committee shall constitute a quorum to transact business at any meeting.

## ARTICLE XVI - ADOPTION

Following approval by the Commissioner of Indian Affairs, this constitution shall become effective when ratified by a majority vote of those voting in an election authorized by the Commissioner and conducted pursuant to regulations prescribed by the Superintendent of the Anadarko Agency.

## APPROVAL

I, John O. Crow, Deputy Commissioner of Indian Affairs do hereby approve the foregoing constitution of the Apache Tribe of Oklahoma.

(sgd) John O. Crow  
Commissioner of Indian Affairs

Washington, D. C.

Date: December 1, 1971

Ratified: February 5, 1972

UPDATED: MARCH 1, 1996