

This is a draft document for a new

# Constitution of the Blackfeet Nation

## *PREAMBLE*

*We, the Ampskapi Piikani, of the Blackfeet Nation, members of the Siksikaisitapi (Blackfoot Confederacy), have survived and thrived from the beginning of time, living in harmony with Mother Earth, respecting all other beings, by virtue of our culture, our language, our songs, our traditions and values.*

*Invoking the guidance of Ihtsipaitapiyo'p, We, the Piikani People, for the purpose of protecting our way of life, in order to govern ourselves and our homeland as a Sovereign Nation, to protect and sustain our cultural values, provide for the health and well-being of our People, and secure the blessings of liberty and justice to present and future generations, do hereby enact and establish this Constitution.*

*Moh-kah-kit Pi-no-mat-skoo-sit*

(Let us be wise and persevere)

*Ee-kah-kee-maht*

(Try hard)

## **ARTICLE I - TERRITORY**

The Blackfeet Nation shall exercise its territorial jurisdiction to the fullest extent allowed by law.

1. **Historic and Current Territory.** The authority of the Blackfeet Nation shall extend to all of territory within the exterior boundaries of the Blackfeet Nation, to all lands and resources of any kind or nature, including waters or waterways, and airways described in all treaties and agreements between the Blackfeet People and the United States Government, and which are contained within the boundaries of Blackfeet lands described in any such treaties and agreements, and to any lands and interests in land which the Blackfeet Nation may hereinafter acquire or which the United States may hereinafter acquire for the benefit of the Blackfeet Nation or its People.

The territory of the Blackfeet Nation shall include all Aboriginal Territory and all lands located within the exterior boundaries of the Blackfeet Nation, notwithstanding the issuance of any patent and including rights-of-way running through the Blackfeet Nation, as well as above surface and below surface property interests in accordance with all recognized and applicable law.

2. **Aboriginal Territory.** Blackfeet Nation Aboriginal Territory shall include all lands and interests in land located within the aboriginal homeland of the Blackfoot Confederacy, as identified in the oral history of the Piikani People, including aboriginal cultural property sites, features, and natural resources that are associated with Piikani Culture, spiritual beliefs, way of life, customs, practices or traditional knowledge systems within the Piikani Aboriginal Territory since the beginning of time.

## **ARTICLE II – MEMBERSHIP**

**Section 1.** The members of the Blackfeet Tribe shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census roll of the tribe as of January 1, 1935.

(b) All children born prior to the adoption of this amendment to any blood member of the Blackfeet Tribe maintaining a legal residence within the territory of the Reservation at the time of such birth.

(c) All children having one-fourth (1/4) degree of Blackfeet Indian Blood or more born after the adoption of this amendment to any blood member of the Blackfeet Tribe.

**Section 2.** The tribal council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of new members.

**(This Amendment was approved on August 30, 1962)**

### **ARTICLE III - JURISDICTION**

The Blackfeet Nation shall have exclusive jurisdiction over all Blackfeet Nation members and their property located within the boundaries of the Blackfeet Nation or located within the territory of the Blackfeet Nation as set forth in Article I– Territory.

The Blackfeet Nation shall have jurisdiction to the fullest extent allowed by law over the conduct and activities of all non-member Indians and non-Indians and their property within the boundaries of the Blackfeet Nation when that non-member Indian or non-Indian person, partnership, corporation or organization has established minimum contacts with the Blackfeet Nation, our government, our lands or our People, by purposefully availing themselves of the benefits and protections of the Blackfeet Nation including but not limited to economic benefits, police protection, fire protection, water and sanitation benefits, recreational benefits and any other benefit derived from contact with the Blackfeet Nation, our government, our land, our resources, our culture or our People.

The Blackfeet Nation shall have jurisdiction over all persons, organizations, corporations, or entities, natural resources, property and activity within the boundaries of the Blackfeet Nation. Nothing in this Article or Article I – Territory

shall be interpreted to limit the ability of the Blackfeet Nation to exercise and defend its jurisdiction as a sovereign nation to the fullest extent of applicable Federal and international treaty law.

## **ARTICLE IV - BILL OF RIGHTS**

We, the Amskapi Piikani People, declare and reserve these rights unto ourselves and our children for all generations:

**Section 1. People's Sovereignty.** All political power is vested in the Amskapi Piikani People. All right of government is derived from and founded upon the will of the People and is formed only for the benefit of the People as a whole.

**Section 2. Self-government.** The Amskapi Piikani People have the exclusive right of governing themselves as a free, sovereign and independent Nation. They may alter or abolish this constitutional form of government whenever they deem necessary.

**Section 3. Cultural Right.** The Amskapi Piikani People shall have the right to practice our traditional and cultural activities including preservation of the language, songs and ceremonies, the right to gather ceremonial foods, plants and objects, and the right to enjoy our traditional sites wherever those sites may be located in our aboriginal territory.

**Section 4. Suffrage.** All Blackfeet Nation members shall have the right to vote in all elections at the age of eighteen (18) years.

**Section 5. Inalienable Rights.** All Amskapi Piikani People shall be born free, and they shall have the right to a clean and healthy environment, the right of pursuing life's basic necessities including enjoying and defending life and liberties, acquiring and transferring property of all kind and nature, seeking their safety, health, welfare and happiness; with corresponding responsibilities toward each other.

**Section 6. Civil Liberties.** All people shall enjoy the following civil liberties and the Blackfeet Nation shall make no law abridging these liberties:

A. Freedom of Religion. All persons shall have the right to freedom of worship and practices of their religious beliefs.

B. Freedom of Speech, Expression and Press. All persons shall have the right to free speech, free expression and freedom of the press, being responsible for any and all abuse of that right.

C. Freedom of Assembly and Redress of Grievances. All persons shall have the right to freedom of assembly, to petition for a redress of their grievances and to peaceably protest governmental action.

D. Right to Privacy. The right of individual privacy is important to the well-being of a free society and shall not be infringed without a showing of compelling Blackfeet Nation governmental interest.

E. Right of Participation. Blackfeet Nation citizens, and any other person whose rights may be affected by governmental action, have the right to expect Blackfeet Nation government and its agencies to afford such reasonable right for public participation in the action of governmental agencies prior to final decision as may be provided by law.

**Section 7. Right To Bear Arms.** All Blackfeet Nation citizens shall have the right to bear arms.

**Section 8. Economic Rights.** All individual Blackfeet Nation citizens and business entities owned by Blackfeet Nation citizens, shall have a right to equal participation in the economic opportunities and activities of the Blackfeet Nation and shall be given preference over non-Indian and non-citizen owned Indian businesses as provided by law.

**Section 9. Employment Rights.** Blackfeet Nation citizens shall have a preferential right to employment in all governmental and business activities conducted by the Blackfeet Nation or on land owned by the Blackfeet Nation or its citizens, as provided by law.

**Section 10. Hunting, Fishing and Gathering.** Blackfeet Nation citizens, and others as determined by law, shall have the right to hunt, fish, trap and gather within the Blackfeet Nation and in Blackfeet Nation Aboriginal Territory, subject to regulation by the legislature.

**Section 11. Due Process and Equal Protection.** The Blackfeet Nation shall not deprive any person of liberty or property without due process of law, nor shall any property be taken without just compensation. The Blackfeet Nation shall not deprive any person of equal protection of the law.

**Section 12. Protection of Intellectual Property Rights.** Blackfeet Nation citizens shall have the right to be protected from exploitation of intellectual property rights and/or cultural right, including but not limited to stories, art, DNA, Blackfeet Human genetics, designs research, medicines and seeds.

**Section 13. Condemnation.** The Blackfeet Nation shall not condemn any private property for public purposes without due process and just compensation.

**Section 14. Bill of Attainder and Ex Post Facto.** The Blackfeet Nation shall pass no bill of attainder or ex post facto law.

**Section 15. Search and Seizure.** All persons shall have the right to be free from unreasonable search and seizure of their persons, houses, property, papers, electronic devices and other personal effects, nor shall any search warrant or warrant for arrest issue, unless supported by probable cause, given under oath, or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

**Section 16. Double Jeopardy.** The Blackfeet Nation shall not cause any person to be subjected to trial and punishment for the same offense twice.

**Section 17. Self-Incrimination.** The Blackfeet Nation shall not compel any person in any criminal case to be a witness against themselves.

**Section 18. Trial by Jury.** Every person who is subject to punishment of imprisonment shall be entitled by right to a trial by jury of not less than six (6) persons.

**Section 19. Rights of Accused.** The Blackfeet Nation shall not deny any person in a criminal proceeding of the following rights:

A. The right to a speedy and public trial, to be informed of the nature and charge against him, to have compulsory process for obtaining witnesses in his favor, to confront and cross-examine the witnesses against him, and at his own expense to have the assistance of counsel to defend him (except as provided in Subsection D.).

B. No person in a criminal proceeding shall be required to post excessive bail, be subjected to excessive fines, or subjected to cruel and unusual punishments.

C. The Blackfeet Nation may impose a term of imprisonment of greater than 1 year but less than 3 years and impose a fine of more than \$5,000.00 but less than \$15,000.00, or both, if the defendant is a person accused of an offense who –

(1) Has been previously convicted of the same or a comparable offense by any jurisdiction in the United States; or

(2) Is being prosecuted for an offense comparable to an offense that would be punishable by more than 1 year of imprisonment if prosecuted by the United States or any of the States.

D. In a criminal proceeding in which the Blackfeet Nation imposes a total term of imprisonment of more than 1 year on a defendant, the Blackfeet Nation shall –

(1) Provide the defendant the right to effective assistance of counsel at least equal to that guaranteed by the United States Constitution;

(2) At the expense of the Blackfeet Nation, provide an indigent defendant the assistance of a defense attorney licensed to practice law by any jurisdiction in the United States that applies appropriate professional licensing standards and effectively ensures competence and professional responsibility of its licensed attorneys;

(3) Require that the judge presiding over the criminal proceeding:  
a. Has sufficient legal training to preside over criminal proceedings; and  
b. Is licensed to practice law by any jurisdiction in the United States;

(4) Prior to charging the defendant, make publicly available the criminal laws (including regulations and interpretative documents, rules of evidence, and rules of criminal procedure including rules governing the recusal of judges in appropriate circumstances) of the Nation government; and

(5) Maintain a record of the criminal proceedings, including an audio or other recording of the trial proceeding.

**Section 20. Habeas Corpus.** All persons accused and being detained, shall have the right to petition for a writ of habeas corpus.

**Section 21. Children.** All children shall have the right to a safe and healthy environment.

## **ARTICLE V - FORMATION OF GOVERNMENT AND DISTRIBUTION OF GOVERNMENTAL RESPONSIBILITIES**

**Section 1. Formation of Government.** The government of the Blackfeet Nation shall consist of an Executive Branch, a Legislative Branch and a Judicial Branch.

**Section 2. Distribution of Governmental Duties and Responsibilities, and Separation of Powers.** As set forth in this Constitution, each branch of Blackfeet Nation Government shall have separate and distinct duties and responsibilities. No person or group of people charged with official duties under one of the branches of Blackfeet Nation government shall exercise any power properly vested in either of the other branches of government except as provided in this Constitution.

## **ARTICLE VI - EXECUTIVE BRANCH**

**Section 1. Executive Branch.** The executive duties and responsibilities of the Blackfeet Nation government shall be vested in the Executive branch of government.

**Section 2. Composition.** The Executive branch shall consist of a President and Vice-President. Pursuant to Article IX of this Constitution, the President and Vice-President shall be elected together, as a single unit.

**Section 3. Qualifications.** To be qualified to serve as the President and Vice-President of the Blackfeet Nation, a citizen must meet the following requirements:

- A. Age: Must be at least 30 years of age
- B. Residency: Must be a resident of the Blackfeet Nation territory/reservation for 5 consecutive years just prior to election.
- C. Education: Must have graduated from High School or the equivalent.

D. Cannot be delinquent on indebtedness to the Blackfeet Nation.

E. Cannot have been convicted of a felony for which they have not received an official pardon.

F. Cannot be subject to prior removal from office as described in this Constitution.

G. Cannot serve as an elected official in the government of any other sovereign entity, including the Montana State legislature, while serving as the President of the Blackfeet Nation.

**Section 4. Term Length.** The President and Vice-President shall serve a term of three (3) years beginning on the second Thursday in July in the year in which they are elected and ending on the second Thursday in July in the fourth year after their election.

**Section 5. Term Limits.** The President and Vice-President shall not be subject to any limitation on the number of consecutive terms which they may serve.

**Section 6. Period of Service.** The President and Vice-President shall serve on a full-time basis throughout their term in office.

**Section 7. Compensation.** The President and Vice-President of the Blackfeet Nation shall be compensated as follows:

A. Initial Compensation: The initial compensation for the President and Vice-President shall be the same as sitting Chairman and Vice Chairman of the Blackfeet Tribal Business Council at time of implementation of this Constitution.

B. Future Compensation: Future compensation of the President and Vice-President shall be set by a Compensation Review Committee which shall consist of five (5) members appointed as follows: 2 members appointed by the Executive Branch, 3 members appointed by the Legislative Branch.

C. Compensation must be reviewed every three (3) years commencing the second year after implementation of this Constitution and must be completed within 90 days of budget period for that year or review shall be waived for that three (3) year period.

**Section 8. Duties and Responsibilities.** The President and Vice-President of the Blackfeet Nation shall have the following duties and responsibilities:

A. To administer and manage all the day to day operations of the government of the Blackfeet Nation according to the law and this Constitution.

B. To develop and submit an annual budget to the Blackfeet Nation Legislature for approval, which shall include all funding sources including but not limited to Blackfeet Nation funds, federal funds, state funds and any other funding received from any source for operation of the Blackfeet Nation government.

C. To create and appoint subordinate boards, committees or advisory boards to assist in the management of the Nations programs and affairs.

D. To propose laws to the Legislature on matters of importance to the Blackfeet Nation.

E. To hire and manage all employees of the Blackfeet Nation, including those hired by contract or otherwise, through appropriate Personnel Policies and Procedures which have been approved by the Legislature and in accordance with all other applicable laws.

F. To select and employ a Chief Financial Officer for the Blackfeet Nation.

G. To conduct an annual audit of all Blackfeet Nation accounts including federal funds, state funds, funds from other tribes or organizations and Blackfeet Nation funds. Said audit to be made publicly available to citizens of the Blackfeet Nation within 30 days of completion each year.

H. To develop and submit to the Legislature and the citizens of the Blackfeet Nation, an organizational chart showing clearly the Departments, organizations and lines of authority for the Executive branch of the Blackfeet Nation.

I. To delegate any duties of the Executive to other persons, boards or associations, provided that the decisions of all persons, boards or associations delegated authority under this clause shall be subject to review and modification by the Executive.

J. To seek, apply for and accept funding from outside sources which is intended to assist in planning, developing, strengthening or administering the Blackfeet Nation government or economic opportunities so long as no Blackfeet Nation financial commitment or match is required including in-kind contribution of Blackfeet Nation resources, upon notification to the Legislature.

1) In the event an outside funding source requires a commitment of Blackfeet Nation resources, then any application must first be approved by the Blackfeet Nation Legislature.

2) In the event that existing funding from outside sources has already been approved by the Nation Legislature, the Executive shall have the authority to negotiate ongoing annual funding agreements with federal, state, local and other tribal governments and other funding sources without further legislative approval.

K. To enforce and administer all laws of the Blackfeet Nation in accordance with this Constitution.

L. To be the official representative of the Blackfeet Nation on all matters that concern the welfare and interests of the Blackfeet Nation.

M. To preserve, protect and enhance the property of the Blackfeet Nation, including wildlife, fish, air, water, and all natural resources of the Nation.

N. To foster, support and encourage economic activities which benefit the Blackfeet Nation.

O. When appropriate to facilitate the business and government of the Blackfeet Nation, to negotiate limited waivers of the Tribe's sovereign immunity, upon notification to the Legislative Branch.

P. Pursuant to Article VIII of this Constitution, in accordance with the requirements thereof, to recommend to the Legislative branch individuals for appointment as Associate Justices and Associate Judges to the Blackfeet Nation courts.

Q. To annually employ legal counsel, by contract or otherwise, as allowed by the budget.

R. To commission and conduct an annual study and review of the Blackfeet Nation owned business and economic ventures, and to make recommendations to the Blackfeet Legislature regarding possible changes to those businesses for the benefit of the Blackfeet Nation citizens.

## **ARTICLE VII - LEGISLATIVE BRANCH**

**Section 1. Legislative Branch:** The legislative duties and responsibilities of Blackfeet Nation government shall be vested in the Legislative Branch.

**Section 2. Districts and Representation.** The Legislature of the Blackfeet Nation government shall consist of thirteen (13) Representatives elected from the following Districts: Browning, 6 Representatives; Browning North, 2 Representatives; Seville, 2 Representatives; Old Agency, 1 Representative; and, Heart Butte, 2 Representatives.

**Section 3. District Representation.** The Representatives of each district shall be elected only by the citizens of the Blackfeet Nation who are residents of that district. Provided however, that Blackfeet Nation citizens residing outside the

territorial limits of the Blackfeet Nation shall vote in the District with which they are affiliated pursuant to rules promulgated and adopted by the Blackfeet Election Board. There shall be no at-large voting for District Representatives to the Blackfeet Nation Legislature.

**Section 4. District Boundaries.** The boundaries for each District shall be as follows:

**Browning District** – Beginning at the Northwest corner of Section 34, Township 33 North, Range 11 West, P.M.M.; Thence South along the West boundary of said section to the Southwest corner of Section 34, Township 33 North, Range 11 West, P.M.M.; thence West along the North boundary of Section 4, Township 32 North, Range 11 West, P.M.M. to the Northwest corner of said section; thence South along the West boundary lines common to Sections 4, 9 and 16 to the southwest corner of Section 16, Township 32 North, Range 11 West, P.M.M.; thence East along the south boundary line of Sections 16, 15 and 14 to the southeast corner of Section 14, Township 32 North, Range 11 West, P.M.M.; thence North along the east boundary line of Sections 14, 6 and 2 to the Northeast corner of Section 2, Township 32 North, Range 11 West, P.M.M.; thence west to the Southeast corner of Section 35, Township 33 North, Range 11 West, P.M.M. North along the East boundary of Section 35, Township 33 North, Range 11 West, P.M.M. to the Northeast corner of said section; thence West along the North boundary line of Sections 35 and 34, Township 33 North, Range 11 West, P.M.M., to the point of beginning.

**Browning North District** – Beginning at the Northwest corner of the Blackfeet Indian Reservation; thence Easterly along the North boundary line of said Reservation to the Northeast corner of Section Number 1, Township 37 North, Range 11 West, P.M.M.; thence Southerly along the Range line that is common to Range 11 West, and Range 10 West, P.M.M. to the Southeast corner of Section Number 36, Township 34 North, Range 11 West, P.M.M.; thence Westerly along the Township line to where said Township line intersects with the centerline of Highway F.A.S 464 (Duck Lake Road); thence meandering southerly along said highway centerline to the intersection of F.A.S. 464 (Duck Lake Road) and the North boundary line of Section 35, Township 33 North, Range 11 West, P.M.M.; thence West along said boundary line to the Northwest corner of Section 34, Township 33 North, Range 11 West, P.M.M.; thence South along the west

boundary line of Section 34, Township 33 North,, Range 11 West, P.M.M. to the intersection of the North boundary line of Section 4, Township 32 North, Range 11 West, P.M.M.; thence West to the northwest corner of Section 4, Township 32 North, Range 11 West, P.M.M.; thence South along the West boundary lines of Sections 4, 9 and 16, Township 32 North, Range 11 West, P.M.M. to the intersection of the West boundary of Section 16, Township 32 North, Range 11 West and the Centerline of U.S. Highway Number 2; thence Southwesterly along the centerline of U.S. Highway Number 2 to where said highway centerline intersects with the South boundary line of Section 3, Township 31 North, Range 12 West, P.M.M.; thence West to the West boundary line of the Blackfeet Indian Reservation; thence Northwesterly along the West boundary of the Blackfeet Indian Reservation to the point of beginning.

**Seville District** – Beginning at the Northwest corner of Section Number 6, Township 37 North, Range 10 West, P.M.M.; thence easterly along the North boundary of the Blackfeet Indian Reservation of the Northeast corner of said Blackfeet Indian Reservation; thence Southerly along the East boundary of the Blackfeet Indian Reservation to where said boundary line intersects with the Township line that is common to Township 33 North and Township 32 North, P.M.M.; thence Westerly along said Township line to where it intersects with the centerline U.S. Highway Number 2; thence Southwesterly along the centerline of U.S., Highway Number 2 to the intersection of U.S. Highway Number 2 and 89; thence Northwesterly along the centerline of U.S. Highways 2 and 89 to the intersection of the East boundary of Section 14, Township 32 North, Range 11 West, P.M.M.; thence North along the East boundary line of Sections 14, 11 and 2 to the Northeast corner of Section 2, Township 32 North, Range 11 West, P.M.M.; thence west along the North boundary line of Section 2, Township 32 North, Range 11 West, P.M.M., to the Southeast corner of Section of Section 35, Township 33 North, Range 11 West, P.M.M., North along the East boundary line of Section 35 to the Northeast corner of said section; thence West along the North boundary line of Section 35, Township 33 North, Range 11 West, P.M.M. to the intersection of the centerline of F.A.S. 464 (Duck Lake Road); thence Northerly along the centerline of Highway F.A.S. 464 (Duck Lake Road) to where it intersects with the Township line that is common to Township 33 North and 34 North; thence easterly along said Township line to the Northwest corner of Section 6, Township 33 North, Range 10 West, P.M.M.; thence Northerly along the Range

line that is common to Range 10 West and Range 11 West, P.M.M. to the point of beginning.

**Heart Butte District** – Beginning at the Northeast corner of Section 1, Township 330 North, Range 9 West, P.M.M.; thence southerly along Range line common to Range 9 West and Range 8 West, to the South boundary of the Blackfeet Indian Reservation; thence Southwesterly along the South Reservation boundary to the most Southwesterly point of the Blackfeet Indian Reservation; thence Northerly along the West Boundary line of the Blackfeet Indian Reservation to where the said boundary line intersects with the Township line that is common to Township 30 North, and Township 32 North; thence Easterly along said Township line to the point of beginning.

**Old Agency District** – Beginning at the Northeast corner of Section 1, township 30 North, Range 9 West, P.M.M.; thence Southerly to the South boundary of the Blackfeet Indian Reservation; thence meandering Northeasterly along the East boundary of said Reservation to a point that Intersects with the Township line common to Township 33 North and township 32 North, P.M.M.; thence Westerly along said Township line to a point that intersects with the centerline of U.S. Highway Number 2; thence Southwesterly along the centerline of U.S. Highway Number 2 to the intersection of U.S. Highway No. 2 and Number 89; thence Northwesterly along the centerline of U.S. Highway Number 2 and 89 to a point that intersects with the East boundary of Section 14, Township 32 North, Range 11 West, P.M.M.; thence South along said section line to the Southeast corner of Section 14, Township 32 North, Range 11 West, P.M.M.; thence West along the South boundary line common to Sections 14, 15 and 16, Township 32 North, Range 11 West, P.M.M. to the Southwest corner of Section 16, Township 32 North, Range 11 West, P.M.M.; thence North along the West boundary of Section 16, Township 32 North, Range 11 West, P.M.M. to where it intersects with the centerline of U.S. Highway Number 2; southwesterly along the centerline of U.S. Highway Number 2 to where said highway centerline intersects with the South Boundary line of Section 3, Township 31 North, Range 12 West, P.M.M.; thence Westerly to the West boundary line of the Blackfeet Indian Reservation; thence Southeasterly along West boundary of said Reservation to a point intersecting with

the Township line common to Township 31 North and Township 30 North,  
P.M.M.; thence Easterly along said Township line to the point of beginning.

A map of Election Districts will be attached to these rules. A large copy of the map  
will be on display at the Tribal Office throughout the Election period.

**Section 5. Term Length:** Representatives shall serve a term of three (3) years beginning on the second Thursday in July in the year in which they are elected and ending on the second Thursday in July in the fourth year after their election. All representatives shall be elected at the same time and serve for the same term.

**Section 6. Term Limits.** The District Representatives shall not be subject to any limitation on the number of consecutive terms which they may serve.

**Section 7. Number of Sessions.** The Legislature of the Blackfeet Nation shall meet two (2) times each year for a period of no more than 30 days each session to fulfill their duties under this Constitution.

**Section 8. Special Sessions.** Special Sessions of the Blackfeet Legislature may be called by the President for emergency purposes only.

**Section 9. Qualifications.** To be qualified to serve as a District Representative of the Legislature of the Blackfeet Nation, a citizen must meet the following requirements:

- A. Age: Must be at least 18 years of age
- B. Residency: Must be a resident of the Blackfeet Nation territory/reservation and their respective District for 5 consecutive years just prior to election.
- C. Education: Must have graduated from High School or the equivalent.
- D. Cannot be delinquent on indebtedness to Tribe
- E. Cannot have been convicted of a felony for which they have not received an official pardon.
- F. Cannot be subject to prior removal from office as described in this Constitution.

G. Cannot serve as an official in the government of any other sovereign entity, including the Montana State legislature, while serving as a District Representative to the Blackfeet Nation Legislature.

**Section 10. Compensation.** District Representatives to the Legislative Branch of the Blackfeet Nation government shall be paid only for their attendance at Legislative sessions.

A. Initial Compensation: The initial compensation of District Representatives to the Blackfeet Nation legislature shall be the same as sitting member of the Blackfeet Tribal Business Council, prorated on a per day basis, as determined at the time of the adoption of this Constitution.

B. Future Compensation: Future compensation of the District Representatives shall be set by a Compensation Review Committee which shall consist of five (5) members appointed as follows: 3 members appointed by the Executive Branch, 2 members appointed by the Legislative Branch.

C. Compensation must be reviewed every three (3) years commencing the second year after implementation of this Constitution and must be completed within 90 days of budget period for that year or review shall be waived for that 3 year period.

**Section 11. Duties and Responsibilities.** The Legislature of the Blackfeet Nation shall have the following duties and responsibilities:

A. To enact laws regulating all matters and authorizing the Executive branch to take all necessary actions to preserve and safeguard the health, safety, welfare, economic security and political integrity of the Blackfeet Nation.

B. To enact criminal laws governing the conduct of all persons within the jurisdiction of the Blackfeet Nation.

C. To enact laws providing for the removal or exclusion of all persons from the territory of the Blackfeet Nation whose presence may be injurious to the citizens of the Blackfeet Nation, and to provide for conditions upon which those

who are not citizens of the Blackfeet Nation may remain within the territory of the Nation.

D. To enact laws regulating the domestic relations of persons within the jurisdiction of the Blackfeet Nation, and to enact laws providing for the appointment of guardians for minors and governing determinations of incompetency.

E. To enact laws regulating the use, disposition and inheritance of any land or property located within the territory of the Blackfeet Nation, including zoning and probate laws.

F. To enact laws regulating the environment including land, water, air and all aspects of the ecosystem of Blackfeet Nation territory.

G. To enact laws governing fishing, hunting, trapping, gathering and generally regulating all recreational conduct within the territory of the Blackfeet Nation.

H. To enact laws regulating all business and commercial activities within the territory of the Blackfeet Nation.

I. To enact laws providing for the levying of taxes, duties, fees and assessments on the activities of all persons, corporations, partnerships or other entities within the territory of the Blackfeet Nation.

J. To enact laws providing for the protection, preservation and teaching of Piikani culture, language and traditions.

K. To enact laws encouraging, supporting, preserving and protecting Piikuni arts and crafts.

L. To enact laws and regulations necessary and incidental to its legislative authority.

M. Pursuant to Article VIII of this Constitution, to enact laws creating and establishing minor or subordinate courts.

N. Pursuant to Article VIII of this Constitution, upon the recommendation of the Executive branch of the Blackfeet Nation government, to approve the appointment of Associate Justices and Associate Judges to the Blackfeet Nation courts.

O. To authorize the purchase of or accept any land or property on behalf of the Blackfeet Nation.

P. To approve leases of Blackfeet Nation lands and resources after negotiation of any lease by the Executive Branch.

Q. To condemn land within the territory of the Nation subject to laws enacted for that purpose.

R. To give final approval to an annual budget to be submitted to the legislature by the Executive branch.

S. To appoint legislative subcommittees.

T. To adopt laws or rules regulating its internal procedures.

U. To annually employ legal counsel, by contract or otherwise, to facilitate the function of the legislative branch under this Constitution, as allowed by the budget.

V. To ratify and approve any agreement, contract or treaty with the federal, state, local, tribal and any other governments or entity which has been negotiated by the Executive branch.

W. To create and charter business entities of the Blackfeet Nation.

X. To enact changes and modifications to the Blackfeet Nation's businesses and economic ventures based upon recommendations from the Executive branch.

Y. To create an office for citizens of the Blackfeet Nation residing outside the territory of the Nation for the purpose providing those citizens with information, assisting them in obtaining services and generally be available to assist non-resident citizens of the Nation.

**Section 12. Legislative Procedure.** The Blackfeet Nation Legislature shall conduct its business pursuant to the following minimum procedural requirements in taking formal action to enact laws, adopt the budget or carry out its other official duties and responsibilities:

A. All legislative proposals to enact a law, adopt the Nation's annual budget or take other official action shall be formally introduced as a Bill; other actions such as approving or making appointments or expressing the policy of the Legislature on particular issues may be by Resolution.

B. All Bills and Resolutions shall be read into the Legislative record which shall be public.

C. All Bills shall include a statement identifying the specific subject matter of the bill, the purpose of the bill, and indicate whether the bill is intended to supersede, repeal or amend prior legislation, in which case the prior legislation or law must be specifically identified, provided however that if a bill includes an appropriation of money the bill must include a fiscal note indicating the financial consequence of the bill.

D. All Bills shall be subject to a public hearing prior to Legislative adoption of the law or budget. Reasonable advance notice of any and all hearings shall be provided by the Legislature to the Blackfeet Nation citizens and general public by all reasonable means.

E. All Bills and Resolutions must be enacted by a majority vote of a quorum of the Blackfeet Nation legislative representatives sitting in a duly called legislative session.

F. A quorum of the Blackfeet Nation legislature consisting of at least nine (9) of the Blackfeet Nation legislative representatives must be present to conduct the legal business of the Legislature.

G. All votes shall be public, by roll call, recorded and made available to Blackfeet Nation citizens within 30 days of the date the vote was taken. All district representatives present in a legislative session or meeting of the Blackfeet Nation Legislature shall be allowed to vote on all issues before the legislature.

H. Voting by proxy shall be prohibited; legislative representatives must be present to vote.

I. A majority vote of the legislative representatives present shall be required to repeal or rescind any previous legislative action, whether by law or resolution.

J. All meetings and sessions of the Blackfeet Nation Legislature or any of its subordinate bodies must be open to the public and conducted on the record. Notice of all meetings shall be posted in each legislative district prior to the meeting. Legislative sessions must be held at Blackfeet Nation headquarters.

## **ARTILE VIII - JUDICIAL BRANCH**

**Section 1. Judicial Branch.** The judicial duties and responsibilities of the Blackfeet Nation shall be vested in the Judicial Branch. The Judicial branch of the Blackfeet Nation government shall be separate and independent from the Executive and Legislative branches. No elected official or their agents, exercising powers of the Executive or Legislative branches shall exercise powers vested in the Judicial branch, and no elected official or their agents, exercising

powers of the Executive or Legislative branches shall interfere in the Judicial branch's exercise of its lawful duties and responsibilities.

**Section 2. Establishment of Courts.** There is hereby established a Blackfeet Nation Court of Appeals and a Blackfeet Nation Trial Court, and such other minor or subordinate courts as may be determined necessary by the Blackfeet Nation Legislature.

**Section 3. Jurisdiction.** The Blackfeet Nation courts shall exercise jurisdiction over all cases and controversies, in law and equity, whether civil or criminal in nature, which arise under this Constitution, the laws and customs of the Blackfeet Nation, by virtue of the Blackfeet Nation's sovereignty, or which is vested in the Blackfeet Nation courts by federal law. The jurisdiction of the Blackfeet Nation's courts shall extend to all territory defined in Article I of this Constitution.

**Section 4. Statement of Judicial Authority.** The Blackfeet Judiciary shall have the authority to:

A. Interpret, construe and apply the laws of the Blackfeet Nation including but not limited to customary and traditional law, statutory law and regulations.

B. Declare the laws of the Blackfeet Nation void if such laws are not in agreement with this Constitution, and to declare actions of the Executive Branch void if such action conflicts with this Constitution. Provided however, that judicial review under this provision is of a limited nature. Judicial review of Executive and Legislative branch decisions pursuant to this section is binding on all branches of Blackfeet Nation government.

C. Issue injunctions, attachments, writs of supervision, mandamus, quo warranto, review, certiorari and prohibition, and writs of habeas corpus to any part of the Blackfeet Nation upon petition by, or on behalf of, any person whose freedom is being restrained by the Blackfeet Nation whether in actual or constructive custody.

D. Through the Blackfeet Court of Appeals, establish rules, including a Code of Judicial Conduct, and procedures for practice before the Blackfeet Nation

courts for the Blackfeet judiciary (Rules of Court) and it may establish standards and procedures for admission to practice in and before the Blackfeet Nation courts.

**Section 5. Election and Appointment of Associate Justices and Associate Judges.** The Justices to the Blackfeet Nation Court of Appeals and the Judges of the Blackfeet Nation Trial Court shall be elected or appointed as follows:

A. Elected Chief Justice and Chief Judge. The Chief Justice of the Blackfeet Nation Court of Appeals and the Chief Judge of the Blackfeet Nation Trial Court shall be elected by vote of the Blackfeet Nation citizens as provided in this Constitution.

B. Appointed Associate Justices and Associate Judges. All other Associate Justices and Associate Judges shall be appointed by the Legislature after nomination by the Executive.

**Section 6. Qualifications.** To be qualified to serve as a Justice of the Blackfeet Nation Court of Appeals and a Judge of the Blackfeet Nation Trial Court, a person must have the following qualifications:

A. Chief Judge and Chief Justice must have law degree from ABA accredited law school, and 5 years of active practice of law just prior to serving as judge/justice. Must be admitted to the Federal Courts and be admitted to practice in the Blackfeet Nation Courts.

B. All Associate Justices and Associate Judges must be a member of Blackfeet Tribal bar, have 5 Years of experience practicing law in tribal courts immediately prior to appointment as a justice or judge.

C. Cannot be a convicted felon.

D. Graduated from High School or equivalent

E. Chief Justice and Chief Judge must be Indians, preferably Blackfeet, then Blackfeet Descendants and then other Indians.

**Section 7. Compensation.** Justices and Judges of the Blackfeet Nation Courts shall be compensated as follows:

A. Initial Compensation: The initial compensation of Chief Justice and Chief Judge of the Blackfeet Nation Courts and of all Associate Justices and Judges shall be the same as the sitting Chief Justice, Chief Judge and Associates of the Blackfeet Nation Court as determined at the time of the adoption of this Constitution.

B. Future Compensation: Future compensation of all Justices and Judges shall be set by a Compensation Review Committee which shall consist of five (5) members appointed as follows: 2 members appointed by the Executive Branch, 3 members appointed by the Legislative Branch.

C. Compensation must be reviewed every three (3) years commencing the second year after implementation of this Constitution and must be completed within 90 days of budget period for that year or review shall be waived for that 3 year period.

**Section 8. Term of Office.** The Chief Justice of the Blackfeet Nation Court of Appeals and the Chief Judge of the Blackfeet Nation Trial Court shall serve for a term of six (6) years beginning on the second Thursday in July in the year in which they are elected and ending on the second Thursday in July in the seventh year after their election. All other judges and justices shall serve a term of six years as determined by the Blackfeet Nation Legislature.

**Section 9. Term Limits.** The Justices and Judges of the Blackfeet Nation Courts shall not be subject to any limitation on the number of consecutive terms which they may serve.

**Section 10. Removal and Recall.** The Chief Justice of the Blackfeet Nation Court of Appeals and the Chief Judge of the Blackfeet Nation Trial Court shall be

subject to recall and removal as set forth in Article X of this Constitution. All other Justices and Judges shall be subject to discipline and removal as provided in the Blackfeet Nation Personnel Policies and Procedures and other applicable law.

**Section 11. Composition of Courts.** The Courts of the Blackfeet Nation shall be comprised as follows:

A. Court of Appeals. The Blackfeet Nation Court of Appeals shall consist of one (1) Chief Justice and at least four (4) Associate Justices at all times.

B. Trial Court. The Blackfeet Nation Trial Court shall consist of one (1) Chief Judge and as many Associate Judges as may be determined by the Blackfeet Nation Legislature.

C. Other Courts. The Blackfeet Nation Legislature may create other minor and subordinate courts as it may determine necessary to serve the Blackfeet Nation citizens.

## **ARTICLE IX - VOTING AND ELECTIONS**

**Section 1. Voting.** Any citizen of the Blackfeet Nation eighteen (18) years of age or older shall be eligible to vote when he or she presents themselves to the appropriate polling place within the Blackfeet Nation on the day and time of an election, (unless otherwise provided herein.) Provided however, that Blackfeet Nation citizens residing outside the territorial limits of the Blackfeet Nation shall vote in the District with which they are affiliated pursuant to rules promulgated and adopted by the Blackfeet Election Board.

**Section 2. Election Board.** There shall be established a Blackfeet Nation Election Board.

A. Election Board Membership. The Election Board shall consist of five (5) members, one from each of the Districts of the Blackfeet Nation. The Election Board shall be appointed by the Blackfeet Legislature upon recommendation from

the Executive Branch under this Constitution. The Election Board must be appointed by the end of the calendar year in the year immediately prior to an election year.

Provided however, that the first election board appointed after the adoption of this Constitution by the Blackfeet People, shall be appointed within 30 days after the adoption of this Constitution by the Tribal Council then in office.

B. Election Board Term. The Election Board shall serve for a term of three (3) years from the date of their appointment.

C. Election Board Duties. The Election Board shall organize and conduct all elections of the Blackfeet Nation in accordance with Rules and Regulations promulgated and adopted by the Blackfeet Nation Election Board and approved by the Blackfeet Nation Legislature provided that those rules and regulations do not conflict with the provisions of this Constitution.

All voting places shall be designated by the Blackfeet Nation Election Board.

All voting shall be by secret ballot.

The Blackfeet Nation Election Board shall make all determinations as to the residency and qualifications of a candidate. The decision of the Election Board shall be final and not subject to judicial review.

The Election Board shall certify the results of all Blackfeet Nation elections within 72 hours of the closing of the polls for each election. The Election Board shall post the results of any election and declare the appropriate officials elected or ballot issue decided immediately after the certification of the results of the election.

### **Section 3. Elections for Executive, Legislative and Judicial Positions.**

In accordance with the requirements of this Constitution, there shall be elections held every three (3) years for the Executive and Legislative branches of the Blackfeet Nation Government and every six (6) years for the Chief Justice of the

Blackfeet Nation Court of Appeals and the Chief Judge of the Blackfeet Nation Trial Court.

A. Elections. Representatives of all three (3) branches of Blackfeet Nation government shall be elected through a Primary and General election process.

Voting for the Executive branch and for the Judicial branch positions shall be at-large. Voting for the Legislative branch representatives shall be by district only. At-large voting shall not be allowed for election of Legislative Representatives.

B. Primary Election. A Primary Election for the offices of the Executive, Legislative and Judicial branches shall be held on the first Tuesday in June in the year designated for an election.

The candidates receiving the highest and second highest number of votes in each position and/or in each district, as set out in this Article, shall advance to the General Election.

In the event of a tie for the highest number of votes in any position or district, only the two candidates tying for the highest number of votes will be certified to advance to the General Election. In the event of a tie for the second highest number of votes, the two candidates tying for second highest votes shall both be certified to advance to the General Election along with the candidate receiving the highest number of votes.

C. General Election. A General Election for Representatives to the Blackfeet Nation Executive, Legislative and Judicial branches shall be held on the last Tuesday in June of the year designated for an election.

The candidates for the President and Vice-President of the Executive branch of the Blackfeet Nation having the highest number of votes in the General Election shall be elected to a three (3) year term in accordance with this Constitution.

The candidates for each respective District of the Blackfeet Nation Legislature with the highest number of votes in the General Election shall be elected to their respective District of the Blackfeet Nation Legislature for a three (3) year term in accordance with this Constitution.

The candidates with the highest number of votes for the Chief Justice of the Blackfeet Court of Appeals and the Blackfeet Trial Court shall be elected to their respective positions for six (6) years.

D. Certification of Results. The Blackfeet Election Board shall certify the results of the Primary and General Elections within (seventy-two) 72 hours of the closing of the polls and shall then immediately certify that the appropriate winning candidates have been elected to the respective positions.

**Section 4. Candidates.** Each person seeking election to the Blackfeet Nation Legislature, Executive or Judicial branch must file a notice of candidacy with the Blackfeet Nation Election Board not less than 30 days prior to the Primary Election and shall at that at that time declare the one position for which they seek election.

The list of Primary Candidates shall be posted by the Blackfeet Nation Election Board in at least ten (10) conspicuous locations on Blackfeet Nation lands not less than ten (10) days prior to the Primary Election.

The list of candidates advancing to the General Election shall be posted in at least ten (10) conspicuous places on Blackfeet Nation lands not less than ten (10) days prior to the General Election.

A list of Primary Election and General Election Candidates and the notice of each election shall be published by the Blackfeet Nation Election Board in a newspaper of general circulation within the Blackfeet Nation lands prior to each election.

**Section 5. Vacancies.** Vacancies in Blackfeet Nation elected offices shall be filled as follows:

A. If a vacancy occurs in the Blackfeet Nation Legislature, the Blackfeet Nation Election Board shall promptly conduct a special election to fill that vacancy.

B. If a vacancy occurs in either the Blackfeet Nation Chief Justice of the Court of Appeals or in the Blackfeet Nation Chief of the Blackfeet Tribal Court positions, the Blackfeet Nation Election Board shall promptly conduct a special election to fill that vacancy.

C. If the position of Vice-President of the Executive Branch should become vacant, the President of the Executive Branch shall promptly appoint a successor.

D. If the position of President of the Executive Branch of the Blackfeet Nation should become vacant, the Blackfeet Nation Election Board shall promptly conduct a special election to fill that vacancy. At that time, both the President and Vice-President offices will be declared vacant and subject to the election; provided however, that the Vice-President then in office shall fulfill the duties of the President until such time as a new officers elected and sworn in as President and Vice-President.

## **ARTICLE X - REMOVAL AND RECALL**

Elected officers of the Blackfeet Nation shall be subject to recall and removal as follows:

### **Section 1. Recall.**

A. The citizens of the Blackfeet Nation shall have the authority to recall any elected officer of the Blackfeet Nation for good cause. A challenge to whether there is a sufficient factual basis to support the claim of good cause may be brought in the Blackfeet Judicial system by the elected official who is the subject of a recall effort.

B. “Good Cause” may include but is not limited to conviction of a felony while in office, theft from the Blackfeet Nation, gross neglect of duty, repeated

unexcused absences from official meetings, intentional acts in violation of the Constitution of the Blackfeet Nation, or misconduct reflecting adversely on the dignity of the Blackfeet Nation or the office which they hold.

C. A District Representative may be recalled upon a Petition to the Blackfeet Nation Election Board by at least thirty percent (30%) of the number of Blackfeet Nation citizens voting in that particular district in the Blackfeet Nation General Election just prior to the recall effort, provided however that a recall petition must contain at least 50 signatures. After verification of the signatures, the Election Board shall hold a recall election within 60 days to determine whether the elected official who is the subject of the Recall Petition shall be recalled and removed from office. The vote of the majority of the Blackfeet Nation citizens voting in the recall election shall be conclusive and binding on all branches of the Blackfeet Nation government.

D. Any other elected official of the Blackfeet Nation shall be subject to recall upon a Petition to the Blackfeet Nation Election Board by at least thirty percent (30%) of the number of Blackfeet Nation citizens voting in the Blackfeet Nation General Election just prior to the recall effort. After verification of the signatures, the Election Board shall hold a recall election within 60 days to determine whether the elected official who is the subject of the Recall Petition shall be recalled and removed from office. The vote of the majority of the Blackfeet Nation citizens voting in the recall election shall be conclusive and binding on all branches of the Blackfeet Nation government.

E. If the recall petition against an official of the Blackfeet Nation fails, the Blackfeet Nation official who was the subject of the recall effort shall remain in office. No additional recall petition may be filed against that official for at least one (1) year after a recall petition fails.

F. If a recall petition fails, those responsible for bringing that recall petition may be held liable for the costs of the election.

**Section 2. Removal.** The Blackfeet Nation Legislature shall have the authority to remove any elected official of the Blackfeet Nation as follows:

A. For “good cause” as set forth in Clause 1.c of this Article, the Blackfeet Legislature may remove any elected official of the Blackfeet Nation. A challenge to whether there is a sufficient factual basis to support the claim of good cause may be brought in the Blackfeet Judicial system by the elected official who is the subject of a removal effort.

B. Prior to any vote to recall an elected official of the Blackfeet Nation, the Blackfeet Legislature must provide the elected official who is the subject of the removal effort with a detailed list of the charges against them and provide the official who is subject to the removal effort a hearing with all due process rights including the right to counsel, to call witnesses on their behalf and to cross-examine witnesses against them.

C. The Blackfeet Legislature, after due notice and opportunity for a full hearing, may remove an elected official of the Blackfeet Nation by a vote of at least nine (9) members of the Blackfeet Legislature in favor of removal. The vote of the Blackfeet Legislature as set forth herein voting in favor of recall shall be conclusive and binding on all branches of the Blackfeet Nation government.

D. If the removal effort against an official of the Blackfeet Nation by the Blackfeet Legislature fails, the Blackfeet Nation official who was the subject of the removal effort shall remain in office. No additional removal effort may be filed against that official for the same charges.

**3. Consequence of Recall or Removal.** An elected official of the Blackfeet Nation who is successfully recalled or removed pursuant to this Article, shall be removed for the remainder of the term during which they were recalled or removed and shall be barred from running for any elected office of the Blackfeet Nation for one additional succeeding term of office.

## **ARTICLE XI – REFERENDUM AND INITIATIVE**

**Section 1. Referendum.** The citizens of the Blackfeet Nation may reject or approve any proposed law or action of the Blackfeet Nation Legislature except an

appropriation of money or other budgetary matter. A referendum shall be held on a proposed law or action of the Legislature upon the vote of at least 9 members of the Blackfeet Nation Legislature or upon a petition of at thirty percent (30%) of the citizens of the Blackfeet Nation voting in the Blackfeet Nation General Election just prior to the referendum petition.

An act referred to the citizens or which the citizens petition to hold a referendum upon is not effective until approved in an election. Referendum issues shall be held at the same time as the Tribal General Election unless the Blackfeet Legislature determines that a Special Election is necessary, in which case the Legislature shall have the authority to call such a referendum election.

**Section 2. Initiative.** The citizens of the Blackfeet Nation may enact laws by initiative on all matters except budgetary matters or the appropriation of money. To place a proposed law on the ballot as an initiative, a petition of at least thirty percent (30%) of the citizens of the Blackfeet Nation voting in the Blackfeet Nation General Election just prior to the initiative petition must be filed with the Blackfeet Election Board not less than ninety (90) days prior to a Blackfeet Nation General Election.

Upon verification of the signatures on the Petition, the Blackfeet Election Board shall cause the matter to be placed on the next Blackfeet Nation General Election ballot under the law.

Any law approved by a majority of the Blackfeet Nation citizens in an initiative election shall become law provided that the proposed law is not contrary to the provisions of this Constitution.

## **ARTICLE XII – AMENDMENT**

This Constitution may be amended by a majority vote of the citizens of the Blackfeet Nation at an election called for that purpose. The Blackfeet Nation Legislature may propose amendments to this Constitution by a vote of at least 9 members voting to do so. The citizens of the Blackfeet Nation may amend this

Constitution by presenting a petition to the Blackfeet Election Board signed by at least forty percent (40%) of the number of Blackfeet Nation citizens voting in the last Blackfeet Nation General Election. Upon verification of the signatures, the Blackfeet Nation Election Board shall call a Special Amendment Election, to be held in conjunction with the next Blackfeet Nation General Election, on whether to adopt the proposed amendment to this Constitution; provided that the Blackfeet Legislature may call a Special Election solely for the purposes of voting on the proposed amendment.

Upon a majority vote of the citizens of the Blackfeet Nation voting in an election to amend this Constitution, this Constitution shall be so amended.

### **ARTICLE XIII - MANDATORY PERIODIC REVIEW**

There shall be a mandatory review of this Constitution every five (5) years. The review shall be conducted by a Commission of ten (10) Blackfeet Nation citizens. Five of the members of the Commission shall be appointed by the Blackfeet Legislature and five shall be appointed by the Blackfeet Nation President.

The Commission shall make recommendations to the Blackfeet Legislature, Blackfeet President and to the citizens of the Blackfeet Nation regarding their findings.

### **ARTICLE XIV – ADOPTION OF CONSTITUTION**

This Constitution shall be adopted when voted upon by a majority of Blackfeet Nation citizens in an election called for that purpose by the Secretary of the Interior in accordance with rules and procedures determined by the Department of the Interior.

## **ARTICLE XV – REPEAL OF 1935 CONSTITUTION AND SAVINGS CLAUSE**

Upon the adoption of this Constitution, the 1935 Constitution and By-laws of the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana is hereby repealed. Provided however, that the laws, ordinances, resolutions and official actions of the Blackfeet Nation taken pursuant to the 1935 Constitution shall remain in full force and effect until otherwise modified or rescinded.

## **ARTICLE XVI – TRANSITION PERIOD AND IMPLEMENTATION OF NEW CONSTITUTION**

Upon adoption of this Constitution by the citizens of the Blackfeet Nation pursuant to Article XIV of this Constitution and approval of the election by the Secretary of the Interior, transition to this Constitution from the 1935 Constitution shall occur as follows:

**Section 1. Election.** An Election Board as required by Article IX of this Constitution shall be appointed within thirty (30) days of approval of the adoption of this Constitution by the Secretary of the Interior. The Election Board shall immediately begin preparations for the election of officials as required by this Constitution.

Thereafter, the next Blackfeet Nation elections shall be held as scheduled in 2018 in accordance with the provisions of this Constitution.

**Section 2. Judicial Transition.** The Chief Justice of the Blackfeet Nation Court of Appeals and the Chief Judge of the Blackfeet Nation Trial Court shall continue in office until the first election for Chief Justice and Chief Judge under this Constitution in 2018.

The Associate Justices and Associate Judges shall remain in office until they are re-affirmed or re-placed pursuant to Article VIII of this Constitution.

**Section 3. Executive Transition.** The provisions of Article VI of this Constitution, EXECUTIVE, shall take effect upon the election of the President and Vice-President in June of 2018. The President and Vice-President shall take office on the second Thursday in July following their election.

**Section 4. Legislative Transition.** Consistent with the requirements of this Constitution, transition for the Legislative branch shall occur as follows:

A. The four (4) members of the former Blackfeet Tribal Business Council elected in 2016 will transition to Blackfeet Nation Legislative Representatives on the second Thursday in July of 2018 in the District from which they were originally elected. Thereafter, they shall serve as Blackfeet Nation Legislative Representatives until the regular Blackfeet Nation elections in 2021 at which time their terms will expire.

B. In 2018 the remaining nine (9) members of the Blackfeet Nation Legislature as required by this Constitution shall be elected. Unless otherwise determined by the Election Board those Representatives would be: Browning District 5; Browning North 2; Seville 1; and, Heart Butte 1.

C. In 2021 all District Representatives shall stand for election as required by this Constitution.

**Section 5. First Legislative Session.** The first session of the Blackfeet Nation Legislature shall convene on the third Monday in August of 2018 and meet for 30 work days during which the Legislature shall first adopt interim internal rules of operation and the Blackfeet Nation Budget must be approved. The second session of the Blackfeet Nation Legislature shall convene on the second Monday in January of 2019. Thereafter the Legislature shall determine the dates of their required sessions.

**Section 6. General Implementation.** The following provisions of this Constitution shall take effect on the second Thursday in July of 2018:

PREAMBLE

MEMERSHIP  
TERRITORY  
JURISDICTION  
BILL OF RIGHTS  
EXECUTIVE BRANCH  
LEGISLATIVE BRANCH  
JUDICIAL BRANCH  
VOTING AND ELECTIONS  
RECALL AND REMOVAL  
REFERENDUM AND INITIATIVE  
AMENDMENT  
MANDATORY PERIODIC REVIEW  
TRANSITION PERIOD AND IMPLEMENTATION OF NEW CONSITUTION