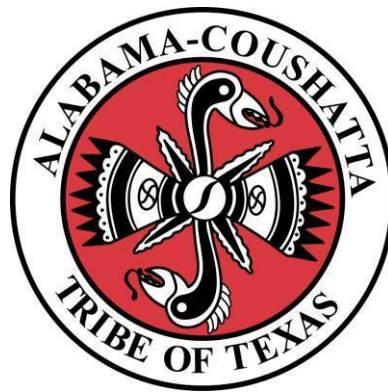


ALABAMA-COUSHATTA TRIBE OF TEXAS



CONSTITUTION AND BY-LAWS

Pursuant to P.L. 100-89, 101 Stat. 669, as signed into law on August 18, 1987, codified at 25 U.S.C. § 731 (5) the term "Constitution and By Laws" means the Constitution and By-Laws of the Tribe which were adopted on June 16, 1971

As

**Revised and Annotated Incorporating Amendments I through XXIII
Published July 2023**

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CONSTITUTION AND BY-LAWS OF THE ALABAMA-COUSHATTA TRIBE OF TEXAS¹

PREAMBLE

We, the people of the Alabama-Coushatta Tribe of Texas, a federally recognized sovereign Indian Tribe, pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) and the Restoration Act of the Alabama and Coushatta Tribes of Texas of August 18, 1987 (101 Stat. 669), acknowledging the sovereignty of our God, the Supreme Being of the Universe, and imploring His aid and guidance, do hereby adopt this Constitution in order to: organize for the common welfare of ourselves and our posterity; to ensure domestic tranquility; to conserve and develop our natural resources; to form businesses and other organizations; to preserve, protect and exercise our inherent powers of self-government and our full police powers; to provide education in schools of higher learning, including vocational, trade, high schools and colleges for our people; and to protect and preserve our culture and traditions, including our language, arts and crafts, and aboriginal sites.²

ARTICLE I – TERRITORY³

This Constitution shall apply to the territory within the present confines of the Alabama-Coushatta Reservation, and to any and all future additions of land acquired within or without said boundary lines.

SECTION 1. Territory. The Territory of the Alabama-Coushatta Tribe of Texas shall consist of the Alabama-Coushatta Indian Reservation as established pursuant to Pub L. 100-89, 101 Stat. 669, 25 U.S.C. Section 231(3), and all lands thereafter acquired by or for the Alabama-Coushatta Tribe of Texas.

SECTION 2. Scope of Territory. The Territory of the Alabama-Coushatta Tribe of Texas shall include, to the fullest extent possible consistent with federal law, all lands, water, property, airspace, surface rights, subsurface rights and other natural resources in which the Tribe now or in the future has any interest,

SECTION 3. Jurisdiction. Except as prohibited by federal law, the Alabama-Coushatta Tribe of Texas shall have jurisdiction over all tribal members and over all persons, subjects, property and all activities occurring within its territory as defined by this Article. Nothing in this Article shall be construed to limit the ability of the Tribe to exercise its jurisdiction, based on its inherent sovereignty as an Indian Tribe.

¹ August 18, 1987 - Pursuant to Pub L. 100-89, 101 Stat. 669, as signed into law on August 18, 1987, codified at 25 U.S.C. § 731(5) the term “constitution and bylaws” means the constitution and bylaws of the tribe which were adopted on June 16, 1971. Further, as provided in § 732 the Alabama and Coushatta Indian Tribes of Texas shall be considered as one tribal unit for purposes of this subchapter and any other rule of law of the United States therefore, the term tribes revised to reflect tribe.

² January 2, 2014 - Having been duly adopted and approved as Amendment A, replacing the existing text of PREAMBLE, authorized for Secretarial Election on September 16, 2013, and approved by a vote of 151 for and 31 against per Certificate of Results of Election on December 18, 2013. Designated as, “Amendment IX to the Constitution of the Alabama- Coushatta Tribe of Texas,” pursuant to the Certification of Approval dated January 2, 2014, by the Acting Regional Director, Southern Plains Regional Office Bureau of Indian Affairs.

³ June 26, 2013 - Having been duly adopted and approved as Amendment A, replacing the existing text of Article I- Territory, authorized for Secretarial Election on March 20, 2013, and approved by a vote of 242 for and 61 against per Certificate of Results of Election on June 19, 2013, designated as, “Amendment V to the Constitution of the Alabama- Coushatta Tribe of Texas,” pursuant to the Certification of Approval dated June 26, 2013, by the Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

SECTION 4. Reservation Lands. All references in this Constitution to the Alabama-Coushatta Indian Reservation or to Reservation Lands shall mean that land identified in 25 U.S.C. Section 731(3)(A), (B) and (C). The 1987 Reservation Lands shall mean only the lands identified in 25 U.S.C. Section 731(3)(A) and (B).⁴

ARTICLE II – TRIBAL NAME AND MEMBERSHIP^{5 6 7}

SECTION 1. Tribal Name. The Alabama and Coushatta Tribes of Texas were formerly separate and distinct Tribes; however, pursuant to the Restoration Act of the Alabama and Coushatta Tribes of Texas (101 Stat. 669), the Tribes now constitute one federally recognized Indian Tribe for all legal and governmental purposes. Henceforth, the Tribe's official name is the Alabama-Coushatta Tribe of Texas.

SECTION 2. Membership Requirements. The membership of the Alabama-Coushatta Tribe of Texas shall consist of:

- (a) All persons whose names appear on the official census roll of the Alabama-Coushatta Tribe of Texas as of June 1, 2023⁸; and
- (b) All persons who meet all of the following requirements at the time of application:
 - (1) Have either a biological mother or biological father who is currently an enrolled member of the Alabama-Coushatta Tribe of Texas, or who was an enrolled member at the time of their death⁹.

⁴ July 6, 2000 - Having been duly adopted and approved as Amendment A, authorized for Secretarial Election on May 19, 2000, and approved by a vote of 205 for and 7 against per Certificate of Results of Election on June 30, 2000. Designated as, "Amendment II to the Constitution of the Alabama-Coushatta Tribe of Texas," pursuant to the Certification of Approval dated July 6, 2000, by the Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

⁵ June 26, 2013 - Having been duly adopted and approved as Amendment B, replacing the current Article II – Membership, authorized for Secretarial Election on March 20, 2013, and approved by a vote of 187 for and 115 against per Certificate of Results of Elections on June 19, 2013. Designated as, "Amendment VI to the Constitution of the Alabama-Coushatta Tribe of Texas," as pursuant to the Certification of Approval dated June 26, 2013, by the Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

⁶ January 2, 2014 - Having been duly adopted and approved as Amendment B, renaming ARTICLE II - MEMBERSHIP as TRIBAL NAME AND MEMBERSHIP and amending Section 2(b) (1) and (2), authorized for Secretarial Election on September 16, 2013, and approved by a vote of 132 for and 53 against per Certificate of Results of Election on December 18, 2013, Designated as, "Amendment X to the Constitution of the Alabama-Coushatta Tribe of Texas," pursuant to the Certification of Approval dated January 2, 2014, by the Acting Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

⁷ August 18, 1987 - Pursuant to Pub. L. No. 100-89, 101 Stat. 669 – ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS: RESTORATION OF FEDERAL SUPERVISION, amended the constitution to remove all references to the "Texas Indian Commission," which "shall be considered as reference to the Secretary of the Interior."

⁸ Having been duly adopted and approved as Amendment A (162 for 25 against), Amendment B (146 for 38 against) and Amendment C (141 for and 45 against) replacing the existing official census role dates with this new date, authorized for Secretarial Election on March 14, 2023 by ACITC #2023-43, and approved by a votes noted above on June 13, 2023 per Certificate of Results of Election on July 10, 2023 by the Regional Director, Southern Plains Regional Office Bureau of Indian Affairs.

⁹ Having been duly adopted and approved as Amendment A, replacing the existing text authorized for Secretarial Election on March 14, 2023 by ACITC #2023-43, and approved by a vote on June 13, 2023 of 162 for 25 against per Certificate of Results of Election on July 10, 2023 by the Regional Director, Southern Plains Regional Office

- (2) At least one-fourth (1/4) degree of Alabama and Coushatta Indian Tribes of Texas blood as referenced in Section 201(1) and Section 202 of the Ysleta Del Sur Pueblo and Alabama and Coushatta Tribes of Texas Restoration Act (Public Law 100-89 August 18, 1987)¹⁰; and
- (3) Applies for and is granted membership in the Alabama-Coushatta Tribe of Texas, in accordance with the applicable enrollment ordinance.
- (4) Absent special circumstances, a valid application for membership must be received by the Tribe when the applicant is either between 0-2 years of age, or between 18-20 years of age. For purposes of this section, special circumstances shall be defined in the Tribe's applicable enrollment ordinance.¹¹

SECTION 3. Rights of Members. All persons accepted as members of the Alabama-Coushatta Tribe of Texas under Section 2 of this Article shall have the same rights as tribal members in accordance with this Constitution, PROVIDED, that the Tribal Council shall give preference to residents of the territory of the Tribe, as defined by Article I, Section 1 of this Constitution, for available land, housing, benefits and services.

SECTION 4. Limitation on Members. No person eligible for membership in the Alabama- Coushatta Tribe of Texas under Section 2 of this Article shall be accepted into membership if that person is a member of any organized tribe, band or Indian community, whether recognized by the Secretary of the Interior or not, unless that person relinquishes, in writing, said person's membership in said tribe, band or Indian community.

SECTION 5. Voluntary Relinquishment from Tribal Membership. The Tribal Council shall develop a Tribal ordinance which provides for the voluntary relinquishment from membership in the Alabama-Coushatta Tribe of Texas and deletion from the Tribal census roll.

SECTION 6. Involuntary Removal from Tribal Membership. The Tribal Council shall develop a Tribal ordinance which establishes the procedure and the criteria for the involuntary removal of persons from the Tribal census roll, PROVIDED, that the ordinance gives any affected member an opportunity to be heard and to argue against removal. No such ordinance shall be effective unless it is approved by a three- fourths (3/4) majority vote during an election provided for in this Constitution.

SECTION 7. Resident Tribal Member. All enrolled members of the Alabama-Coushatta Tribe of Texas living on the territory of the Tribe, as defined by Article I, Section 1 of this Constitution, with the intent to make the Territory their fixed and permanent home, shall be considered Resident Tribal Members.

SECTION 8. Non-Resident Tribal Members. All enrolled Tribal members of the Alabama-Coushatta Tribe of Texas not domiciled on the territory of the Tribe, as defined by Article I, Section 1 of this Constitution, shall be considered Non-Resident Tribal Members.

Bureau of Indian Affairs.

¹⁰ Having been duly adopted and approved as Amendment B, replacing the existing text authorized for Secretarial Election on March 14, 2023 by ACITC #2023-43, and approved by a vote on June 13, 2023 of 146 for 38 against per Certificate of Results of Election on July 10, 2023 by the Regional Director, Southern Plains Regional Office Bureau of Indian Affairs.

¹¹ Having been duly adopted and approved as Amendment C, adding new text authorized for Secretarial Election on March 14, 2023 by ACITC #2023-43, and approved by a vote on June 13, 2023 of 141 for 45 against per Certificate of Results of Election on July 10, 2023 by the Regional Director, Southern Plains Regional Office Bureau of Indian Affairs.

SECTION 9. Membership Ordinances. The Tribal Council shall have the authority to create ordinances governing membership and residency consistent with this Constitution.

SECTION 10. Annual Publication of Census Roll. The Tribal Council shall maintain a census roll of all members of the Alabama-Coushatta Tribe of Texas, and said roll will identify if a member is a Resident Tribal Member or a Non-Resident Tribal Member. The census roll will be published annually, no later than 120 days prior to the Annual Election held on the first Wednesday of November.

SECTION 11. Vested Property Rights. Nothing contained in this Article shall be construed to deprive any enrolled member of the Alabama-Coushatta Tribe of Texas of any vested property right.

ARTICLE III - ORGANIZATION OF THE GOVERNMENT

The government of the Alabama-Coushatta Tribe of Texas shall include Tribal Chiefs, a Tribal Council, a Tribal Administration and a Tribal Court System.¹²

ARTICLE IV – TRIBAL CHIEFS¹³

SECTION 1. Tribal Chiefs. There shall be two (2) Chiefs of the Alabama-Coushatta Tribe of Texas. These shall consist of a Principal Chief and a Second Chief. Both the Principal Chief and Second Chief must be enrolled Resident Members of the Tribe and must speak either the Alabama or Alabama-Coushatta language.

SECTION 2. Selection of Tribal Chiefs. Both the Principal Chief and Second Chief of the Alabama-Coushatta Tribe of Texas shall be elected to a life term. The Tribal Council shall have the power to create an ordinance governing the nomination and election of the Tribal Chiefs.

SECTION 3. Duties of the Tribal Chiefs. The Principal Chief and Second Chief of the Alabama-Coushatta Tribe of Texas shall represent the Alabama-Coushatta Tribe of Texas on cultural, spiritual and historical matters; shall represent the Tribe at cultural events; and shall facilitate understanding of the Tribe's culture and heritage.

SECTION 4. Ex-Officio Members of the Tribal Council. The Principal Chief and Second Chief of the Alabama-Coushatta Tribe of Texas are Ex-Officio Members of the Tribal Council and may attend meetings of the Tribal Council and advise the Tribal Council to consider the cultural and spiritual needs of the Tribe. The Principal Chief, or in his absence, the Second Chief, shall have no vote, unless the Tribal Council is equally divided.

¹² January 2, 2014 - Having been duly adopted and approved as Amendment C, renaming ARTICLE III-GOVERNING BODY as ORGANIZATION OF THE GOVERNMENT and replacing the existing text, authorized for Secretarial Election on September 16, 2013, and approved by a vote of 120 for and 66 against per Certificate of Results of Election on December 18, 2013. Designated as, "Amendment XI to the Constitution of the Alabama-Coushatta Tribe of Texas," pursuant to the Certification of Approval dated January 2, 2014, by the Acting Regional Director, Southern Plains Regional Office Bureau of Indian Affairs.

¹³ January 2, 2014 - Having been duly adopted and approved as Amendment D, renaming ARTICLE IV - POWERS as TRIBAL CHIEFS and replacing the existing text, authorized for Secretarial Election September 16, 2013, and approved by a vote of 124 for and 61 against per Certificate of Results of Election on December 18, 2013. Designated as, "Amendment XII to the Constitution of the Alabama-Coushatta Tribe of Texas," pursuant to the Certification of Approval dated January 2, 2014, by the Acting Regional Director, Southern Plains Regional Office Bureau of Indian Affairs.

ARTICLE V – THE TRIBAL COUNCIL¹⁴

SECTION 1. The Tribal Council. The governing body of the Alabama-Coushatta Tribe of Texas shall be known as the Alabama-Coushatta Tribal Council and shall be composed of seven (7) members as listed in this Article. All Tribal Council Members shall be enrolled Resident Tribal Members, as defined by Article II, Section 7 of this Constitution, who are elected by the eligible voters of the Tribe in accordance with this Constitution and any election law in effect.

SECTION 2. Term of Office. Each member of the Tribal Council shall be elected by the eligible voters of the Tribe for a period of three (3) years, and all council members shall be eligible for re-election at the end of each term of office. Election for Tribal Council shall be held annually on the first Wednesday of November, and the terms of the members of the Tribal Council shall be staggered. At the Annual Election scheduled for November 5, 2014, two (2) positions for membership on the Tribal Council will appear on the ballot. At the Annual Election scheduled for November 4, 2015, two (2) positions for membership on the Tribal Council will appear on the ballot. At the Annual Election scheduled for November 2, 2016, three (3) positions for membership on the Tribal Council will appear on the ballot. Thereafter, said election cycle shall continue. The Tribal Council shall create an ordinance governing the nomination and election of the Tribal Council.

SECTION 3. Tribal Council Officers. The officers of the Tribal Council shall be the Chairperson, Vice-Chairperson, Secretary and Treasurer.

SECTION 4. Election of Tribal Chairperson. After the Annual Election for membership on the Tribal Council has been certified, the eligible voters of the Tribe will elect a Chairperson of Tribal Council from the seven (7) members of the Tribal Council. The Chairperson shall serve until the next Annual Election. The Tribal Council shall create an ordinance governing the nomination and election of Tribal Chairperson.

SECTION 5. Selection of Vice-Chairperson, Secretary and Treasurer. At the first meeting of the Tribal Council following the certification of the election of the Chairperson of the Alabama-Coushatta Tribal Council, the offices of the Vice-Chairperson, Secretary and Treasurer shall be selected by the Tribal Council from its own membership. The officers shall serve until the next Annual Election.

SECTION 6. Duties of the Officers. The duties of the Chairperson, Vice-Chairperson, Secretary and Treasurer of the Alabama-Coushatta Tribal Council shall be stated in the Tribe's by-laws and the ordinances governing policies and procedures of the Tribal Council.

SECTION 7. Meetings of the Tribal Council. The Tribal Council of the Alabama-Coushatta Tribe of Texas shall hold regular meetings twice a month. The meetings of the Tribal Council, with the exception of Executive Sessions, shall be open to Tribal members. The Tribal Council shall create an ordinance governing any Special Meetings of the Tribal Council.

SECTION 8. Quorum. Five (5) or more members of the Tribal Council shall constitute a quorum for any regular or special Tribal Council meeting. A quorum is required at all meetings in order to conduct official business of the Tribal Council. Proxy voting shall be prohibited.

¹⁴ January 2, 2014 - Having been duly adopted as approved as Amendment E, renaming ARTICLE V - ELECTIONS as ARTICLE V -THE TRIBAL COUNCIL and replacing the existing text, authorized for Secretarial Election on September 16, 2013, and approved by a vote of 111 for and 75 against per Certificate of Results of Election on December 18, 2013. Designated as, "Amendment XIII to the Constitution of the Alabama-Coushatta Tribe of Texas," pursuant to the Certification of Approval dated January 2, 2014, by the Acting Regional Director, Southern Plains Regional Office Bureau of Indian Affairs.

SECTION 9. Voting. The Tribal Council shall make decisions by a majority vote of those present, except as otherwise provided in this Constitution or in an ordinance which requires more than a majority vote. All members of the Tribal Council shall have one (1) vote.

SECTION 10. Subordinate Organizations. The Tribal Council shall have authority to appoint subordinate officers, boards and committees.

ARTICLE VI - POWERS¹⁵

SECTION 1. Enumerated Powers. The Tribal Council shall have all powers vested in the Tribe through its inherent sovereignty or federal law. It shall execute these powers in accordance with the express limitations contained in this Constitution or other applicable laws. These powers include but are not limited to the following:

- (a) To negotiate with the Federal, State, and local governments on behalf of the tribe, and to advise and consult with the representatives of the Secretary of the Interior¹⁶ on all activities of the Secretary of the Interior that may affect the Alabama-Coushatta Tribe.
- (b) To employ counsel for the protection and advancement of the rights of the tribe and its members.
- (c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands or other tribal assets, PROVIDED, That no reservation lands shall ever be leased for a period exceeding ten (10) years, excepting mineral leases, including oil and gas leases, sold or encumbered, except for governmental purposes, PROVIDED HOWEVER, that reservation land may be leased for a term up to fifty (50) years to tribal members.¹⁷
- (d) To make assignments of tribal land to members for the tribe and regulate the cutting of timber.
- (e) To manage all Economic affairs and enterprises of the tribe.
- (f) To appropriate for public purposes of the Alabama-Coushatta Tribe of Texas available funds of the tribe subject to review by the Secretary of the Interior.
- (g) To levy assessments upon residents of the reservation and to require performance of reservation labor in lieu thereof, PROVIDED HOWEVER, that any such assessment upon members of the tribe shall have the approval of eligible voters.

¹⁵ January 2, 2014 - Original ARTICLE IV – POWERS renumbered to ARTICLE VI - POWERS, pursuant to the addition of ARTICLE IV – TRIBAL CHIEFS and ARTICLE V – THE TRIBAL COUNCIL to the Constitution as referenced above.

¹⁶ August 18, 1987 - Pursuant to Pub. L. No. 100-89, 101 Stat. 669 – ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS: RESTORATION OF FEDERAL SUPERVISION, amended the constitution to remove all references to the “Texas Indian Commission,” which “shall be considered as reference to the Secretary of the Interior.”

¹⁷ July 2, 1990 - Having been duly adopted as Amendment A, amending Section 1(c), authorized for Secretarial Election on May 18, 1990, and approved by a vote of 80 for and 22 against per Certificate of Results of Election on June 20, 1990. Designated as, “Amendment I to the Constitution of the Alabama-Coushatta Tribe of Texas,” pursuant to the Certification of Approval dated July 2, 1990, by the Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

- (h) To establish and enforce ordinances or to otherwise act by resolution to promote and protect the health, peace, morals, education, sovereignty, jurisdiction, community, children, lands, resources, and general welfare of the tribe and its members including, but not limited to, the promotion and establishment of legal gaming operations within the Reservation Lands of the Tribe as defined in Article I, Section 4 of this Constitution;¹⁸ to enact and enforce civil and criminal laws governing the conduct of all persons who enter the Tribe's territory, subject to any limitations imposed by Federal law; to provide for the maintenance of law, order and the administration of justice;¹⁹ to regulate and tax wholesale, retail, commercial, or industrial trade and other activities within the Tribe's territory, and the control, management, use and disposition of Tribal property; provided that non-restricted property of members which was obtained outside of any help or assistance of the United States Government or of the Tribe may be disposed of by the owner without restrictions, provided further that any tax or assessment upon members of the tribe must have approval of eligible voters of the Tribe at a special election in which at least 30 percent of the eligible voters.
- (i) To regulate the inheritance of property, real and personal, within the territory of the Alabama- Coushatta Indian Reservation.
- (j) To regulate the manner of making nominations for tribal offices and or holding elections.
- (k) To adopt resolutions regulating the procedure of the Tribal Council itself and of other tribal agencies and tribal officials.
- (l) To encourage and foster the arts, crafts, traditions and culture of the Alabama-Coushatta Tribe.
- (m) To charter subordinate organizations for economic purposes and to regulate the activities of cooperative associations of members of the tribe.
- (n) To protect and preserve the property, wildlife, and natural resources of the tribe.
- (o) To delegate to subordinate boards of tribal officials, or to cooperative associations which are open to all members of the tribe, any of the foregoing powers, reserving the right to review any actions taken by virtue of such delegated powers.

SECTION 2. Any resolution or ordinance, which by the terms of the Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Alabama-Coushatta Tribe who shall, within fifteen (15) days thereafter, approve or disapprove the same. If the Superintendent shall approve any ordinances or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior who may, within ninety days from the date of enactment, approve the same in writing.

¹⁸ November 20, 2014 – Having been duly adopted as Amendment E, revising ARTICLE VI – POWERS, specifically Section 1.(h), authorized for Secretarial Election on June 6, 2014, and approved by a vote of 96 For and 81 Against per Certificate of Results of Election on November 5, 2014, designated as “Amendment XX to the Constitution of the Alabama-Coushatta Tribe of Texas” pursuant to the Certification of Approval dated November 20, 2014, by the Acting Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

¹⁹ July 6, 2000 - Having been duly adopted as Amendment B, amending Section 1(h), authorized for Secretarial Election on May 19, 2000, and approved by a vote of 195 for and 18 against per Certificate of Results of Election on June 30, 2000, designated as, “Amendment III to the Constitution of the Alabama-Coushatta Tribe of Texas,” pursuant to the Certification of Approval dated July 6, 2000, by the Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within fifteen days after its enactment he shall advise the Tribal Council of his reasons therefore. If these reasons appear to the Council insufficient it may, by majority vote, refer the ordinance or resolution to the Secretary of the Interior who may, within ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SECTION 3. Future Powers. The Tribal Council may exercise such further powers as may in the future be delegated to the tribe and duly authorized official or agency of the State or Federal government or by members of the tribe.

SECTION 4. Reserved Powers. Any rights and powers heretofore vested in the Alabama- Coushatta Tribe of Texas, but not expressly referred to in this Constitution, shall not be abridged by this article, but may be exercised by the people of the tribe through the adoption of appropriate By-Laws and Constitutional Amendments.

SECTION 5. Resource Powers. The Tribal Council shall have authority to negotiate, enter into and consummate transactions borrowing money for the purpose of creating industry to preview employment for Reservation Members and revenue for Tribal Projects and Programs, provided that no mortgages or liens against Tribal properties are made.

ARTICLE VII – THE TRIBAL ADMINISTRATION²⁰

The Tribal Administration shall consist of a Tribal Administrator and other positions as deemed necessary by the Tribal Council. The Tribal Administration shall oversee the administration of the Tribe's business and shall supervise the day-to-day operations of the Tribe. The Tribal Administration shall be subordinate to the Tribal Council.

ARTICLE VIII - ELECTIONS^{21 22}

SECTION 1. Annual Election. The Annual Election for membership for Tribal Council shall be held annually on the first Wednesday of November.

SECTION 2. Special Elections. The Special Elections shall be held when called for by the Tribal Council, by this Constitution, or by the voters as provided for in this Constitution.

SECTION 3. Eligible Voters. The eligible voters of the Alabama-Coushatta Tribe of Texas are:

²⁰ January 2, 2014 - Having been duly adopted as Amendment F, renaming Article VII- REFERRENDUM as TRIBAL ADMINISTRATION and replacing existing text, authorized for Secretarial Election on September 16, 2013, and approved by a vote of 126 for and 59 Against per Certificate of Results of Election on December 18, 2013, designated as "Amendment XIV to the Constitution of the Alabama-Coushatta Tribe of Texas," pursuant to the Certification of Approval dated January 2, 2014, by the Acting Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

²¹ June 26, 2013 - Having been duly adopted and approved as Amendment C, replacing the current Article V - Elections, authorized for Secretarial Election on March 20,2013, and approved by a vote of 222 for and 71 against per Certificate of Results of Elections on June 19, 2013.Designated as, "Amendment VII to the Constitution of the Alabama-Coushatta Tribe of Texas," as pursuant to the Certification of Approval dated June 26, 2013, by the Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

²² January 2, 2014 - Original ARTICLE V- ELECTIONS renumbered to ARTICLE VIII - ELECTIONS, pursuant to the addition of ARTICLE V – TRIBAL CHIEFS as Amendment XII, ARTICLE V – THE TRIBAL COUNCIL as Amendment XIII and ARTICLE VII – THE TRIBAL ADMINISRATION as Amendment XIV to the Constitution as referenced above.

- (a) All Resident Tribal Members who are eighteen (18) years or older and who have maintained continuous residence within the territory of the Tribe, as defined in Article I, Section 1 of this Constitution, for a period of six (6) months prior to the date of any election, are eligible to vote in both the Annual Election of the Tribe or any Special Election; and
- (b) All Non-Resident Tribal Members who are eighteen (18) years or older are eligible to vote only in the Annual Election of the Tribe or as provided for in this Constitution.

SECTION 4. Candidate for Office. Any Resident Member of the Tribe, as defined by Article II, Section 7 of this Constitution who is no less than twenty-five (25) years of age, may be a candidate for election to the Tribal Council if said Resident Member has maintained continuous residence within the territory of the Tribe, as defined in Article I, Section 1 of this Constitution, for no less than one (1) year preceding the date of the Annual Election of the Tribe.

SECTION 5. Elections Ordinances. The Tribal Council shall have the authority to create ordinances governing elections consistent with this Constitution.

ARTICLE IX - REMOVAL²³

SECTION 1. The Tribal Council may by an affirmative vote of five (5) expel any member for neglect of duty or gross misconduct. Before any vote for expulsion is taken on the matter, such member shall be given an opportunity to answer any and all charges of the designated Council meeting; the decision of the Tribal Council shall be final.

SECTION 2. The Tribal Council shall have power to fill vacancies created by reason of death, removal from office, resignation, or otherwise until the next regular election.

ARTICLE X - GENERAL MEMBERSHIP MEETINGS²⁴

SECTION 1. General Membership Meetings. The Tribal Council shall call and hold at least one General Membership Meeting in the month of December and any others as deemed necessary by Tribal Council. The Chairperson of the Tribal Council shall be the presiding officer at all General Membership Meetings. The operations and procedures regarding general membership meetings shall be established by Tribal Council ordinance.

SECTION 2. Notices. Notices of any General Membership Meeting shall be provided no less than thirty days prior to the scheduled meeting.

Exception: Should a properly noticed General Membership Meeting be postponed due to the death of a Tribal Member, severe weather, public health emergency, or circumstances deemed an Act of God, it may be rescheduled within fifteen (15) calendar days after the originally scheduled date. Notice of the

²³ January 2, 2014 – Original ARTICLE VI – REMOVAL renumbered to ARTICLE IX – REMOVAL, pursuant to the addition of ARTICLE IV – TRIBAL CHIEFS as Amendment XII, ARTICLE V – THE TRIBAL COUNCIL as Amendment XIII and ARTICLE VII – THE TRIBAL ADMINISTRATION as Amendment XIV to the Constitution as referenced above.

²⁴ January 2, 2014 - Having been duly adopted as Amendment G, renaming Article X – AMENDMENTS as ARTICLE X – GENERAL MEMBERSHIP MEETINGS and replacing existing text, authorized for Secretarial Election on September 16, 2013, and approved by a vote of 106 For and 80 Against per Certificate of Results of Election on December 18, 2013, designated as “Amendment XV to the Constitution of the Alabama-Coushatta Tribe of Texas,” pursuant to the Certification of Approval dated January 2, 2014, by the Acting Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

rescheduled meeting shall be posted within one (1) calendar day of the postponement of the original meeting.²⁵

SECTION 3. Agenda Items. The following agenda items may be discussed at a General Membership Meeting called under this Article:

- (a) The Proposed Annual Budget of the Tribe;
- (b) The Final audit report of the previous financial year's activities;
- (c) Proposed Capital Expenditures that exceed the discretionary threshold amount approved in the Annual Budget;
- (d) State of the Tribe and future plans of the Tribal Council; and
- (e) Other matters as determined by Tribal Council.

SECTION 4. Quorum. The requirements for a quorum are as follows:

- (a) The Chairperson may conduct a General Membership Meeting without a quorum;
- (b) A quorum is attained if thirty (30) percent of the eligible voters who voted in the immediate prior Annual Election are present;
- (c) Unless there is a verified quorum present at the start of the meeting and at the time a vote is called, no vote required under this Article shall be conducted; and
- (d) If a quorum fails to be met and remain in attendance during a General Membership Meeting called pursuant to this Article, then the Tribal Council shall have the authority to take action on its own on any item requiring a vote of the eligible voters pursuant to Section 5 of this Article.

SECTION 5. Voting. The following issues shall require a majority vote of the verified eligible voters present at the General Membership Meeting for approval:

- (a) Approval of the Proposed Annual Budget of the Tribe;
- (b) Approval of Capital Expenditures that exceed the threshold amount approved in the Annual Budget; and
- (c) Any other matters referred by Tribal Council for a vote at a General Membership Meeting.

SECTION 6. Limits on Popular Participation in Government. The ability of the eligible voters of the Alabama-Coushatta Tribe of Texas to directly participate in government are limited to this Article or as otherwise provided for in this Constitution.

²⁵ Having been duly adopted and approved as Amendment D, adding an exception provision to the Section 2, Notices, authorized for Secretarial Election on March 14, 2023 by ACITC #2023-43, and approved by a vote on June 13, 2023 of 184 for 2 against per Certificate of Results of Election on July 10, 2023 by the Regional Director, Southern Plains Regional Office Bureau of Indian Affairs.

ARTICLE XI - REFERENDUM^{26 27}

SECTION 1. Referendum. Any proposed ordinance or resolution may be referred to the eligible voters of the Tribe, as defined by Article VIII, Section 3(a) and (b) of this Constitution, by the Tribal Council.

SECTION 2. Referendum Election. The Tribal Council shall create an ordinance governing the referendum election process.

ARTICLE XII – LAND^{28 29}

SECTION 1. Tribal lands of the Alabama-Coushatta Tribe and all lands which may hereafter be acquired by the Tribe or by the United States or the State or the State of Texas in trust for the tribe shall be held as tribal lands, and no such lands shall be mortgaged or sold.

SECTION 2. The Tribal Council may consolidate inherited land holdings by purchase, exchange, gift, on voluntary relinquishment, and may reassign such land in the public interest.

SECTION 3. Tribal lands shall not be allotted to individual Indians, but such tribal lands as are not required for school, agency or other administrative use may be assigned by the Tribal Council to members of the Alabama-Coushatta Tribe, or may be leased or otherwise used by the tribe as hereinafter provided for.

SECTION 4. Tribal lands may be leased by the Tribal Council with the approval of the Secretary of the Interior or its authorized agent in accordance with law. Preference shall be given, first, to Indian cooperative associations, and second, to the individual Indians who are members of the Alabama-Coushatta Tribe. No lease of tribal lands to a non-member shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land to pay a reasonable fee for such use.

SECTION 5. In any assignments of tribal lands which are now owned by the tribe or which may hereinafter be acquired for the tribe by the United States or State of Texas or purchased by the tribe out of tribal funds, or which may be designated for the use of the tribe, preference shall be given, first, to heads of families who have already received assignments consisting of less than an economic unit of agricultural land or other land interests in land of equal value, such economic unit to be determined by ordinances of the Tribal

²⁶ January 2, 2014 – Original ARTICLE VII – REFERENDUM renumbered to ARTICLE XI – REFERENDUM, pursuant to the addition of ARTICLE IV – TRIBAL CHIEFS as Amendment XII, ARTICLE V – THE TRIBAL COUNCIL as Amendment XIII and ARTICLE VII– THE TRIBAL ADMINISTRATION as Amendment XIV to the Constitution as referenced above.

²⁷ November 20, 2014 – Having been duly adopted as Amendment A, revising ARTICLE XI – REFERENDUM, authorized for Secretarial Election on June 6, 2014, and approved by a vote of 98 For and 77 Against per Certificate of Results of Election on November 5, 2014, designated as “Amendment XVI to the Constitution of the Alabama-Coushatta Tribe of Texas” pursuant to the Certification of Approval dated November 20, 2014, by the Acting Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

²⁸ January 2, 2014 – Original ARTICLE VIII - LAND renumbered to ARTICLE XII – LAND, pursuant to the addition of ARTICLE IV – TRIBAL CHIEFS as Amendment XII, ARTICLE V – THE TRIBAL COUNCIL as Amendment XIII. ARTICLE VII – THE TRIBAL ADMINISTRATION as Amendment XIV and ARTICLE X – GENERAL MEMBERSHIP MEETINGS as Amendment XV to the Constitution as referenced above.

²⁹ August 18, 1987 - Pursuant to Pub. L. No. 100-89, 101 Stat. 669 – ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS: RESTORATION OF FEDERAL SUPERVISION, amended the constitution to remove all references to the “Texas Indian Commission,” which “shall be considered as reference to the Secretary of the Interior.”

Council, which shall be subject to review by the Secretary of the Interior or a designated representative. Assignments made under this Section shall be known as standard assignment.

The Tribal Council may, if it sees fit, charge an assignee a fee according to a scale adopted by the Council, on approval of an assignment made under this section.

SECTION 6. If any person holding a standard assignment of land shall for a period of two (2) years fail to use the land so assigned or shall use the land for any unlawful purpose, his assignment may be canceled by the Tribal Council after due notice and opportunity to be heard. Such land may then be available for reassignment.

Upon the death of any Indian holding a standard assignment his heirs or other individuals designated by him by written request shall have preference in the reassignment of the land provided such persons are eligible to receive a standard assignment.

SECTION 7. Any member of the Alabama-Coushatta Tribe who owns a piece of land or any share in heirship land or any deeded land, may transfer his interest in such land to the tribe, receiving in return therefore an assignment in same land or other land of equal value, or he may receive a proportionate share in a unit of agricultural, grazing, or other land, or certificate of representing its current market value.

Assignments made under this section shall be known as exchange assignments.

SECTION 8. Upon the death of a holder of an exchange assignment, the land shall be reassigned by the Tribal Council to his heirs or devisee subject to the following conditions.

- (a) Such lands may not be reassigned to any heir or devisee who already owns or holds more than an economic unit of land. Such economic unit of land shall be determined by the Tribal Council.
- (b) Such lands may not be reassigned to any heir or devisee, who is not a member of the Alabama- Coushatta Tribe, except that a life assignment may be made to the surviving spouse or child of such assignment, provided the spouse is a full-blood Indian.
- (c) Such land may not be subdivided into units too small for practical use. The Tribal Council shall determine the practical subdivision of the land in each case. If the land cannot be properly subdivided, the Tribal Council may issue to each heir or devisee a proportionate share in other lands or other interests in land of equal value.
- (d) If there are no eligible heirs or devisee of the descendant, the land shall be eligible for reassignments, the same as other tribal lands.

SECTION 9. Improvement of any character made upon assigned land may be willed to and inherited by members of the Alabama-Coushatta Tribe. When improvements are not possible of fair division, the Tribal Council shall dispose of them under such regulations as it may provide for the benefit of the heirs. No permanent improvements may be removed from any tribal or assigned land without the consent of the Tribal Council.

SECTION 10. No member of the Alabama-Coushatta Tribe may use or occupy tribal lands, except under the assignment or lease.

SECTION 11. Unassigned land shall be managed by the Tribal Council for the benefit of the members of the entire tribe.

SECTION 12. Available tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land for the Alabama-Coushatta Tribe.

SECTION 13. The right to determine the amount of land and make assignment to each lawful assignee shall vest in the Tribal Council.

ARTICLE XIII – TRIBAL COURT SYSTEM^{30 31 32}

SECTION 1. Establishment. The Tribal Court system of the Alabama-Coushatta Tribe of Texas shall be vested in a Tribal Court, Court of Appeals, and a Peacemaker Court, and any other such lower court system as the Tribal Council may establish by ordinance.

SECTION 2. Jurisdiction. The jurisdiction of the Tribal Court system of the Alabama-Coushatta Tribe of Texas shall extend to all cases and disputes arising under this Constitution, the laws and case law of the Alabama-Coushatta Tribe of Texas and shall be exercised to the fullest extent consistent with self-determination and the sovereign powers of the Tribe.

SECTION 3. Powers. The courts of the Alabama-Coushatta Tribe of Texas shall have the following powers:

- (a) Tribal Court. The Tribal Court shall have such power as may be necessary to decide all disputes and other proceedings that arise within the Territory of the Alabama-Coushatta Tribe of Texas. The judicial power of the Tribal Court system extends to all cases, in law and equity, whether civil or criminal, arising under this Constitution, Tribal law, or which are vested in the Tribal Court by applicable federal or state law, or by virtue of the Tribe's inherent sovereignty. The operations and procedures of the Tribal Court shall be established by Tribal Council Ordinance.
- (b) Court of Appeals. The Court of Appeals shall have such power as may be necessary to review appealed decisions rendered by the Tribal Court. The decision of the Court of Appeals shall be final and non-appealable. The operations and procedures of the Court of Appeals shall be established by Tribal Council ordinance.
- (c) Peacemaker Court. The Peacemaker Court is a venue of limited jurisdiction. The purpose and mission of the Peacemaker Court is to provide the means necessary to resolve disputes with the goal of reaching a mutual agreement that promotes healing through the use of

³⁰ July 6, 2000 - Having been duly adopted as Amendment C, authorized for Secretarial Election on May 19, 2000, and approved by a vote of 193 for and 20 against per Certificate of Results of Election on June 30, 2000. Designated as "Amendment IV to the Constitution of the Alabama-Coushatta Tribe of Texas," pursuant to the Certification of Approval dated July 6, 2000, by the Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

³¹ January 2, 2014 - Original ARTICLE IX – JUDICIAL BRANCH OF TRIBAL GOVERNMENT renumbered to ARTICLE XIII–JUDICIAL BRANCH OF TRIBAL GOVERNMENT, pursuant to the addition of ARTICLE IV – TRIBAL CHIEFS as Amendment XII, ARTICLE V – THE TRIBAL COUNCIL as Amendment XIII. ARTICLE VII – THE TRIBAL ADMINISTRATION as Amendment XIV and ARTICLE X – GENERAL MEMBERSHIP MEETINGS as Amendment XV to the Constitution as referenced above.

³² November 13, 2015 – Having been duly adopted as Amendment A, renaming ARTICLE XIII – JUDICIAL BRANCH OF TRIBAL GOVERNMENT as ARTICLE XIII – TRIBAL COURT SYSTEM and replacing the existing text, authorized for Secretarial Election on April 22, 2015, and approved by a vote of 79 for and 49 against per Certificate of Results of Election on November 4, 2015. Designated as "Amendment XXI to the Constitution of the Alabama-Coushatta Tribe of Texas, pursuant to the Certification of Approval dated November 13, 2015, by the Acting Regional Director Southern Plains Regional Office, Bureau of Indian Affairs.

Tribal customs and traditions for the good of the Alabama-Coushatta Tribe of Texas and all its members. The Peacemakers are vested with authority to mediate disputes pursuant to operations and procedures established by Tribal Council ordinance.

SECTION 4. Waiver of Sovereign Immunity. Only the Tribal Council, pursuant to a written resolution, possesses the authority to waive the Tribe's sovereign immunity. The courts and courts of the Alabama-Coushatta Tribe of Texas do not possess the authority to abrogate the Tribe's sovereign immunity.

SECTION 5. Appointment of Judges and Peacemakers. The Tribal Council shall appoint the Judges of the Tribal Court, the Court of Appeals, and Peacemakers of the Peacemaker Court to serve for a term of four (4) years, and all Judges and Peacemakers shall be eligible for re-appointment at the end of each term of office. The Tribal Court shall be comprised of at least one (1) Judge, and more than one (1) if the need arises. The Court of Appeals shall be comprised of three (3) Judges. The Peacemaker Court shall be of such numbers as may be determined by Tribal Council Ordinance.

SECTION 6. Qualifications of Judges and Peacemakers. The qualifications for Judges and Peacemakers shall be established by ordinance, PROVIDED, that no additional requirements may be added during the tenure of a Judge or a Peacemaker already in office, unless the additions or changes exempt the present Judges or Peacemakers.

SECTION 7. Removal of Judges and Peacemakers. A Judge or Peacemaker shall be suspended by the Tribal Council if said Judge or Peacemaker has a felony charge pending. The Tribal Council shall remove a Judge or Peacemaker if said Judge or Peacemaker, while serving as a Judge or Peacemaker, is convicted of a felony by any tribal, federal or state court. The Tribal Council may remove or suspend a Judge or Peacemaker, by a vote of at least five (5) members of the Tribal Council, for moral turpitude, nonfeasance or malfeasance in office, gross neglect of duty, misconduct reflecting on the dignity and integrity of the Tribe, embezzlement of tribal property or assets, or for conduct in violation of any Tribal Code of Ethics, PROVIDED, that an affected Judge or Peacemaker is given written notification and an opportunity to answer any and all charges at a designated Tribal Council meeting. The decision of the Tribal Council shall be final and non-appealable.

SECTION 8. Court Rules. The duties and procedures of the Tribal court system of the Alabama-Coushatta Tribe of Texas, and all other court matters not addressed in this Article, shall be established by Tribal Council Ordinance. The ordinance may also include a Judicial Code of Ethics governing the conduct of all Judges and a Peacemaker Code of Ethics governing the conduct of all Peacemakers.

ARTICLE XIV – INITIATIVE³³

SECTION 1. Initiative. The members of the Alabama-Coushatta Tribe of Texas, as defined by Article II, Sections 2(a) and (b) of this Constitution, reserve the power, through the initiative process, to propose amendments to this Constitution, to propose any ordinance, and to repeal any ordinance enacted by either the Tribal Council or through the Referendum and Initiative processes.

SECTION 2. Initiative to Amend the Constitution. On receipt of a petition proposing an amendment to this Constitution and signed by not less than thirty (30) percent of the eligible voters in the immediate prior Annual Election, the Tribal Council shall forward the petition to the United States Secretary of the Interior to

³³ November 20, 2014 – Having been duly adopted as Amendment B, renaming ARTICLE XIV – REFERENDUM as INITIATIVE and replacing the existing text, authorized for Secretarial Election on June 6, 2014, and approved by a vote of 93 For and 84 Against per Certificate of Results of Election on November 5, 2014, designated as “Amendment XVII to the Constitution of the Alabama- Coushatta Tribe of Texas” pursuant to the Certification of Approval dated November 20, 2014, by the Acting Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

conduct an election on the initiative as required by the Indian Reorganization Act of June 18, 1934 (48 Stat. 984). All voters will be eligible to vote in any election to amend this Constitution through the initiative process.

SECTION 3. Initiative to Enact an Ordinance. On receipt of a petition proposing the enactment of an ordinance and signed by not less than thirty (30) percent of the eligible Resident Member voters in the immediate prior Annual Election, the Tribal Council shall cause a Special Election to be held within sixty (60) days of receipt of said petition. Only voters eligible to vote in Special Election, as set forth in Article VIII, Section 3(a) of this Constitution, will be eligible to vote in any election to enact an ordinance through the initiative process.

SECTION 4. Initiative to Repeal an Ordinance. On receipt of a petition proposing the repeal of an ordinance and signed by not less than thirty (30) percent of the eligible Resident Member voters in the immediate prior Annual Election, the Tribal Council shall cause a Special Election to be held within sixty (60) days of receipt of said petition. Only voters eligible to vote in Special Election, as set forth in Article VIII, Section 3(a) of this Constitution, will be eligible to vote in any election to repeal an ordinance through the initiative process.

SECTION 5. Required Vote. Any initiative referred to a vote of the eligible voters, shall become law when approved by a majority of the votes cast in an election in which at least forty (40) percent of eligible voters cast a vote. PROVIDED, that any amendments to this Constitution are not effective until approved by the Secretary of the Interior.

SECTION 6. Title on Initiatives. All initiatives referred to the eligible voting members of the Tribe shall contain the following introductory phrase: "Be it enacted by the Members of the Tribe"

SECTION 7. Initiative Election. The Tribal Council shall have the authority to enact an ordinance governing the procedures for conducting any election on an Initiative to be presented to the eligible voters of the Tribe under this Article.

ARTICLE XV- RECALL: DISMISSAL FROM OFFICE BY ELIGIBLE VOTERS OF THE TRIBE³⁴

SECTION 1. Power to Recall. The power to recall any elected Tribal Council Member, who is in the second calendar year or later of said member's present term, is specifically reserved to the Eligible Voters of the Alabama-Coushatta Tribe of Texas.

SECTION 2. Recall Process. The Tribal Council shall have the authority to create an ordinance governing the recall process, PROVIDED, that only one Tribal Council Member shall be considered for recall in any given election and no Tribal Council Member may be recalled unless at least thirty (30) percent of Eligible Voters who voted in the immediate prior Annual Election sign the petition and a majority of those voting cast their ballot in favor of recall.

³⁴ November 20, 2014 – Having been duly adopted as Amendment C, creating ARTICLE XV – RECALL: DISMISSAL FROM OFFICE BY ELIGIBLE VOTERS OF THE TRIBE, authorized for Secretarial Election on June 6, 2014, and approved by a vote of 88 For and 86 Against per Certificate of Results of Election on November 5, 2014, designated as "Amendment XVIII to the Constitution of the Alabama-Coushatta Tribe of Texas" pursuant to the Certification of Approval dated November 20, 2014, by the Acting Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

ARTICLE XVI – ORDINANCES AND RESOLUTIONS³⁵

SECTION 1. Ordinances. All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances. Such ordinances shall be collected and made available for inspection and copying by any Tribal member, as defined by Article II, Section 2(a) and (b) of this Constitution.

SECTION 2. Resolutions. All final decisions of the Tribal Council on matters of temporary interest, such as the approval of ordinances, the establishment of a committee, action taken on the tribal budget for a single year, or rules of order, shall be embodied in resolutions which shall be duly executed and recorded in a special book which shall be open to inspection by any Tribal member, as defined by Article II, Section 2(a) and (b) of this Constitution.

ARTICLE XVII – SAVINGS CLAUSE³⁶

SECTION 1. Savings Clause. Any resolution or ordinance adopted by the Alabama-Coushatta Tribal Council shall continue in force and effect unless inconsistent with this Constitution or revoked.

ARTICLE XVIII - SEVERABILITY³⁷

SECTION 1. Severability. In the event that any provision of this Constitution shall be determined invalid, illegal or unconstitutional by a court of competent jurisdiction, that portion shall be severed and the remaining provisions of this Constitution shall continue in full force and effect.

³⁵ November 20, 2014 – Having been duly adopted as Amendment D, creating ARTICLE XVI – ORDINANCES AND RESOLUTIONS, authorized for Secretarial Election on June 6, 2014, and approved by a vote of 103 For and 76 Against per Certificate of Results of Election on November 5, 2014, designated as “Amendment XIX to the Constitution of the Alabama-Coushatta Tribe of Texas” pursuant to the Certification of Approval dated November 20, 2014, by the Acting Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

³⁶ November 13, 2015 – Having been duly adopted and approved as Amendment B, replacing ARTICLE XVI – AMENDMENTS with a new ARTICLE XVI – SAVINGS CLAUSE, authorized for Secretarial Election on April 22, 2015 approved by a vote of 81 for and 46 against per Certificate of Results of Election on November 4, 2015. Designated as “Amendment XXII to the Constitution of the Alabama-Coushatta Tribe of Texas” pursuant to the Certification of Approval dated November 13, 2015, by the Acting Regional Director Southern Plains Regional Office, Bureau of Indian Affairs.

³⁷ November 13, 2015 – Having been duly adopted and approved as Amendment C, creating ARTICLE XVIII – SEVERABILITY authorized for Secretarial Election on April 22, 2015 and approved by a vote of 82 for and 46 against per Certificate of Results of Election on November 4, 2015. Designated as “Amendment XXIII to the Constitution of the Alabama-Coushatta Tribe of Texas” pursuant to the Certification of Approval dated November 13, 2015 by the Acting Regional Director Southern Plains Regional Office, Bureau of Indian Affairs.

ARTICLE XIX - AMENDMENTS^{38 39 40 41 42 43}

This Constitution and By-Laws may be amended by a majority vote of the Eligible Voters of the Alabama- Coushatta Tribe of Texas, as defined by this Constitution, PROVIDED, at least thirty (30%) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it has been approved by the Secretary of Interior. It shall be the duty of the Secretary of Interior to call an election on any proposed amendment, on the receipt of a written resolution of the Tribal Council.

BY-LAWS OF THE ALABAMA-COUSHATTA TRIBE OF TEXAS

ARTICLE I - DUTIES OF OFFICERS

SECTION 1. The duties of the officers of the Tribal Council shall be as follows:

- (a)** The Chairman of the Tribal Council shall preside at all meetings of the Council. He shall also be the presiding officer at any public assembly meeting which may be duly called in accordance with the Constitution. He shall at all times have general supervision pertaining to general welfare of the community. It shall also be the duty of the Chairman to countersign all checks drawn against funds of the organization by the Treasurer.
- (b)** The Vice-Chairman shall preside at all meetings of the Tribal Council in the absence of the Chairman and shall act in his stead in all matters pertaining to the office of the Chairman.
- (c)** The Secretary shall keep an accurate record of all proceedings of the Tribal Council and furnish copies thereof to the Superintendent. He shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the tribal organization.

³⁸ August 18, 1987 - Pursuant to Pub. L. No. 100-89, 101 Stat. 669 – ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS: RESTORATION OF FEDERAL SUPERVISION, amended the constitution to remove all references to the “Texas Indian Commission,” which “shall be considered as reference to the Secretary of the Interior.”

³⁹ July 6, 2000 - Original ARTICLE IX – AMENDMENTS renumbered to ARTICLE X - AMENDMENTS, pursuant to the addition of ARTICLE IX - JUDICIAL BRANCH OF TRIBAL GOVERNMENT as Amendment III to the Constitution as referenced above.

⁴⁰ June 26, 2013 - Having been duly adopted and approved as Amendment D, replacing the current Article X - Amendments, authorized for Secretarial Election on March 20,2013, and approved by a vote of 248 for and 53 against per Certificate of Results of Elections on June 19, 2013.Designated as, “Amendment VIII to the Constitution of the Alabama- Coushatta Tribe of Texas,” as pursuant to the Certification of Approval dated June 26, 2013, by the Regional Director, Southern Plains Regional Office, Bureau of Indian Affairs.

⁴¹ January 2, 2014 – Original ARTICLE X - AMENDMENTS renumbered to ARTICLE XIV – AMENDMENTS, pursuant to the addition of ARTICLE IV – TRIBAL CHIEFS as Amendment XII, ARTICLE V – THE TRIBAL COUNCIL as Amendment ARTICLE VII – THE TRIBAL ADMINISTRATION as Amendment XIV and ARTICLE X – GENERAL MEMBERSHIP MEETINGS as Amendment XV to the Constitution as referenced above.

⁴² November 20, 2014 – ARTICLE XIV – AMENDMENTS renumber to ARTICLE XVII – AMENDMENTS, pursuant to the addition of ARTICLE XIV – INITIATIVE as Amendment XVII, ARTICLE XV – RECALL as Amendment XVIII, and ARTICLE XVI – ORDINANCES AND RESOLUTIONS as Amendment XIX to the Constitution as referenced above.

⁴³ November 13, 2015 – ARTICLE XVII – AMENDMENTS renumbered to ARTICLE XIX – AMENDMENTS pursuant to the addition of new ARTICLE XVII – SAVINGS CLAUSE as Amendment XXII and ARTICLE XVIII – SEVERABILITY as Amendment XXIII to the Constitution as referenced above.

All official records of the tribal Secretary shall be open to inspection by the members of the tribe at all times.

- (d) The Treasurer shall be custodian of all funds in possession of the tribe from any source. He shall be under bond to a surety company of recognized standing in an amount to be determined by and shall disburse the same in accordance with the vote of laws. The books of the Treasurer shall be open to audit and examination at all times and shall be open to inspection by members of the Tribal Council and its officers.

SECTION 2. The subordinate officers, boards, and committees of the Tribal Council shall perform such duties as the Tribal Council shall, by resolution from time to time, provide.

ARTICLE II – OATH

SECTION 1. All officers when elected shall be duly installed and subscribe to an oath of office to support the Constitution of the United States and this Constitution. Such officers may be sworn in by any officer qualified to administer an oath.

ARTICLE III - SALARIES AND EXPENDITURES OF TRIBAL FUNDS

SECTION 1. The expenditures of funds belonging to the Tribe must first be approved by a majority vote of the Tribal Council at a regular stated meeting.

SECTION 2. The members of the Tribal Council, boards and committees shall be paid for services rendered in the interest of the community welfare from funds within the exclusive control of the tribe when previously authorized by the Tribal Council.

SECTION 3. All salaries proposed by the Tribal Council for tribal officials to be paid from funds within the exclusive control of the tribe must be approved by the tribe at a popular referendum.

ARTICLE IV - MEETINGS

SECTION 1. Stated meetings shall be held at such times as the Tribal Council shall by resolution provide. Called meetings shall be held at the discretion of the Chairman or upon request of three members of the council. Three (3) days' written notice shall be given to all members; PROVIDED, HOWEVER, that emergency meetings may be called any time.

SECTION 2. Five (5) members shall constitute a quorum.

SECTION 3. The Tribal Council shall set forth such rules of order for its desires.

SECTION 4. Council meetings, with the exception of executive sessions, shall be public to the tribe.

ARTICLE V - ADOPTION OF CONSTITUTION AND BY-LAWS⁴⁴

This Constitution and By-Laws shall be approved by the majority of the Tribal Council, the Secretary of the Interior and shall become effective when ratified by a majority vote at a special election, PROVIDED at least thirty (30%) percent of those entitled to vote shall vote in such election.

⁴⁴ August 18, 1987 - Pursuant to Pub. L. No. 100-89, 101 Stat. 669 – ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS: RESTORATION OF FEDERAL SUPERVISION, amended the constitution to remove all references to the “Texas Indian Commission,” which “shall be considered as reference to the Secretary of the

Interior.”