

AMENDED
CONSTITUTION AND BYLAWS
OF THE
LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
OF WISCONSIN

We, the members of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin, in order to secure the advantages of local self-government for ourselves and our children and to organize for our common welfare, do hereby establish this Constitution and Bylaws.

ARTICLE I - TERRITORY

Section 1. Territory. The territory of this band shall extend to all lands and waters within the exterior boundaries of the Lac Courte Oreilles Reservation in Wisconsin, as established by Secretarial Order of March 1, 1873, and any lands or waters or interests therein which may be acquired outside of the reservation by or on behalf of the band, including the 1200 acres of Farm Services Administration land outside the reservation boundary held by the United States, except as may otherwise be provided by Federal law.

Section 2. Jurisdiction. The jurisdiction of the band shall extend to all lands and waters within the territory of the band, and further, for the purposes of exercising and regulating the exercise of rights to hunt, fish, trap, gather wild rice and other usual rights of occupancy, the jurisdiction of the band shall extend to all lands and waters contained within the area described in Article I of the Chippewa Treaty of October 4, 1842, or any other applicable treaty.

ARTICLE II - MEMBERSHIP

Section 1. The membership of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin shall consist of the following persons:

(a) All persons of Lac Courte Oreilles Chippewa Indian Blood whose names appeared on the official census roll of the Band as of January 1, 1940, or whose names were eligible for inclusion in such rolls. PROVIDED, such persons are citizens of the United States and are not enrolled with another tribe, band or group of Indians. This roll will be the basic membership roll.

(b) Any lineal descendant of a member born prior to the effective date of this Constitution, PROVIDED, an application for enrollment is filed with the Governing Board

and provided further, that such person is not enrolled with another tribe, band or group of Indians.

(c) Any person gaining membership after the effective date of this Constitution through ordinances enacted under Section 2 of this Article.

Section 2. The Governing Board shall enact the ordinance subject to approval of the Secretary of the Interior stating the criteria for future membership and adoption of the new members. Such ordinance shall include the provision that to be eligible for membership persons must possess Lac Courte Oreilles Indian blood and must be a lineal descendant of an enrolled member. Any amendments to the ordinance shall require approval of the Secretary of the Interior.

Section 3. Any person who has been rejected for enrollment as a member of the Band shall have the right of appeal to the Secretary of the Interior, whose decision shall be final.

Section 4. The Governing Board shall have the power to enact ordinances governing loss of membership, such ordinance subject to the approval of the Secretary of the Interior. The ordinance shall include a provision for appeal of decisions to the Secretary of the Interior.

ARTICLE III - GOVERNING BODY

Section 1. The governing body of the Band shall be the Governing Board composed of seven (7) members.

Section 2. Any member of the Band is eligible to be elected to the Governing Board, PROVIDED, he is 21 years of age or older on the date of election.

Section 3. Following the convening of each new Governing Board elected pursuant to this Constitution, the Board shall select from within its membership a chairman and a vice-chairman to serve until a successor Board is duly elected and seated. The Board shall convene no later than fifteen (15) days following each election.

Section 4. At the first meeting following an election, the Governing board shall select from within or without the Board a secretary/treasurer to serve for a period to be stated in a resolution passed by the Governing Board. The chairman and vice-chairman of the Board shall be ineligible to serve as secretary/treasurer. If a secretary/treasurer is selected from without the Board he shall not vote as a member of the Board.

Section 5. The chairman and vice-chairman and members of the Board shall remain in office until the new Board members have

been elected and seated.

Section 6. The Governing Board, by resolution, shall determine its own procedures. The Governing Board, by resolution, may provide for the hiring of clerical or other employees.

Section 7. The Governing Board by affirmative vote of six (6) of its members shall remove any board member for any of the following reasons, PROVIDED, the accused member has been given an opportunity to answer written charges against him.

- (a) Failure to carry out his official duties.
- (b) Absence from three (3) successive regularly scheduled board meetings without an excuse acceptable to a majority of the members of the board.
- (c) Conviction of any offense involving moral turpitude or conviction of a felony.
- (d) Misuse of authority.

Section 8. The Governing board by an affirmative vote of four (4) of its members shall temporarily fill by appointment until the next regular election any vacancy occurring on the Board. Said appointee shall serve until the next regular election. Should the next regular election occur in the midst of the original term, the tribal membership shall elect an individual to serve the final year of the original term.

ARTICLE IV - ELECTIONS

Section 1. Qualified voters shall be all members of the Band eighteen (18) years of age or over.

Section 2. The first election of a Governing Board shall be called, held and supervised by the Superintendent of the Great Lakes Agency and the existing governing body within sixty (60) days of approval of this Constitution and Bylaws.

Section 3. The Governing Board shall prescribe rules and regulations conducting all subsequent elections. Such rules and regulations shall include, but not limited to, the following:

- (a) Voting shall be by secret ballot.
- (b) Beginning in 1979, elections shall be held every year in the month of June.
- (c) Absentee voting, provided that absentee voting shall be limited to persons who verify that they are unable to vote at designated polling places on the date of an election

because of confinement in a nursing home, hospital or other health care facility, or because of service in a branch of the United States Armed Forces.

(d) Filing and posting of election notices.

Section 4. In 1992, three (3) Board members shall be elected to serve a one-time three year term.

Beginning in 1993, four (4) Board members shall be elected to serve a four (4) year term. Thereafter, all Board members shall serve four (4) year terms. consequently, beginning in 1993, elections shall be held every two (2) years (or every odd-numbered year).

Section 5. The candidates receiving the greatest number of votes shall be elected to fill vacant two year terms of office.

The candidates receiving the next greatest number of votes shall be elected to fill the unexpired year of such board positions as may be vacant.

ARTICLE V - POWERS OF THE GOVERNING BOARD

Section 1. The Governing Board shall exercise the following powers subject to the limitation imposed by this Constitution and Bylaws and by applicable treaties between the Chippewa Nation and the United States.

(a) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(b) To prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other assets.

(c) To negotiate, make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Constitution, with any person, association, or corporation, with any county, or with the State of Wisconsin or the United States.

(d) To advise the Secretary of the Interior on all appropriation estimates or Federal projects for the benefit of the Band.

(e) To negotiate with Federal, State and local governments.

(f) To manage, lease, permit or otherwise deal with tribal lands, interests in lands or assets, or to purchase lands or to otherwise acquire lands, or interests in lands within or without the reservation. Tribal lands shall not be sold,

except by petition signed by seven (7) members of the Governing Board requesting the Secretary of Interior to have introduced appropriate authorizing legislation provided that upon enactment of authorizing legislation the sale of lands shall be subject to approval by a majority of the qualified voters of the Band voting at a referendum called for that purpose.

(g) To adopt ordinances by which tribal lands may be assigned or leased for beneficial use and occupancy of members of the Band.

(h) To engage in any business that will further the social or economic well-being of members of the Band or undertake any programs or projects designed for the economic advancement of the people.

(i) To borrow money from the Federal Government or other lenders for Band use and to make loans to Band members in accordance with regulations of the Secretary of the Interior, this Constitution and other applicable laws.

(j) To administer any funds within the control of the Band; to make expenditures from available funds for public purposes, including salaries or other remuneration of Band officials, employees or members. Such salaries or remuneration shall be paid only for services actually rendered. All expenditures by the Governing Board shall be in accord with a previously approved budget, and the amount so paid shall be a matter of public record at all times.

(k) To deposit tribal funds to the credit of the Band in any depository whose deposits are insured by an agency of the United States, or with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior require that funds advanced are to be so deposited.

(l) To organize, charter and regulate any association or group, including a housing authority, for the purpose of providing social or economic benefits to the members of the Band or residents of the reservation.

(m) To delegate to subordinate boards, officers, committees or cooperative associations which are open to all members of the Band any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

(n) To regulate, by enactment of ordinances, the conduct of business within the territory of the band, including the power to impose taxes or license fees upon members and non-members doing business within the reservation.

(o) To enact ordinances governing band members in the exercise of rights to hunt, fish, trap, gather wild rice and other usual rights of occupancy throughout the off-reservation area covered by the jurisdiction of the Band set forth in Article I, Section 2.

(p) To regulate, by enactment of ordinances, the activities of hunting, fishing, ricing, trapping or boating by members and non-members of all lands and waters described in Article I, Section 1, including the power to impose license fees or taxes upon members and non-members for such activities.

(q) To establish a tribal court for the purpose of enforcing tribal ordinance, to appoint tribal game wardens, and to provide by appropriate ordinances, for fines, imprisonment or confiscation of equipment for violation of such ordinances.

(r) To authorize the Governing Board to bring suit in any State or Federal court to enforce any of the band's tribal ordinances.

(s) To promulgate and enforce ordinances governing the conduct of members of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin and providing for the maintenance of law and order and the administration of justice by establishing a tribal court and defining its duties and powers.

(t) To provide for the regulation of child custody and domestic relations matters by ordinances or resolution.

(u) To provide for the appointment of guardians for minors, aged persons, and mental incompetents by ordinance or resolution.

Section 2. Future Powers. The Governing Board may exercise such further powers as may in the future be delegated by the Secretary of the Interior or by any other duly authorized official or agency of the Government.

Section 3. Reserved Powers. All rights and powers heretofore vested in the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin but not expressly referred to in this Constitution shall not be abridged by this Article, but may be exercised by the people of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin through the adoption of appropriate amendments to this Constitution and Bylaws.

ARTICLE VI - REFERENDUM

Upon receipt of a petition at a regular council meeting signed by at least 100 qualified voters of the Band or by a majority vote of the Governing Board, any legislative enactment or proposed enactment shall be submitted to a popular referendum, provided, such petition is submitted within 60 days of the Governing Board's decision on such enactment or proposed enactment.

The Governing Board within 60 days, of the meeting at which such petition is received shall determine the validity of the petition, and if deemed valid, shall call such referendum and prescribe the manner of conducting the vote. The referendum shall be held not later than 90 days from the date of receipt of the petition. The Governing Board shall have the authority to enact an ordinance to implement the provisions of the Article.

The majority of votes cast in such referendum shall be conclusive and binding on the Governing Board, provided, at least 200 eligible voters participate in election; and if an enactment is rejected by such vote, such enactment shall be null and void as of the date of the referendum and shall not be reconsidered for a period of at least one year.

ARTICLE VII - RIGHTS OF MEMBERS

Subject to the limitations prescribed by this Constitution, all members of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin shall have equal political rights and equal opportunities to participate in the economic resources and assets, and no member shall be denied freedom of conscience, speech, religion, association or assembly, nor shall be denied the right to petition the Governing Board for the redress of grievances against the Band.

ARTICLE VIII - ADOPTION

This Constitution and Bylaws, when adopted by a majority vote of the qualified voters of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin voting at an election called for that purpose by the Secretary of the Interior, provided at least 30 percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and if approved shall be effective from the date of such approval.

ARTICLE IX - AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Band voting at an election called for that purpose by the Secretary of the Interior, provided at least 30 percent of those entitled to vote shall vote in such election.

No amendment shall become effective until approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon request by majority vote of the Lac Courte Oreilles Governing Board or upon petition of at least 75 qualified voters of the Band.

BYLAWS

ARTICLE I - DUTIES OF THE OFFICERS OF THE GOVERNING BOARD

Section 1. Chairman. The chairman shall preside over general and special meetings of the Band and all meetings of the Governing Board and perform the usual duties of the presiding officer. He shall carry out the orders of the Governing Board. It shall be the duty of the chairman to countersign all checks drawn against the funds of the Band. the chairman will vote only in the event of a tie, and in cases involving removals, except in case of his own removal, and appointments as provided for in Article III, Section 7 and 8 of the Constitution. He shall act for the Board between meetings when so authorized by appropriate resolution.

Section 2. Vice-Chairman. The vice-chairman shall assist the chairman when called upon to do so and, in the absence of the chairman, the vice-chairman shall preside. When so presiding he shall have all the rights, privileges and duties of the chairman.

Section 3. Secretary/Treasurer. The secretary/treasurer shall conduct the correspondence and keep an accurate record of all matters transacted at the Governing Board meetings. He shall keep and maintain the Band membership roll and a current voting list.

He shall receive, receipt for, deposit, disburse and account for all funds handled through the Governing Board. All expenditures by the Governing Board shall be in accord with a previously approved budget. An audit of accounts shall be made once a year and at such other times as the Governing Board or the Secretary of the Interior may require. The secretary/treasurer shall be required to give a bond satisfactory to the Governing Board and the Secretary of the Interior.

Section 4. Board Members. It shall be the duty of the Board members to promote the general welfare to the Band and to carry out the provisions and purposes of this Constitution and Bylaws.

ARTICLE II - ACCOUNTING SYSTEM

Section 1. The Governing Board shall cause to be installed, maintained and audited a complete and detailed accounting system.

ARTICLE III - OATH

Section 1. Each officer and member of the Governing Board when elected shall be duly installed and shall subscribe to an oath of office to support the Constitution of the United States and the Constitution and Bylaws of the Lac Courte Oreilles Band of Lake

Superior Chippewa Indians of Wisconsin.

ARTICLE IV - MEETINGS

Section 1. Time and procedures of the annual meeting of the Governing Board shall be stated in ordinance or resolution form. The Governing Board at its annual meeting shall provide for such schedule and/or procedures for regular meetings as it finds appropriate. Four (4) members of the Governing Board shall constitute a quorum. All decisions shall be made by a majority vote, except as otherwise provided by this Constitution and Bylaws.

Special meetings of the Governing Board shall be called by the chairman, in writing, upon his own initiative or upon a request of four (4) members of the Governing Board.

Section 2. Time and procedures of general meetings of the Band shall be stated in ordinance or resolution form, provided a general meeting of the Band is scheduled at least once every year.

Special meetings of the Band shall be called by the chairman, in writing, upon his own initiative, upon request of four (4) members of the Governing Board, or upon a petition signed by at least 50 members of the Band 18 years of age and over.

In the absence of the chairman and vice-chairman at a special or general meeting of the Band, there shall be an acting chairman elected by the qualified voters of the Band in attendance to preside at the particular meeting. Any qualified voter or representative of the Federal Government may preside during the election of the acting chairman.

APPROVAL

I, Harry R. Anderson, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin.

Approval recommended:

/s/ T. W. Taylor
Acting Commissioner of Indian Affairs

/s/ Harry R. Anderson
Assistant Secretary of the
Interior

(SEAL)

Washington D.C.

Date: November 2, 1966

Includes:

Amendment I Approved April 7, 1969

Amendments II through X Approved December 23, 1974

Amendments XI through XIV approved December 21, 1978

Amendments XV through XVIII Approved August 29, 1980

Amendments XIX through XXII Approved September 23, 1986

Amendments XXIII & XXIV Approved February 10, 1992; see Thomas v. United States,
141 F. Supp. 2d 1185 (W.D. Wisc 2001)