

2014 GENERAL ELECTION
PROPOSED CONSTITUTIONAL AMENDMENTS

1. ONCR 13-19.

A. Proposed Amendment: Shall Article III, Section 2 of the Osage Nation Constitution be amended to replace the words “eligible for” membership to “have the right to” membership?

B. Proposed Changes to the Constitution: If approved, **Article III – MEMBERSHIP** shall be amended as follows (new language appears in *bold italics*):

Section 2. Qualification for Membership: All lineal descendants of those Osages listed on the 1906 Roll ~~are eligible for~~ *have the right to* membership in the Osage Nation, and those enrolled members shall constitute the citizenry subject to the provisions of this Constitution and to the laws enacted and regulations approved pursuant to this Constitution.

C. Purpose: The purpose of this amendment is to acknowledge that membership in the Osage Nation is a natural legal entitlement of the lineal descendants of those Osages listed on the 1906 Roll that cannot be deprived by actions of the Osage Nation government.

2. ONCR 13-20.

A. Proposed Amendment: Shall Article VI of the Osage Nation Constitution be amended to add a section protecting the integrity of a supermajority vote?

B. Proposed Changes to the Constitution: If approved, **Article VI – LEGISLATURE** shall be amended as follows (new language appears in *bold italics*):

Section 13. Special Requirements for the Amendment of Laws to Protect Assets; *When a law requires an affirmative supermajority to access Osage Nation assets, the number of votes needed to lower the supermajority requirement shall be equal to or greater than the supermajority threshold established in the law.*

C. Purpose: The purpose of this amendment is to protect the integrity of laws that require an affirmative supermajority to access Osage Nation assets. It is intended as a safeguard to prevent a Congress member from amending a supermajority requirement in a law (more than 50% yes votes) to a simple majority (only 50% yes vote) by only passing the reducing amendment by a simple majority of Congress. If enacted, Congress will have to generate more than a simple majority to access Osage Nation asset accounts.

3. ONCR 13-22.

A. **Proposed Amendment:** Shall Article XV, Section 4 of the Osage Nation Constitution be amended to recognize the difference between a member of the Osage Nation and a mineral royalty interest holder of Osage descent?

B. **Proposed Changes to the Constitution:** If approved, **Article XV – NATURAL RESOURCES AND MINERALS** shall be amended as follows (new language appears in *bold italics*):

Section 4. Management of the Osage Mineral Estate: The Minerals Estate of the Osage Reservation is reserved to the Osage Nation. The government of the Osage Nation shall have the perpetual obligation to ensure preservation of the Osage Mineral Estate. The government shall further ensure ~~that~~ the rights of ~~members of the Osage Nation~~ *mineral royalty interest holders of Osage descent, as set forth in the Osage Allotment Act of June 28, 1906, as amended,* to income derived from ~~that~~ *the* Mineral Estate are protected.

C. **Purpose:** The purpose of this amendment is to further define and clarify the government of the Osage Nation’s obligation to protect the Mineral estate by distinguishing between members of the Osage Nation, mineral royalty interest holders of Osage descent, and non-Osage mineral royalty interest holders. Not all members of the Osage Nation are mineral royalty interest holders. Likewise, not all mineral royalty interest holders are of Osage descent. This amendment clarifies this distinction by stating that the Osage Nation government only has a right to protect Mineral Estate income for mineral royalty interest holders of Osage descent.

4. ONCR 14-03.

A. **Proposed Amendment:** Shall Article XX, Section 2 of the Osage Nation Constitution be amended to change the minimum number of signatures by qualified Osage voters necessary to propose an amendment to the Constitution?

B. **Proposed Changes to the Constitution:** If approved, **Article XX – AMENDMENT OF CONSTITUTION** shall be amended as follows (new language appears in *bold italics*):

Section 2. Amendment by Petition: Amendments may be proposed to this Constitution by petition of the qualified electors of the Osage Nation. Every petition shall include the full text of the proposed amendment, and be signed by qualified electors of the Osage Nation equal in number to at least twenty-five (25%) of the electorate *number of voters placing votes in the preceding general election in which the Office of*

the Principal Chief was on the ballot. Such petitions shall be filed with the person authorized by law to receive the same at least ninety (90) days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by Osage law. The person authorized to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least sixty (60) days prior to the election at which the proposed amendment is to be voted upon.

- C. **Purpose:** The purpose of this amendment is to tie the number of signatures necessary to file a petition to amend the constitution directly to the number of qualified Osage voters who actually exercise their right to vote, instead of the Osage electorate as a whole. For example, about 2300 of the approximately 12,000 total Osage electorate voted in the last election for Principal Chief. Based on those numbers, 3000 (25% of 12,000) signatures are required to file a petition to amend the constitution. If the amendment passes, the requirement is lowered to 575 (25% of 2300) signatures.

5. **ONCR 14-04.**

- A. **Proposed Amendment:** Shall Article XI, Section 3 of the Osage Nation Constitution be amended to change the minimum number of signatures by qualified Osage voters necessary to file a petition for initiative or referendum?

- B. **Proposed Changes to the Constitution:** If approved, **Article XI – CITIZEN INITIATIVE, REFERENDUM, AND RECALL** shall be amended as follows (new language appears in *bold italics*):

Section 3. Petition for Initiative or Referendum: After certification of the application, a petition containing a summary of the subject matter shall be prepared by the person authorized by Osage law to do so for circulation by the sponsors. If signed by qualified Osage voters who are equal in number to at least ~~(15) fifteen percent of the electorate~~ *twenty-five (25) percent of the number of voters placing votes in the preceding general election in which the Office of the Principal Chief was on the ballot*, it may be filed.

- C. **Purpose:** The purpose of this amendment is to tie the number of signatures necessary to file an initiative or referendum directly to the number of qualified Osage voters who actually exercise their right to vote, instead of the Osage electorate as a whole. For example, about 2300 of the approximately 12,000 total Osage electorate voted in the last election for Principal Chief. Based on those numbers, 1800 (15% of 12,000) signatures

are required to file a petition for initiative or referendum. If the amendment passes, the requirement is lowered to 575 (25% of 2300) signatures.

6. ONCR 14-05.

A. Proposed Amendment: Shall Article XI, Section 8 of the Osage Nation Constitution be amended to change the minimum number of signatures by qualified Osage voters necessary to file a petition for recall?

B. Proposed Changes to the Constitution: If approved, **Article XI – CITIZEN INITIATIVE, REFERENDUM, AND RECALL** shall be amended as follows (new language appears in *bold italics*):

Section 8. Recall: All elected and/or appointed officials of the Osage Nation are subject to recall by the qualified Osage voters. The grounds for recall of a judicial officer shall be established by the Osage Nation Supreme Court. The grounds for recall of an officer other than a judge are serious malfeasance or nonfeasance, during the term of office, in the performance of the duties of the office or a conviction, during the term of office, of a felony or conviction of a misdemeanor involving moral turpitude. After certification of the Application, as set forth in Section 2 of this Article, a petition for recall shall be prepared by the person authorized by Osage law to do so and the petition shall set forth the specific conduct that may warrant recall. A recall petition may not be issued for circulation by the sponsors until the Osage Nation Supreme Court has determined that the facts alleged in the petition are true and are sufficient grounds for issuing a recall petition. A recall petition must be signed by qualified Osage voters who are equal in number to at least ~~fifteen (15) percent of the electorate~~ *twenty-five (25) percent of the number of voters placing votes in the preceding general election in which the Office of the Principal Chief was on the ballot.* (The remainder of Section 8 remains unchanged).

C. Purpose: The purpose of this amendment is to tie the number of signatures necessary to file a recall petition directly to the number of qualified Osage voters who actually exercise their right to vote, instead of the Osage electorate as a whole. For example, about 2300 of the approximately 12,000 total Osage electorate voted in the last election for Principal Chief. Based on those numbers, 1800 (15% of 12,000) signatures are required to file a recall petition. If the amendment passes, the requirement is lowered to 575 (25% of 2300) signatures.