



# Kiowa Tribe

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## ELECTION COMMISSION

### \*\*\*\*NOTICE\*\*\*\*

On April 15, 2024, the Kiowa Election Commission received a submission for two KIC Resolutions seeking to initiate the process of amending The Constitution of the Kiowa Tribe. Minutes of the Annual KIC Meeting held on April 6, 2024 were submitted as well. Resolutions submitted are

**KIC-CY-0002-2023 – Amendment to Article XIV-Amendments Section 2, Requirements for Passage.**

**KIC-CY-0003-2023 – A Resolution of the Kiowa Indian Council initiating the process of calling for the people for the purpose of amending Article IV of the Kiowa Constitution of 2017 changing the requirement for membership.**

After careful review and upon advice of Counsel, the KEC has concluded the Resolutions as submitted, do not meet the constitutional requirements which must be met in order to initiate the amendment process. The Kiowa Election Commission cannot proceed with calling a Special Election based on this submission.

*The Kiowa Constitution. Article V-Kiowa Indian Council. Section 5. Procedures.(c) All decisions of the Council shall be embodied in a written resolution. All proposed resolutions shall be submitted to the Coordinator by the Council in accordance with the requirements of this Constitution. The Coordinator for the Office of the Council shall accept proposed resolutions which are submitted at least fort-five days before a Meeting and all such resolutions shall be placed **upon the agenda** of the **next** Annual Meeting. No item shall be placed on an agenda for a Tribal Council Meeting unless such item has been submitted to the Coordinator in writing at least forty-five days before the Tribal Council Meeting. The Coordinator shall publish all resolutions to be considered at the Meeting of the Council at least 30 days before the Meeting.*

The two Resolutions submitted to the KEC were submitted to the KIC Coordinator in 2023. The Constitution states submitted Resolutions will be considered at the **next Annual Meeting** which would have been the Annual KIC Meeting held in April of 2023. These resolutions did not qualify for consideration at the 2024 Annual Meeting and as such are invalid.

The Constitution requires all submitted Resolutions be placed on the Agenda for the Annual Meeting. Consideration of these two Resolutions was not listed on the agenda for the 2024 Annual Meeting. The agenda item "Other Business" does not comply with the constitutional directive. The entirety of the KIC was not given proper notice these resolutions, or any resolutions, would be considered and voted on at the 2024 meeting of the KIC.

The Constitution requires the KIC Coordinator publish all resolutions to be considered at the Meeting of the Council at least 30 days before the Meeting. There were no valid resolutions published 30 days prior

to the 2024 Annual Meeting because the office of the KIC Coordinator was vacant. As such, no resolutions could be considered at the 2024 Annual Meeting.

*The Kiowa Constitution. Article V – Kiowa Indian Council. Section 3. Reserved Powers. (b) (iii) The Council shall have the power to initiate the process to amend the Constitution **by voting to call a Special Election** to place before the voters the text of a proposed amendment along with the question of whether such proposed amendment should be placed before the voters in a subsequent Special Election to be held within one year and following the requirements of Article XIV of this Constitution.*

In order to initiate the process for amending the constitution, the KIC **must vote to call a Special Election**. To be effective the resolution must contain wording which specifically calls for a Special Election. Alternatively, the KIC could pass a resolution calling for a Special Election to vote on all amendment resolutions passed by the Council at the annual meeting. The 2023 resolutions as submitted contain no such wording. The minutes of the meeting do not indicate this vote was called by the Council. Therefore, if these resolutions had been valid, they could not trigger a Special Election because this vote, as required by the constitution, was not done.

In conclusion, The Constitution of the Kiowa Tribe controls and directs the process of the KIC Annual Meeting as well as the process for amending the Constitution. The Kiowa Election Commission cannot add, delete or draw inferences or conclusions based on unconstitutional request for a Special Election to amend the constitution. The amendment process must be proper and complete in its procedure. The KEC has no choice but to refrain from calling Special Election at this time.

Any questions or concerns can be submitted in writing to the Kiowa Election Commission at [election@kiowatribe.org](mailto:election@kiowatribe.org).