

**THE CONSTITUTION
OF THE
OCCANEECHI BAND OF THE SAPONI NATION**

PREAMBLE

We, the Occaneechi Saponi People, come together to ordain and establish this Constitution. We come together with humility, deeply conscious of the spirit of the Creator of all people and all things. We take this step in honor of all of our ancestors to secure for ourselves and our children the blessings of Freedom, to promote the unity of our people to guard our basic human rights to teach an honest history of our people, to perpetuate and strengthen our Tribal government; and to establish our sovereignty as the basis for mutual respect with the United States of America, the State of North Carolina and other organized governments.

ARTICLE I. TERRITORY AND JURISDICTION OF THE OCCANEECHI-SAPONI

Section 1. The Territory of the Occaneechi Band of the Saponi Nation (“the Tribe”) shall include, but is not limited to: (1) Orange, Alamance, and Caswell Counties in North Carolina for the purpose of delivering Federal and State Indian services, concentrating its delivery of services to the people in the Pleasant Grove, Mebane Oaks, Anderson, and Cedar Grove townships; (2) All real property and resources owned now or purchased by the Tribe; and (3) All property held in our trust by treaties and other legal documents now known or that we find in our continuing search for an accurate history of our people. All properties of the Occaneechi Band of the Saponi Nation, real and personal, are to be tax-exempt from Federal and State taxation when not inconsistent with the law.

Section 2. The Jurisdiction of the Tribe over its members and territory shall be exercised to the fullest extent consistent with this Constitution, the sovereign powers of the Tribe, and federal law.

ARTICLE II. BILL OF RIGHTS

In addition to the rights guaranteed by the Constitutions of the United States and North Carolina, the people of the Occaneechi Band of the Saponi Nation shall have the inalienable right to: (1) Freely exercise our religious, spiritual and cultural practices including traditional healing practices; (2) Peacefully assemble and peacefully petition the Tribal government for redress of grievances; (3) Access to Tribal records, subject to the express limitations of federal and state laws, Tribal members’ and employees’ rights to privacy, provided that such review shall be conducted during normal Tribal office hours; (4) Speak and write without fear of government reprisal; (5) Equal protection and opportunity; (6) Be treated fairly by the Tribal Government, including the right to notice of any charges brought against a member and the right to a fair, impartial hearing on those charges.

ARTICLE III. MEMBERSHIP

Section 1. Membership Requirements:

The membership of the Occaneechi Band of the Saponi Nation shall consist of:

A. The current membership of the Tribe and the natural-born children of tribal members.

B. All persons who meet all the following requirements shall qualify and be eligible to enroll as Tribal members:

(1). who can trace their lineage (as a direct lineal descendant) to at least one of the rolls listed herein, that identifies Occaneechi Tribal families: the 1914 and 1936 records of the Martin's Chapel Baptist Church, located at 5043 Martin's Chapel Church Road, Mebane NC 27302, in Alamance County; and the 1924 records of Martin School. The church was an Occaneechi Indian Community Church. The Occaneechi are descendants of the Siouan communities historically found in the Virginia areas of what are now Brunswick and Greenville Counties and the adjacent sections of North Carolina who removed to what is known as the Texas Community located primarily in the North Carolina Counties of Alamance and adjoining sections of Caswell and Orange Counties.

(2). who have maintained contact with the Tribal Community, and

(3). who are at least 16 years of age, and

(4). who are not a member of another Federally Recognized Tribe or other Tribe, and

(5). who apply for membership in the Tribe, in accordance with the applicable enrollment ordinance.

Section 2. Membership Requirements for Applicants That are Not Direct Lineal Descendants of a Tribal Ancestor:

A. The Tribal Council shall have the sole and exclusive discretionary authority to approve or disapprove request for membership by a majority vote of Council.

B. All individuals applying for membership under this section shall meet the following requirements:

(1). who are not a member of another Federal Recognized Tribe or other (non-Federally recognized) Tribe, and

(2). who have an ancestor on the base Occaneechi rolls of the Martin's Chapel Baptist Church of either 1914 or 1936 or the Martin School Roll of 1924; and

(3). who are at least 16 years of age, and

(4). who apply for membership in the Tribe, in accordance with the applicable enrollment ordinance.

Section 3. Rights of Members: All persons enrolled as members under Section 1 (A) and (B), above, or membership under Section 2, above, shall have the same rights as enrolled tribal members in accordance with this Constitution, except that no one enrolled under Section 2 into membership can hold the office of Chair or Vice Chair, and no member that is younger than 16 years old may vote.

Section 4. Honorary Members: An Honorary Member is a title bestowed upon an individual who is recognized for their dedicated efforts for the betterment of the Occaneechi Tribe. Honorary Members are voted into the Tribe by a majority vote of members present at a regular Tribal Membership Meeting. This type of member pays no taxes, has no voting rights, and is not entitled to any benefits such as healthcare, education, or housing.

Section 5. Loss of Membership:

A. All relinquishments of membership in the Tribe shall be done in writing in accordance with the procedures established by an enrollment ordinance. The Tribal Council shall remove from the tribe's membership roll the name of any person who voluntarily relinquishes his or her membership in the Tribe in accordance with such procedures.

B. Any member of the Tribe who is or becomes a member of any other tribe or federally recognized Indian tribe, band or group shall be disenrolled by the Tribal Council in accordance with the procedures established by an enrollment ordinance.

C. The Tribal Council reserves the right to require the payment of Tribal taxes to maintain membership in the Tribe. The enrollment ordinance shall provide procedures for any penalties, suspension of membership or the reinstatement of membership. The Tribal Council shall approve or disapprove penalties, suspension of membership or request for reinstatement. The Councils actions will not require a vote by the tribal membership.

Section 6. Appeal: Any person whose application for enrollment or reinstatement is rejected or who has been disenrolled from the Tribe, shall have the right to appeal to the Tribal Council in accordance with the applicable enrollment ordinance and Tribal Constitution. The Tribal Council has final authority to hear such appeals and to accept or deny membership. The final decision will be made in a timely manner. The Tribal Council shall have authority to enact ordinances governing membership, the Membership Commission and the appeal procedure that are consistent with this and other articles of the Constitution.

Section 7. Membership Roll: The Tribal Council shall appoint a person who shall be charged with the responsibility of the establishment and maintenance of the Tribe's membership roll. This person shall serve on any established Membership Commission in accordance with the Tribe's enrollment ordinance.

Section 8. Enrollment Ordinance and Tribal Council Authority to Enroll Members:

The Tribal Council shall enact an enrollment ordinance consistent with this Constitution that among other things, establishes the Tribal Membership Commission’s authority to review applications to determine eligibility for enrollment in the Occaneechi community. The Tribal Council, upon the finding that the established Tribal Membership Commission properly applied the membership requirements (Section 1 (A) and (B), or recommended membership under Section 2, shall have the authority to enroll members into the Tribe.

ARTICLE IV. OFFICE HOLDERS

Section 1. To run for Tribal Council, a candidate must: (1) be 21 years old as of the date of the election; (2) be a member can properly support the Tribal community or can be readily available; (3) have participated in Tribal events; and (4) have demonstrated an interest in the development of the Tribe. (5) Must agree to always protect and preserve the Occaneechi Band of the Saponi Nation BRAND and be ambassadors of the tribe. (6) Cannot hold office if convicted of a felony.

Section 2. To run for Chair or Vice-Chair of the Tribe, a candidate must meet the four above Tribal Council criteria and also must have served two consecutive terms on the Tribal Council. Members enrolled under ARTICLE III, Section 2 are ineligible to run for Chair or Vice Chair. The Chair, Vice-Chair, and Council Members can invite any Tribal member to administer the following oath during the first week of January after her or his election using the Bible or any other sacred writings the elected official wishes:

I, _____, do swear and affirm to carry out the duties of the office of Tribal Chair (Tribal Council Member) of the Occaneechi Band of the Saponi Nation. I make this pledge with humility, deeply conscious of the spirit of the Creator of all people and all things.

ARTICLE V. TRIBAL GOVERNANCE

Section 1. Tribal Council: The Occaneechi Band of the Saponi Nation will be governed by a Chair, a Vice-Chair and seven other members of the Tribal Council. Each of these nine members of the Tribal Council will be directly elected by the eligible Tribal membership in the general election. The Tribal Chair and Vice Chair will run for those positions in the general election.

Section 2. General Duties: The duties of the Tribal Chair, the Vice-Chair and the Tribal Council are to govern Tribal affairs, initiate projects that will improve the spiritual, cultural, and economic life of the Tribe, and otherwise guide the Tribe in carrying out the purposes of this Constitution. The Tribal Chair or their designee will bring budgets and other proposals to the Tribal Council for consideration, discussion, and a Council decision, based on a majority vote. Council members, or Tribal members who want to propose an idea for debate by the Council, should strive to circulate the written proposal to the Tribal Chair and other members of the Council at least a week before the regularly scheduled meetings. A quorum of Council members must be present to conduct business or call for votes at Tribal Council meetings.

Section 3. Duties of the Chair: The Tribal Chair shall be paid a yearly salary, the amount to be set by the Tribal Council. If the Tribe has sufficient funds, the salary for the Tribal Chair should allow the Chair to work full time for the Tribe during the Chair's term of office. The Tribal Chair will have the authority, after obtaining the approval of the Council, to hire Tribal Staff, to initiate and negotiate contracts, to appoint and suspend committees (temporary and more long-lasting) and to appoint other members to represent the Tribe. The Tribal Chair has the duty to produce an annual budget and to present it to the Tribal Council in January of each year. The budget will project how the Tribe will spend its money for that year, including the cost of running its government and engaging in Tribal development projects. After a budget is passed, it will serve as the general operating plan for the Tribe for that year. It can be revised at any time by a majority vote of Council.

Section 4. Duties of the Vice-Chair: The Vice-Chair will take the place of the Chair when the Chair is absent or unable to carry out his or her duties. The Vice-Chair will be always a full voting member of the Tribal Council.

Section 5. Duties of the Council: The Tribal Council, led by the Tribal Chair, will meet regularly according to a schedule determined by the Tribal Council. The Tribal Chair will publicize these open regular meetings and ensure the decisions made at the meetings are recorded in public documents. Tribal Council members may be paid for their attendance at official Council meetings on a per diem basis if the Tribe has sufficient funds. The per diem amount will be determined by the Tribal Council and will be included in the annual budget.

Section 6. Duties of the Clerk: The Tribal Council may appoint a Council member or a staff member to serve as its Clerk. The Clerk will be responsible for recording all decisions made by the Tribal Council, maintaining accurate records of moneys generated and spent by the Tribe, and maintaining official copies of all Tribal financial, business, contracts and other matters necessary to the open governance of the Tribe.

Section 7. Financial Generation and Accounting: The Tribal Council has the duty to ensure the Tribe is solvent and has the necessary funds to perpetuate the Tribe and to engage in development projects. The Tribal Council may employ persons to help generate these funds. The Tribal Council can generate money through holding official Tribal events, Tribal enterprises and other ways and means. The Tribal Council will make an annual financial report to the membership in December of each year. The Tribal Council will, if it has sufficient funds, employ an independent accounting firm to review its financial accounts and prepare a GAP approved audit at the end of the Tribe's fiscal year.

ARTICLE VI. JUDICIAL BRANCH

Section 1. Nomination of Tribal Court Members: Every seven years, beginning in 2005, the Tribal Chair will nominate a minimum of three Elders (if available) who have shown through their lives their deep understanding of the principles of fairness and love, to serve as the Tribal Court. The nominees will be presented to the Tribal Council and to an open membership meeting for questioning. The Tribal Council will decide, by majority vote, to accept or reject the nominees for the Tribal Court. During their first year, the Tribal Chair and Council will pass the necessary ordinances to maintain the Tribal Court.

The three members of the Tribal Court will serve for 7 years. The Tribal Court members will be paid for the work they do for the Tribe on a per diem basis, if the Tribe has sufficient funds, the amount to be determined by the Tribal Council and included in the annual budget. At the end of the sixth year of their term, each member of the Court will notify the Tribal Chair of their wish to be re-appointed or to retire. At the end of the sixth year of their term, they will also be responsible for providing a report on their work and recommendations for improving the Court with possible Amendments to this section of the Constitution.

Section 2. Duties of Tribal Court: The Tribal Court shall resolve disputes that may arise, from time to time, between Tribal members and between Tribal members and the Tribal Council. The Tribal Court shall also mediate and create more sensitive solutions to those disputes that may arise between the Tribe or some of its members and certain County, State or Federal agencies. The Tribal Court shall also interpret this Constitution.

ARTICLE VII. ELECTIONS, REMOVAL FROM OFFICE, AND FILLING VACANCIES

Section 1. Nomination Committee: A Nominating Committee will be appointed by the Tribal Council that will review potential candidates for each office based on the office-holding criteria in ARTICLE IV. The Nominating Committee may consider the community that each candidate is from when it is encouraging candidates and accepting candidates to run for Tribal office. The Tribal Council will not, however, represent different areas or communities, but will represent the whole Tribe and all Tribal territories. The Nominating Committee will provide the names of the candidates who meet the criteria and have indicated they will serve in an elected office to the Elections Commission. Any member otherwise eligible under this Constitution can add her or his name to the ballot by sending a written petition to the Elections Commission at least 21 days before the ballot is printed. Members enrolled under ARTICLE III, Section 2 are not eligible to run for Chair or Vice Chair of the Tribe.

Section 2. Elections Commission: An Elections Commission will be appointed by the Tribal Court or Council and will be responsible for conducting the Tribal Elections each odd numbered year. Ballots will be prepared by the Elections Commission. Ballots will be mailed out at least 10 days before the election week. Ballots must all be returned by 7

p.m. on the First Saturday in October in odd-numbered years. The ballots will designate the place where they must be returned by mail or in person. The Elections Commission will be responsible for overseeing the fairness of the election, for counting the ballots, for declaring the Chair, the Vice-Chair and the Tribal Council, and for ensuring a smooth transition between the outgoing and incoming leadership of the Tribe. Special Elections can be called by the Tribal Council. The Election Commission will also be responsible for conducting special elections.

Section 3. Eligible Voters: Eligible Voters for the adoption of this Constitution and for voting in the elections for Tribal offices will be those enrolled members sixteen years or older by the election's final day.

Section 4. Terms of Chair, Vice Chair, and Council Member: The election ballots will specify that the candidates for Chair and Vice Chair will serve for four years. A staggered election of Council members will follow thereafter for four-year terms, allowing some experienced Council members to remain and not subject to re-election.

Section 5. Removal from Office: Removing a member of the Tribal Council, including the Tribal Chair or Vice Chair, from office during his or her elected term can only be done in extraordinary circumstances. Each elected Tribal official will be held accountable to the membership every four years at an election. Council members will confirm or decline meeting attendance in advance. The non-approved absence of three consecutive meetings will result in a review of the council member's seat. This will be subject to charges, censure, or dismissal from the Council. As well as for misfeasance with the Tribe's funds or for other high crimes. The Tribal Court will hear these charges and determine whether there are good reasons to pursue charges for removal to the Tribal Council. The Council Member so charged has the right to know the specific charges against her or him and the right to a fair hearing before the Tribal Court. Removal can only be achieved with a two-thirds majority vote of the Tribal Council.

Section 6. Filling a Tribal Council Vacancy: If a Council Member, including the Tribal Chair or Vice Chair, is so removed, or if a Council Member dies or becomes incapacitated while in office, the Tribal Council will reconvene as soon as possible the Nominating Committee and the Elections Commission. The Nominating Committee will nominate candidates in the manner prescribed in ARTICLE VII, Section 1, and the Elections Commission will conduct a replacement election in the manner prescribed in ARTICLE VII, Section 2, except the Election Week shall be set as soon as possible after the position was vacated.

ARTICLE VIII. CONSTITUTIONAL AMENDMENTS

Tribal members and the Tribal Council can propose amendments to this Constitution. Tribal member amendments must be sponsored by at least one Tribal Council member. Tribal Council Amendments must have support of the majority of the Tribal Council. The Clerk of the Tribe will publish all the Proposed Amendment(s) with the reasons why it is believed to be necessary on the Occaneechi website. If there is opposition to the

Proposed Amendment(s), the reasons why it is believed to be unnecessary will also be published. The Tribal Council shall have the authority to call a special tribal election to amend the Constitution to consider the proposed amendments.

To vote in the special election, all members must register to vote by the date specified by the Tribal Council and no less than 60 days before the date of the special election. The Tribal Council will notify members of the procedures to register to vote. Registered voters will be sent copies of the proposed amendments and a ballot at least 30 days before the date of the special election with voting procedures. Amendments to the Constitution must receive the support of at least thirty percent of those registered to vote to be adopted.

ARTICLE IX. RATIFICATION OF THE CONSITUTION

This Constitution will be ratified through a “Tribally Validated Communications Method” to all Tribal Members of the amendments adopted by a vote of at least thirty percent of the registered voters in the special election.

On the 9th day of November 2023, the Tribal Council of the Occaneechi Band of the Saponi Nation voted unanimously to consider amendments to its existing Constitution.

The foregoing Constitution was passed at the regularly scheduled meeting of the Tribal Council on the 9th day of November, 2023 with a vote of 4 for, 0 against, 0 abstaining and 1 absent.

Certificate of Enactment

The foregoing Constitution was passed at a special election of the Occaneechi Band of the Saponi Nation on the 11th day of March 2023, with at least 30% of those Tribal members registered, voting in favor, with a vote of 41 for, 29 against, 2 abstaining 0 absent, out of 72 registered voters.