

# Comanche Nation



**Location:** Oklahoma  
**Population** 14,700  
**Date of Constitution** 1966, as amended 1976, 1978, 1979, 1981, 1984, 1985, 1994, and 2002

## PREAMBLE

Invoking the guidance of Almighty God, we, the members of the Comanche Nation with faith in the purposes of our Supreme Being, with abounding pride in our ancient racial heritage and with the determination to promote, through united efforts, the general well-being of our tribe and to secure to ourselves and our descendants the rights, powers and privileges provided by law, do solemnly ordain and establish this organization and adopt the following constitution.

## ARTICLE I – NAME

The name of this government will be the “Comanche Nation.”

## ARTICLE II - PURPOSE

The purpose of this organization shall be:

Section 1. To define, establish and safe guard the rights, powers and privileges of the tribe and its members.

Section 2. To improve the economic, moral, educational and health status of its members and to cooperate with and seek the assistance of the United States in carrying out mutual programs to accomplish these purposes by all possible means.

Section 3. To promote in other ways the common well-being of the tribe and its membership.

## ARTICLE III - MEMBERSHIP

Section 1. The membership of the Comanche Nation shall consist of the following:

- (a) All persons, who received an allotment of land as members of the Comanche Nation under the Act of June 6, 1900 (31 Stat. 672), and subsequent Acts, shall be included as full blood members of the tribe.
- (b) All living direct descendants of allottees eligible for membership under the provisions of Section 1

(a) of this Article born on or before the date of adoption of this constitution.

(c) All descendants of allottees eligible for membership under the provision of Section 1.(a) of this Article, having one eighth (1/8) or more degree of Comanche Indian Blood.

Section 2. Applications for new membership in the Comanche Nation under Section 1 (c) must be supported by authenticated copies of birth certificate or other records recognized by State or Federal recorders. All evidence so submitted shall be retained by the tribe to support the record.

Section 3. Any person eligible for membership in the Comanche Nation under the provisions of Section 1 of this Article shall be considered a member of the Comanche Nation unless:

(a) The person is an adult and submits in writing to the tribal chairman a statement of withdrawal from the Comanche Nation and relinquishment of all rights of tribal membership, signed by him or her and attested by two (2) witnesses, which statement shall automatically effect a permanent withdrawal from membership in the Comanche Nation and a relinquishment of all rights and benefits thereunder; or

(b) The person is at the time of the adoption of this constitution an enrolled member of another tribe or has in the past received and accepted or, if a minor, whose parents or legal guardian has received and accepted for said minor, material or monetary benefits as a member of another Indian tribe and who fails or whose parents or legal guardian fails, if a minor, within ninety (90) days after the adoption of this constitution to declare in writing to the tribal chairman preference for membership in the Comanche Nation and at the same time in writing renounces membership in said other tribe; or

(c) The person after the adoption of this constitution by his or her affirmative action or, if a minor, by the affirmative action of his or her parents or legal guardian becomes a recognized or enrolled member of another Indian tribe with the full rights, privileges and powers of membership under the rules of said other tribe, which said affirmative action and subsequent recognition or enrollment shall automatically effect a permanent withdrawal from membership in the Comanche Nation and a relinquishment of all rights and benefits thereunder; or

(d) The person after the adoption of this constitution receives and accepts or, if a minor, his or her parents or legal guardian accepts for said minor, material or monetary benefits as a result of membership in another Indian tribe, which such receipt and acceptance shall automatically effect a permanent withdrawal from membership in the Comanche Nation and a relinquishment of all rights and benefits thereunder.

Section 4. Notwithstanding the provisions of Section 3 of this Article, any person who meets the eligibility criteria in Section 1 of this Article who as a minor accepted a material or monetary benefit as a member of another Indian tribe or whose legal guardians accepted a material or monetary benefit as a member of another Indian tribe while the person was minor, shall have the option of relinquishing their membership in the other tribe and becoming a member of the Comanche Nation not later than one year after they become an adult as defined by this Constitution, provided further that any person eligible for membership in the Comanche Nation under this section who has reached adulthood prior to the approval date of this section must take appropriate action to enroll as a member of the Comanche Nation not later than 30 days subsequent to the adoption date of the section.

Section 5. The Comanche Nation will have an open enrollment not to exceed a period of six (6) months from the time this amendment is approved by the Secretary of Interior to allow all persons who have not

met or do not meet the eligibility requirements as stated in Article III, Section 1 through Section 4, the opportunity to present evidence and documentation to substantiate their claim(s) for enrollment to be determined by the Comanche Business Committee.

#### ARTICLE IV - ORGANIZATION AND OFFICERS

Section 1. The supreme governing body of this organization shall be the Comanche Tribal Council.

Section 2. In addition to the tribal council, there shall be elected a Comanche Business Committee.

Section 3. The elected officers of the tribal council shall be a tribal chairman, a tribal vice-chairman, and a tribal secretary-treasurer. In addition these officers shall serve in the same capacity on the Comanche Business Committee.

#### ARTICLE V - TRIBAL COUNCIL

Section 1. The Tribal Council shall consist of all members of the Comanche Nation who are eighteen (18) years of age or older.

Section 2. There shall be an annual meeting of the tribal council on the third Saturday in April of each year at 1:30 p.m. at the Comanche Tribal Complex, Lawton, Oklahoma, or such other place as the business committee shall determine.

Section 3. In addition to the annual tribal council meeting, the tribal chairman shall be required to call a special tribal council meeting in the following cases:

- (a) Upon written request by the Commissioner of Indian Affairs or his authorized representative; or
- (b) When he is so requested in writing by as many as three members of the business committee, setting forth the purpose of the meeting; or
- (c) When he is so requested by a petition signed by two hundred (200) eligible voters of the Comanche Nation, setting forth the purpose of the meeting consistent with the constitution; or
- (d) Should the tribal chairman refuse to call and hold a meeting of the tribal council or neglect to do so for thirty (30) days after he is duly requested, the Commissioner of Indian Affairs or his authorized representative shall be authorized to call such special meeting and shall do so by notifying the officers and members of the business committee of the date thereof.

Section 4. Notice of all meetings of the tribal council, including the annual meeting, shall be given by the secretary-treasurer as follow:

- (a) By mailing a postal card letter to each member of the business committee at least ten (10) days prior to the meeting date, stating the date, time, place and purpose of the meeting; and
- (b) By posting at a public place and inserting at least two (2) weeks prior to the meeting date a notice in two (2) local newspapers containing the same information as set forth above, radio, television, or other media of notice may also utilized depending on availability and at the discretion of the business committee.

Section 5. Voters of the Tribe shall be members of the tribal council who otherwise qualify. All votes taken during tribal council meetings shall, at the discretion of the Chairman, be by standing vote or by ballot.

Section 6. No action shall be taken by the tribal council unless a quorum is present, quorum shall consist of one hundred and fifty (150) eligible voters.

Section 7. Subject to the approval of the Secretary of the Interior or his authorized representative where applicable, the authority of the Comanche Tribal Council shall include and be exclusive with respect to the following:

(a) To change, modify, alter or revoke membership rules.

(b) To execute leases, contracts or permits for five (5) or more years with regard to property which is owned exclusively by the Comanche Nation, but this does not include any individually-owned land or personal property.

(c) To elect tribal officers and members of the business committee and to fill vacancies which may occur pursuant to Article VII.

(d) To authorize the expenditure of funds which may be deposited to the exclusive credit to the Comanche Nation and of funds which may be deposited to the joint credit of the Kiowa, Comanche and Apache Tribes.

(e) To select and authorize tribal delegations to transact business on behalf of the tribe. When travel is involved, the terms of the resolution shall include the purpose of the trip and the existence of the delegation's authority.

(f) The salary for the Chairman of the Business Committee shall be established by the Tribal Council by the adoption of an annual tribal operating budget. Salary for all other members of the business committee shall be two hundred and fifty dollars (\$250) per month.

Section 8. All minutes of the tribal council meetings shall be published in a manner to be determined by the tribal council.

Section 9. To hire an Administrator/Manager to administrate the tribal government. The Administrator/Manager shall be under the direction of business committee. Members of the business committee shall not be an employee of the tribal government.

Section 10. To hire an attorney to represent the tribe in legal matters.

## ARTICLE VI - BUSINESS COMMITTEE

Section 1. The Comanche Business Committee shall be composed of seven (7) members of the Comanche Nation who are at least twenty-one (21) years of age, and be elected as provided in Article VII of this constitution.

Section 2. The business committee shall meet on the first Saturday of each month of each year at 10:00 a.m. In case of a legal holiday, the meeting will be held on the following Saturday. Special meetings may be called by the tribal chairman at his discretion; provided that such special meetings do not exceed a total of twelve (12) meetings per calendar year.

Section 3. Notice of all special meetings of the business committee shall be given by the tribal secretary-treasurer by mailing a letter or postal card to each member of the business committee at least ten days (10) prior to the meeting date, setting forth the date, time, place, and purpose in general terms.

Section 4. No action shall be taken by the business committee except when a quorum is present. A quorum shall consist of five committeemen.

Section 5. At the beginning of each meeting of the Comanche Business Committee, the tribal secretary-treasurer, or in his absence the acting secretary as may be appointed by the tribal chairman, shall keep a record in the permanent minute book of the names of those present and those absent. If a tribal committeeman is absent for four (4) consecutive regularly scheduled meetings of the business committee, the tribal chairman shall declare his seat vacant and so notify in writing the tribal committeeman affected and steps shall be taken to fill the vacancy pursuant to Article VIII, Section 1.

Section 6. All minutes of the business committee shall be published in a manner to be determined by the business committee.

Section 7. The duties, responsibilities and authorities of the business committee shall include the following:

(a) To establish and maintain the tribal membership roll and to insure that the roll is available for inspection at all reasonable times.

(b) To determine qualifications of candidates nominated for office and to conduct election of tribal officers and business committeemen pursuant to the provisions of Section 2, Article VII, of this constitution.

(c) To execute leases, contracts or permits with regard to property which is owned exclusively or jointly by the Comanche Nation, but this does not include any jurisdiction over individually-owned land or personal property.

(d) To develop annual budgets for the financing of Comanche tribal operations and to present such budgets to the tribal council for final consideration as to adoption or rejection.

(1) The proposed annual tribal operating budget shall be disseminated to tribal members forty-five (45) days prior to the annual meeting.

(2) The budget shall be printed on a ballot in such a manner that each line item may be approved or disapproved by the tribal members.

(3) The line items of the budget shall be approved or disapproved in the election of officers conducted subsequent to the annual meeting pursuant to Article VII,

Section 2, in which tribal officers are elected. (e) To develop proposals which are in the interest of fulfilling the purpose of the Comanche

tribal organization including, but not limited to, programs involving employment, health, education, public relations, social, recreational, and historical activities of the tribe. Such program proposals shall be presented to the tribal council for final consideration as to adoption or rejection.

(f) To implement, administer, and report on progress of programs adopted by the tribal council.

(g) To appoint such subcommittees as are needed to develop the proposals suggested herein or any other worthwhile endeavors, including delegation of such authorities to these subcommittees as in commensurate with their responsibilities.

(h) To secure an audit of each fiscal year's financial activities relating to funds from all sources, to publish the audit of the prior year's funds in the tribal newspaper and two local newspaper at least sixty (60) days prior to each annual meeting, and to prepare for delivery to those attending the annual tribal council meeting a written annual report which shall contain a synopsis of the varied activities of the business committee, the previously published audit and a forecast of activities proposed for the coming year. First audit funds shall come out of any monies available to the tribe for expenditures, including but not limited to the general budget fund or bingo fund. The audit shall be conducted by a reputable firm that is completely disassociated from any tribal member.

(i) Such additional duties and/or responsibilities which may be assigned to the business committee by the tribal council by appropriate resolution approved in tribal council assembled.

(j) To promulgate and enforce ordinances and codes governing law and order to protect the peace, health, safety, and general welfare on land determined to be within Comanche tribal jurisdiction.

Section 8. The term of office for each officer and committeeman shall be for a period of three (3) years or until a successor is duly elected and installed in office. Each officer or committeeman shall be eligible to serve two (2) consecutive terms effective upon date of this amendment, present term being counted as one term. At the completion of the second consecutive term of office, an officer or a committeeman shall not be eligible for election to position on the business committee until a period of three (3) years elapsed. In addition, an officer or committeeman who has completed two (2) consecutive terms on the business committee shall not be employed within the Comanche tribal governmental system until a period of three (3) years has elapsed. For the purpose of this section, any portion of a term shall be considered as one term.

## ARTICLE VII- ELECTIONS

Section 1. As soon as practicable after this constitution is adopted the Area Director shall call a tribal council meeting and shall hold and supervise the first nomination and election hereunder for the tribal committee and officers, as follows:

(a) The Area Director may at his discretion delegate chairmanship of the initial meeting to an employee under his supervision. A secretary for the proceeding may be provided by the Area Director from his staff or he may also designate this responsibility to a member of the Comanche Nation.

(b) At the initial meeting of the tribal council shall nominate candidates for the office of tribal chairman for three (3) years, vice-chairman for three (3) years, secretary-treasurer for two (2) years, two (2) business committee members for two (2) years and two (2) business committee members for one (1) year. Nomination shall be made from the floor and accepted by the chairman. Persons duly elected at the ensuing election shall serve for the terms stated above unless their successors are duly elected prior to the expiration of such terms. Thereafter, all terms of office shall be for a period of three years of until a successor is duly elected. The terms of officers and committeemen shall be subject to the additional provisions of Article VI, Section 8.

(c) A list of nominees shall be made a part of the official minutes of the proceedings of this initial organization meeting from which determination shall be made that all such nominees are officially qualified as candidates for office in accordance with the provision of Article IX of this constitution. The Area Director will be the final authority in making such determination as to the qualifications of candidates for the initial election of officers and committeemen of the Comanche Nation.

(d) Following the initial organization meeting, and election day shall be designated to elect the business

committeemen and officers from among the candidates who were nominated during the initial meeting. This election day and polling places shall be declared by the Area Director. The election of committeemen and officers shall be by secret ballot. No absentee ballots will considered at such election.

Section 2. At each annual Comanche Tribal Council meeting subsequent to the first election of officers and business committeemen, under this constitution, candidates will be nominated to compete for election to offices being vacated by reason of expiration of term of office. Determination of qualifications of nominated candidates and election processes shall be as described in Section 1(c), and (d) of this Article except that the Comanche tribal officers and business committeemen will assume the responsibilities assumed by the Area Director the first election under this constitution and except that absentee ballots shall be considered at all subsequent elections of officers and business committeemen. No election shall be held later than 60 days after the annual meeting. Because a valid election was not completed by the Comanche Nation within sixty (60) days after the 1980 Annual Meeting, the Anadarko Agency is authorized to conduct one (1) election for the tribe pursuant to rules and regulations as prescribed by the Anadarko Agency. The Anadarko Agency is further authorized to notice, call, and conduct a special meeting of the Comanche Tribe Council for the sole purpose of nominating candidates for the vacant or expired positions that will be filled pursuant to the election.

Section 3. Should an incumbent of the Comanche Business Committee accept a nomination at an annual tribal council meeting as a candidate for a different office, that individual shall be required to resign the business committee position which he then holds. Although such resignation shall not be effective until the completion of that year's election processes. Nomination for candidates to fill the unexpired portion of such person's term of office, shall be made at the same tribal council meeting which he accepted nomination for a different office.

## ARTICLE VIII - VACANCIES AND REMOVAL FROM OFFICE

Section 1. If a committeeman or officer of the tribe shall die or resign, be removed or recalled from office, his office shall be deemed vacant and the tribal chairman, or should this office be vacant, the tribal vice-chairman, shall immediately call a meeting of the Comanche Tribal Council to be held within twenty (20) days for the purpose of filling such vacancy for the unexpired term, except that when such vacancy shall occur within four months of the annual meeting of the Comanche Tribal Council, the position shall remain vacant until the next election when provisions shall be made to fill the vacancy.

Section 2. The Comanche Tribal Council may at a meeting duly called specifically for the purpose, recall any officer or committeemen for neglect of duty or conduct that has brought disrepute upon the tribe. Such a meeting shall not be unless a petition signed by two hundred (200) eligible voters of the Comanche Nation requesting recall is submitted to the Tribal Chairman. The recall of only one officer or committeeman may be initiated per meeting called for this purpose.

(a) Following submission of an acceptable petition for a recall Tribal Council meeting, the tribal chairman shall require that signed Bill of Particulars setting forth the elements of neglect or misconduct be submitted to the accused. The petitioner's representative shall provide proper evidence or receipt by the accused, the tribal chairman shall call an official meeting of the Comanche Tribal Council within thirty (30) days for the purpose of hearing and disposition of the case.

(b) The format for the Tribal Council meeting shall be established as follow:

(1) Presentation of the Bill of Particulars against the accused by a representative of the accusers. This presentation shall be limited strictly to those specifics included in the Bill of Particulars as presented to the accused.

(2) The accused shall be given adequate opportunity to answer any and all charges of which he or she is accused. The accused may personally present or may choose to utilize the services of another to present this response.

(c) Upon completion of these two presentations no further discussion shall be allowed and voting shall proceed immediately in a manner prescribed by this constitution.

(d) A majority vote of those voting of the Tribal Council meeting shall be sufficient to effect recall providing a quorum is present. Should a quorum not be present the charges against the accused shall be declared null and void and no further action shall be taken on this petition.

Section 3. Any officer or committeeman who shall be found guilty by any State or Federal Court of a felony, a misdemeanor involving dishonesty or of accepting a bribe shall forfeit his office and such office shall immediately become vacant and be filled in accordance with Section 1 of this Article.

## ARTICLE IX - QUALIFICATIONS OF OFFICERS

Section 1. No person may seek tribal office unless he will be at least twenty-one (21) years of age at the time of his election and is a member of the Comanche Nation.

Section 2. No member of the Comanche Nation who has been convicted of a felony, a misdemeanor involving dishonesty or of accepting a bribe shall be eligible to hold office.

Section 3. Any person recalled from office as a result of action by the Comanche Tribal Council in accordance with Section 2 of Article VIII of this constitution shall forfeit the right to seek election to any position on the Comanche Business Committee for a period of three years beyond the expiration of the term of office in which the recalled person was serving at the time of recall.

## ARTICLE X - BILL OF RIGHTS

Section 1. All members of the Comanche Nation shall enjoy without hindrance freedom of worship, conscience, speech, press, assembly and association.

Section 2. This constitution shall not in any way be construed to alter, abridge or otherwise jeopardize the rights and privileges of the Comanche Indians as citizens of the United States.

Section 3. The individual vested property rights of any member of the Comanche Nation, which shall include restricted lands and income therefrom as well as personal property, shall not be altered, abridged or otherwise affected by the provision of this constitution.

Section 4. Tribal members shall have the right to review tribal records, including those of any enterprise operated/funded in the name of the Nation (including CERCO, Bingo and any other tribally operated/funded business) so long as the examination of the records is permitted within seven (7) days of the receipt of a written request for the review. No charge or fee shall be imposed upon any tribal member in



connection with the right to examine tribal records. No person or committee shall be authorized to deny any tribal member the right to make copies of tribal records except as required by Federal Statutes.

Section 5. No charge or filing fee shall be imposed upon any tribal member in connection with the right to petition which are provided for in this constitution. No person or committee shall be authorized to deny any tribal member the right to petition.

## ARTICLE XI - AMENDMENTS

Section 1. Amendments to this constitution may be proposed by a majority vote of the business committee or by a petition signed by two hundred (200) adult members of the tribe who are entitled to vote, and if approved by the Commissioner of Indian Affairs, shall be submitted to the voters of the Tribe, and shall become effective when ratified by a majority vote of those who cast ballots in an election called by the Commissioner of Indian Affairs.

## ARTICLE XII - DUTIES OF OFFICERS

Section 1. The Chairman shall be the Chief Executive of the Comanche Nation exercising the authorities and powers as delegated to his office by this constitution and the Comanche Tribal Council. He shall preside at all meetings of the Tribal Council and the Business Committee and be the principal member of all tribal delegations. When so authorized by the Comanche Tribal Council, he shall sign necessary papers and instruments for the Comanche Nation.

Section 2. The Vice-Chairman shall perform the duties of the Chairman in the event of the temporary absence or disability of the Chairman or when it is determined according of Article VIII, Section 2 that a hearing for removal of the Chairman is deemed necessary by the Comanche Indian Tribal General Council.

Section 3. The Secretary-Treasurer shall preside in the absence of the other officers and shall keep records, including financial records, of the organization, shall record and keep the minutes of the tribal council and business committee meetings in a permanent book, and shall be responsible for sending all notices of meeting as herein required. He shall keep copies of all such notices and requests for meetings together with a statement by him or another officer, as the case may be, that such notices were mailed and published as required herein and place the same in the appropriate permanent minutes book as a preface to the minutes of the meeting so called.

Section 4. Copies of all minutes of the tribal council and business committee meetings and resolutions shall be sent to the Anadarko Agency.

## ARTICLE XIII - ADOPTION

Section 1. This constitution shall become effective when approved by the Commissioner of Indian Affairs and ratified by a majority vote of the eligible voters of the Comanche Nation voting in an election called by the Commissioner; provided, that at least thirty (30) percent of those eligible to vote cast ballots.

#### ARTICLE XIV - KIOWA, COMANCHE AND APACHE INTERTRIBAL LAND USE COMMITTEE

The Comanche Business Committee shall designate members of the Comanche Business Committee to represent the tribe on the Kiowa, Comanche and Apache Intertribal Land Use Committee to transact business regarding property owned jointly by the three tribes. The representatives so designated shall be authorized to enter, on behalf of the Comanche Nation of Indians, into leases, permits, easements, rights-of-way, contracts for development planning, and other transactions, except the sale thereof, relating to tribal lands commonly owned by the Kiowa, Comanche and Apache Tribes to the extent that the Comanche Tribal Council could so act.

#### ARTICLE XV – NEPOTISM

Section 1. A relative of a member of the Comanche Tribal Business Committee (to include wife, husband, mother, father, son, daughter, sister, brother) shall not be employed within the Comanche Tribal governmental system.

#### ARTICLE XVI - OATH OF OFFICE

Section 1. Each member of the business committee and each officer or subordinate officer elected or appointed shall take an oath of office and pledge himself to support and defend the constitution of the Comanche Nation of Oklahoma prior to assuming, the duties of his office. The following form of oath shall be given.

“I, \_\_\_\_\_, do hereby solemnly affirm before Almighty God and mankind that I will support and defend the constitution of the Comanche Nation, and will carry out faithfully and impartially the duties of my office to the best of my ability and will promote and protect the best interests of the Comanche Nation in accordance with the tribal constitution.”