

SECTION 5. Membership Code. The legislature shall have the power to enact laws governing membership, relinquishment and future membership consistent with this constitution.

ARTICLE III – ORGANIZATION OF THE GOVERNMENT

SECTION 1. Branches of Government. The government of the San Carlos Apache Nation shall be composed of three (3) branches: Legislative, Executive, and Judicial.

SECTION 2. Separation of Powers. No branch of the government shall exercise the powers or functions delegated to another branch.

ARTICLE IV – QUALIFICATIONS OF ELECTED OFFICIALS

SECTION 1. Qualifications for all Elected officials are:

- 1) be a member of the San Carlos Apache Tribe
- 2) possess no less than one fourth (¼) degree San Carlos Apache blood
- 3) possess a high school diploma or equivalent
- 4) must be at least 25 years old
- 5) never convicted of a felony
- 6) must be a resident of the reservation for at least one (1) year immediately preceding the election

SECTION 2. Tribal, Federal State Employees. Candidates seeking all elected positions do not have to resign from his/her tribal, federal or state employment to be a candidate for such position. Successful candidates of the Executive branch, upon being sworn into office must resign from his/her tribal, federal or state position. Successful candidates for the Legislature may continue their current employment status.

SECTION 3. Current Elected Officials. Current elected officials seeking candidacy for another office which does not coincide with their current term must resign and submit a letter of intent to allow their position to be vacant and open for re-election at least six months prior to the next general election.

ARTICLE V – ELECTIONS

SECTION 1. Regular Election. Regular Elections to vote for Legislatures shall be held every two years on the first Tuesday in April.

SECTION 2. General Election. General Election to vote for President and Vice President shall be held every four years on the first Tuesday in April.

SECTION 3. Special Elections. Special Elections shall be held when called for by the Legislature, by this Constitution, or by law.

SECTION 4. Rights of Suffrage. All Members eighteen (18) years of age or older shall be deemed qualified electors under the authority of this Constitution.

SECTION 5. Nominations. Any enrolled member of the San Carlos Apache Nation may nominate himself/herself as a candidate for an elected office by submitting his/her name, along with twenty-five(25) signatures from tribal members of their district to the Election Board.

SECTION 6. Election Code. The Legislature shall enact an Election Code governing procedures and regulations for tribal elections consistent with this constitution.

SECTION 7. Organization of Legislature. The Legislature from time to time, may by law change the foregoing number and distribution according to the growth of population. (08/18/04)

SECTION 8. Qualified Voters. For purposes of any petitions identified in this constitution, qualified voters shall be determined as the total number of voters who voted in the last general election.

SECTION 9. Oath of Office. The Election Board shall appoint a presiding Judge to administer the Oath of Office to successful candidates who shall take office on the first Tuesday in May.

SECTION 10. Districts Defined. For purposes of voting and representation on the Council, the districts shall be defined as follows:

BYLAS DISTRICT shall include all members living in the entire Bylas/Calva Communities;

GILSON DISTRICT shall include all members living on Gilson Wash west and south of Quarry Wash and north of Farm Station;

PERIDOT DISTRICT shall include all members living in the community of Farm Station and south on both sides of the San Carlos River;

SEVEN MILE DISTRICT shall include all members living within the area east of the Quarry Wash and north of the point where the Quarry Wash runs into the San Carlos River.

SECTION 11. First General Election. The provisions of this section shall apply to the First General Election Only under this Constitution. Upon ratification of this constitution the current election board shall initiate the First General Election. The Tribal Election Code shall be followed so far as it does not conflict with the Article V, Section 11, First General Election of this constitution.

(a) The time frame shall begin upon ratification of this constitution, two weeks preparation, one week to distribute petitions to all candidates, two weeks to obtain twenty-five signatures of the qualified voters (as defined in this constitution), one week to verify successful qualified candidates, the primary election shall take place on the second Tuesday after verification, and the General Election shall take place on the second Tuesday following the Primary Election. The newly elected officials shall be sworn into office the second Tuesday following the General Election.

(b) Upon ratification of this constitution all seats on the Legislature, the President, Vice President shall be declared vacant, however they will serve up to the time they are replaced by the newly elected officials.

(c) There shall be two legislative seats vacant in each District. The legislative candidate who receives the highest number of votes shall serve until they are replaced in the next General Election in four years; the legislative candidates who receive the next highest number of votes shall serve until they are replaced in the Regular Election in two years.