

qualified voters residing within the district or area from which the official was elected.

- (b) It shall be the duty of the Legislature to call and conduct a Special Recall Election within sixty (60) days.
- (c) Recall from office shall require a majority of votes, provided thirty percent (30%) or more of the qualified voters cast ballots.
- (d) No more than one elected official at a time shall be recalled.

SECTION 3. Vacancy in the Legislature. In case of death or resignation of Legislatures a special election shall be held within (60) days.

SECTION 4. Vacancy in the Office of President. The Vice President shall fill a vacancy in the office of President and he shall serve as President for the remainder of the term and he/she shall appoint a qualified Vice President. If the Vice President is unavailable or unwilling to serve as President then a special election shall be held within (60) days.

SECTION 5. Vacancy in the Office of the Vice President. The President shall appoint a qualified person to fill a vacancy in the office of the Vice President.

ARTICLE X – SOVEREIGN IMMUNITY

SECTION 1. Sovereign Immunity against Foreign Suit. The Nation, its subdivisions, officials and employees acting within the scope of their duties shall be immune from suit brought by any foreign public or private entity or individual except to the extent that the Legislature expressly waives sovereign immunity by law of any executive department to an extent necessary to carry out the Constitution and laws of the Nation.

SECTION 2. Sovereign Immunity against Domestic Suit. The Nation, its subdivisions, officials and employees acting within the scope of their duties shall be immune from suit brought by any public or private entity or individual subject to the jurisdiction of the Nation except for all writs in equity or equitable compensatory relief to the extent necessary to enforce the rights and responsibilities under the Constitution and laws of the Nation.

SECTION 3. Waiver of Sovereign Immunity.

ARTICLE XI – REFERENDUM

Upon a petition of at least twenty percent (20%) of the qualified voters of the Nation, or upon the request of the majority of the members of the Legislature, any enacted or proposed ordinance or resolution of the Legislature shall be submitted by the Legislature to a popular referendum and the vote of the majority of the qualified voters in such referendum shall decide whether the ordinance or resolution shall thereafter be in effect, provided that at least thirty percent (30%) of the qualified voters shall vote in such referendum.

ARTICLE XII – BILL OF RIGHTS

SECTION 1. Bill of Rights.

- (a) The San Carlos Apache Nation, in exercising its sovereign powers of self-governance shall not:
- 1) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
 - 2) make no law prohibiting the right of the people to keep and bear arms; provided, that the Legislature may be law enact reasonable regulations for health and safety purposes.
 - 3) violate the right of the people to be secure in the privacy of their persons, houses, papers, vehicles, and effects against unreasonable searches and seizures, nor issue warrants but upon probable cause, supported by oath or affirmation signed by a Judge, and particularly describing the place, person, house, papers, vehicle, or effects to be searched, the object and scope of such search, and the person or thing to be seized.
 - 4) subject any person for the same offense to be twice put in jeopardy;
 - 5) nor compel any person in any criminal case to be a witness against himself or herself;
 - 6) take any private property or possessory interest for a public use without just compensation;
 - 7) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his or her defense subject to guidelines regarding income and reimbursements as established by law;
 - 8) require excessive bail, impose excessive fines, inflict cruel and unusual punishments;
 - 9) deny to any person jurisdiction the equal protection of its laws or deprive any person of liberty, property, or employment without due process of law; provided that qualified members of the Nation shall be given preference in employment;
 - 10) pass any bill attainder or ex post facto law;
 - 11) deny to any person accused of an offense punishable by imprisonment the right to be presumed innocent until proven guilty, and upon request, the right to a trial by jury. Jurors in Criminal cases shall consist of twelve (12) persons, a unanimous consent shall be necessary to render a verdict. In all other cases, the number of jurors, not less than six (6) persons shall require a majority to render a verdict.
 - 12) Deny to any member the equal opportunity to participate in the economic resources and activities of the reservation without prejudice.
- (b) Powers not granted to the government shall be reserved to the people.