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2nd Chief

Secretary

Treasurer

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## CURRENT Constitution Article III - MEMBERSHIP OF THE NATION

The membership of the Seneca-Cayuga Nation shall consist of all persons of Indian blood whose names appear on the official census roll of the Nation of January 1, 1937, and their lineal descendants. **5c/**

**5c/** Amended April 14, 2023 -- Third of five amendments

## PROPOSED Constitution Article III - MEMBERSHIP OF THE NATION

The membership of the Seneca-Cayuga Nation shall consist of the following:

- **Original Membership.** The original membership roll of the Seneca-Cayuga Nation shall consist of all persons of Indian blood whose names appear on the official census roll of the Nation as of January 1, 1937.
- **Biological Lineal Descendants.** The biological lineal descendants of the original membership are eligible for enrollment and tribal membership benefits upon application approval by the Enrollment Committee.
- **Fraud.** Evidence of fraudulent and/or intentionally misrepresented documentation for enrollment shall result in the immediate suspension of tribal membership benefits pending a hearing before the General Council. If findings of fraud are not substantiated by clear and convincing evidence, then benefits may be restored retroactively. The Nation shall have a right of recovery regarding any excess or improper payments hereunder. If fraud is determined to have been committed, this may result in termination of membership by the General Council. **5c/ 6x/**

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5c/ Amended April 14, 2023 -- Third of five amendments

6x/ Amended MONTH ##, 202# -- First of five amendments

## CURRENT Constitution Article V - OFFICERS

The Officers of the Nation shall be the Chief, Second Chief, Secretary-Treasurer, and four (4) Councilmen who shall be elected by secret ballot. 3e/

3e/ Amended October 15, 1990 -- third of four amendments

## PROPOSED Constitution Article V - OFFICERS

The Officers of the Nation shall be the Chief, Second Chief, Secretary, Treasurer, and three (3) Councilpeople who shall be elected by secret ballot. 3e/

- **Line of Succession.** The Nation's line of succession shall be the Second Chief, then the Secretary. The Secretary shall be a temporary Chair until a Chair pro tem can be elected from the remaining Business Committee members.
- **Unclear Succession.** In the event of a vacancy in any elected or appointed office where there is not a clear line of succession, the duties of that office shall be appropriately delegated as recorded by the relevant Committee until a regular or special election is held within 60 calendar days. 6y/

3e/ Amended October 15, 1990 -- Third of four amendments

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## CURRENT Constitution Article VII - STANDING COMMITTEES

### SECTION 1. Grievance Committee.

This committee shall be elected by the Council and shall not include any members of the Business Committee.

### SECTION 2. Credit Committee.

The Credit Committee shall be chosen by the Business Committee and shall act under the supervision of the Business Committee.

### SECTION 3. Welfare Committee.

This committee shall be chosen in the same manner as the Credit Committee.

### SECTION 4. Education Committee.

This committee likewise shall be chosen in the same manner as the Credit Committee.

## PROPOSED Constitution Article VII - ADDITIONAL BODIES OF GOVERNMENT

### SECTION 1 Other Bodies of Government

**All Standing Committees.** The Standing Committees shall be the Grievance Committee, the Election Committee, and the Benefits Committee.

- **Electing Committees.** The Grievance, Election, and Benefits Committees shall each have five (5) members elected from the General Council for staggered 4-year terms following the election terms established in Article VIII of the Constitution. Each

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position will be assigned a number, with terms staggered by odd and even numbered positions that will coincide with the already established Business Committee election cycle. Following an election, internal elections for officers will be held. The Election Committee shall be responsible for the oversight of all elections of the Nation including but not limited to their administration, certification, dispute and adjudication thereof. They shall also verify all candidacy qualifications, the collection and distribution of the Voter List and other electoral materials, and serve as the General Council vote tally counters at every regular or special meeting of the General Council. The Election Committee may request the Business Committee to call a special meeting of the General Council to fill a vacancy. The election of Business Committee or Standing Committee members may coincide with any Regular or special meeting of the General Council and such election does not require a physical quorum provided there is a minimum notice of the election to the General Council at least 60 calendar days before.

- **Exclusive Memberships.** No employee or contractor may hold an elected or appointed office of the Nation during the term of their employment or contract. Members of the Business Committee shall not serve on any Standing Committee unless it is their specific or delegated duty. With the exception of Enrollment Committee members, Standing Committee members shall only serve on one Standing Committee per term but may serve simultaneously on a subcommittee, except the Enrollment Committee who may serve on the Enrollment Committee and one other Standing Committee.
- **Committee Ordinances.** Each Standing Committee including Enrollment and the Tax Commission will be responsible for writing and adopting their own Ordinances. The Business Committee may prescribe operations as required and requested, but all the aforementioned shall have the authority to draft and finalize the written Ordinance to present for ratification by the General Council.
- **Subject to Grievances.** All Committee, General Council subcommittee, and Commission members shall be subject to individual Grievances filed with a member of the Grievance Committee who will cause the Grievance Committee to meet and open the complaint within 7 business days. If the Secretary of the Nation is under Grievance, then the Grievance Committee shall hold minutes until there is an appropriate designee to receive them. If the Grievance Committee determines there

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is probable cause to sustain the allegations in the Grievance petition, an initial Evidentiary Hearing for a filed Grievance shall be held. The evidentiary burden of proof for a proper showing of misconduct shall be the preponderance of evidence presented by all parties as determined by the Grievance Committee. The Grievance Committee shall publish findings for all such Grievances within 45 calendar days of the date of the Evidentiary Hearing. If the Grievance Committee's findings recommend the removal or other sanctioning of an accused official, resignation by the accused official shall not stop the Grievance Committee from calling and presiding over a Special Meeting of the General Council.

- **No Tribal Aid.** No tribal assets or funds will be used or expended by an accused official to defend against a Grievance. The accused has a right to self-funded legal advice or representation.
- **Grounds for Grievances.** Potential grounds for Grievances may include but are not limited to:
  - Violation of tribal governing documents, oath of office, administration policies, and/or legislation
  - Nepotism - including but not limited to failure to recuse
  - Abuse of Power or Position
  - Political Collusion - secretive agreements to gain political advantage or manipulate the outcome of an election
  - Neglect of Duty - negligence, failure of due diligence, habitual drunkenness or other immoral misconduct in office amounting to neglect
  - Conviction of a felony while in office
  - Additional grounds may be further outlined in the Grievance Ordinance
- **Subpoena Powers.** The Grievance Committee shall issue subpoenas on behalf of interested members of the General Council in order to investigate and/or file complaints conditional on discovery materials thereafter.
- **Character in Office.** Members of the Grievance Committee shall maintain high standards of honesty, integrity, fairness, and impartiality in their conduct as quasi-judicial adjudicators overseeing a tribunal on behalf of the General Council.

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- **Sanctions and Due Process.** Proper showing of financial misconduct may result in the forfeiture of tribal member benefits including, but not limited to, monetary claims, tribal tags, and/or tribal administrative or enterprise employment, all subject to a vote of the General Council. Due process is required before any General Council sanction is imposed. Due process may include but shall not be limited to clear standards for violations, the right to a self-funded attorney, the ability to call witnesses, proper notice for all parties, transparency for all people, also the right to a fair trial and impartial finder of fact.

**Enrollment Committee.** The Enrollment Committee shall be considered a Standing Committee in name but have a separate membership pool and selection process. The duties of the Enrollment Committee include to examine and verify all enrollment applications and documents, determine accuracy and sufficiency of family history and research as presented, to request additional information as necessary for enrollment applications, and to approve or reject applications for membership in the Nation.

- **Automatic Membership.** Former Secretary-Treasurers and former Secretaries of the Nation are the base members of the Enrollment Committee, and may serve simultaneously on a Standing Committee or Commission position.
- **Appointment of Members.** If there is a need to appoint one or more tribal members with particularized knowledge of family lines to the Enrollment Committee, then said Committee shall present candidates at the Annual Meeting of the General Council, who will then consider their appointment by majority vote.
- **Additional Enrollment Purposes.** To direct the Secretary or other administrative staff to notify an applicant of their rejection or approval, to aid the designated tribal agent for Indian child welfare with the verification of eligibility and/or application for potential enrollment of a Seneca-Cayuga child in state custody, to maintain the right to privacy and confidentiality of all tribal citizens and their enrollment files, to verify the identity of and sign-in of General Council members at all regular or special meetings of the General Council, to close the rolls for less than 30 days as requested by the Business Committee or suspend enrollment for a longer duration subject to approval by the General Council, to present to the General Council individual cases of rejected applicants who have exhausted the appellate process as outlined in the

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Enrollment Ordinance, and/or to request a special meeting of the General Council be called for any specific or general Enrollment matter including proactive action.

- **Other Purposes.** To aid the Election Committee in the verification of membership in the Nation as necessary for the declaration of candidacy. The Enrollment Committee shall work with all other Standing Committees to create and verify the Voter List of all General Council members prior to its redaction and distribution to the Election Committee.

**Tax Commission.** The Tax Commission is an agency of the Seneca-Cayuga Nation that has the authority to regulate, levy, and collect taxes on any and all goods, services, property, businesses, enterprises, and individuals within the Nation's jurisdiction. Taxes collected by the Tax Commission shall be utilized to finance tribal government operations, programs and services.

- **Membership.** The Chairperson of the Tax Commission shall be the 2nd Chief; the Clerk shall be the Treasurer; Three additional Commission members shall be nominated and confirmed, one by the Business Committee and two by the General Council.
- **Additional Purposes.** The Tax Commission shall also aid the Treasurer in the audit of any and all tribal enterprises that pay taxes to the Commission and the Tax Commission shall have the power to inventory or examine relevant tribal assets and documentation as requested during the course of their duties. The Tax Commission shall also help maintain government relations, knowledge sharing, and tribal sovereignty with the tax authorities of other Native Nations.
- **Tax Commission Disbursements.** All disbursements from Tax Commission account(s) will be authorized either one-time by Business Committee Resolution or at any time as directed by General Council Resolution. All relevant financial information including allocated purpose/line item, specific account information, the date of transfer, and any changes to the use of that funding, including but not limited to returning transfers or alterations to budget allocations must be noted on the Resolution. No disbursements from Tax Commission accounts shall be made without the relevant Resolution(s) first being provided to Tax Commission members. No recurring bills or accounts receivable shall be pulled directly from Tax

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Commission account(s). The Tax Commission shall report to the General Council annually on all tax account disbursements and allocations.

**Subcommittees.** Either the Business Committee or the General Council may establish subcommittees under their respective authorities. Each subcommittee shall be created via Resolution and have a designated purpose, a given timeframe, a budget, and include the membership criteria, selection, removal, & replacement process. All subcommittees have the right to receive information relevant to their work.

- Subcommittees of the Business Committee must be renewed annually and must include at least one Business Committee member as a non-voting liaison.
- Executive sessions may be called by any subcommittee only under the most unique of circumstances.

## SECTION 2 Legislative Hierarchy

**Legislative Hierarchy.** The following hierarchy of tribal legislation shall be observed by all government entities and citizens.

1. **Constitution and By-Laws.** These are the ultimate governing documents of the Nation and are subject to the following provisions:
  - a. **Savings Clause.** All prior enactments of the Nation adopted before the effective date of this Constitution and By-Laws shall continue in effect to the extent that they are consistent with this Constitution and By-Laws. Any enactment in conflict with this Constitution and By-Laws shall be reconciled or invalidated by its issuing authority.
  - b. **Severability.** If any provision of this Constitution or By-Laws shall in the future be declared invalid, the invalid or unenforceable provision(s) shall be severed, and the remaining provisions shall continue in full force and effect.
  - c. **Reservation of Powers.** Any power not expressly delegated to the Business Committee or another Committee is retained by the General Council.
2. **General Council Ordinances.** All Committees and Commissions shall create, approve, and present Ordinances to be ratified by the General Council that shall

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expressly repeal any conflicting Resolution or prior approved Ordinance as necessary, be in line with applicable laws, and take effect after ratification.

- a. **Accessible Ordinances.** The Secretary shall make all ratified General Council Ordinances easily accessible to the General Council for review and duplication in a timely manner.
  - b. **Draft Ordinances.** All unratified Ordinances to be proposed for approval will be published no later than 45 days before the date of the General Council meeting.
3. **General Council Resolutions.** General Council Resolutions are passed by a majority vote of the General Council quorum present at any Regular or Special Meeting of the General Council.
- a. **Post-Meeting Documentation.** All General Council Resolutions shall be prepared and published within 45 business days of the date of the meeting by the relevant Committee's Clerk. A General Council member may present their own written Resolution.
  - b. **Funding.** Failure of the Business Committee to identify and secure funding voids without prejudice the original General Council Resolution, and all efforts including lack thereof to secure funding must be reported to the General Council at the following Annual Meeting.
  - c. **Powers of the General Council.** The following are powers of the General Council and are customarily exercised via General Council Resolution:
    - i. the distribution of tribal enterprise profits and distributions from General Council accounts
    - ii. to remove an elected or appointed official from office following due process procedures
    - iii. to ratify all Ordinances, codes, statutes, and related administrative procedures or legislation including any amendments to items previously ratified so that they may come into effect
    - iv. to prescribe operations to the Business Committee as necessary in the Business Committee's oversight of the day-to-day administration and business of the Nation and its Enterprises

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- v. to prescribe operations to any other Standing Committees, General Council subcommittees, or Commissions as necessary
- vi. to create subcommittees who will give a report at the following Annual Meeting of the General Council
- vii. to establish the manner of voting in elections including absentee, mail-in, and/or electronic balloting
- viii. to determine and regulate the pay of all elected and appointed officials of the Nation, including the Business Committee, Standing Committees and Commissions
- ix. to approve sales of any land owned or mortgaged by the Nation. Reasonable utility and government easements do not require General Council approval.
- x. to make a decision on all Enrollment matters placed before the General Council, including terminating membership per Constitution Article III.
- xi. Any other powers reserved by the General Council may be exercised by General Council Resolution.

d. **Interpretation.** If there is a question as to the interpretation of a General Council Resolution, the questioning body shall interpret the Resolution to uphold the sovereignty and best interests of the Nation and its membership.

e. **Wording.** All General Council Resolutions will contain the following wording;

- i. **WHEREAS** according to Constitution Article IV, the Seneca-Cayuga General Council is the "supreme governing body of the Nation," while under Constitution Article VI the Business Committee is recognized to "transact business" on behalf of the Nation, traditionally understood to be within the limits set by the General Council AND ;

- **Business Committee Resolutions.** These are Resolutions passed by the Business Committee to authorize important actions in the day-to-day operations and long-term plans of the Nation.

- **Powers of the Business Committee.** Powers exercised by Business Committee Resolution include but are not limited to, general business powers including:
  - the routine authorization and removal of officials from the administration of financial or other accounts
  - the delegation of governing duties as necessary

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- the signing, amendment, and cancellation of contracts or agreements between the Nation and another entity or government
- the hiring and firing of primary management officials for all enterprises, tribal departments, and the Gaming Commission of the Nation
- Setting or resetting regularly scheduled meetings of the Business Committee
- Calling or resetting a special meeting of the General Council
- Creating subcommittees of the Business Committee as outlined earlier in this article
- Pursuant to a General Council Resolution, the Business Committee may transfer General Council monies from General Council accounts and document all relevant financial information on a corresponding Business Committee Resolution
- the passing of tribal administration and enterprise budgets, to be completed prior to the upcoming fiscal year
- to acknowledge receipt of and document a plan of action for a General Council petition
- to suspend and delegate duties as necessary to protect the Nation from Business Committee officials who have a proper showing of misconduct as found by the Grievance Committee in their published findings a Grievance
- to authorize the disbursement of Tax Commission monies upon proper notice and documentation given to Tax Commission members
- to regulate the manner of notice given to the General Council for routine governmental matters via at least 2 paper postings and 2 published media sources as determined by Business Committee Resolution
- to set reasonable copy fees for members' physical documents requests exceeding 20 pages
- Other general business powers including to make reasonable land purchases upon a showing of sufficient funds and corresponding appraisal
- **Violations.** If a Business Committee violates a General Council Resolution then notice of the violation must be provided via published Business

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Committee Resolution, said Resolution must attach the General Council Resolution being violated, the reason(s) for the violation(s), and the plan for immediate reconciliation of each violation. If the General Council disagrees by majority vote with the reason(s) for violation(s) then the General Council may void the previous actions of that Business Committee Resolution.

- **Wording.** All Business Committee Resolutions shall contain the following wording;
  - **WHEREAS** under Constitution Article VI the Business Committee is entrusted to “transact business” on behalf of the Nation and is the General Council’s subordinate and safeguard AND ; 6z/

6z/ Amended MONTH ##, 202# -- Third of five amendments

## CURRENT By-Laws Article I - DUTIES OF OFFICERS

### SECTION 1. Chief.

It shall be the duty of the chief to preside at all meetings and perform all duties appertaining to the office, also to act as chairman of the Business Committee.

### SECTION 2. Second Chief.

In the absence of the chief, the second chief shall perform the duties of that officer. In case of vacancy, the second chief shall succeed at once to the office of the chief until the next special or regular election for the office of chief.

### SECTION 3. Secretary-Treasurer.

The Secretary-Treasurer shall correctly record the proceedings of all meetings. He shall make out the order of the business for the chief, shall notify all committees of their

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appointments, shall have custody of the records and all papers of the Council, which records and papers shall be open to inspection at any time, in his presence, by any member of the Council desiring to read them. He shall keep a correct list of all members of the Council, shall authenticate all accounts or orders of the council and, in the absence of the chief and second chief, shall call the meeting to order until a chairman pro tern is selected. He shall render a written report at the annual meeting and at the expiration of his term of office the records and all papers in his possession shall be turned over to his successor. He shall issue notices of all meetings and conduct all general correspondence, as directed by the council or the Business Committee. He shall receive all moneys of the council and keep an accurate account of receipts and disbursements. The Secretary-Treasurer shall keep all tribal moneys entrusted to his care in a special account and all disbursements therefrom should be made by check. At any time that such account shall amount to more than \$50.00, he shall file a bond satisfactory to the Business Committee and the Commissioner of Indian Affairs. The cost of such bond shall be paid out of tribal moneys.

## **PROPOSED By-Laws Article I - DUTIES IN OFFICE**

### **SECTION 1 All Elected Officials**

#### **Oath of Office**

The Tuesday following the certification of an election is when the Oath of Office will be administered by the Chief, 2nd Chief, or the Chairperson of the Business Committee meeting.

- A written and signed copy of this Oath will be kept by the Secretary of the Nation on behalf of the General Council:
  - I, \_\_\_\_\_, do solemnly affirm that I will uphold, support, and defend the Constitution, By-Laws, Resolutions, Ordinances, codes, rules, and sovereignty of the Seneca-Cayuga Nation. I pledge to shield our Nation from any act or influence that could undermine, defraud, or diminish its jurisdiction or inherent rights.

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- I further affirm that I will serve with honesty, integrity, and respect for the laws and values of our people. I will not mislead through false statement, nor behave in a manner that compromises the trust granted to me. I will carry out my duties with dignity, decorum, and the highest level of fiduciary responsibility, guided by truth, fairness, and a commitment to the well-being and progress of the Seneca-Cayuga Nation—its culture, languages, and citizens.
- With this oath, I commit myself to faithful, ethical, and impartial service, dedicating my abilities and efforts to the promotion, protection, and perpetuation of the Seneca-Cayuga Nation, now and for future generations.

## Duties of All Elected and Appointed Officials

- **Legal Responsibilities.** To uphold the Constitution, laws, and By-Laws of the Seneca-Cayuga Nation, and to faithfully implement and enforce the legislative enactments and policies of the Nation with care for the next 7 generations.
- **Civil Service.** To demonstrate reasonable disposition and judgement, to be truthful, just, and to not take advantage of a citizen's lack of knowledge on parliamentary law especially by not being more technical or strict than is necessary, to expedite business in every way compatible with the rights of members, and to ensure all member inquiries relating to parliamentary procedure or factual information requests are answered in a timely manner; simple requests will consider 10 business days as timely, more complex requests shall be given a specific timeframe in their acknowledgement of receipt.
- **Fiduciary Duty.** To protect and safeguard the assets and financial wellbeing of the Nation, budgets shall be passed prior to the start of the next fiscal year with appropriate expenditures that are not inherently wasteful or unnecessarily extravagant; spending may not occur without an adopted budget.
- **Duty to Recuse.** To recuse themselves from a matter when a motion is made specifically towards the official or their conduct, and/or if a motion, appeal, or other decision on one or more of their following relations is brought forward; including but not limited to a household member or relative by blood or marriage to the second degree, or any commercial entity owned or controlled by the aforementioned

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parties. Failure to declare a conflict of interest and/or failure to recuse from decision-making shall be considered nepotism and a grounds for Grievance.

- **Duty to Committee.** All elected and appointed officials shall volunteer for pro tem duties as needed when vacancies require. It is the duty of the whole Committee and its individual members to see their business through.

## SECTION 2 Standard Committee Duties

### Chairpeople

- **Meeting Duties.** Standard Chairperson duties include to open a meeting, to ascertain quorum, to preside over a called meeting, to announce agenda items in sequence, to recognize members when they have the floor, to state and put to a vote all questions that may arise by the relevant Committee or assembly, to vote only in the case of a tie, to announce the results of votes, to decide all questions of order and appeals when those questions are not submitted to the assembly, and to adjourn the meeting when appropriate.
- **Administrative Duties.** To authenticate by their signature, all acts, orders, and proceedings of an assembly or their Committee, to protect a meeting from motions and/or actions that unreasonably delay or obstruct business, to enforce rules relating to debate and order within the assembly including when a Parliamentarian calls the Chairperson's attention to procedural error(s).

### Vice Chairs

- **Chairperson Pro Tem.** To assume all Chairperson duties in the absence of the elected Chairperson.
- **Succession.** The Vice Chair is required to assume the vacant office of Chairperson whether via resignation, removal, or other means of vacancy. They must step down from the Vice Chair position entirely if unwilling to assume the Chairperson's role.

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## All Committee Clerks

- **Administration.** To call roll as required, to keep track of general correspondence of their Committee.
- **Meeting Agendas.** To prepare, prior to the meeting, an order of business or agenda showing the order and subject matter of all business for that meeting that includes the following:
  - Reading and Approval of Minutes
  - Ongoing Business
  - New Business
  - Open Forum
- **Meeting Minutes.** All Committees, Commissions, and subcommittees shall be subject to the following:
  - The Clerk shall take the minutes and they shall include the following:
    - The type of meeting, who is calling it, and the names and attendance of all officials including the Clerk and the Chairperson
    - Date, starting and ending times, location, agenda/purpose for meeting and names of invited guest speakers
    - A copy of all Officer, Committee, enterprise, and/or administrative reports presented at the meeting
    - A neutral account of what decisions were made in the meeting with the relevant discussion that reflects decision-making by the Committee and directly references any Resolutions made
    - All motions, their makers, and their dispositions whether carried, failed, withdrawn, tabled, or amended, and/or appealed. All subordinate bodies of government including the Business Committee will use roll call voting where each individual's vote is specifically recorded.
    - All points of order, all disciplinary procedures, and all related appeals with their dispositions including the reasoning for a Chairperson's ruling
    - Certification of service via the signature of the Clerk after the Committee approves drafted minutes
  - At their initial meeting, Committee members will elect a Clerk if necessary and otherwise determine a reasonable timeframe for the Committee to receive

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drafted minutes. If the Clerk is unable to provide minutes during the agreed-upon timeframe, then a reason must be recorded and the delay shall not go longer than 30 days from the date of the meeting.

- Drafted minutes that are approved must be certified and turned into the Secretary of the Nation within 2 business days of approval.
- **Reports.** All Committees and subcommittees shall produce a report to their originating body of government. Specific directions for the report or its subject matter shall be in the creating Resolution or subsequent legislation.

## SECTION 3 Business Committee Duties

### All Business Committee Members

- **Oversight of the Nation.** As the oversight of tribal administration, tribal employment, and tribal enterprises, the Business Committee and its members are required to familiarize themselves with all areas of operations and their inner workings including the review of government documents, laws, policies, procedures, contracts, and financial statements. Prior to the Business Committee making significant or material changes to procedures or programming, the relevant primary managing officials, employees, and/or elected/appointed officials will be appropriately consulted. The Business Committee shall also create and champion viable ideas for programs and/or businesses that carefully provide for the benefit and the best interests of tribal membership.
- **Committee Assistance.** The Business Committee shall ensure there is appropriate funding for all Committees and subcommittees in order to carry out their Constitutionally-charged responsibilities and provide appropriate administrative, technological, and/or financial aid whenever requested for the purpose of fulfilling government duties.
- **Proactive Responsibility.** The Business Committee shall publish measurable goals after every change in office, and report on every goal's outcome at every Annual Meeting of the General Council. The Business Committee shall make decisions that reflect how that choice will help our members achieve their highest potential in their

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education, physical and/or mental health, and/or economic development. The Business Committee shall consider the generational impacts of their decisions when decision-making.

- **Fiduciary Duty.** The Business Committee shall refer for prosecution or civil sanction all known incidents of verifiable evidence of an employee, contractor, or elected or appointed official's misappropriation of tribal funds or assets including charge accounts. The Nation shall file bonds with tribal funds for all parties with direct financial oversight including primary management officials. Business Committee members may pay for their own Directors & Officers liability insurance.

## Chief

- It shall be the duty of the Chief under the following values:
  - **Leadership**
    - To act as the principal spokesperson and representative for the Nation in its dealings with all other governmental and non-governmental entities; or to delegate such duties to other tribal elected officials or qualified designees as authorized by Business Committee Resolution.
    - To build and maintain relationships with local, state, and federal governments, government agencies, and other tribal nations, as well as the building and maintenance of economic relationships with business for the purpose of furthering the economic, cultural, and environmental well-being of the Seneca-Cayuga Nation and its membership.
  - **Civil Service**
    - To perform all duties appertaining to the office of Chairperson for the Business Committee including to call and preside over all Business Committee and Regular Meetings of the General Council and to authenticate by their signature, all acts, orders, and proceedings of the Nation including Business Committee and General Council Resolutions
    - To call in a timely manner all Special Meetings of the General Council or Business Committee as appropriately requested

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- Calls shall be made within 10 business days of receiving a proper General Council petition. Special Meetings of the General Council shall be set within 45-60 calendar days of petition receipt.
- Special Meetings of the Business Committee shall be called within 10 business days of receipt of written request.
- If the Chief fails to call a duly-requested Special Meeting then the duty to do so will travel down the line of succession until the duty is fulfilled. Failure to fulfill this duty shall open an officer up to sanctions at the requested Special Meeting.

## 2nd Chief

- **Chief Pro Tem.** The 2nd Chief shall perform the duties of Chief in their absence or recusal and are required to assume the vacant office of Chief. Refusal to assume the office of Chief shall require an immediate resignation of the 2nd Chief.
- **Tax Commission Chair.** The 2nd Chief shall be the Chairperson of the Tax Commission and ensure all Clerk duties are appropriately performed.

## Secretary

- **Correspondence.** The Secretary shall handle the general correspondence of the Nation and the Business Committee unless otherwise outlined herein.
- **Recordkeeping and Succession.** The Secretary shall maintain custody and safeguard records, documents, and papers of the Nation and the Business Committee. This is on behalf of the General Council who may have reasonable access at any time to the contents of a digital or physical records system that shall be indexed and efficient in operation and access. Reasonable access shall include the use of physical or digital duplication to individual members or Committees. The filing system(s) shall include all meeting minutes, reports, relevant financial/enterprise/administrative materials, Resolutions, and other legislative documents under their care, which shall be secured and transferred to their installed successor.

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- **Entering Requests.** Requirements for record requests include being written, dated, and signed by a tribal member providing their enrollment number, contact information, and a list of each document requested. Receipt of a request shall be acknowledged within five business days.
- **Timely Action.** Timely is defined from the date of receipt as 10 business days for simple requests, while more complex requests shall be fulfilled within 60 business days. An extension of 30 business days may be applied to the complex request provided the requester is given prior written notice including the specific reason for the extension and any already collected materials.
- **Authentication.** To authenticate by their signature, all acts, orders, and proceedings of the General Council and Business Committee, including certifying copies of legislation of the Nation.
- **Committees and Subcommittees.** To notify officers, Committees, and delegates of election or appointment and furnish them with the necessary credentials. They shall also maintain a list of all Committees with all current members, their received minutes, their reports, and all appointments. They shall provide technical or administrative assistance as requested to all other bodies of government.
- **General Council Meeting Duties.** The Secretary shall serve as the Clerk for the General Council at any meeting called by the Business Committee and those duties shall include:
  - **Annual Report.** To give a written report of the Nation's past year including but not limited to the number of new enrollees, language and culture programming, and any issues or concerns that require the General Council's notice or attention.
  - **General Council Documentation.** Create and keep minutes of the Annual Meeting and present them for approval no later than the following regular or special meeting of the General Council. General Council Resolutions shall also be created by the Secretary if not already provided by the movant. Any copies of reports given by all Committees and Commissions shall be kept on file.
  - **Meeting Agendas.** To give notice to the General Council for the Annual Meeting and any other Special Meetings. Notice must be published at least 5 business days in advance and shall be voted on by the General Council and amended as necessary at the start of the meeting immediately after quorum

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is ascertained. The agenda shall contain but is not limited to the following headers with reports in no specific order:

- Approval of Minutes
  - Reports of Officers
  - Reports of Enterprises
  - Reports of Standing Committees
  - Reports of Commissions
  - Reports of Subcommittees
  - Ongoing or Special Business
  - New Business
- **Business Committee Meeting Duties.** The Secretary shall be the Clerk of the Business Committee and shall have the following duties:
    - **Agendas.** To collaborate with the Chief to set and publish to the rest of the Business Committee their specific agenda at least 24 hours in advance of a scheduled meeting including all relevant documentation. Emergent situations may be added with immediate written notice to all Business Committee members. Monthly agendas shall include the following topics and relevant documentation provided to all attending General Council members:
      - Reading and Approval of Minutes
      - Reports of Officers, Administration, Enterprises, and Commissions
      - Committee Requests or Reports
      - Ongoing or Special Business
      - New Business
    - **Minutes.** They shall accurately record and timely publish the proceedings of all Business Committee meetings as the Clerk, including providing copies at the Business Committee's monthly meeting.
    - **Executive Session.** Executive session minutes and related Resolutions shall always be made available for reading-only at a reasonable time and place and not be placed out in public meetings. These meetings will begin and end with a motion specifying the reason(s) to go into executive session and the public minutes shall note all reason(s).
      - **Right to Privacy.** Tribal citizens will not abuse this review privilege and be honor-bound to keep proceedings secret, especially for legal issues,

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personnel matters, strategic negotiations, Indian Child welfare matters, and proprietary information.

- **Responsible Redactions.** The Secretary shall use their discretion to redact personally identifying information of tribal members and/or tribal employees, but the names and actions of perpetrators of egregious acts against the Nation, determined to have occurred and having been committed by Nation employees, contractors, or other associated peoples or officials, shall not be made confidential from the General Council.
- Other administrative duties as required by the General Council and/or Business Committee

## Treasurer

- **Financial Oversight.** The Treasurer shall monitor the financial health of the Nation. They shall also understand the financial situation of the Nation and its enterprises and work to promote and protect its financial stability, best practices compliance, and reporting duties to the Business Committee and General Council.
  - **Annual Reports.** The Treasurer shall provide a detailed annual report at the Annual Meeting of the General Council. This annual report shall include accurate financial information including but not limited to the current assets of the Nation, the sources and amounts of all anticipated tribal revenues and expenses for the year, current bank balances, a financial health report, an annual profit and loss statement for each tribal enterprise, and the Nation's audit for the prior fiscal year.
  - **Monthly Reports.** The Treasurer shall make available at the monthly meeting to the General Council a report that includes at a minimum, monthly profit and loss statements for each tribal enterprise, and relevant monthly financial information from the tribal administration.
- **Financial Responsibility.** The Treasurer or their designee shall oversee, receive, and appropriately deposit all monies on behalf of the Nation into the Nation's account(s) and keep record of all receipts and disbursements therefrom via trackable physical or digital financial methods. This will be done in a manner that safeguards the

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assets, funds, investments, and securities of the Nation with their professional due diligence for the Nation's financial wellbeing. This also includes ensuring and verifying the collection of all monies owed to the Nation, compact and tax compliance, and reconciliations that happen monthly and yearly.

- **Auditing.** The Treasurer shall also have the authority and responsibility to audit the financial records of the Nation including but not limited to tribal enterprises, tribal credit cards, and tribal benefits. The Treasurer will not audit materials they are individually responsible for and shall engage an independent licensed business or CPA to conduct an audit as necessary. Audits of the prior fiscal year shall be completed before the expiration of a Treasurer's term.
- **Succession.** All digital access and physical documentation shall be secured and transferred to the next installed Treasurer.
- **Budgeting.** The Treasurer shall work with all Committees, administrative departments, and tribal enterprises to make yearly budget appropriations and determine and apply for funding sources as necessary.
  - **Timing.** The yearly budget appropriations shall be done one hundred and twenty (120) calendar days before the beginning of the upcoming fiscal year or at the Annual Meeting of the General Council, whichever is sooner. All relevant enterprises and department staff shall have input on and made aware of their budgets. An incumbent Treasurer shall be responsible for finalizing a budget in an election year through their date of office.
  - **Committee Duties.** The Treasurer shall be the Chairperson of the Benefits Committee and the Clerk of the Tax Commission. They shall provide all information and support requested by either Committee. 6a/

6a/ Amended MONTH ##, 202# - Fourth of five amendments

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## CURRENT By-Laws Article II - QUALIFICATIONS OF OFFICERS

Any person elected to membership in the business council shall be not less than 25 years of age; a member of the Seneca-Cayuga Nation and reside within a radius 150 in any direction from Bassett Grove Stomp Grounds. **1b/**

**1b/** Amended January 28, 1973 -- Second of three amendments

## PROPOSED By-Laws Article II - QUALIFICATIONS OF OFFICERS

Any person on the Business Committee or on any Standing Committee shall be not less than 25 years of age, they shall be a citizen of the Seneca-Cayuga Nation, and they must reside within a radius of 150 miles in any direction from Bassett Grove Stomp Grounds.

All candidates for the Business Committee must, at minimum, have a high school diploma or GED.

Candidates for Treasurer must provide verifiable proof of at least 3 years of their financial education and/or relevant professional qualifications. Conviction of serious financial crimes including but not limited to fraud, embezzlement, identity theft, money laundering, larceny, tax evasion, etc, shall disqualify potential candidates from the office of Treasurer.

All candidates shall submit a sworn self-declaration that outlines their qualifications, electoral history including past removals if applicable, and discloses any and all criminal convictions or serious professional events such as a potential candidate's resignation in lieu of prosecution, termination, or suspension from employment due

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to misconduct. 6a/

1b/ Amended January 28, 1973 -- Second of three amendments

6b/ Amended MONTH ##, 202# -- Fifth of five amendments

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