

National Congress of American Indians

Constitution, By-Laws and Standing Rules of Order



**Originally Adopted November 14, 1944
Current as Amended February 28, 2007**

**Constitution – Page Two
By-Laws – Page Nine
Standing Rules of Order – Page Eighteen**

**1301 Connecticut Ave., NW, 2nd Floor
Washington, DC 20036
Tel: 202-466-7767
Fax: 202-466-7797
www.ncai.org**

National Congress of American Indians

CONSTITUTION

PREAMBLE

We, the members of Indian and Alaska Native Tribes of the United States of America invoking the Divine guidance of Almighty God in order to secure to ourselves and our descendants the rights and benefits the traditional laws of our people to which we are entitled as sovereign nations; to enlighten the public toward the better understanding of the Indian people; to preserve rights under Indian treaties or agreements with the United States; to promote the common welfare of the American Indians and Alaska Natives and to foster the continued loyalty and allegiance of American Indians to the flag of the United States do establish this organization and adopt the following Constitution and By-laws.

ARTICLE I – NAME

The name of this organization shall be the National Congress of American Indians (NCAI) with headquarters in Washington, D.C.

ARTICLE II – MEMBERSHIP

(In general assembly)

SECTION A

NCAI membership is made up of Tribes and individuals who have met the eligibility criteria and the payment of dues as outlined in the Article III of the NCAI By-Laws.

SECTION B

Membership shall be of four classes:

1. Tribal Membership

Any Tribe, band or identifiable group of American Indians, Eskimos, and Aleuts shall be eligible for tribal membership provided it shall fulfill all of the following requirements:

- a. A substantial number of its members reside upon the same reservation, or (in the absence of a reservation) in the same general locality;
- b. It maintains a Tribal organization, with regular officers and the means of transacting business and arriving at a reasonably accurate count of its membership;
- c. It is not a mere offshoot or fraction of an organized Tribe itself eligible for membership; and,
- d. It is recognized as a Tribe, or other identifiable group of American Indians by the Department of the Interior, Court of Claims, the Indian Claims Commission, or a State. An Indian or Alaska Native organization incorporated/chartered under state law is not eligible for tribal membership.

2. Indian Individual Membership

Any person of Indian and/ or Alaska Native ancestry in the United States or a native of Alaska is eligible for individual membership. For the purpose recognized as a member by an Indian Tribe, or band, or combination of Tribes and bands recognized by the U.S. Department of the Interior, the Indian Claims Commission, Court of Claims, or a State.

3. Individual Associate Membership

Non-Indian applicants may be admitted to non-voting associate membership upon the payment of annual dues as fixed by the By-laws.

4. Organization Associated Membership

Organizations may be admitted to non-voting associate membership upon the payment of annual dues as fixed by the By-laws.

No individual or organization with known subversive activities or affiliation shall be admitted to membership, nor shall their contributions be accepted.

SECTION C

Vacancies and Reinstatement of Members

A vacancy occurs when a member resigns, retires, dies or is removed by the Tribal government that has appointed him/her, expulsion or is in default of payment of dues. All vacancies and reinstatement of shall be dealt with as prescribed in Article III, Section D of the NCAI By-Laws.

SECTION D

Powers

The General and Supreme power of NCAI resides in its members meeting in General Assembly. The NCAI General Assembly reserves the authority to delegate specific duties and responsibilities to the Executive Council, Executive Committee, the Executive Director and/ or other NCAI officers. It shall, without limitation, have the following specific powers:

1. To generally carry out the purpose and mission of NCAI;
2. To determine the membership;
3. To elect officers and determine their duties;
4. To adopt and amend any and all policies of NCAI;
5. To authorize the obligation of NCAI assets and resources;
6. To support or oppose public policy as it pertains to or impacts American Indians and Alaska Natives;
7. To determine the time and location of NCAI Annual Convention meetings; and,
8. To constitute committees for such purposes as it deems necessary.

SECTION E

Meetings

The two (2) official meetings of NCAI membership shall be the Annual Convention and the Mid-Year Conference. The Mid-Year Conference shall be at the option of the Executive Committee. All meetings will be governed by provisions of Article V of the By-Laws.

1. Quorum

A quorum of the Annual Convention or the Mid-Year Conference shall be 50% + 1 of the membership having met the requirements of credentials.

2. Rules of Order

All meetings shall be conducted in accordance with this Constitution and By-Laws, NCAI Standing Rules of Order, Robert's Rules of Order, and/ or other modifications or revisions to such rules as deemed appropriate and necessary by at least two thirds (2/3) of the members in session.

SECTION F

Officers

The duly constituted officers of NCAI shall be a President, a First Vice-President, twelve (12) Regional Vice-Presidents, a Secretary, and a Treasurer. Other officers may be elected or appointed by NCAI as the organization deems necessary or desirable. Duties of officers shall be prescribed in Article IV of the By-Laws.

1. Nominations

- a. **Administrative Board Officers:** Nominations for the President, First Vice-President, Recording Secretary, and Treasurer's Offices shall be made from the floor of the Convention. After nominations have concluded, the balloting for these offices shall be conducted by a consolidated secret ballot.
- b. **Regional Vice-Presidents:** Elections of Regional Vice-Presidents to represent the National Congress of American Indians in the separate regions of the Bureau of Indian Affairs and the Northeast regions shall be conducted during the second half of the Annual Convention. The time and exact location of such caucuses to elect the Regional Vice-Presidents shall be announced in General Assembly at least four hours prior to caucus. Quorums for such elections shall be comprised of a majority of official representatives of the NCAI member Tribes in the region. Individual NCAI members within the region of the respective election shall have a vote in these elections.
- c. **Qualifications:** Only tribal government officials or delegates in good membership standing shall qualify for nomination, election or office of the Administrative Board Officers or Regional Vice-Presidents.

2. Elections

- a. **Election Process:** The President, Vice-President, Recording Secretary and Treasurer shall be elected by secret ballot for Tribal members by a majority vote of all members.
- b. **Certification Procedures:**
 - (1) Administrative Board Officers: An Election Committee shall be appointed by the Administrative Board to conduct the elections and certify the election results.

- (2) **Regional Vice-Presidents:** A regional Election Committee shall be appointed according to procedures established by each region and shall conduct the elections and certify the election results.

3. Votes

Each Indian individual member is entitled to one (1) vote. Each member Tribe is entitled to 100 to 180 votes, depending upon the enrollment of the Tribe. Each member Tribe shall vote in accordance with the table in Article III, Section B, 1(d) of the By-Laws.

4. Terms of Office

- a. Administrative Board Officers:** The regular term of elected Administrative Board Officers shall be for two (2) years, from the adjournment of the Annual Convention at which they are elected until the adjournment of the next Annual Convention two (2) years henceforth. No elected Administrative Board Officer may hold the same office continuously for more than four (4) years.
- b. Regional Vice-Presidents:** The regular term of elected Regional Vice-Presidents shall be for two (2) years, from the adjournment of the Annual Convention at which they are elected until the adjournment of the next Annual Convention two (2) years henceforth. No elected Regional Vice-President may hold the same office continuously for more than four (4) years.
- c. Resignation:** Administrative Board officers and Regional Vice-Presidents shall immediately submit their resignations if they no longer hold office as a Tribal government official whether their changes in status is the result of their resignation, retirement, an election loss, or if their credentials as a Tribal delegate have been withdrawn by their Tribal governing body.

5. Vacancy(s)

In the event of the death, resignation, or loss of ability to perform the essential duties of office with or without reasonable accommodations of an Executive Committee Member, a replacement shall be selected for the remainder of the term(s) as follows:

a. For Administrative Board members:

- (1) The Executive Committee shall select a replacement by majority vote of those present at a duly called meeting.
- (2) Upon the death, resignation, or loss of ability to perform the essential duties of Office with or without reasonable accommodations of the President, his office shall be filled by the First Vice-President; in the event of the death, resignation, or disability of the President and First Vice-President, the Executive Committee shall elect a successor from among the twelve (12) Regional Vice-Presidents.

- b. For the Regional Vice-Presidents:** A replacement shall be selected through a poll vote of the Regional delegates conducted by the alternate or a member of the Region's delegates.

ARTICLE III – EXECUTIVE COUNCIL

SECTION A

Membership

The Executive Council shall consist on one (1) duly certified representative of each Tribe which is a member Tribe, in addition to the President, the First Vice-President, the twelve (12) Vice-Presidents, the recording Secretary and the Treasurer, each of whom shall hold office until his successor is certified or elected and qualified. Each member shall have one (1) vote.

SECTION B

Tribal Representatives

Each member Tribe shall designate its official representative from individuals eligible for voting membership in this organization, and may designate alternates who may, in the absence of the regular representative, exercise all rights of the regular representative. Each member Tribe shall certify such choice to the Recording Secretary prior to the convening of the Annual Convention. Each representative shall continue as such until a successor is certified by the member Tribe.

SECTION C

Meetings

The Executive Council shall hold an Annual Conference meeting within the first quarter of each year in Washington, D.C. It shall also meet on such other occasions as shall be determined necessary by majority vote of the Executive Council, or in case of emergency, at the call of the President or a majority of the Executive Board to address any of the issues in Article V, Section C, or such other issues(s) identified by the authority(s) calling the meeting.

SECTION D

Powers

The control, administration, and determination of policy of the organization shall be vested in the Executive Council with authority to delegate specific duties and responsibilities to the Executive Committee, the Executive Director and other officers, provided however, that such administrative policy shall not be in conflict with actions taken by the organization in duly called, notice, and convened convention assembled. It shall, without limitation, have the following specific powers:

1. To organize for business and regulate its own procedure and to adopt and, from time to time, amend By-Laws for administration of affairs of the organization not inconsistent with this Constitution.
2. To fix dues payable by members.
3. To accept gifts, bequests, and contributions from any sources except known subversive organizations or individuals.
4. To appropriate, allocate and budget funds to effectuate the purposes of the organization.
5. To adopt and determine upon policies on behalf of the organization taking fully into account any relevant action of the Annual Convention, provided that no action taken by the Executive Council shall be in conflict with the terms provided herein.
6. To constitute committees for such purposes as it deems necessary.

7. To affiliate with other organizations or to permit their affiliation with NCAI, as will support the purposes of the organization.
8. In general, to carry out the purpose and mission of the NCAI as proclaimed by this Constitution and By-Laws.

SECTION E

Quorum

One-third (1/3) of the membership shall constitute a quorum.

SECTION F

Special Action

The Executive Council may act by mail ballot upon any matter within its power at any time between Annual Conventions through the following procedures:

1. At the direction of the Executive Committee;
2. At the direction of the President;
3. Through a petition stating the issue to be voted upon and signed by twenty percent (20%) of the membership of the Executive Council. The petition must be submitted to the Administration for distribution by certified mail to the certified members of the Executive Council. The ballots must be mailed within seven (7) calendar days of receipt of the petition and counted on the 21st calendar day from the mailing at 5 p.m. Eastern time.

ARTICLE IV – EXECUTIVE COMMITTEE

SECTION A

Membership

1. The Executive Committee shall consist of the President, the First Vice-President, the Recording Secretary, the Treasurer, and the twelve (12) Regional Vice-Presidents, with the President serving as Chairperson.
2. The Regional Vice-President may have an alternate(s) certified in the same manner as the Regional Vice-Presidential election process identified in Article II, Section F, 2 b(2).

SECTION B

Powers

The Executive Committee shall:

1. Have the authority to provide for the employment of the Executive Director.
2. Have full authority to act for the Executive Council during the interval between meetings of the Executive Council; and
3. Not amend the Constitution, take any action contrary to the Constitution or By-Laws, or reverse any action of the Executive Council.

SECTION C

Meetings

The Executive Committee shall meet at the call of the President, First Vice-President, or four (4) of the Executive Committee members. Any action taken by the Executive Committee shall be reported by mail to the Executive Council within seven (7) calendar days.

SECTION D

Quorum

Eight members of the Executive Committee including either the President or First Vice-President shall constitute a quorum.

SECTION E

Administrative Board

The Administrative Board shall consist of the President, First Vice-President, Recording Secretary, and Treasurer. This Board shall have the responsibility of acting for the Executive Committee and, under their supervision, on financial matters as would otherwise come under the purview of the Executive Committee. Regular and normal meetings of the Executive Committee shall be held as usual with any actions taken by the Administrative Board reviewed at the first (Executive Committee) meeting thereafter.

ARTICLE V – MEMBERSHIP DUES

Minimum annual membership dues shall be payable as prescribed in Article III of the By-Laws.

ARTICLE VI – POLITICAL ACTIVITY

The National Congress of American Indians shall not engage in nor lend itself to partisan political activity.

ARTICLE VII – AMENDMENTS TO CONSTITUTION

This Constitution may be amended by a two thirds (2/3) vote of the total registered tribal and individual members at the Annual Convention. Except that proposed amendments submitted to the national NCAI office not later than three months prior to the Annual Convention may be adopted by a majority vote. All proposed amendments shall be submitted by the national office to the membership no later than two months prior to the Annual Convention. Consideration of Constitutional amendments shall take priority over any other business during Constitutional Conventions.

CERTIFICATE OF ADOPTION

The foregoing Constitution was unanimously adopted on November 14, 1944, and amended on September 2, 1955; November 1, 1957; December 10, 1957; November 4, 1965; October 2, 1967; November 17, 1971; November 12, 1975; September 20, 1978; October 3, 1979; October 4, 1989; December 4, 1991; October 15, 1992; October 23, 1996; November 19, 1997; and November 14, 2002.

BY-LAWS

ARTICLE I - NAME

The name of this organization shall be the National Congress of American Indians (NCAI).

ARTICLE II - PURPOSE

The purpose of the National Congress of American Indians (NCAI) is to serve as a forum for unified policy development among tribal governments in order to: (1) protect and advance tribal governance and treaty rights; (2) promote economic development and health and welfare in Indian and Alaska Native communities; and (3) educate the public toward a better understanding of Indian and Alaska Native tribes. The principle office of the NCAI shall be located in Washington, D.C. NCAI may have such other offices or may relocate the principal office to other locations as the Executive Council may determine from time to time.

ARTICLE III - MEMBERS

SECTION A

All members are determined to be in good standing upon full payment of dues and having fulfilled the requirements of the Credentials Committee.

SECTION B

Membership shall be of four classes:

1. Tribal Membership

- a. Any Tribe, band or identifiable group of American Indians and Alaska Natives shall be eligible for tribal membership provided it shall fulfill all of the following requirements:
 - (1) A substantial number of its members reside upon the same reservation, or (in the absence of a reservation) in the same general locality;
 - (2) It maintain a Tribal organization, with regular officers and the means of transacting business an arriving at a reasonably accurate count of its membership;
 - (3) It is not a mere offshoot or fraction of an organized Tribe itself eligible for membership; and,
 - (4) It is recognized as a Tribe, or other identifiable group of American Indians by the Department of the Interior, Court of Claims, the Indian Claims Commission, or a State. An Indian or Alaska Native organization incorporated/chartered under state law is not eligible for tribal membership.
- b. Tribal Representative: Each member Tribe shall designate its official representative from individuals eligible for voting membership in this organization, and may designate alternates who may, in the absence of the regular representative, exercise all right of the regular representative. Each member Tribe shall certify such choice to the Recording Secretary prior to the convening of the Annual Convention. Each representative shall continue as such until a successor is certified by the Member Tribe.
- c. Tribal Representative Qualifications:
 - (1) Must be present at the Convention or Special Meeting of NCAI.
 - (2) Must have a current year Tribal resolution specifying the person as a delegate.

(3) Must have a copy of NCAI invoice reflecting full payment of Tribal and Individual dues.

- d. Votes: Each Indian individual member is entitled to one vote. Each member Tribe is entitled to 100-180 votes, depending upon the enrollment of the Tribe. Each member Tribe shall vote in accordance with the following table:

Size of Tribe	Number of Votes
up to and including 500	100
501 to 1500	110
1501 to 2500	120
2501 to 3500	130
3501 to 4500	140
4501 to 5500	150
5501 to 6500	160
6501 to 7500	170
over 7500	180

2. Indian Individual Membership

Any person of Indian and/or Alaska Native ancestry in the United States is eligible for individual membership. For the purpose of this section, an Indian is a person who is recognized as a member by an Indian Tribe, or band, or combination of Tribes and bands recognized by the US. Department of the Interior, the Indian Claims Commission, Court of Claims, or a State.

3. Individual Associate Membership

Non-Indian applicants may be admitted to nonvoting associate membership upon the payment of annual dues as fixed by the By-laws.

4. Organization Associated Membership

Organizations may be admitted to non-voting associate membership upon the payment of annual dues as fixed by the By-laws.

No individual or organization with known subversive activities or affiliation shall be admitted to membership, nor shall their contributions be accepted.

SECTION C

Dues

Annual membership dues shall be due and payable at the Annual Convention of each year for the following year until the next Annual Convention. Full dues may be paid before the Annual Executive Council Meeting held during the first quarter of each calendar year with full voting rights and privileges, but will terminate at the same time as dues paid during the Annual Convention. Dues paid after the Annual Executive Council Meeting shall be calculated at fifty (50%) percent of the regular rate and member Tribes shall also have full voting rights and privileges. The NCAI Executive Committee may make adjustments in the dues to reflect increases in the consumer price index. The regular rates shall be as follows:

1. Individual Indian Voting Membership

\$40 for an individual (one vote, one mailing)

\$ 1000 for Lifetime Membership

2. Tribal Membership

In accordance with the following table:

<u>Income:</u>	<u>Dues:</u>
30 million or over	\$25,000
20 million to 30 million	\$15,000
10 million to 20 million	\$10,000
5 million to 10 million	\$5,500
1 million to 5 million	\$1,100
\$500,000 to \$1 million	\$550
\$0 to \$500,000	\$110

If revenue exceeds \$60 million, please consider increasing your dues payment as a contribution to NCAI.

3. Individual Associate Membership -\$40 per person.

This class of membership is reserved for individuals not qualifying for membership for lack of Indian ancestry. Such membership carries all the rights of individual save the right to vote.

4. Organization Associate -\$500 per organization.

Such membership shall carry such rights and privileges as are accorded to individual associate members.

SECTION D

1. Vacancies

A vacancy occurs when a member resigns, retires, dies, or is removed by the Tribal government that has appointed him/her, expulsion or is in default of payment of dues.

2. Resignation

A member not in default of payment of dues may at any time file his or its resignation in writing with the Recording Secretary, and it shall become effective as of the date filed.

3. Retirement, Death, or Removal by Tribe

In the instances of retirement, death or removal by appointing Tribe, the appointing body has the option of filling the vacancy at its discretion.

4. Expulsion

The Executive Council may suspend or expel any member for cause, after a hearing before such persons and in such manner as the Executive Council shall direct, or may suspend or drop from membership any member for non-payment of dues.

5. Reinstatement of Members

Any member suspended or expelled may be reinstated by the affirmative vote of a majority of the members of the Executive Committee.

ARTICLE IV - OFFICERS

SECTION A

Officers

The duly constituted officers of NCAI shall be a President, a First Vice-President, a Recording Secretary and a Treasurer. Other officers may be elected or appointed by NCAI as they deem necessary or desirable.

SECTION B

President

The President shall preside at all conventions of the organization and meetings of the Executive Council and shall exercise other duties delegated to him by the Executive Council.

SECTION C

First Vice-President

The First Vice-President shall assume the responsibilities of the President in the absence or incapacity of the President, and shall carry on such other duties as are assigned by the Executive Council.

SECTION D

Regional Vice-Presidents

The twelve (12) Regional Vice-Presidents shall:

1. Be responsible for coordination of National Congress of American Indians activities in their regions;
2. Serve in a leadership role in fundraising and membership activities in their regions;
3. Act as liaison between the tribal and individual members in their regions and the officers and other members of the Executive Council; and
4. Carry out duties as directed by the Executive Council and/or the Executive Committee.

SECTION E

Recording Secretary

The Recording Secretary shall perform the duties set forth in the Constitution usually performed by a secretary, and such additional duties as shall be prescribed by the Executive Council. He/she shall provide copies of the minutes of all actions by the Annual Convention, Executive Council, Executive Committee, and Administrative Board to the Executive Committee by postmark or electronic delivery within thirty (30) calendar days of the action.

SECTION F

Treasurer

The Treasurer shall:

1. Be responsible for all funds of the organization;
2. Submit monthly financial reports to the Executive Committee; and
3. Provide for an annual audit by a Certified Public Accountant and submit the report to the Executive Committee within 15 calendar days of receipt of the report designated by postmark or delivery by electronic delivery.

SECTION G

Executive Director

The Executive Director shall be the administrative operating head of the organization subject to directives and policy established by the Executive Committee. He/she may be dismissed for cause by the Executive Committee.

SECTION H

Election and Term of Office

1. The term of all officers shall be two (2) years. Officers shall not serve more than two (2) consecutive terms.
2. Officers shall be elected at an election held at the Annual convention of each odd calendar year. Each officer shall hold office until a successor has been duly elected and qualified.
3. The President, First Vice-President, Recording Secretary and Treasurer shall be elected by secret ballot by a majority vote cast of all voting individual and Tribal members present.
4. If there shall be a tie vote, or if the candidate with the highest number of votes shall not receive a majority of all votes cast in a particular election, a further ballot shall be cast in a particular election, and further ballot shall be cast listing the two candidates receiving the highest number of votes. In the case of a tie for second place, there shall be a run-off between the tied candidates. The winner of that run-off shall then appear on the next ballot with the candidate originally receiving the highest vote.
5. The election process is further clarified in Part V of the NCAI Standing Rules of Order.

SECTION I

Oath of Office

Any officer elected or appointed shall swear to the following Oath of Office:

"I, _____, having been duly elected as _____, do hereby pledge and affirm that, during my term in said office and any extension thereof, I shall, to the best of my ability, conduct myself in good faith, exercising due care and judgment exclusively for the best interests of National Congress of American Indians."

SECTION J

Removal

Any officer elected or appointed may be removed by a two-thirds (2/3) vote of the Executive Council whenever in their judgment the best interest of NCAI would be served thereby.

SECTION K

Vacancies

A vacancy in office because of death, resignation, removal, disqualification or otherwise may be filled by the Executive Council for the unexpired portion of the term.

SECTION L

Compensation

Members of the Executive Committee shall not receive salaries, fees, remunerations, gratuities, or any other form of compensation from NCAI. Nothing herein contained shall be construed to preclude any member of the Executive Committee from serving in any other capacity and receiving compensation therefore. Nothing herein contained shall be construed to preclude any member from receiving compensation from the Tribe or Tribal organization appointing the member.

ARTICLE V - MEETINGS

SECTION A

Official Meetings

The official meetings of NCAI shall be the Annual Convention, the Mid-Year Conference, and the winter session of the Executive Council and the duly called meetings of the Executive Committee. The Mid-Year Conference shall be at the option of the Executive Committee.

1. The Executive Council shall hold an Annual Convention meeting within the first quarter of each year in Washington, D.C. It shall also meet on such other occasions as shall be determined necessary by majority vote of the Executive Council, or, in case of emergency, at the call of the President or a majority of the Executive Board.
2. Executive Committee meetings shall be at the "call-of-the-Chair."

SECTION B

Quorum

A quorum of the Annual Convention or the MidYear Conference shall be 50% + 1 of the membership having met the requirements of credentials. A quorum of the Executive Council shall be thirty percent (30%) of member Tribes. A quorum of the Executive Committee shall be 50% + 1 of the twelve (12) Regional Vice-Presidents and the Executive Officers combined.

SECTION C

Special Meetings

Special meetings of the Executive Committee may be called by the President or by the written request of at least five (5) members. Business items are limited to the purpose(s) identified in the notice of the special meeting. Other

non-controversial agenda items may be added only without objection. Other controversial items may not be added to the agenda without prior notice.

SECTION D

Notice of Meetings

Notice of meetings in writing or by telephone stating the purpose, place, day and time of any meeting of the members shall be delivered by postal, electronic device, in person or by telephone not less than thirty (30) days before the date of the meeting.

SECTION E

No Proxy Voting

At any meeting, a voting member may vote only in person and not by proxy.

SECTION F

Teleconference Meeting/Voting by Mail or FAX

Regular or Special meetings of the Executive Committee may be held by teleconference provided all members (or an official representative of his/her Tribe or Tribal organization) have been duly notified of such meeting at least 48 hours before such meeting.

Members may be asked from time to time to vote on key issues without a meeting. Such voting is allowed provided all members are served with the same ballot and information about the subject voted upon either by mail or FAX. Elections may not be conducted by mail or FAX.

ARTICLE VI - EXECUTIVE COUNCIL/ EXECUTIVE COMMITTEE

SECTION A

Executive Council

The Executive Council consists of the persons (delegates) selected by each member Tribe who has met all of the conditions of credentials and are present in a duly called meeting of the Executive Council. While in session, the Executive Council is authorized to carry out official activities of NCAI that are delegated to it by the Annual convention and are consistent with duties and powers stated in Article V of the Constitution.

SECTION B

Executive Committee

The Executive Committee shall consist of: the President, the First Vice-President, the Recording Secretary, the Treasurer and one other member elected from within each of the twelve (12) Regions. The Executive Committee shall have all the authority of the Executive Council when the Executive Council is not in session except that such authority may not be contrary to or overturn any decisions of the Executive Council.

ARTICLE VII - COMMITTEES

SECTION A

Committees and Sub-Committees

The President is authorized to appoint Committee and Sub-Committees. Such appointments shall take place immediately following the election of officers. All Committee and Sub-Committee members serve until their successors are duly appointed and qualified. Committee and Sub-Committees are authorized to function only while NCAI is in session except as otherwise authorized by the Annual Convention, Executive Council, Executive Committee, the Constitution, By-laws, and/or the NCAI Standing Rules of Order. The Committee and Sub-Committee structure shall be as follows:

Human Resources Committee

- Sub-Committee on Education
- Sub-Committee on Health
- Sub-Committee on Indian Child and Family Welfare
- Sub-Committee on Disabilities
- Sub-Committee on Elders

Land and Natural Resources Committee

- Sub-Committee on Trust Lands, Natural Resources and Agriculture
- Sub-Committee on Energy and Mineral Policy
- Sub-Committee on Environmental Protection and Land Use

Litigation and Governance Committee

- Sub-Committee on Tribal Gaming
- Sub-Committee on Jurisdiction and Tribal Government
- Sub-Committee on Human, Religious and Cultural Concerns
- Sub-Committee on Taxation

Economic, Finance, and Community Development Committee

- Sub-Committee on Housing
- Sub-Committee on Economic Development, Finance and Employment
- Sub-Committee on Transportation and Infrastructure
- Sub-Committee on Telecommunications

Veterans Committee

Rules and Credentials Committee

Resolutions Committee

SECTION B

Other Committees

The Executive Council (or the Executive Committee) may designate other Committees, each of which shall consist of at least two or more members. The designation of such Committees and the delegation thereto of authority shall not operate to relieve the Executive Council, or any individual Council member, of any responsibilities imposed on it or him/her by law. Such Committees may be dissolved by a majority vote of the Executive Council present at a regular meeting.

SECTION C

Committee Chairs

The President is authorized to make a list of interim chairs of all Committees and Sub-Committees prior to meetings at which Committees will be functional. These interim chairs are responsible for making sure that Committee space is available, the time(s) of Committee meetings are posted, a Committee organizational election is conducted, NCAI support staff is lined up and resolutions directed to the Committee are copied and available to Committee members. Once a Committee has completed its work, it is the responsibility of the chairman of the Committee to designate a representative of the Committee to report to the Assembly.

ARTICLE VIII ADMISSION OF MEMBERS

The Executive Director shall be empowered to accept applications for membership and to admit to membership such applicants as are eligible for membership, subject to review by the Executive Council.

ARTICLE IX – SOLICITATION OF MEMBERSHIP

At the end of the Annual Meeting, the Executive Director will develop a report of the Annual Meeting and send the report, along with solicitation for membership, to all tribes who are eligible for membership, and to all individuals and organizations who were not able to attend the annual meeting and were members in the previous year.

ARTICLE X - RULES OF ORDER

All meetings of NCAI shall be conducted in accordance with this Constitution and By-laws, NCAI Standing Rules of Order, Robert's Rules of Order and/or any other modifications or revisions to such rules as deemed appropriate and necessary by at least two-thirds (2/3) of the members in session.

ARTICLE XI - AMENDMENTS OF BY-LAWS

These By-laws may be amended at any meeting of the Executive Council by a majority vote of the Executive Council members present, or upon referral on majority vote of the membership of the Executive Council by not less than two-thirds of the members present and voting at the Annual Convention.

CERTIFICATE OF ADOPTION

The foregoing By-laws were unanimously adopted on November 14, 1944 and amended by the Executive Council on April 2, 1960; October 2, 1967; January 23, 1976; September 20, 1978; October 3, 1979; October 4, 1989; June 13, 1992; October 23, 1996; November 14, 2002; June 23, 2004, and on February 28, 2007.

STANDING RULES OF ORDER

General Assembly of the National Congress of American Indians

ASSEMBLY RULES OF ORDER

PURPOSE

These rules are intended to serve as a guide to delegates in conducting their business of setting policy for the National Congress of American Indians (NCAI), in General Assembly (Convention), at the Mid-Year Convention and during special sessions of the Congress. It is not intended to take the place of any accepted rule of order or special rules adopted by the convention. NCAI reserves the right to adopt any amendments to these rules or adopt substitute rules at any time with a majority vote of a quorum of the delegates.

SECTION I

Registration

Delegates are not officially seated until they register. Delegates have the opportunity to register between the hours of 10:00 a.m. and 8:00 p.m. the day before the Convention, or between 7:00 a.m. and 5:00 p.m. for the first two days of the Convention, unless the Executive Director specifies otherwise. At least one member of the Credentials Committee must be present at any time registration is taking place.

SECTION II

Quorum

The Credentials Committee will be ready to make their first report to the Convention at 2:00 p.m. or the next break in the agenda after 2:00 p.m. The report shall state how many member Tribes there are, how many Tribes need to be present for a quorum, and how many have registered by the time of the report. If at least 50%+1 of the delegates of member Tribes have registered by the time of the report, the Chair shall declare that a quorum is present and ask for a motion to accept the Committee's report. The Credentials Committee will also report periodically on changes to delegation.

The quorum of 50%+1 of the duly elected delegates does not change throughout the duration of the Convention. In the event a quorum is not present at the time of the report of the Credentials Committee, the Chair shall declare a specific time at which another report will be given.

SECTION III

Roll Calls

A. The purpose of a roll call is to determine if registered delegates representing Tribes are actually present at the time of the calling of the roll. The roll will be called:

1. Prior to any critical vote on a controversial issue at the request of a delegate,
2. During a "roll-call" vote; and
3. During election of officers (except when the delegates decide on an alternate method prior to the beginning of the election process).

- B. When each Tribal roll is taken, the NCAI Recording Secretary shall read only the list of accredited member Tribes. At each Tribal roll call on the Convention floor, the voting delegate (or in his or her absence, the alternate) shall stand and state name, Tribe, and number of votes cast by the Tribe.

SECTION IV

Voting

All duly seated delegates and Indian individual members in good standing are eligible to vote on any matter brought before the convention or in elections of Tribal officials. Voting is not official unless a quorum is present, except to:

- A. Accept initial Credentials Committee report that establishes a quorum;
- B. Vote on requests to have speeches and special presentations recorded in the minutes before a quorum is established;
- C. Adopt the initial convention agenda; proposed amendments to the agenda that appear to be controversial and will change the direction of the agenda will require a majority vote of the quorum; and
- D. Vote on any motion relative to rules of order.

It takes at least 50% + 1 of the quorum present voting for a recommended action for it to be declared passed. It takes at least 50% + 1 of the quorum present voting for a candidate in order for the candidate to be elected to the position for which he/she was duly nominated by a seated delegate. When the Tribal vote is taken, the Recording Secretary shall also call out the number of votes to be cast by the Tribe. Only individuals wearing official convention badges with ribbons designating them as Tribal delegates will be recognized as eligible to vote. The unit rule will apply in Tribal voting. That is, the entire Tribal vote will be cast for one issue or one nominee, with split voting not permissible. Voting by proxy is not permissible.

SECTION V

Election of Officers

Only tribal government officials or delegates in good membership standing shall qualify for nomination, election or office of the Administrative Board Officers or Regional Vice-President. Any registered member in good standing is eligible to nominate others and participate in the election process. The President (or session Chair) shall turn the Chair over to the Election Committee Chairman. No member of the Election Committee shall be a candidate for any office.

A. Nominations

Nominations of officers shall begin no later than 3:30 p.m. on Wednesday of an election year.

1. Nominations of officers shall be in the following order:
 - a. President
 - b. First Vice-President
 - c. Recording Secretary
 - d. Treasurer
2. The Election Committee Chairman shall declare nominations open for the office of President;

3. Nomination speeches shall be no longer than two (2) minutes. Individuals making nominations must state their name, the Tribe they represent, and indicate that they are a member in good standing of NCAI. Nominations do not have to be seconded, and no seconding speeches shall be allowed.
4. After calling for nominations three (3) consecutive times, the Chairman may declare nominations closed without a motion. Motions to close nominations in order to block a nomination are not allowed.

B. Balloting by Tribal Delegates

The campaign speeches and the voting process shall begin no later than 1:30 p.m. on Thursday of an election year. Campaign speeches by candidates shall be no longer than five (5) minutes.

The balloting for all officers shall be by consolidated secret ballot. Each Tribal delegate shall be entitled to 100 to 180 votes in accordance with the table in Article III, Section B, 1(d) of the NCAI By-laws.

1. Tribal delegates will pick up one of the official ballots at the registration tables located in the convention hall. Each of the registration tables will have a list of Tribal delegates, the correct number of ballots with appropriate number of tribal votes, and a sign-in sheet for Tribal delegates.
2. Seated at each of the registration tables will be two (2) individual members in good standing from each Region selected by each Regional Vice-President. One will check the delegate against the official delegate list and monitor the signature while the other hands out the ballots.
3. The ballot box will be inspected by the Elections Committee Chair prior to the balloting to assure that the box is empty and secure. The ballot box will be placed in an area that can be clearly viewed by the Elections Committee members, other election officials and the nominees. The box will only be accessible to those Tribal delegates casting the ballot.
4. The elections committee may use electronic vote counting equipment.

C. Balloting by Individual Members

Indian individual members shall be entitled to cast one vote. Ballots for Indian individual members shall be a different color than Tribal ballots whenever possible.

1. Four (4) tables shall be set up on the Assembly floor at which two (2) members in good standing shall be appointed to distribute ballots to members whose name appears on the list assigned to that table. The list of all Indian individual members shall be divided equitably between the tables.
 2. Balloting shall proceed similar and simultaneous to member Tribe voting.
 3. Proxy voting is not permitted.
 4. The tabulating of the ballots cast by Indian individual members shall be done by at least one representative from each table.
- D.** Robert's Rules of Order require that a majority of the votes must be cast for a candidate for him/her to be elected.
- E.** In the event a candidate does not get a majority of the delegate votes, another balloting will take place. Only the two (2) highest vote-getters for an office will be on the second ballot. Once a candidate gets a majority of the delegate votes, the Chair will request a motion to adopt the Election Committee report.
- F.** Regional Vice-Presidents are elected in the Regional caucuses at a time specifically set aside for this purpose. Each caucus chair reports the results of caucus elections and makes a motion to ratify their elections at the conclusion of the report:

"Mr. /Madam Chair, the _____ Region has elected Mr./Ms. _____ as our Regional Vice-President and Mr./Ms. _____ as the alternate. I move and ask unanimous consent for the Convention to ratify our election." The Chair responds: "Hearing no objection, so ordered!"

SECTION VI

Rules of Order

Robert's Rules of Order shall be the official rules of order for the Convention and Committees. NCAI General Assembly reserves the rights to adopt replacement rules or special rules as it sees fit from time to time.

SECTION VII

Business Cycle

One significant exception to the use of Robert's Rules of Order is a policy that provides for a two (2)-year business cycle for Convention action. This means that all Convention business has a life equal to the two-year term of NCAI Officers. However, a Resolution, once adopted, remains the policy of NCAI until withdrawn or modified by subsequent resolution, or until it expires pursuant to its terms.

SECTION VIII

Parliamentarian, Sergeant-Arms

The President shall appoint a Parliamentarian and a Sergeant-at-Arms at the beginning of each Convention. If there is an objection to the choice of the President, the majority of the delegates present may reject the choice with or without cause.

- A. All rulings of the Parliamentarian must be made to the session Chairman in the form of a recommendation. It is then the responsibility of the Chairman to make a ruling. It takes a majority vote of the delegates present to overturn the ruling of the Chairman.
- B. The Sergeant-at-Arms is authorized to maintain order during all sessions of the General Assembly. This includes, but is not limited to, the requesting of people to discontinue side discussions while in session.

SECTION IX

Call to Order

It is the responsibility of the President to make sure that each session of the Convention is called to order as closely as possible to the designated time(s) specified on the adopted agenda. A quorum need not be present nor declared for a session to be called to order. Once the session is called to order, all convention rules are in effect.

SECTION X

Adoption of the Agenda

Adoption of the agenda serves two (2) functions:

- A. It provides an opportunity for the delegates to vote on whether or not they agree with the proposed agenda; and
- B. It provides the delegates the opportunity to suggest amendments to the agenda.

It is the responsibility of the President, in consultation with the Executive Director, to make every effort to consult with presenters to keep their presentation within a specified time-frame. The session Chair should be able to make a statement like: "The next speaker will speak for ten (10) minutes and we will have questions and answers for fifteen (15) minutes." Once the agenda is adopted, it serves as a guide for scheduled activities of the convention. It can be amended at any time, without objection or with a majority vote.

A call for Orders of the Day, without objection will direct the session Chairman to proceed with the scheduled agenda item notwithstanding current Convention activities. If there is an objection to the call for Orders of the Day, then a majority vote to sustain the call will direct the Chairman to proceed with the next item.

SECTION XI

Assembly Chairman

This rule provides the President with the option of appointing a session Chairman for any or all sessions of the Convention, whether or not the President remains present. It is preferred that the appointed session Chairman be selected from the twelve (12) elected Regional Vice-Presidents. Any appointed session Chairman may return the chairmanship back to the President at any time without needing convention action.

SECTION XII

Motions

Any duly seated delegate may make a motion once he/she is recognized by the chairman. All motions must be duly seconded before debate is allowed. A motion should be presented as follows:

"Mr. Chairman, My name is _____ I am a delegate of the _____ Tribe. I move..."

Long or technical motions shall be submitted to the Recording Secretary in writing. The order of priority of motions is:

1. Points of order;
2. Tabling [not debatable];
3. Deferring [not debatable];
4. Amendments; and
5. The main motion action.

SECTION XIII

Resolutions

A resolution, once adopted, remains the policy of NCAI until withdrawn or modified by subsequent resolution, or until it expires pursuant to its terms. Resolutions must be of a general nature to advocate the best interests of all American Indians and Alaska Natives. Resolutions that take one side between two conflicting Tribes are not in order. Resolutions will be considered at the Annual Convention. Resolutions will not be considered at the Mid-Year Convention or the Executive Council unless they are emergency in nature and national in scope, as determined by the Executive Committee. All resolutions must be turned in to the NCAI headquarters not later than three weeks prior to the Annual Convention. No resolutions produced after such deadline will be considered unless they are emergency in nature and national in scope, as determined by the Executive Committee. If determined to be emergency in nature and national in scope, the resolution must be turned in to the convention Recording Secretary by 12:00 noon on the second day of the Convention.

SECTION XIV

Debate

Only Indian individual members or Tribal delegates in good standing may debate an issue on the floor. A person shall be allowed to speak only once on a subject and for no more than two (2) minutes, except when Presiding Officer expressly extends the time.

SECTION XV

Committees

Each odd-numbered year (election years), the President shall send a list of Committees to each delegate and request advice as to which Committee(s) they are interested in serving on before they come to the convention. The President will compile a list of Committee membership and appoint interim Chairmen to each Committee. These interim Chairmen shall serve as the Committee on Committees that is charged with reviewing the list of committee membership and recommending improvements to the Convention. Without objection, the recommendation of the Committee on Committees will be the final Committee structure. If there is an objection, the decision of the majority of delegates present will determine the final Committee structure.

With the exception of the Executive Committee and single-function Committees established by the Convention to function in between Conventions on a specific task, all Committees shall function only while the Convention is in session or in recess.

It is the responsibility of the Committee Chairman to set the Committee meeting time, place, and agenda in consultation with administrations.

SECTION XVI

Recording of Minutes

The Recording Secretary is responsible for recording all of the actions of the Convention into minutes; the elected Secretary is responsible to ensure that all minutes are properly recorded and made available to delegates in a timely fashion. The minutes shall include only: agenda items, actions, and special presentations. Comments of delegates and/or staff members will not be recorded as a matter of practice; however, a delegate may have his comments or the comments of others recorded in the minutes upon request and without objection.

SECTION XVII

Suspension of the Rules

A delegate may introduce items, speakers, or request action that is not on the agenda or out of synchronization with the agenda by requesting a suspension of the rules. The suggested format of the request should be:

"Mr./Madam Chairman my name _____ is I move and ask unanimous consent to suspend the rules to..." (Add an agenda item, introduce a resolution, allow a non-delegate to speak on an issue, etc.).

Hearing no objection, the Chair rules that the rules are suspended for the stated purpose and asks the delegate to proceed. If there is an objection, a majority of delegates present decide if rules are suspended.

SECTION XVIII

Budget

The NCAI operating budget must be introduced no later than the end of Thursday and must be adopted before adjournment. If it appears there will not be enough time to introduce the budget in time or adopt the budget by adjournment, other items regardless of their importance must be delayed to make room for the budget introduction and/or adoption.

It is strongly recommended that all resolutions and proposals which will cost money to NCAI be introduced as early as possible so that the budget may be accurately adjusted to accommodate the resolution. Once the budget has been passed, resolutions that will cost the NCAI money are not in order and it will take a two-thirds (2/3) vote to change the adopted budget.

SECTION XIX

Action before Assemblies

It is the responsibility of the President to make sure that the business of NCAI is carried out throughout the year through staff activities. The President must ensure that all Convention actions are carried out in a timely fashion and that all policies of the Tribe set by convention action be adhered to.

The Executive Committee may make political and policy decisions on behalf of NCAI in between Conventions. It is also authorized to be the official governing body in between Conventions and in that capacity provide direction to administrative staff on all issues that affect the welfare of NCAI and/or its members.

Neither the President nor the Executive Committee may exercise actions or activities that are in conflict with or in any way diminish the intent of convention actions. The President and/or the Executive Committee may, however, seek advice from the delegates on issues that appear unclear and if it is the judgment of the President and/or the Executive Committee that clarity on the issue would benefit NCAI and/or American Indian and Alaska Native people. In this instance, every delegate must be contacted in writing and given reasonable time to express their opinion on the issue.

SECTION XX

Executive Council Conference

The purpose of the Executive Council Conference is to provide an official forum of NCAI for its members to address legislative issues of concern to American Indian and Alaska Native Tribes. Legislative issues will be a priority of the Conference. Every effort will be made to have the Executive Council Conference at a time when NCAI can include Congressional officials on the agenda. Committee activities should focus on legislative issues as a priority. NCAI members, in session at this Conference, reserve the right to address other issues it determines important to "Indian Country." These rules will apply as appropriate.

SECTION XXI

Mid-Year Convention

The general purpose of the Mid-Year Convention is to give members an opportunity to come together to address issues critical to "Indian Country." It is not intended to be another full NCAI Convention and shall occur at the option of a majority of the Executive Committee. More emphasis will be placed on hearing reports and developing strategies on national Indian/Alaska Native issues and less emphasis on resolutions. Resolutions will not be considered at the Mid-Year Convention unless they are emergency in nature and national in scope as determined by the Executive Committee. Other considerations include, but are not limited to:

1. Resolutions passed (or conflict with resolutions passed) at the Annual NCAI Convention will not be considered at the Mid-Year Convention;
2. Committee meetings will be consolidated by group and may break into smaller, more specific topic-related committees after assessing the issues needing attention; and
3. Roll calls will include only member tribes who have registered for the Mid-year Convention and shall proceed similar to roll call at General Assembly. The member Tribes in good standing, but who are not present, will be included in the Credentials Committee report and will be part of the Mid-Year Convention records and their rights as members are not compromised.

SECTION XXII

Rule Amendments

These rules may be amended at any time during a convention without objection or by a majority vote of a quorum present. It is intended that these rules will serve as a guide to the delegates and administration and therefore every effort will be made to keep them brief and simple.