

MATTAPONI TRIBE CONSTITUTION¹

PREAMBLE

We, the people of the Mattaponi tribe, in order to establish justice, promote the common welfare and preserve the advantages of self-government, do ordain and establish this constitution.

ARTICLE I-JURISDICTION

This constitution shall apply within the exterior boundaries of the Mattaponi Reservation, on any and all properties held in trust for the Mattaponi tribe by the Commonwealth, and to such other lands as are now or may in the future be under the jurisdiction of the Mattaponi tribe. This constitution shall apply to and be for the benefit of all persons who are members of the Mattaponi tribe.

ARTICLE II-TRIBAL MEMBERSHIP

SEC. 1. *Definition of membership.*-The membership of the Mattaponi tribe shall consist as follows:

(a) All persons of Indian blood who are descendants of any person¹ named on the “List of Chief, Headmen and Members of the Mattaponi Indian Tribe, 1868” or the 1910 Mattaponi Tribal Roll that list the “Heads of Household.”

(b) All persons born of parents both of whom are members of the Mattaponi tribe.

(c) All children of mixed marriages between members of the Mattaponi tribe. (d)

All adopted children of members of the Mattaponi tribe.

(e) All persons naturalized as members of the Mattaponi tribe.

SEC. 2. *Naturalization.*-Indians from other tribes or reservations who marry a member of Mattaponi tribe may become members of the Mattaponi tribe, with the assent of the council, by naturalization. To do this they must (1) go before the tribal council and renounce allegiance to their tribe and declare intention of becoming members of the Mattaponi tribe. They shall swear that from that date on they will not receive any benefits from their people, except through inheritance. (2) A year later they shall go before the Mattaponi tribal council again, swear allegiance to the Mattaponi tribe and receive membership papers; provided, they have kept their promise from the time of their first appearance before the Mattaponi tribal council.

¹Ratified on March 26, 2022 and amended on May 8, 2022 in accordance with Article IX by the required majority vote of 30% of the members of the tribe eligible to vote and effective immediately upon receiving the required vote.

SEC. 3. *Good Standing and Loss of Tribal Membership.* To be in good standing, a member of the tribe must participate actively in the affairs and culture of the tribe and hold themselves out publicly and consistently as a member of the Mattaponi tribe. A member of the tribe may be suspended from participation in or expelled from the tribe for good cause shown by a majority vote of all members of the tribe in good standing after a public hearing before tribal council at which all members of the council are present and two-thirds of the council members vote to recommend to the members of the tribe that the member be suspended or expelled from the tribe. All references in the constitution and by-laws of the tribe to members of the tribe shall mean members of the tribe in good standing.

ARTICLE III-ORGANIZATION OF THE MATTAPONI TRIBAL COUNCIL

SECTION 1. *Officers.*-The governing power of the Mattaponi tribe shall be vested in the elected Mattaponi tribal council which shall consist of the following members: Chief, Assistant Chief, and nine Council Members at Large. The tribal council will assist in tribal governance by a Secretary and a Treasurer who will be appointed by a majority vote of the tribal council.

SEC. 2.-*Election of Chief, Assistant Chief, Council Members at Large.*- All members of the tribal council shall be elected by a majority vote of the eligible members of the tribe by secret ballot, cast by mail, in person, or electronically. Ballots shall be distributed to eligible members of the tribe no later than April 15 of the election year and completed ballots shall be submitted by mail or electronically between May 1 and May 15 or cast in person on May 15. All ballots submitted by eligible members of the tribe shall be counted on May 15 and the tally of votes announced to the tribe the same day. Those elected by a majority vote of the eligible members of the tribe who cast their ballots shall take office on June 1 following their election and serve for four years.

SEC. 3. *Who may vote.*-Every member of the Mattaponi tribe in good standing who is 18 years of age or older, may vote in any election regardless of whether they reside or whether they are present on the reservation at the time of the election provided that resident taxes are paid and membership fees are paid for non-residents.

SEC. 4. *Candidates.*-Candidates for Chief, Assistant Chief, and Council Members At-Large shall be nominated by April 1 of the year in which the election is to be held. Nominations for the first election may be made by any five eligible voting members of the Mattaponi tribe. Thereafter, nominations shall be made in a manner prescribed by the elected council of the Mattaponi tribe.

ARTICLE IV-QUALIFICATIONS OF OFFICE

SECTION. 1. *Qualifications of Chief and Assistant Chief.*-The Chief and the

Assistant Chief must be at least thirty (30) years of age. They must be members of the Mattaponi tribe and be full-time residents of Mattaponi reservation at the time of their election and continuously during their term of office.

SEC. 2. *Qualifications of Council Members at Large.*-The council members at large must be at least twenty-five (25) years of age. They must be members of the Mattaponi tribe at the time of their election and live in the Commonwealth of Virginia.

SEC. 3. *Qualifications of secretary, and treasurer.*-The secretary and treasurer must be not less than twenty-five (25) years of age. They must be members of the Mattaponi tribe at the time of their election and live in the Commonwealth of Virginia.

ARTICLE V-THE MATTAPONI TRIBAL COUNCIL AND ITS POWERS

SECTION 1. *Legislative power.*-The legislative power shall be vested in the Mattaponi tribal council.

The Mattaponi tribal council shall have the following rights and powers:

1. To employ legal counsel.
2. To prevent the sale, disposition, lease, or encumbrance of Mattaponi tribal lands, interests in lands, or other tribal assets.
3. To negotiate with the Federal, State, and local governments, and with the councils and governing authorities of other Indian tribes.
4. To seek Federal recognition of the Mattaponi tribe.
5. To enact ordinances, not inconsistent with the constitution and bylaws of the Mattaponi tribe, for the maintenance of law and order within the reservation and for the punishment of members, and the exclusion of nonmembers violating any such ordinances, for the raising of revenue and the appropriation of available funds for tribal purposes, for the regulation of trade, inheritance, land-holding, and private dealings in land within the reservation, for the guidance of the officers of the Mattaponi tribe in all their duties, and generally for the protection of the welfare of the Mattaponi tribe and for the execution of all other powers vested in the Mattaponi tribe by existing law.
6. To form and operate such entities for the conduct of tribal business as may benefit the tribe.
7. To delegate any of the foregoing powers to appropriate officers of the Mattaponi

tribe, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. *Judicial power.*-The Mattaponi tribal council shall also adjudicate all matters coming before it over which it has jurisdiction. In all controversies coming before the Mattaponi tribal council, the council shall have the right to examine all witnesses and ascertain full details of the controversy, and after the matter shall have been sufficiently commented upon by the interested parties, the council shall retire to a private place to make a decision. All of the members of the council except the Chief shall have the right to vote upon a decision, and a majority shall rule. In the event of a tie, the Chief shall have the right to cast a vote, thereby breaking the tie. It shall be the duty of the Chief and members of the tribal council to express to the other members of the Mattaponi tribal council their views regarding the case before a vote is taken.

SEC. 3. *Common law of the Mattaponi tribe.*-With respect to all matters not covered by the written constitution, bylaws, and ordinances of the Mattaponi tribe, nor by those laws of the United States of America which are applicable to the Mattaponi tribe, the customs and usages of the tribe, civil and criminal, as interpreted by the council, shall have the force of law.

ARTICLE VI-THE CHIEF, THEIR POWERS AND DUTIES

The Chief shall be the executive head of the tribal government. It shall be their duty to enforce the laws of the tribe civil and criminal, written and unwritten. If any member of the tribe in good standing considers that any ruling of the Chief is unjust, they shall have the right to demand through any representative of the Mattaponi tribal council or directly to the Mattaponi tribal council that the matter be brought before the Mattaponi tribal council for adjudication at the next meeting of the council.

In all community work the Chief shall be the sole overseer unless the Chief is unavoidably absent, in which event the Assistant Chief shall have the same rights and duties as the Chief.

ARTICLE VII-RESIGNATION, IMPEACHMENTS AND VACANCIES

SEC. 1. *Resignation.* Any officer or at large member of the council may resign at any time by submitting a written letter of resignation to all of the officers and members of the council which the letter shall be shared with all tribal members. Any officer or at large member of the council shall be deemed to have resigned, and their office will be deemed vacant, if they have unexcused absences for more than 25% of the regular or special council meetings in any one council year (between June 1 and the following May 31).

SEC. 2. *Impeachment.*-Any officer charged with offenses against tribal interests, including violations of the constitution and by-laws of the tribe, may be impeached and tried before the other members of the council. The manner of conducting impeachments shall be prescribed by the council. The council shall act as the trial court, and if they decide, by a two-thirds vote, to remove the accused member from office they will be removed.

SEC. 3. *Vacancies.*-Should any vacancy occur in any of the offices or any member of the council, the council shall, by a majority vote, have the right to name a successor for the said office, except that in the event the office of Chief becomes vacant for any reason, then and in that event the Assistant Chief shall thereupon become the Chief with all duties and powers of the said office and the office of Assistant Chief shall be vacant. The person selected to fill any vacancy shall serve until the next regular election of the officers or council.

ARTICLE VII-LAND

SEC. 1. *Tribal title.*- Title to all lands of the tribe, whether assigned to the use of individuals or withheld for the common use of the members of the Mattaponi tribe, shall forever remain in the tribe itself and not in the individual members thereof. All the members of the tribe are declared to have an equal right to make beneficial use, in accordance with ordinances of the council, of any land of the tribe not heretofore or hereafter assigned to individual members of the tribe.

SEC. 2. *Individual rights of possession.*-The right of full possession shall be guaranteed to every member of the tribe, holding lands assigned to them by the Mattaponi tribal council, for cultivation or other purposes: *Provided*, That no member holding said lands shall sell or will same to an individual who is not a member of the tribe. They shall have the right, however, to rent to a tribal member or, with the approval of the council, to a person who is not a member of the tribe, all lands under their possession, for a term not to exceed two years. They shall have the right to sell their interest in said lands and any improvements on the land to any other member of the tribe after their assignment has been finally approved, subject to such regulations as the council may prescribe.

SEC. 3. *Council to have power of granting assignments.*-When any member of the tribe desires a piece of unimproved tribal land, they shall select their land, and then make their application for the same to the council of the tribe. If the council decides by majority vote to grant them the land, or any part thereof, they shall mark out the boundaries of same. The grantee shall thereafter have full possession of said land, unless the council shall by a two-thirds majority vote, in accordance with the constitution, bylaws, and ordinances of the tribe and for good cause shown, dispossess them of the same having paid just compensation as determined by a majority vote of the tribal council for any improvements made on the land.

SEC. 4. *Expulsion from tribal lands.* Any member of the tribe whether in good standing may, for good cause shown, be barred from entry onto tribal lands by a majority vote of all members of the tribe in good standing after a public hearing before tribal council at which all members of the council are present and two-thirds of the council members vote to recommend to the members of the tribe that the member of the tribe be barred from entry onto tribal lands.

SEC. 5. *Prior assignments recognized.*-All assignments of land heretofore made by tribal authorities are hereby recognized and confirmed; *unless* it can be shown that the assignments resulted from preference to family members or were gained by an illegal act. Questions about the validity of prior assignments shall be brought before the tribal council for resolution by a majority vote.

ARTICLE VIII-INDIVIDUAL RIGHTS

SEC. 1 *Protection Against Discrimination.* No member of the Mattaponi tribe shall be discriminated against by the tribal council or any individual member thereof or entity operating under the authority of the council on the basis of race, religion, gender or gender identity, disability, veteran status, age, or sexual orientation. Members of tribal council and tribal officers shall not give preference to their relatives under any circumstances.

SEC. 2 *Protection of Individual Rights.* Each member of the Mattaponi tribe shall be assured their individual rights as a member of the tribe including their right of free speech and to petition their tribal government and their right to due process and equal protection of the laws, and no attempt shall be made by members of the council or the officers of the tribe to enforce any order upon them depriving them of said rights.

SEC. 3. *Protection of Hunting and Fishing Rights.* Each member of the Mattaponi tribe shall have the exclusive right to hunt, fish, and harvest game on tribal lands, subject only to reasonable time, place and manner rules adopted by a majority vote of the tribal council. People who are not members of the Mattaponi tribe shall be prohibited from hunting, fishing or harvesting game on tribal lands and shall be subject to prosecution for trespass.

ARTICLE IX-AMENDMENTS

The constitution shall be effective when ratified by a majority vote of the members of the tribe eighteen (18) years or older at a special election of which all members of the tribe have been given at least thirty (30) days notice and in which at least 30 percent of those entitled to vote have voted. No amendments or changes shall be

made in the constitution of the tribe except by a vote of a majority of the qualified voters of the tribe, eighteen (18) old or older, voting at an election of which all members of the tribe have been given at least thirty (30) days notice and in which at least 30 percent of those entitled to vote shall vote.

PROPOSED BYLAWS OF THE MATTAPONI TRIBE²

ARTICLE I-DUTIES OF OFFICERS

SECTION 1. *Chief.*-The Chief shall be in full charge of all meetings of the Mattaponi tribal council. It shall be their duty to see that order is preserved in every respect. In the discussion of all business, one person shall be allowed to speak at a time, and the Chief shall have the right to set a time limit upon speakers. When any member of the Mattaponi tribal council or any other person desires to speak at a meeting of the Mattaponi tribal council, such person shall first ask permission of the Chief to do so before proceeding. It shall be the duty of the Chief to see that all business presented to the council within any month be disposed of, if possible, before the beginning of the next month.

SEC. 2. *Assistant Chief.*-The Assistant Chief shall be next in rank to the Chief. In case of the death, resignation, absence, impeachment, or other disability of the Chief, the Assistant Chief shall become Chief or act as Chief during such disability or absence. As long as the Chief is at the reservation holding office, the Assistant Chief shall have the power only of a representative in the council, except as otherwise provided in the constitution and bylaws of the tribe.

SEC. 3. *Council Members At Large.*-Council members at large shall represent all of the members of the tribe in the Mattaponi tribal council. They shall bring before the council at every meeting the matters that members of the tribe want brought before the council and such other matters as each council member believes should be presented to the council. Such matters may originate with any member of the tribe or may originate with the council member themselves.

SEC. 4. *Secretary.*-The secretary shall keep a record of all council proceedings and all business authorized or transacted by the council. At the beginning of each regular meeting, they shall call the roll of council members and all specially summoned persons expected to be present. The secretary shall present the minutes of the previous meeting and the members of the tribal council shall then decide as to whether they should be approved as they stand, and all persons present shall have the right to suggest corrections. After the minutes of the previous meeting have been accepted, the secretary will then mark them approved. The secretary shall attend to all official correspondence as directed by the Mattaponi tribal council and the Chief. The secretary shall, upon written request, make all records of council proceedings and all official correspondence available for inspection and copying by any member of the tribe during established business hours.

²To be considered and adopted by a majority vote of the members of the Mattaponi Tribe as provided in Article IV and effective immediately upon their adoption.

SEC. 5. *Treasurer.*-It shall be the duty of the treasurer to receive all money due to the tribe and to give a receipt for the same. The treasurer shall deposit the tribal money in a bank approved by the Mattaponi tribal council. The treasurer shall keep a record in their books of all monies received and paid out. Monies of the tribe shall be paid by check signed by the treasurer and countersigned by the Chief. No monies shall be paid out unless the same shall have been authorized to be expended by the council and vouchers for the same shall have been signed by the Chief and the secretary. At each regular meeting of the Mattaponi tribal council, the treasurer shall present to them a statement of receipts and disbursements made by them since the last regular meeting and the treasurer shall submit to the Mattaponi tribal council at each regular meeting all of their books and a statement of the financial condition of the tribal funds. The treasurer shall, upon written request, make any financial records of the tribe available for inspection and copying by any member of the tribe during established business hours.

ARTICLE II-CONDUCT OF COUNCIL MEETINGS

SECTION 1. *Regular meetings.*-Regular meetings of the Mattaponi tribal council shall be held at least once a month, at such time and place as shall be fixed by the council, and special meetings shall be held at such times and places as shall be fixed by the council. No action shall be taken by the council at any meeting unless at least a majority of the members are present. Any member of the tribe may attend any council meeting, although the meetings may be closed to non-council members by a majority vote of the council members present. Meetings of the tribal council may be conducted electronically provided that any member of the tribe wishing to attend may do so unless the meeting is closed by a majority vote of the council members present.

SEC. 2. *Attendance of council members.*-Every member of the Mattaponi tribal council shall be required to be present at each regular monthly meeting and at each special meeting of the Mattaponi tribal council unless it should be impossible for such member to be there, in which event said member shall notify the Chief of their inability to attend, giving reasons therefor. The Chief will then refer the matter to the Mattaponi tribal council which, if the reasons given are found to be justifiable, shall excuse the absence of the said member.

SEC. 3. *Matters of general interest to the tribe.*-In all matters in which all of the people of the Mattaponi tribe are interested, the Mattaponi tribal council shall cause the secretary to notify all members of the tribe of the time and place at which such business is to be transacted. At least three days' notice of such general meeting of

the Mattaponi tribal council shall be given in such manner as shall be prescribed by the bylaws of the tribe. If any member of the tribe wants a special meeting for all the people in the tribe, they will first get permission from the Mattaponi tribal council through a representative, or through the Chief.

SEC. 4. *Special meetings on grievances.*-If any member of the Mattaponi tribe has any grievance against any other member of the said tribe which cannot await settlement at the regular Mattaponi tribal council meeting, they shall report the same to the Chief who, if the Chief deems that the case requires speedy attention, shall call a special meeting of the council at such time and place as the Chief shall fix, to pass upon the said matter.

SEC. 5. *Advice of counsel.*-If any cause cannot be fully understood by the Mattaponi tribal council, the Mattaponi tribal council may choose to seek legal counsel from an attorney of the council's choosing.

ARTICLE III. – DEFINITION OF GOOD CAUSE

For purposes of Article II. Sec. 3 and Article VII Sec. 4 of the Constitution of the Mattaponi Tribe, “good cause” for expulsion or suspension from the tribe or tribal lands may include: (1) conviction for a felony or conviction for any crime or offense lesser than a felony involving the real property or assets of the Mattaponi tribe or safety or security of a member of the tribe; (2) engaging in conduct that caused demonstrable and material injury to the Mattaponi tribe or a member of the Mattaponi tribe, monetary or otherwise; (3) gross dereliction of duties or other gross misconduct and the failure to cure such situation within thirty (30) days after receipt of notice from the tribal council; (4) ongoing failure to participate actively in the affairs and culture of the tribe and the failure to cure such situation within ninety (90) days after receipt of notice from the tribal council; or (5) other conduct that threatens the physical or financial security of the Mattaponi tribe or any member of the tribe. The determination of whether good cause exists shall be made by a two-thirds vote of the tribal council in good faith.

ARTICLE IV.-RATIFICATION

The bylaws shall be effective when ratified by a majority vote of the members of the tribe eighteen (18) or older at a special election of which all members of the tribe have been given at least fourteen (14) days notice. The by-laws of the tribe may thereafter be amended or revoked by a majority vote of the members of the tribe eighteen (18) or older at a special election of which all members of the tribe have been given at least fourteen (14) days notice.

