

Process and Timeline for Amending the Port Gamble S’Klallam Tribal Constitution

The Tribal Council has made the decision to proceed with Option #1 of the recommendations from the Enrollment Eligibility Committee. This option would expand the area within which descendants of Port Gamble S’Klallam Tribal members would be eligible for automatic enrollment, regardless of blood quantum. The current area is the Tribe’s reservation. The proposed change would expand this area to include all of the counties where the Tribe has usual and accustomed Treaty sites: Kitsap, Clallam, Jefferson, Mason, and San Juan Counties.

This proposed change requires an amendment to the Port Gamble S’Klallam Tribal Constitution. The procedures and timelines for amending the Constitution are set out in Article VII of the Constitution and at Chapter 11.03 of the Tribal Elections Code. In summary form, the process that will need to be followed involves four steps.

1. At the October 7 General Council meeting the Constitutional amendment will be proposed. There must be a quorum present. The proposed amendment language must be submitted in writing at least 30 days prior to the meeting to be included on the agenda for that meeting. The amendment only needs to be proposed and considered at this first General Council meeting. There may be discussion at this meeting, but there is no vote. (A quorum was established and the GC voted to proceed with the process at the 3/30/2024 meeting).
2. At the next semi-annual General Council meeting (March 30, 2024), the proposed amendment must again be submitted in writing at least 30 days prior to the meeting. There must be a quorum present. The General Council will vote on the amendment at this meeting. However, this vote is not to approve or reject the amendment, but to send it out to the full membership for an election. A “yes” vote would send it out for an election. A “no” vote would mean no election and no amendment. Further, even though this vote takes place at a General Council meeting, it is to be done by “ballot vote.” That means paper ballots must be prepared, handed out, collected, and counted at the meeting. A “yes” vote at this meeting does not amend the Constitution. A “yes” vote sends the proposed amendment out for an election.
3. If there is no quorum at the March 30, 2024 General Council meeting, the matter must be submitted in writing and placed on the agenda at the next semi-annual General Council meeting.
4. If there is a quorum and if the majority votes “yes” (by paper ballot) at that meeting, the next step is to hold an election on the amendment. The Election Committee will conduct the election under the election procedures established under the Election Code. Thirty percent (30%) of the eligible voters must vote in the election. The number of registered voters for the purpose of this section shall be determined by calculating the average number of persons who voted in the last three Tribal Council elections. The election is by majority vote. Absentee ballots are permitted under the procedures set out in Section 11.01.05 of the Elections Code.

5. If the proposed amendment is approved at this election, the Election Committee issues a Constitutional Amendment Certification, signed by all the members of the Election Committee. In addition, a new version of the Tribal Constitution is drafted to include the newly-adopted language, and that new version also will include a certification at the end by the Election Committee.

Here are the relevant excerpts from the Tribal Constitution and the Elections Code

Tribal Constitution Excerpts

Article VII – Amendments

Section 1. This Constitution may be amended by a majority vote of the eligible voters of the General Council, who vote at an election called for the purpose; provided, that at least thirty percent (30%) of the registered voters cast votes in such election.

Section 2. At any regular or special General Council meeting, amendments to this Constitution may be proposed to be acted upon at the next semi-annual General Council meeting. If approved by a majority vote at such meeting, the Tribal Council shall call an election upon the proposed amendment, under procedures set forth under Tribal Law.

Elections Code Excerpts

Chapter 11.03 Constitutional Amendments

11.03.01 Proposing a Constitutional Amendment- Two Meetings and an Election Required

- a) An amendment to the Port Gamble S’Klallam Constitution may be proposed at any regular or special meeting of the General Council, at which a quorum is present. The proposal must be submitted in writing, and within the time limits set forth for inclusion on the General Council agenda.
- b) Once an initial proposal has been considered at a General Council meeting, it may be acted upon at the next semi-annual General Council meeting, at which a quorum is present. The proposal must again be submitted in writing, and within the time limits set forth for inclusion on the General Council agenda.
- c) If approved by a majority of those present, voting by a ballot vote, at the second General Council meeting, the Tribal Council shall call an election upon the proposed amendment, under procedures set forth under this Title.

11.03.02 Thirty Percent of Registered Voters Required.

The Port Gamble S’Klallam Constitution may be amended by a majority vote of the eligible voters of the General Council, who vote at an election called by the Tribal Council, for the purpose; provided, that at least thirty percent (30%) of the registered

voters, cast votes in such election. The number of registered voters for the purpose of this section shall be determined by calculating the average number of persons who voted in the last three Tribal Council elections.

Provision regarding absentee voting

11.01.05 Absentee Voters

The following requirements shall apply to absentee voters and ballots:

- a) All persons wishing to vote by absentee ballot shall notify the Election Committee of the request no later than one (1) week prior to an election day. The Election Committee may not accept absentee ballot requests that are submitted less than one (1) week before an election day. Absentee ballots shall be requested personally by the voter; no requests for absentee ballots shall be honored from relatives or others purporting to act on behalf of the voter.
- b) The Election Committee shall mail, or deliver in person, absentee ballots to all voters who have made timely application for them.
- c) Persons voting by absentee ballot shall i) deliver their ballots to the Election Committee no later than 7:00 p.m. on election day, or ii) mail their ballots to the Election Committee. If the ballot is mailed, it must be received by 7:00 p.m. on election day.
- d) The Election Committee shall count all absentee ballots and include the votes so counted in the general election tally after the polls close on election day.