

## **Pascua Yaqui Tribe Constitutional Amendment Project**

The Pascua Yaqui Tribal Council is working on a project to present changes to the Tribe's Constitution to the voters—the Pascua Yaqui People. The Tribal Council can ask the Bureau of Indian Affairs (BIA) to hold an election to change the Constitution, but it's up to YOU- the voter to vote for important constitutional changes.

*“Enchim mampo taawak.”*

The Tribal Council realizes that you probably have many questions about why there is a need to change the Constitution. We will try to answer some of them here:

### **What changes is the Tribal Council proposing?**

1. To allow people convicted of **serious** crimes to be sentenced to up to 3 years in prison for each offense, with a maximum sentence of 9 years (*currently limited to 1-year*).
2. To allow the Pascua Yaqui Tribe to determine its own qualifications for membership in the Tribe, without interference from the BIA (*currently need BIA approval and the qualifications are set by the former federal law, which is no longer in effect*).
3. To remove the BIA from our election process for future constitutional amendments (*currently*

*constitutional amendments require BIA to hold a Secretarial Election*).

### **Why is Tribal Council proposing these three changes? Why would these changes be important to the Pascua Yaqui People?**

1. Right now, our Pascua Yaqui Constitution limits sentences to only 1 year—even for serious crimes like assault and even murder. Federal law used to limit tribes to one year, but it has changed to allow tribes to sentence up to 9 years. The Pascua Yaqui Tribe should have the right to protect its people from criminal activity by allowing these longer sentences for the most **serious** crimes.
2. Recently, the Tribe went to Congress and asked that they be allowed to determine their own membership. Congress passed a law, agreeing that the Pascua Yaqui Tribe can enroll any person of Pascua Yaqui descent who is a U.S. Citizen—without going to the BIA for approval. Because of this change in the Federal Law, the Tribe's own Constitution needs to be amended to allow the Tribe to use this new federal law.
3. Right now, in order to amend the Constitution, the BIA is required to hold a Secretarial Election. The Tribe gives up its sovereignty by allowing the BIA to have the final approval of the constitution. This amendment takes the BIA out of the process. The Tribe holds the

election, and there is no BIA approval required. This amendment upholds the sovereign status of the Tribe.

### **The Federal Law changed for enrollment, does this mean that the base roll will change or the blood quantum will change?**

Not at first. The Tribal Council will be seeking input during the forums on those types of changes. The federal law now leaves that choice up to the Tribe.

### **Are there other changes that the Tribal Council is looking at?**

Because of the changes to the Federal Laws for the criminal sentences and for the Tribe's enrollment, the Tribal Council thinks it's important to get these issues done first. The Tribe also wants to adjust the way the Constitution gets changed in the future so that it doesn't require the BIA to hold a Secretarial election.

If during future forums, people express the desire to do more changes, then the Tribal Council will take that into consideration. We may want to make this a two-step process, taking on these important changes first, and then working on other issues with more input from the communities.

Please look for information on future forums on the Constitution in upcoming editions of the Yaqui Times.

## How does the Tribe change its Constitution?

There are two ways to get an election to change the Constitution (called a “Secretarial Election”):

1. One is for people in the community to get signatures on a petition. Signatures from 30% of the adult voters are required to hold a secretarial election.
2. The other way is for the Tribal Council to pass a resolution requesting that the BIA hold a Secretarial Election. Once the Tribal Council requests this, the BIA has 90 days to hold the election.

Once the BIA is asked to hold a Secretarial Election, what will happen?

1. Notice will be mailed to all PYT members who will be 18 or over at the time of the election.
2. Those old enough to vote MUST REGISTER for the election in order to be allowed to vote.
3. The date of the election and the proposed amendments will be posted by the BIA.
4. The BIA has 90 days from the day of the request to hold the election.
5. The amendments will pass so long as the majority of people voting in the election approve, so long as at least 30% of those entitled to vote (those who registered) cast their ballots.

Have More Questions?

Please come out and be part of the process. We will have people available to answer all of your questions.

Remember:

***“Enchim mampo taawak.”***

### **IMPORTANT DATES:**

**June 15<sup>th</sup>: 4:30 p.m. Deadline for Voter Register to participate in the election**

**June 15<sup>th</sup>: Deadline for Absentee Ballot request. Forms must be completed and received by BIA, Salt River Agency no later than 4:30 p.m.**

**July 10<sup>th</sup>: Deadline to submit absentee ballot to BIA by 4:30 p.m.**

**July 14<sup>th</sup>: Election Date**

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