

EXHIBIT C

PROPOSED AMENDMENT A

ARTICLE I – BILL OF RIGHTS

Section 1. Consistent with the provisions of this Constitution, the Pascua Yaqui Tribe in exercising its powers of self-government shall not:

- a. Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
- b. Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- c. Subject any person for the same offense to be twice put in jeopardy;
- d. Compel any person in any criminal case to be a witness against himself;
- e. Take any private property for a public use without just compensation;
- f. Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense.
- g. Require excessive bail, impose excessive fines, or inflict cruel and unusual punishment.
- h. Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
- i. Pass any bill of attainder or ex post facto law; or
- j. Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

Changing Article I, Section 1 (g), to this simplified version without any times limits will allow the Tribe to impose sentences greater than one-year, but won't limit the Tribe to any specific time-frame in case federal law changes again in the future. It will also help the Tribe fully implement the Tribal Law & Order Act (TLOA), the Violence Against Women Act (VAWA), strengthen justice and safety on the Reservation, and enhances tribal criminal jurisdiction.



PYT Constitution- Proposed Amendments

Article I

| Current: | Proposed Change: |
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| <p data-bbox="183 447 800 680">Section 1(g)- "Require excessive bail, impose excessive fines, inflict cruel and unusual punishment, and in no event impose for conviction of one (1) offense any penalty or punishment greater than imprisonment for a term of one (1) year or a fine of \$5,000 or both."</p> <p data-bbox="183 720 302 743">Comment:</p> <p data-bbox="183 779 800 932">This current version limits the time that a convicted person can be sentenced for to one-year. The current Tribal Law and Order Act allows more time (3 years) and a larger fine (\$15,000), but the PYT Constitution now poses a limitation of one year.</p> | <p data-bbox="824 447 1455 558">Section 1(g)- "Require excessive bail, impose excessive fines, or inflict cruel and unusual punishment."</p> <p data-bbox="824 726 943 749">Comment:</p> <p data-bbox="824 785 1455 1003">Changing it to this simplified version without any times imposed will allow the Tribe to impose sentences greater than one-year, but won't limit the Tribe to any specific time-frame in case the federal law changes again in the future. Will help the Tribe fully implement the Tribal Law & Order Act and the Violence Against Women Act (VAWA).</p> |

PROPOSED AMENDMENT B

ARTICLE III - MEMBERSHIP IN THE PASCUA YAQUI TRIBE

Section 1. The membership of the Pascua Yaqui Indian Tribe shall consist of any person:

- a. whose name appears on the original base roll dated September 18, 1980 or applied for and was approved for membership under the Open Enrollment Act of 1994 Public Law 103-357; and
- b. who is a direct lineal descendant or a collateral Yaqui blood relation to a member listed in 1(a) of this article; and
- c. who possesses at least one-quarter (1/4) degree Pascua Yaqui Indian blood; and
- d. who is a United States Citizen;
- e. who applies for and is granted membership under the laws of the Pascua Yaqui Tribe and consistent with sections 1(a) and 1(b) of this Article.

Section 2. The Pascua Yaqui Tribal Council shall have the power to enact ordinances governing future membership and loss of membership.

The former Article III restricted the authority of the Tribe to determine our own membership and required approval by the B.I.A. for membership decisions. The proposed change now gives the Tribe the ability to determine our own membership and start the conversation about our future. Promotes sovereignty and enhances powers of self-governance.

Direct Lineal Descendant- means one who is in a line of descent from ancestor and a direct line from the other, as from father or grandfather to son or grandson, or mother or grandmother, to daughter or granddaughter, or between the same person and his or her son or daughter, grandson, granddaughter, great grandson or great granddaughter, and so downward in the direct descending line.

Collateral Yaqui Blood Relation-means one who belongs to the same ancestral stock but not in a direct line of descent of a member. For example, collateral relatives are all of the children of the member's ancestors that are not in the direct line of descent. So, parents and grandparents are ancestors while brothers and sisters, uncles and aunts, and cousins are collaterals.



Article III- Membership in the Pascua Yaqui Tribe

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| <p>Current:</p> <p>Section 1- "The membership of the Pascua Yaqui Indian Tribe shall consist of the following:</p> <ul style="list-style-type: none">a. The base membership of the Pascua Yaqui Tribe shall be all eligible persons listed on the base membership roll of the Pascua Yaqui Tribe dated September 18, 1980, which was approved by the Phoenix Area Director on December 1, 1983, and published in the Federal Register on May 17, 1984. Corrections to the base roll may be made at any time by the tribal council subject to the approval of the Secretary of the Interior; Provided that the names of additional persons may not be added to the base membership roll; andb. All children born to members listed in Section 1(a) of the Article who are at least one-quarter (1/4) degree Pascua Yaqui Indian Blood." | <p>Proposed Change :</p> <p>Section 1- "The membership of the Pascua Yaqui Indian Tribe shall consist of any person:</p> <ul style="list-style-type: none">a. whose name appears on the original base roll dated September 18, 1980 or applied for and was approved for membership under the Open Enrollment Act of 1994 Public Law 103-357; andb. who is a direct lineal descendant or a collateral Yaqui blood relation to members listed in 1(a) of this article; andc. who possesses at least one-quarter (1/4) degree Pascua Yaqui Indian blood; andd. who is a United States Citizen;e. who applies for and is granted membership under the laws of the Pascua Yaqui Tribe and consistent with sections 1(a) and 1(b) of this Article. |
| <p>Current:</p> <p>Section 2.- "The Pascua Yaqui Tribal Council shall have the power to enact ordinances, subject to the approval of the Secretary of the Interior, governing future membership and loss of membership."</p> <p>Comments:</p> <p>Restricts the authority of the Tribe to determine our own membership. Requires approval by the B.I.A. for membership decisions.</p> | <p>Proposed Change:</p> <p>Section 2.- "The Pascua Yaqui Tribal Council shall have the power to enact ordinances governing future membership and loss of membership."</p> <p>Comments:</p> <p>Gives the Tribe the ability to determine our own membership and start the conversation about our future.</p> |

PROPOSED AMENDMENT C

ARTICLE XX – AMENDMENTS

Amendments to this constitution may be proposed to the Election Board by a 2/3 vote of the Tribal Council or by petition signed by at least thirty percent (30%) of members of the Pascua Yaqui Tribe who are eligible to vote. Upon receipt of the Tribal Council's resolution or the petition, a special election will be called and conducted in accordance with the Election Ordinance.

Any proposed amendment shall be submitted to a referendum vote of the members of the Tribe, and shall be effective if ratified by a majority vote of eligible members of the Tribe voting in an election called for that purpose under the supervision of the Election Board.

ARTICLE XX – Amendments- The federal Secretarial Election (BIA oversight) requirement is removed so that future changes to the constitution are conducted by tribal elections. Helps strengthen tribal sovereignty, affirms the inherent right of self-government, and affirms tribal jurisdiction. For passage, the change would only require a majority vote of the members who cast ballots in the election.



Article XX- Amendments

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| <p>Current:</p> <p>The constitution may be amended by a majority vote of the registered voters of the tribe voting at an election called for that purpose by the Secretary of the Interior and conducted pursuant to federal regulations, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election, but no amendment shall become effective until approved by the Secretary of the Interior or his authorized representative.</p> <p>It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of a majority of the tribal council or upon receipt of a petition signed by at least thirty percent (30%) of the registered voters of the tribe.</p> <p>Comments:</p> <p>Requires BIA to hold a Secretarial Election. Gives up sovereignty by allowing BIA to be the final approval of the constitution.</p> | <p>Proposed Change:</p> <p>Amendments to this constitution may be proposed by a majority vote of the Tribal Council or by petition signed by at least thirty percent (30%) of members of the Pascua Yaqui Tribe who are eligible to vote.</p> <p>Any proposed amendment shall be submitted to a referendum vote of the members of the Tribe, and shall be effective if ratified by a majority vote of eligible members of the Tribe voting at an election called for that purpose under the supervision of the Election Board.</p> <p>Comments:</p> <p>Takes BIA out of the process. The Tribe holds the election, and there is no BIA approval required. Upholds sovereign status of tribe.</p> |
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