

a period of fifteen (15) years from the date of conviction or the date of release from prison, whichever occurs last. *(Added in its entirety by Amendment IV, December 30, 1981)*

ARTICLE VI – SUSPENSION, REMOVAL AND VACANCIES

SECTION 1. The Omaha people may recall any elected Tribal official or Tribal judge from office for gross neglect or improper conduct as enumerated by Article I, Section 3, Bylaws Code of Ethics. *(Amended in its entirety by Amendment V, December 30, 1981 and again amended in part by Amendment LX, July 29, 1986)*

SECTION 2. A recall election shall be conducted upon submission and certification of a petition for recall specifically stating the reasons for recall and bearing the original signatures of at least the same number of voters as voted in the election placing the official sought to be removed in office. In the case of judges, the required number of signatures on the petition shall be the same as the number of voters who voted in the election placing the Tribal Chairman in office. *(Amended in its entirety by Amendment V, December 30, 1981)*

SECTION 3. No petition for recall may name more than one (1) official or judge. *(Added in its entirety by Amendment V, December 30, 1981)*

SECTION 4. Recall petitions shall be filed with the Superintendent, Winnebago Agency, Bureau of Indian Affairs, with a copy to the Tribal Chairman. The Chairman shall provide a copy of the petition to the official or judge sought to be removed. *(Added in its entirety by Amendment V, December 30, 1981)*

SECTION 5. Within twenty (20) days of receipt of a petition for recall, the Superintendent, Winnebago Agency, Bureau of Indian Affairs, shall determine whether the petition bears the original signatures, in the same form as each name is shown on the Tribal enrollment lists, of the requisite number of qualified voters; that the petition is directed against only one (1) official or judge; and that the petition contains a statement of reasons for recall. The Superintendent shall then certify the petition to the Council for the conduct of a recall election if the requirements stated herein are met. If the petition does not conform to the requirements stated herein, the Superintendent shall so state in writing to the Council within the same time period. Within ten (10) days of the receipt of a certified petition from the Superintendent, the Council shall call the recall election and issue the notice thereof. The recall election shall then take place within thirty (30) days of the issuance of the election notice. *(Added in its entirety by Amendment V, December 30, 1981)*

SECTION 6. The actions of the Superintendent under this Article are not subject to appeal; however, in the event of failure by the Superintendent to act hereunder, the Tribal Council shall designate an appropriate person to carry out the Superintendent's functions and responsibilities under this Article. *(Added in its entirety by Amendment V, December 30, 1981)*

SECTION 7. The recall ballot shall contain the reasons for recall as stated in the petition, not to exceed one hundred (100) words, and a rebuttal, if requested, by the official or judge involved, also not to exceed one hundred (100) words. *(Added in its entirety by Amendment V, December 30, 1981)*

SECTION 8. A recall election shall result in the removal of an official or judge upon the affirmative vote of a majority of the people voting in the election if seventy-five percent (75%) or more of those qualified to vote do so or if at least the same number of persons vote as signed the petition, whichever is less. *(Added in its entirety by Amendment V, December 30, 1981)*

SECTION 9. As an alternative to the procedures outlined above, the Omaha Tribal Council may, by an affirmative vote of five (5) members, call a recall election with respect to any elected Tribal official for gross misconduct or neglect of duty. No action by the Superintendent, Winnebago Agency, Bureau of Indian Affairs, shall be required to initiate a recall election under this Section. The Council shall issue notice of the election containing the grounds for recall not less than thirty (30) days prior to the date scheduled for the election. The official involved shall be removed upon the affirmative vote of the majority of people voting in the election if seventy-five percent (75%) or more of those qualified to vote do so or if at least the same number of persons vote as voted in the election placing the official in office, whichever is less. *(Added in its entirety by Amendment V, December 30, 1981)*