

SECTION 10. Vacancies in any elective Tribal office shall be filled as follows (*Added in its entirety by Amendment V, December 30, 1981*):

- (a) When eight (8) months or more remain in the term of the vacated position, a special election to fill the vacancy shall be held within thirty (30) days of the date the vacancy occurred.
- (b) Notice of such special election shall be issued by the Council not less than twenty (20) days in advance of the special election date.
- (c) If less than eight (8) months remain of a vacated term, the Tribal Council shall fill such vacancy by appointment from among the Tribal membership within thirty (30) days of the date of vacancy, provided that no person may be appointed to an office hereunder unless said person is at the time of his appointment eligible to hold such office by election.

SECTION 11. In the event of any vacancy in the Chief Judge position, the Associate Judge with the longest tenure in office shall temporarily assume the Chief Judge's duties and powers until such time as the Tribal Council has duly appointed a new Chief Judge. (*Added in its entirety by Amendment V, December 30, 1981*)

SECTION 12. In the event of a vacancy in the office of Tribal Treasurer, the Tribal Council shall designate one (1) of its members to perform the duties of the Treasurer until the position is filled. (*Added in its entirety by Amendment V, December 30, 1981*)

SECTION 13. Any Council member after a hearing allowing due process shall be suspended without pay for up to thirty (30) days if found guilty of gross neglect or improper conduct in accordance with the Code of Ethics by the Tribal Chairman. If the Tribal Chairman is the officer in question, the Tribal Council shall so vote by a two-thirds (2/3) majority vote. (*Added in its entirety by Amendment IX, July 29, 1986*)

ARTICLE VII – REFERENDUM

SECTION 1. Any action of the Tribal Council under any of the enumerated powers lodged in the Tribal Council by this Constitution and Bylaws shall be subject to a referendum vote of the people upon a written petition signed by not less than twenty-five percent (25%) of the total number of votes cast in the last election.

ARTICLE VIII – LAND

SECTION 1. Allotted lands, including heirship lands, within the Omaha Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings or other public improvements, upon payment of adequate compensation, by any agency of the State of Nebraska or of the Federal government or by the Tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Omaha Tribe. Likewise, it is recognized that under existing law the Secretary of the Interior, may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to sale for nonpayment of State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to lose this land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Omaha Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SECTION 2. Tribal lands of the Omaha Tribe and all lands which may hereafter be acquired by the Omaha Tribe or by the United States in trust for the Omaha Tribe shall be held as Tribal lands, and no part of such lands shall be mortgaged or sold.

SECTION 3. The Tribal Council may consolidate inherited land holdings by purchase, exchange, transfer, gift, or voluntary relinquishment; this includes the power to reassign such land in the public interest.