

UNITED STATES
DEPARTMENT OF INDIAN AFFAIRS
OFFICE OF INDIAN AFFAIRS

**CONSTITUTION AND BYLAWS OF THE
HANNAHVILLE INDIAN COMMUNITY
MICHIGAN**

APPROVED JULY 23, 1936
AND
AS AMENDED MAY 16, 1994
APPROVED JULY 29, 1994
AND
AS AMENDED APRIL 15, 2020
APPROVED MAY 6, 2020

**CONSTITUTION AND BYLAWS OF THE HANNAHVILLE
INDIAN COMMUNITY**

PREAMBLE

We, the Potawatomes residing near Wilson and Harris in Menominee County, Michigan, on lands reserved for the Wisconsin Potawatomes residing in Michigan, in order to form a representative organization, to promote the welfare of our people, to preserve the land for ourselves and our children, and to provide homes for all the Indians of this Community who need them, do establish this Constitution.

ARTICLE I - NAME

The name of this Community shall be Hannahville Indian Community.

ARTICLE II - LAND COVERED BY THIS CONSTITUTION

The land within the control of this Community under this Constitution shall include all land now held by the United States for the Wisconsin Potawatomes residing in Michigan purchased under the Act of June 30, 1913 (38 Stat. 102), and any other land which the United States shall acquire for the benefit of these Indians or which this Community shall acquire for itself.

ARTICLE III - MEMBERSHIP

Section 1. All persons of Indian blood whose names appear on the census roll of April 1, 1934, of the Crandon Sub-Agency and who were at the time of that roll residing or entitled to reside on land bought in Michigan under the Act of June 30, 1913, and all their descendants who are so residing or entitled to reside at the time of the adoption of this Constitution are members of this Community. Within 2 years after the adoption of this constitution the governing body of the Community may correct the above mentioned census roll, if necessary, with the approval of the Secretary of the Interior.

Sec. 2.(a) Every child born to any member of the Community provided such member is a resident of the reservation at the time of birth of said child shall be a member of this Community.

(b) Every child both of whose parents are members of the Community shall be a member of this Community.

(c) Every child of one-half or more Indian blood born to any nonresident member of the Community shall be a member of this Community.

Sec. 3. The members of this Community may by a majority vote adopt as a member of the Community any person of Indian blood related by marriage or descent to the members of the Community who will assist the Community in the fulfillment of its purposes.

Article III Sec. 3 - Amended April 15, 2020, by Secretarial Election

ARTICLE IV - GOVERNING BODY

Section 1. A Council composed of the four officers of the community and of eight councilpersons shall be the governing body of the Community. Of the members of the Council at least one shall be a resident of Wilson, Michigan. The four officers of the Community shall be the chairperson, vice-chairperson, the secretary, and the assistant secretary who shall also be the treasurer.

Sec. 2. The officers and the councilpersons shall be elected every three years by the members of the Community on the first Monday of May, except as provided in Section 7 of this Article.

Sec. 3. If any vacancy occurs on the Council, the remaining members of the Council shall designate a member of the Community to fill the vacancy until the next scheduled election.

Sec. 4. The Council shall hold its regular meetings at least every month on the first Monday of the month and at such other intervals as the Council shall decide upon.

Sec. 5. The Chairperson shall call special meetings of the Council for consideration of matters requiring immediate attention.

Sec. 6. A quorum of the Council shall consist of seven members of the Council.

Sec. 7. The present Council shall call, hold, and supervise the first election within sixty (60) days after the adoption and approval of this Constitution and Bylaws, and the councilmen then elected shall serve until their successors are elected in May, 1937. After the first election, all election rules shall be made by the Council elected under this Constitution.

Article IV - Amended May 16, 1994, by Secretarial Election

ARTICLE V - POWERS OF THE COUNCIL

Section 1. The Council shall have the following powers:

(1) To make assignments of the land of the Community to members of the Community according to Article VI of this Constitution.

(2) To manage the business affairs and enterprises of the Community in accordance with the terms of a charter granted to the Community by the Secretary of the Interior, and to issue a charter to any group of members of the Community for business purposes.

(3) To create a community fund by levying assessments for the use of the facilities and property of the community upon members of the Community whenever the members of the Community shall approve such assessment by vote, and by levying assessments upon nonmembers seeking to use or do business upon the land of the Community, subject to applicable federal law.

Article V Sec. 1 (3) - Amended April 15, 2020, by Secretarial Election

(4) To expend funds from the community fund for the conduct of community business and for the welfare of the Community.

(5) To protect the health and well being of the members of the Community and to develop the arts and crafts of the Community.

(6) To make rules governing the conduct of members of the Community, and to set up a Community Court to enforce these rules.

Article V Sec. 1 (6) - Amended April 15, 2020, by Secretarial Election

(7) To protect and preserve the property, wildlife, and natural resources of the Community, and to license and control the hunting by nonmembers of the land of the Community subject to other applicable law.

Article V Sec. 1 (7) - Amended April 15, 2020, by Secretarial Election

(8) To prevent the sale, disposition, lease, or encumbrance of community land, interests in land or other community assets without the consent of the Community.

(9) To negotiate with the federal, state, and local governments on behalf of the Community and to consult with representatives of the Interior Department on all activities of the Department that may affect the Hannahville Indian Community.

(10) To confer with the Secretary of the Interior upon all appropriation estimates or Federal projects for the benefit of the Community prior to the submission of such estimates to the Bureau of the Budget and Congress.

(11) To employ legal counsel for the protection and advancement of the rights of the Hannahville Indian Community and its members.

Article V Sec.1 (11) - Amended April 15, 2020, by Secretarial Election

(12) To make rules for its own procedure and the conduct of its business of governing the Community, and to delegate to committees of the Council any of the foregoing powers, reserving the right to review any action taken under such delegated powers.

Sec. 2. The Council shall not exercise any of the foregoing powers so as to conflict with any laws of the United States which apply to the Hannahville Indian Community.

Sec. 3. *Future powers* - The Council of the Hannahville Indian Community may exercise such further powers as may in the future be delegated to the Council by the Secretary of the Interior, or by any other duly authorized official or agency of government or by any member of the Community.

Sec. 4. *Reserved powers* - Any rights and powers which the Wisconsin Potawatomes residing on government-purchased land in Michigan previously had but which are not expressly referred to in this Constitution may be exercised by the people of the Hannahville Indian Community through the adoption of appropriate bylaws and constitutional amendments.

Sec. 5. *Manner of Review* - Stricken in its entirety.

Article V Sec. 5 - Amended April 15, 2020, by Secretarial Election

ARTICLE VI - ASSIGNMENTS OF LAND

Section 1. Every member of the Community who has an assignment at the time of the adoption of this Constitution or who is assigned land by the Council under this constitution shall have the right to hold the assignment as long as he lives. But if any assignee fails to use his assignment for a period of 1 year, the Council shall cancel his assignment and reassign the land to another needy member unless good cause is shown why an extension of time should be granted. The Council shall not cancel any assignment without giving the person who possesses the assignment notice and an opportunity to explain his case.

Sec. 2. When any member of the Community who possesses an assignment of land dies, the Council shall give preference to his heirs in reassigning the land, if the heirs are in need of land.

Sec. 3. If any person has made improvements on his assignment and his assignment is reassigned because of failure to use the assignment or because of death, to some other member of the Community who is not his heir, the person to whom the land is reassigned shall pay the person who made the improvements or his heirs the value of such improvements as determined by the Council.

Sec. 4. The Council shall decide in each individual case the number of acres which shall be included in an assignment according to the needs of the applicant for the assignment and the purposes for which he is going to use the land.

Sec. 5. The Council shall make all further necessary rules governing assignments.

Article VI Sec. 5 - Amended April 15, 2020, by Secretarial Election

ARTICLE VII - AMENDMENTS

The Council may submit proposed amendments to the Constitution and Bylaws that comply with Article V, Section 2 of the Constitution upon affirmative votes from at least nine (9) members of the Council. The Council Chairperson shall call for the Election Board to conduct an election to allow the certified voters of the Community to vote on the proposed amendments. The proposed amendments, if adopted by a supermajority seventy-five percent (75%) vote and provided further that at least fifty-one percent (51%) quorum of the certified voters shall vote in such an election, will become effective upon certification of the Election Board.

Article VII - Amended April 15, 2020, by Secretarial Election

BYLAWS

ARTICLE I - QUALIFICATIONS FOR VOTING AND HOLDING OFFICE

SECTION 1. Every member of the Hannahville Indian Community who has attained the age of 18 years shall be entitled to vote.

Article I Sec. 1 - Amended April 15, 2020, by Secretarial Election

Sec. 2. Every member of the Hannahville Indian Community who has attained the age of 25 years shall be eligible to be elected to the Council.

ARTICLE II - DUTIES OF OFFICERS

Section 1. The Chairperson of the Council shall preside over all meetings of the Council, shall perform all duties of a chairperson and exercise any authority laid upon him by the Council, and shall carry on all necessary communications between the Superintendent and the Council. The chairperson shall notify the Council of all communications he has received.

Sec. 2. The duties of the vice chairperson shall be designated by the tribal chairperson. The vice chairperson shall succeed to the position of chairperson if the chairperson is incapable of performing his/her duties.

Sec. 3. The Secretary of the Council shall keep an accurate record of all matters transacted at the Council Meetings. It shall be his duty to make a copy of all minutes of regular and special meetings of the Council.

Article II Sec. 3 - Amended April 15, 2020, by Secretarial Election

Sec. 4. The Assistant Secretary shall assist the Secretary as directed by the Council and shall act as Treasurer for the Hannahville Indian Community. As Treasurer he shall accept, receipt for, and safeguard all funds in the custody of the Council. He shall deposit all such funds in such bank or elsewhere as directed by the Council and shall account for the amount of all funds in his possession upon the request of the Council.

He shall not pay out or otherwise disburse any funds in his possession or in the possession of the Council, except when properly authorized to do so by resolution duly passed by the Council.

The books and records of the Treasurer shall be audited at least once each year and at such other times as the Council or the Commissioner of Indian Affairs may direct, in such manner as may be directed by the Council. The Assistant Secretary shall be required to give surety bond satisfactory to the Council and the Commissioner of Indian Affairs to cover his functions as Treasurer. Until sufficient funds have been accumulated in the Community Treasury to justify payment for a surety bond, the Council shall make such other provisions for safeguarding Community funds as they may consider advisable.

The Assistant Secretary shall be present at all special or regular meetings of the Council.

Article II -Amended May 16, 1994, by Secretarial Election.

ARTICLE III---SALARIES

The Council may prescribe such salaries of officers or members of the Council as it deems advisable, from such funds as may be available and applicable.

Article III - Amended April 15, 2020, by Secretarial Election

ARTICLE IV---PROCEDURES FOR ADOPTION

This Constitution and the attached bylaws, when adopted by a majority vote of the adult Potawatomes residing on the land reserved near Wilson and Harris, Michigan, for the Wisconsin

Potawatomes residing in Michigan voting at a special election called by the Secretary of the Interior, in which at least thirty (30) percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved May 29, 1936, by the Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the adult Indians residing near Wilson and Harris in Menominee County, Michigan, and was on June 27, 1936, duly adopted by a vote of 41 for, and none against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

RICHARD MESHIGAUD,
Chairman of Election Board.
PERCY THUNDER,
Secretary of Election Board.

J.C. CAVILL, *Superintendent.*

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Hannahville Indian Community.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or Bylaws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended July 13, 1936.

WILLIAM ZIMMERMAN, JR.
Acting Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
[seal]

WASHINGTON, D.C., JULY 23, 1936.

Article IV of the Constitution relating to Governing Body and Article II of the Bylaws relating to Duties of Officers were amended by the Hannahville Indian Community pursuant to Secretarial Election May 16, 1994, and approved by Denise Homer, Area Director on July 29, 1994. Copies of the Certificates of Approval and Certificates of Results of Election may be obtained from the

Hannahville legal department and from the Michigan Agency in Sault Ste. Marie, Michigan. Article III of the Constitution relating to membership, Article V of the Constitution relating to Powers of the Council, Article VI of the Constitution relating to Assignments of land, Article VII relating to Amendments and Article I of the Bylaws relating to Qualifications for Voting and Holding Office, Article II of the Bylaws relating to Duties of Officers, Article III of the Bylaws relating to Salaries were amended by the Hannahville Indian Community pursuant to Secretarial Election April 15, 2020 and approved by Tammie Poitra, Regional Director on May 6, 2020. Copies of the Certificates of Approval and Certificates of Results of Election may be obtained from the Hannahville legal department and from the Michigan Agency in Sault Ste. Marie, Michigan.