

CHAPTER 21-PENOBSCOT NATION

LAWS AND ORDINANCES

GENERAL PETITION STANDARDS AND PROCEDURES

The people of the Penobscot Nation have customarily had the right to give instructions and address grievances to the Chief and Council by petition. To better order the petition process and to establish standards, the following law is enacted.

1. **General Petition**

- (a) A separate petition shall be drawn for each subject submitted to the Chief and Council for consideration. Petitioners may seek specific action from the Chief and Council on the subject matter of their petition, or alternatively, may request the Chief to call a General Meeting. Only petitions dealing with or related to tribal referendums, approval of land and/ or financial issues or tribal ordinances, laws, policies procedures, regulations or other legislative activities may be sent to a General Meeting. The petition must contain on each page thereof a clear and concise statement setting forth the subject matter of the petition and the specific action requested. In order to be considered valid, any petition seeking Chief and Council action must be signed by a number of eligible voters equal to at least thirty percent (30%) of the total number of votes cast at the most recent general election. In order to be considered valid, any petition requesting the Chief to call a General Meeting must be signed by a number of eligible voters equal to at least forty percent (40%) of the total number of votes cast at the most recent general election.
- (b) The petition must also contain on each page places for printed names, signatures, addresses and tribal census numbers of petitioners. The statement of the matter or subject of the petition and the action requested must be legible and must not be added to, deleted, or otherwise corrected.
- (c) Each page of petitioners' signatures must be witnessed by the circulator who must be a tribal member. The signer's printed name must be legible to be valid. Circulators may not witness their own signatures or the signatures of persons related to the circulators in the first degree. For purposes of this law, "first degree" relation means the parent, child or legal spouse of that person.
- (d) The circulator of the petition must swear an oath witnessed and attested to by a notary public With his/her appropriate seal. Such oath must be part of each petition page. It is hereby specified that the Tribal Clerk may not act as the notary public for purposes of witnessing and attesting any petition submitted pursuant to this law.

(e) Following is a sample form:

REASON

Reason(s) for general petition to be presented to Chief and Council for appropriate action. (as stated in section 1)

PRINTED NAME SIGNATURE ADDRESS CENSUS NUMBER

(SIGNER'S PRINTED NAME MUST BE LEGIBLE TO BE VALID)

CIRCULATORS VERIFICATION

I, _____, hereby swear and affirm that all of the signatures on this petition were made in my presence. To the best of my knowledge and belief each signature is the signature of the person whose name it purports to be and such person is a member of the Penobscot Nation.

Signature and address of person circulating this petition

Signature of Notary Public

Printed/ Typed Name of Notary (Seal)

Subscribed and sworn to before me this date, ____/____/____.

- (f) The petition shall be presented to the Tribal Clerk or the designated Deputy Tribal Clerk who shall acknowledge receipt of the petition and must -provide reference to the number of signatures and pages submitted. Once the petition is presented to the Tribal Clerk or the designated Deputy Tribal Clerk as provided herein, no person shall be allowed to remove or add their name to the list.
- (g) The Tribal Clerk or the designated Deputy Tribal Clerk shall issue a certificate of validation, under his/her signature and seal, to Chief and Council as to whether petition is valid within ten (10) business days of receipt.
- (h) The Tribal Clerk or the designated Deputy Tribal Clerk is empowered to reject any printed names which are not legible and/ or signatures which are questionable. The Tribal Clerk may compare petition signatures with those signatures on file in tribal records and any other available resource. The Tribal Clerk is empowered to investigate any questionable signatures, such investigation may include consultation with the Tribal Attorney, other appropriate tribal officials and the individual signers of the petition.
- (i) All petitions, whether valid or not, must be preserved in the Tribal Clerk's records for a period of at least ten (10) years.
- (j) The Tribal Clerk shall retain the certified petition in his/her custody until: (1) presented to the Chief and Council at a meeting called specifically for the purpose of acting on the petition, or (2) presented at a General Meeting called specifically for the purpose of acting on the petition. Copies of the petition shall not be distributed by the Tribal Clerk; however, tribal members may review only the sections that contain the reasons for the petition and the Circulators Verification in the Tribal Clerk's office during regular business hours. Upon determination of a valid petition, the Tribal Clerk shall immediately notify the Chief of such fact and the action requested.

2. Petition for Chief and Council Action

- (a) Upon notification by the Tribal Clerk of the receipt of a valid petition requesting Chief and Council action, the Chief shall call and hold a Council meeting for the purpose of acting on the petition within fifteen (15) days of such notification by the Tribal Clerk. Provided, if the Chief fails to call and hold such Council meeting for this purpose within said fifteen (15) day period, the Sub-Chief shall have authority to call and hold such Council meeting within eight (8) days -, thereafter. Provided further, if both Chief and Sub-Chief fail to call sch Council meeting within the time period indicated above, the Tribal Council Chairperson shall have the authority to call and hold such Council meeting within five (5) days thereafter. Provided further, if the Tribal Council Chairperson fails to call such Council meeting within said five (5) day period, then a General Meeting shall automatically take place on the following second Saturday at 1:00 p.m. in the

Community Building, Indian Island. Notice of such General Meeting shall be given to tribal members by the Tribal Clerk as provided in Section 4 (a) below.

- (b) The Chief and/ or Council shall act forthwith upon the subject matter of the petition by affirmatively acting upon such. subject matter or by rendering a decision thereon or by scheduling a General Meeting within forty-five (45) days from the date of the Chief and Council received the petition.
- (c) In the event the Chief and Council fail to affirmatively act on the petition, render a decision thereon or fail to schedule a General Meeting within fifteen (15) days of the Council meeting provided for above, a General Meeting shall automatically take place on the following second Saturday at 1:00 p.m. in the Community Building, Indian Island. Notice of such General Meeting shall be given to tribal members by the Tribal Clerk as provided in Section 4 (a) below.

3. Petition for General Meeting

If the petition is requesting the Chief to schedule a General Meeting, the Chief shall schedule, with the advice and consult of Council, a General Meeting within thirty (30) days of notification by the Tribal Clerk of a valid petition. Provided, if the Chief fails to schedule such General Meeting within the time period indicated, then a General Meeting shall automatically take place on the following second Saturday at 1:00 p.m. in the Community Building, Indian Island. Notice of such General Meeting shall be given to tribal members by the Tribal Clerk as provided in Section 4 (a) below.

4. General Meetings

- (a) Any General Meeting which occurs automatically under this chapter shall choose its presiding officer and recording secretary by a majority vote of those tribal members eighteen (18) years of age and older attending such meeting. Except for General Meetings taking place automatically, the notice of a general meeting shall be at least thirty (30) days prior to such General Meeting. Notice shall be sufficient if a copy of the agenda is posted in at least three (3) conspicuous locations on the reservation, sent out in a community flyer, and mailed to every off reservation. member eighteen years of age and older. Notice of "General Meetings taking place automatically" shall be posted in at least three (3) conspicuous locations on the reservation, and sent out in a community flyer at least seven (7) days prior to such General Meeting. Further, notices shall be mailed to every off-reservation member eighteen (18) years of age and older at least five (5) days prior to such General Meeting.
- (b) The minutes of such General Meeting called above shall be signed by both the presiding officer and the recording secretary and shall become part of the official Tribal Clerk records.

- (c) Any General Meeting held pursuant to this petition law shall be conducted in accordance with general meeting rules as set forth in the General Meeting Law.

5. Applicability

The standards established herein shall not apply to the recall petition procedures set forth in Chapter 4 ("Tribal Election Law") of the Penobscot Nation Laws and Ordinances. The recall of elected officials of the Penobscot Indian Nation shall be conducted in accordance with such recall petition procedures.

6. Penalties

- (a) False Swearing. If, in connection with any petition submitted to the Tribal Clerk under this subsection, a person is suspected of making false statements under oath or affirming the truth of such statements and he or she does not believe the statement to be true, that matter shall be referred to the Tribal Prosecutor for investigation and possible prosecution in the Penobscot Tribal Court for committing the offense of false swearing which is a Class D crime.
- (b) Tampering with Public Records or Information. If, in connection with any petition submitted to the Tribal Clerk under this subsection, a person is suspected of knowingly making a false entry in, or falsely altering, or intentionally destroying, concealing, removing or otherwise impairing the truthfulness or availability of any petition, that matter shall be referred to the Tribal Prosecutor for investigation and possible prosecution in the Penobscot Tribal Court for committing the offense of tampering with public records or information which is a Class D crime.
- (c) Forgery. If, in connection with any petition submitted to the Tribal Clerk under this subsection, a person is suspected of, falsely making, completing or altering a petition, or possessing such a petition with intent to defraud or deceive another person or government; or causing another by deception, to sign or execute a petition, that matter shall be referred to the Tribal Prosecutor for investigation and possible prosecution in the Penobscot Tribal Court for committing the offense of forgery which is a Class D crime.