

ARTICLE XIV. INITIATIVE AND REFERENDUM

A. Initiative

1. Initiative is the power of the Tribal members to propose laws and to enact or reject them in an election. The members of the Little Traverse Bay Bands of Odawa Indians shall have the power to adopt, by initiative, any statute, and the power to repeal or amend any statute in accordance with the provisions of this Article; provided that statutes addressing appropriations for Tribal institutions or statutes establishing the Tribal budget shall be exempt from the initiative process.

2. The procedure for initiative shall be as follows:

a. The proponents of an initiative shall submit it to the Election Board for examination as to technical sufficiency and to insure clarity before it is circulated. The Election Board shall deliver its written comments to the proponents within thirty (30) days.

b. Initiative petitions must be signed by a number of registered voters equaling twenty percent (20%) of the registered voters who voted in the last general election. After the signatures have been verified by the Election Board, the Election Board shall schedule an election in accordance with subsection (A)(2)(c) of this Article.

c. If a general election is scheduled to be held less than twelve (12) months from the date the Election Board has verified the petition, the initiative will be scheduled for a vote at that general election. If the next general election is scheduled for a time more than twelve (12) months after verification, a special election shall be scheduled.

d. An initiative proposal shall be enacted by the vote of a majority of those actually voting; provided that at least twenty percent (20%) of the registered voters of the Little Traverse Bay Bands of Odawa Indians who are registered on the day of submission of the petition cast ballots in said special election. If less than twenty percent (20%) of the registered voters of the Tribe cast ballots in said election, the initiative shall be deemed to be defeated.

- e. If an initiative is defeated in an election, the same matter cannot again be the subject of an initiative election for two (2) years.

B. Referendum

1. The Tribal Council may decide by an affirmative vote of six (6) Council members to submit any proposed or any enacted statute to a vote of registered Tribal voters at a referendum election.
2. The procedure for a referendum election shall be as follows:
 - a. Referendum elections shall be held no sooner than forty five (45) days and no later than ninety (90) days from the date the proposed or existing statute is referred to the Election Board. The date of the referendum election shall be set by the Election Board.
 - b. A referendum proposal shall be enacted by the vote of a majority of those actually voting; provided that at least twenty percent (20%) of the registered voters of the Little Traverse Bay Bands of Odawa Indians who were registered on the day it was referred by the Tribal Council to the Election Board cast ballots in said special election. If less than twenty percent (20%) of the registered voters of the Tribe cast ballots in said election, the referendum shall be deemed to be defeated.

C. Initiative or Referendum Effective Date

Any statute enacted by initiative or referendum pursuant to the provisions of this Article shall take effect ten (10) days after certification of the election, unless otherwise provided in the initiative or referendum proposal adopted. No law adopted by the membership of the Little Traverse Bay Bands of Odawa Indians under the initiative or referendum provisions shall be amended or repealed except by a vote of the electors, unless otherwise provided in the initiative or referendum proposal or found to be unconstitutional by the Tribal Judiciary.