

2016 GENERAL ELECTION
PROPOSED CONSTITUTIONAL AMENDMENT

1. ONCR 15-04.

A. Proposed Amendment: Shall Article IV, Section 3(G) of the Osage Nation Constitution be amended to replace the phrase “greater than imprisonment for a term of one year or a fine of five thousand dollars, or both;” with the phrase “greater than allowed by federal law;”?

B. Proposed Changes to the Constitution: If approved, **Article IV, Section 3(G)** shall be amended to read as follows (old language is ~~stricken~~ new language appears in *bold italics*):

Section 3. Inalienable Rights of Osage Citizens: There shall be certain inalienable rights, which shall not be abridged or denied by any branch/department of the Osage Nation government or by any official of the government. Furthermore nothing in this Constitution shall be interpreted in a way that would diminish the rights and privileges of any person within the jurisdiction of the Osage Nation. The Osage Nation government in exercising sovereign powers shall not:

G. require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any offense any penalty or punishment greater than ~~imprisonment for a term of one year or a fine of five thousand dollars, or both~~ *allowed by federal law*;

C. Purpose: The purpose of this amendment is to allow the Osage Nation to align our criminal penalties with those allowed under federal law. Federal law now allows tribal nations to increase criminal penalties on Indian defendants above those allowed by the Osage Nation Constitution. The amendment will allow the Nation to enhance criminal punishments for crimes committed within the Nation’s jurisdiction. Also, if enacted, the amendment allows the Nation to adopt the Tribal Law and Order Act and the Violence Against Women Act, both of which are vital to the expansion of the Nation’s jurisdiction and sovereignty.

D. 2016 General Election Official Results: Passed.

CONSTITUTIONAL AMENDMENT											
Choice	Party	Absentee Voting		Early Voting Day 1		Early Voting Day 2		Election Day Voting		Total	
Yes		929	90.02 %	50	83.33 %	68	81.93 %	634	77.79 %	1681	84.47 %
No		65	6.30 %	8	13.33 %	10	12.05 %	97	11.90 %	180	9.05 %
Cast Votes:		994	96.32 %	58	96.67 %	78	93.98 %	731	89.69 %	1861	93.52 %
Undervotes:		38	3.68 %	2	3.33 %	5	6.02 %	84	10.31 %	129	6.48 %
Overvotes:		0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %	0	0.00 %