

§ 81.1

**Subpart F—Formulating Petitions to Request a Secretarial Election**

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AUTHORITY: : 25 U.S.C. 473a, 476, 477, as amended, and 503.

SOURCE: 80 FR 63106, Oct. 19, 2015, unless otherwise noted.

**Subpart A—Purpose and Scope**

**§ 81.1 What is the purpose of this part?**

This part prescribes the Department’s procedures for authorizing and conducting elections when Federal statute or the terms of a tribal governing document require the Secretary to conduct and approve an election to:

- (a) Adopt, amend, or revoke tribal governing documents; or
- (b) Adopt or amend charters.

**§ 81.2 When does this part apply?**

(a) This part applies only to federally recognized tribes, in the circumstances shown in the following table.

If a tribe wants to . . .	And . . .
(1) Adopt a new governing document to reorganize under Federal statute.	The Federal statute requires an election before or after Secretarial approval.
(2) Adopt a new governing document to reorganize outside Federal statute.	The governing document requires approval under the Secretary’s general authority to approve.

If a tribe wants to . . .	And . . .
(3) Amend or revoke a governing document adopted under Federal statute.	The Federal statute requires an election and approval for amendment or revocation.
(4) Amend or revoke a governing document adopted outside Federal statute.	The governing document requires Secretarial approval of an amendment or revocation.
(5) Ratify a federal charter of incorporation.	The charter requires Secretarial approval or is being ratified under the Oklahoma Indian Welfare Act (OIWA).
(6) Amend a federal charter of incorporation.	The charter requires a Secretarial election to amend.
(7) Take other action . . . . .	A Federal statute or tribal law requires a Secretarial election in order to take that action.
(8) Remove the requirement for a Secretarial approval from a governing document.	A Federal statute or tribal law requires a Secretarial election in order to take that action.

(b) Secretarial elections will be conducted in accordance with the procedures in this part unless the amendment article of the tribe’s governing document provides otherwise and is not contrary to Federal voting qualifications or substantive provisions, in which case the provisions of those documents shall rule, where applicable.

(c) If the amendment provisions of a tribal governing document have become outdated and the amendment cannot be effected under them, and the recognized tribal governing body requests a Secretarial election, the Bureau may authorize a Secretarial election under this part to amend the documents.

**§ 81.3 Information collection.**

The information collection requirements contained in this part are approved by the Office of Management and Budget under the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d), and has been assigned OMB control number 1076–0183. This information is collected when, under Federal statute or the tribe’s governing documents, the Secretarial election is authorized to adopt, amend, or revoke governing documents; or adopt or amend charters. This information is required to obtain or retain benefits. A Federal agency may not collect or sponsor an information collection without a valid OMB control number.