

## **ARTICLE III – MEMBERSHIP**

### **Section 1. The membership of the Spirit Lake Tribe shall consist of:**

- (a) All persons of Indian blood whose names appear on the official Census Roll of the Tribe as of January 1, 1944
- (b) All persons of Indian blood whose names appear on the official Census Roll of the Tribe as of October 25, 1972. (As amended by Amendment V, Effective April 16, 1976.)
- (c) Any child of one-fourth or more degree Sioux Indian blood born to any member of the Spirit Lake Tribe may be admitted to membership by a majority vote of the Tribal Council.
- (d) Applications for membership shall be submitted by the applicant or his parent or guardian to a Committee on membership, which shall act on the same. The action of the Committee may be appealed by any tribal member to the Tribal Council.

Section 2. The Tribal Council shall have the power to promulgate ordinances, subject to approval of the Secretary of the Interior or his delegated representative, covering present and future membership and the adoption of new members.

### **Spirit Lake Sioux Tribe General Enrollment Ordinance**

An ordinance to establish procedures governing the enrollment of members of the Tribe and provisions for maintaining the roll on a current basis.

WHEREAS, the Spirit Lake Sioux Tribe is a Federally recognized organization with an approved constitution and bylaws approved by the Commissioner of Indian Affairs on July 14, 1961; and

WHEREAS, Article III of the constitution and bylaws prescribes certain requirements for membership with the Tribe; and

WHEREAS, it is becoming increasingly apparent that a current membership roll is essential and necessary to plan, coordinate, and conduct tribal business in an effective and efficient manner;

NOW, THEREFORE BE IT ENACTED, that the Spirit Lake Sioux Tribe adopts this ordinance to establish the following regulations governing the enrollment of tribal members, preparation and the continued maintenance of the tribal membership roll on a current basis; and

BE IT FURTHER ENACTED, that this ordinance shall become effective upon approval by the Secretary of the Interior or his duly authorized representative.

**Section 1. Enrollment Committee.** An Enrollment Committee, consisting of three to five (3-5) members, shall be appointed by the Tribal Council to terms of office to be established by the Council. With the assistance of the Tribal Clerk or such other persons or employees as are required, the Enrollment Committee shall be responsible for:

- (a) The establishment of enrollment procedures pursuant to this ordinance.
- (b) The receipt, evaluation and submission of recommendations for enrollment action to the Tribal Council.
- (c) The maintenance of appropriate records to support the recommendations made to the Tribal Council and for the current maintenance of the membership roll by:
  - (1) Adding to the roll the name of any person whose name appears on the official (basic) roll of the Tribe as of January 1, 1944.
  - (2) Adding to the roll the names of persons found to be eligible for enrollment with the Tribe pursuant to Article III of the Constitution and Bylaws as quoted below: (see page 3 for Article III of the Spirit Lake Sioux Constitution and Bylaws.)
  - (3) Legibly marking, with red ink, under the names of all deceased persons on the roll and showing the date of death of such deceased persons, or under the names of all persons relinquishing membership with the Spirit Lake Sioux Tribe and showing the effective date of such relinquishment.
  - (4) Making corrections of typographical or other types of clerical errors as they are required to maintain the roll as accurately as possible, for example, dates of birth, change of names, family relationships or revisions of degree of Indian blood provided such corrections are supported by satisfactory proof and further that the Bureau of Indian Affairs shall be notified of any such corrections. Any corrections which affect the membership status of the member shall be subject to the appeal provisions authorized by this ordinance.

**Section 2. Filing of Applications for Enrollment.** Applications for enrollment with the Tribe must be made on forms authorized by the Tribe and must be accompanied by a birth or baptismal certificate of the applicant. If a tribal official or the superintendent has knowledge of a minor or mental incompetent for whom an application has not been filed, such officials shall file an application for such person. Applications for minors or mental incompetents who are living with persons other than parents or legal guardians may be files on their behalf by the person responsible for their care. Applications for enrollment must be files with the Enrollment Committee which shall screen and review all applications.

**Section 3. Appeals.** A person rejected for enrollment shall be advised in writing of the reason for the action of the Tribal Council and that the decision may be appealed to the Area Director of the Bureau of Indian Affairs within sixty (60) days following receipt of a rejection for enrollment notice. If the Area Director sustains the decision of the Tribal Council, he shall notify the applicant of his decision and that his decision may be appealed to the Commissioner of Indian Affairs within sixty (60) days following receipt of the Area Director's decision. If the Area Director cannot sustain the decision of the Tribal Council, he shall instruct the Tribal Council to place the applicant's name on the roll. The Tribal Council may appeal the decision of the Area

Director to the Commissioner. Appeals to the Area Director shall be files with the Superintendent for forwarding to the Area Director. Appeals from the decision of the Area Director shall be filed with the Area Director within (60) days from the date of notice of his decision for forwarding to the Commissioner.

**Section 4. Burden of Proof.** The burden of proving eligibility for enrollment with the Spirit Lake Sioux Tribe shall be upon the applicant. The January 1, 1944 official membership roll of the Spirit Lake Sioux Tribe shall be the authoritative document to be used in establishing blood quantum provided that errors in blood quantum as shown on this roll may be corrected upon submission of substantiating evidence.

**Section 5. Dual Enrollment.**

- (a) Persons enrolled with another tribe and who have received benefits from such tribe in the form of land or payments shall not be eligible for enrollment with the Spirit Lake Sioux Tribe, provided that inherited interests shall not be considered as being benefits.
- (b) A person eligible for membership with the Spirit Lake Sioux Tribe and another tribe shall relinquish whatever rights of membership he may hold in the other tribe as a condition to his enrollment with the Spirit Lake Sioux Tribe.

**Section 6. Relinquishment.** Any member may relinquish his membership in the Spirit Lake Sioux Tribe by submitting to the Tribal Council a completed and signed relinquishment form of the tribe properly notarized. Such relinquishment shall become effective upon date of receipt by the Tribe or upon acceptance to membership with another tribe if this is the desire of the member. A person who relinquishes his membership shall not be entitled to any individual or tribal benefits subsequently accruing to members of the Spirit Lake Sioux Tribe as a result of tribal membership.

**Section 7. Children Born Out of Wedlock.** If an applicant is born out of wedlock, he shall be deemed to possess one-half (1/2) of the total degree of Spirit Lake Sioux Indian Blood possessed by one or both parents who are members of the Spirit Lake Sioux Tribe. If both parents are members of the Spirit Lake Sioux Tribe, the father shall acknowledge paternity by signing a statement properly witnessed and filed with the Enrollment Committee. Further, if the father is a member and the mother is a non-member of the Spirit Lake Sioux Tribe, the application must be accompanied by a written, properly witnessed acknowledgement of paternity signed by the father of the applicant. Orders by Courts of competent jurisdiction shall also be consideration as proof of paternity.

**Section 8. Re-evaluation of Application.** Should the Enrollment Committee or the Tribal Council subsequently find that a member misrepresented or omitted facts which might have made him ineligible or eligible for enrollment in the first instance, his application shall be re-evaluated in accordance with the procedures for processing an original application. Any action for removal from the roll shall be subject to the right of appeal by either party. The Enrollment Committee may re-evaluate disapproved applications after time limitations for appeals have expired if the applicant can produce evidence which apparently would have made him eligible in the first instance but which was not available when the original application was filed or during the appeal period.

**Section 9. Enrollment Records.** For purposes of maintaining a record of tribal action on enrollment applications, relinquishments, adoptions, acknowledgement of paternity, etc., the Enrollment Committee and/or Tribal Clerk shall use and maintain a “membership record card” file.

**Section 10. Use of Membership Roll.** The membership roll as established and maintained by the Tribal Council shall be the official record of membership in the Tribe and shall be utilized for all tribal purposes. Before the roll may be used for the distribution of tribal assets under the jurisdiction of the Secretary of the Interior, the membership roll shall be approved by the Secretary of the Interior or his authorized representative.