

ORIGINAL

Tribal Council Act 04-04

AN ACT RELATED TO

Tribal Enrollment

BE IT ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL

Sec. 1 Title and Codification

This act shall be known as the Snoqualmie Tribal Enrollment Act.

Sec. 2 Declaration of Policy

The Snoqualmie Tribal Council finds as a matter of tribal public policy that the aims of its enrollment system are to:

- (a) Promote fair and objective standards for making enrollment decisions.
- (b) Establish clear and consistent guidance for reception and evaluation of enrollment applications.
- (c) Ensure the integrity of the tribal membership rolls.
- (d) Protect the privacy of tribal and individual enrollment data.

Sec. 3 Purpose

The purpose of this Tribal Council Act is to establish enrollment policies and procedures to implement Article II of the Snoqualmie Tribal Constitution.

Sec. 4 Definitions

For the purposes of this act, the following terms shall have the meanings ascribed to them in this section:

- (a) "Adoption" means admission to tribal membership according to the provisions for adoption set forth in Section 5 (c) of this act.
- (b) "Applicant" means any person who has formally applied for membership in the Snoqualmie Indian Tribe prior to approval or denial of the application.
- (c) "Base Roll" means
- (d) "Certificate of Degree of Indian Blood" (CDIB) is the official document issued by the Bureau of Indian Affairs (BIA) stating a person's degree of Indian blood. The CDIB is one of the documents used to meet the necessary evidence requirements of this act. The

CDIB is neither an enrollment nor a membership document.

- (e) "Chief Enrollment Officer" means the person employed by the Snoqualmie Indian Tribe to direct the operations of the Tribal Enrollment Office as required by this act.
- (f) "Committee" means the Enrollment Committee of the Snoqualmie Indian Tribe.
- (g) "Council" means the Snoqualmie Tribal Council.
- (h) "Days" means calendar days excluding Saturdays, Sundays, and official holidays designated as such by the Snoqualmie Indian Tribe or the Federal government.
- (i) "Direct Ancestors" means those persons who are the biological parents, grandparents, great grandparents and further descendant through whom enrollment rights are claimed.
- (j) "Enrollment" means the process for applying to be formally recognized as a member of the Snoqualmie Indian Tribe.
- (k) "Enrollment Resolution" means an official tribal council resolution granting tribal membership to a person who applied for Snoqualmie tribal membership and was subsequently approved for enrollment by the Tribal Council.
- (l) "Necessary Evidence" means all those documents that are essential to establishing that an applicant is eligible to be a member of the Snoqualmie Indian Tribe pursuant to Article II of the Snoqualmie Tribal Constitution and this act.
- (m) "Original Enrollee" means and individual who is listed on the Final Rolls of the Snoqualmie Indian Tribe as submitted to and accepted by the Bureau of Indian Affairs.
- (n) "Person" means any human being of any age or sex whether or not a member of the Snoqualmie Indian Tribe.
- (o) "Reservation" means all lands within the jurisdiction of the Snoqualmie Indian Tribe.
- (p) "Roll" means the census roll of the Snoqualmie Indian Tribe as kept and updated by the Snoqualmie Tribal Enrollment Office.
- (q) "Secretary" means the Secretary of the Interior of the United States or a duly authorized representative.
- (r) "Secretary of Tribal Affairs" means the person within the Snoqualmie Indian Tribe who has been duly appointed by the Tribal Council to hold the Constitutional office of Secretary of Tribal Affairs.
- (s) "Snoqualmie Tribal Member" means any person who is a duly enrolled member of the Snoqualmie Indian Tribe.

Sec. 5 Constitutional Requirements Concerning Membership

The membership of the Snoqualmie Tribe shall consist of the following:

- (a) All persons of Snoqualmie Indian blood whose names appear on Charles Roblin's schedule of Unenrolled Indians as of January 1, 1919.
- (b) All descendants of persons who qualify for Tribal membership under Article II, Section 1 (a) provided that such descendants possess at least one-eighth (1\8th) degree of Snoqualmie Indian blood.
- (c) Any Indian person who is adopted in accordance with the acts and resolutions of the Tribal Council, provided however that an Indian adoptee shall not be eligible to hold an elected office and shall not share in any judgment fund or per capita payments otherwise available to enrolled Snoqualmie tribal members pursuant to sub-sections (a) and (b) of this section. Indian adoptees shall have only those rights and privileges actually bestowed by the Tribal Council at the time of adoption.

Sec. 6 Burden of Proof

At all times throughout the membership application process, the burden of proof to establish eligibility for membership shall rest with the applicant.

Sec. 7 Application for Enrollment

Every person seeking membership in the Snoqualmie Indian Tribe shall apply for membership consideration on forms approved by the Snoqualmie Tribal Council and follow the application process required by this act. The application shall be completed fully and completely by the applicant and contain all of the necessary evidence to demonstrate that the applicant is eligible for membership in the Snoqualmie Indian Tribe. The Chief Enrollment Officer or other employees may reject incomplete applications without prejudice to the applicant's right to revise and re-file a complete application.

Sec. 8 Application Content

An application for enrollment may be in any form approved by the Snoqualmie Tribal Council but shall contain the following minimum information:

- (a) All names by which the applicant is known;
- (b) The current and complete address of the applicant;
- (c) One or more current telephone numbers and email addresses of the applicant;
- (d) The applicant's claimed degree of Snoqualmie Indian blood;
- (e) An ancestral tree listing of Snoqualmie ancestors dating back to Roblin's Roll;
- (f) A Social Security Card number and certified copy of the card or presentation of an original for copying by the Enrollment Office;
- (g) A certified birth certificate from a county or state government;
- (h) A certified delayed birth certificate;
- (i) The names, address, telephone and status of natural parents;
- (j) The name of the tribe, degree of Indian blood of any other Indian Tribe as certified by the

- other tribe;
- (k) The marital status of the applicant together with a listing of the names, ages and dates of birth of spouse and all minor children;
- (l) The applicant's signature and date of filing.

Sec. 9 Proof of Lineage

The burden of proof is on the applicant. A true and valid birth certificate is a key document for establishing proof of lineage but the Enrollment Committee may in its discretion require the submission of one or more of the following documents as proof of membership eligibility:

- (a) A marriage license for the parents of the applicant;
- (b) A notarized paternity affidavit signed by the biological mother and father of the applicant;
- (c) A court order determining paternity;
- (d) The results of DNA testing signifying the probability of paternity; and
- (e) Other documents necessary to prove paternity and document the enrollment application.

Sec. 10 Processing of Enrollment Applications

All applications shall be received by Enrollment Office Personnel. Authorized actions that may be taken on an application include:

- (a) Stamp the application form with the date on which it is received and acknowledge receipt of it.
- (b) Make a folder for the application and supporting documents.
- (c) Make sure the application is complete. If not, notify the applicant of what is missing and required for completion.
- (d) If applicant possesses blood of any other Tribe(s), check on possible enrollment in any other tribe.
- (e) Compute the degree of Snoqualmie blood.
- (f) Verify other Indian blood.
- (g) Segregate applications into stacks that appear to qualify for membership; do not appear to qualify for membership, and incomplete applications.
- (h) Prepare certifications accepting and rejecting applications for consideration by the Enrollment Committee.

Sec. 11 Enrollment Committee

There is hereby created an Enrollment Committee consisting of at least three (3) but not more than five (5) members of the Snoqualmie Tribal Council. The Enrollment Committee shall have the following authorities:

- (a) To review each application for enrollment in a prompt and thorough way, preserving confidentiality where appropriate, and to determine which applicants meet the requirements for enrollment.
- (b) To recommend to the Tribal Council whether or not an applicant is eligible for enrollment as a tribal member.
- (c) To present the Committee's recommendations and evidence to the Tribal Council in cases of dis-enrollments and reconsideration requests.
- (d) To establish the Committee's rules of procedure.
- (e) To recommend to the Tribal Council amendments to the Snoqualmie Enrollment Act.

Sec. 12 Tribal Council Authority Over Membership Decisions

The Tribal Council shall have the following authority and responsibility regarding enrollment of tribal members:

- (a) To appoint and set the compensation of an enrollment clerk;
- (b) To appoint an Enrollment Committee as provided in this ordinance;
- (c) To approve or disapprove every application for tribal membership made as provided in this act;
- (d) To authorize the removal from tribal membership rolls of any persons found to be ineligible for membership;
- (e) To approve all application forms and other forms required in procedures established by this ordinance; and
- (f) Re-consider a denied application for good cause shown by the applicant.
- (g) The Tribal Council or the General Council shall be the sole determinate of who is and who is not a member of the Snoqualmie Indian Tribe. Questions regarding membership, benefits of membership and banishment actions are matters within the exclusive internal sovereignty of the Snoqualmie Indian Tribe and not justiciable in any court of law.

Sec. 13 Chief Enrollment Officer

The Chief Enrollment Officer shall have the following responsibilities:

- (a) To devise and recommend to the Tribal Council application forms required in procedures established by this act;
- (b) To give application forms and information on application procedures to all persons who wish to apply for enrollment;
- (c) To assist applicants for membership in locating and presenting in proper form all information and supporting documentation required for a complete application;
- (d) To review and verify the accuracy of all information provided by applicants and to initially determine which applicants meet the requirements for enrollment;
- (e) To bring each membership application and all information regarding the applicants eligibility before the Enrollment Committee for review and committee action prior to Tribal Council consideration.
- (f) To notify the Bureau of Indian Affairs of all persons accepted for enrollment or disenrolled by the Tribal Council;
- (g) To keep a current list of persons enrolled in the Snoqualmie Tribe;
- (h) To bring before the Enrollment Committee any information which indicates that a person enrolled in the Tribe is not eligible for tribal membership;
- (i) To report annually to the Tribal Council and the general membership the number of persons enrolled, disenrolled and deceased during the preceding year;
- (j) To keep and to protect the confidentiality of all records pertaining to applicants' and enrolled members' eligibility;
- (k) To assist and advise the Enrollment Committee and to attend Enrollment Committee meetings;
- (l) To maintain a public record of the types of Indian blood which have been the basis for eligibility for tribal membership.

Sec. 14 Confidentiality of Enrollment Records

- (a) The official roll of Snoqualmie tribal members shall be a public record for inspection by any interested tribal member and the Secretary of the Interior or designee. Non-Indians shall not normally be entitled to examine the tribal rolls unless authorized to do so by resolution of the Tribal Council.
- (b) Applications for enrollment and all records pertaining to applicants' and enrolled members' eligibility for membership shall be confidential. No person, except the Chief Enrollment Officer and employees thereof, the Enrollment Committee, and Tribal Council members, may examine records other than his or her own without Tribal Council Permission.

(c) Paternity proceedings under this ordinance shall be protected as confidential and may not be used in establishing child support or any other right or procedure except determining blood quantum as it relates to eligibility for enrollment.

Sec. 15 Enrollment of Minors and Incompetent Persons

Minor Snoqualmie Indian dependants of adult enrolled members shall be carried on the non-adult dependant roll of the Snoqualmie Indian Tribe for the purposes of health and welfare benefits only. Upon reaching the age of 18, such minor dependants are potentially eligible for adult tribal membership provided that they meet the pre-conditions of Article II of the Snoqualmie Tribal Constitution and they make an application for membership under the provisions of this act.

Sec. 16 Dual Enrollment Prohibited

- (a) Dual enrollment is prohibited. No person who is a member of another tribe may be enrolled into the Snoqualmie Indian Tribe. A person who otherwise meets the qualifications for membership in the Snoqualmie Indian Tribe may be considered for Snoqualmie tribal membership if the person applying for membership consideration presents evidence of relinquishment of membership in the other tribe.
- (b) A resolution of relinquishment is preferred but a letter certifying relinquishment is also acceptable

Sec. 17 Relinquishment

An adult member of the Snoqualmie Indian Tribe may voluntarily relinquish his or her membership. A tribal member who voluntarily dis-enrolls may not seek re-enrollment as a member of the Snoqualmie tribe for a period of five (5) years following their initial dis-enrollment.

The tribal membership of a minor may only be relinquished by the minor's parents or legal guardian. Relinquishment of membership by an adult shall be final. However, a minor whose membership has been relinquished by his or her parent or guardian may re-apply for Snoqualmie membership after reaching the age of eighteen (18).

Sec. 18 Disenrollment

A person may be disenrolled from the Snoqualmie Indian Tribe for any of the following reasons:

- (a) Membership was obtained by fraud or deceit.
- (b) The enrolled member is banished by the Tribal or General Council.
- (c) The person legally belongs to and is enrolled in another tribe.
- (d) The person was erroneously enrolled.
- (e) The person voluntarily disenrolls.

Sec. 19 Enrollment Hopping Strongly Discouraged

The Snoqualmie Indian Tribe strongly disfavors enrollment hopping as detrimental to sound principles of good tribal citizenship.

Sec. 20 Conflicting Acts or Resolutions

All Snoqualmie Tribal Council Acts and Resolutions in conflict with this act are hereby repealed.

Sec. 21 Savings Provisions

Notwithstanding the provisions of Section 12 (g) of this act, should any provision of this act be declared invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

Sec. 22 Distribution of this Act

To prevent confusion for applicants and others, the Snoqualmie Tribal Enrollment Act shall always be distributed as a current and conformed document. Such distribution shall not prohibit applicants, members or other authorized persons from examining the legislative history of this act.

Enacted by the Snoqualmie Tribal Council on this 14th day of October 2004 in session duly met.

ORIGINAL

Joseph O. Miller 10-14-04
Tribal Chairperson

Carlene Chuturna
Tribal Secretary
10-14-04

Legislative History

Introduced on October 14, 2004
Referred to Committee N/A
Reported on October 14, 2004
Enacted by the Tribal Council on 10/14/04
with 7 FOR 0 AGAINST and 0 ABSTAINING
Rejected by a vote of FOR AGAINST and ABSTAINING