

TITLE 1. GENERAL PROVISIONS

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Chapter 1.1

ENROLLMENT

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1.1.1. Title. This chapter is referred to as the “Suquamish Tribe Enrollment Ordinance.” (Res. 2003-004 §I, passed Jan. 6, 2003; leading and trailing zeroes dropped from section numbers for consistency Jul. 14, 2008)

1.1.2. Purpose. (a) It is the purpose of this chapter to provide rules and procedures for the membership roll of the Suquamish Tribe pursuant to the Constitution and Bylaws of the Suquamish Tribe Article II, Membership, Sections 1 and 2.

(b) This chapter is enacted pursuant to Article III, Section 1(g) of the Constitution of the Suquamish Tribe and governs current membership, future membership, and loss of membership in the Suquamish Tribe. (Res. 2003-004 §II, passed Jan. 6, 2003; amended by Res. 2016-166, passed Oct. 3, 2016)

1.1.3. Enrollment Committee. (a) There is established an enrollment committee comprised of seven (7) members appointed by the Tribal Council, of whom six (6) members are appointed from the enrolled membership and one (1) is a Tribal Council liaison. Committee members will serve staggered three (3) year terms, except that the

Tribal Council liaison may be appointed annually. The enrollment committee will establish committee bylaws.

(b) The enrollment committee will work with the enrollment officer to determine whether an applicant for membership is eligible by:

(1) Reviewing applications for tribal membership and supporting documentation;

(2) Determining eligibility of an applicant for automatic enrollment and presenting the application to the Tribal Council;

(3) Reviewing applications for adoption and, if requested by the Tribal Council, provide recommendations for approval to the General Council; and

(4) Reviewing applications for relinquishment, reviewing determinations of intent to disenroll, reviewing computations of blood degree, reviewing investigations into potential disenrollment, and reviewing changes to blood degree.

(c) The enrollment committee is responsible for completing special projects the Tribal Council assigns and for providing policy recommendations to the Tribal Council. (Res. 2003-004 §VII, passed Jan. 6, 2003; amended by Res. 2013-043, passed Apr. 22, 2013; amended and renumbered by Res. 2016-166, passed Oct. 3, 2016)

1.1.4. Enrollment Officer. The Tribal Council will designate one employee to serve as the Tribe's enrollment officer. The enrollment officer is responsible for:

(a) Reviewing all applications for membership and investigating an applicant's eligibility for membership;

(b) Maintaining the enrollment database and acting as custodian of the membership roll; and

(c) Issuing membership cards. (Res. 2003-004 §VII, passed Jan. 6, 2003; amended and renumbered by Res. 2016-166, passed Oct. 3, 2016)

1.1.5. Definitions. Unless another meaning is specified or required by context, the following terms when used in this chapter have the following meanings:

(a) "Applicant" means an individual seeking to be enrolled.

(b) "Tribal member" means an individual who has met the membership criteria of the Suquamish Tribe and is officially enrolled in the Tribe.

(c) “Enrollment database” means the database holding enrollment information for all tribal members, both living and deceased, and may hold information related to biological descendants of tribal members.

(d) “Base roll” means those persons whose names appear on the official census roll of the Suquamish Tribe as of January 1, 1942.

(e) “Membership roll” means the official list of members of the Tribe as maintained by the enrollment officer according to this chapter and that is updated at least quarterly.

(f) “Tribe” means the Suquamish Indian Tribe.

(g) The “Tribal Council” means the governing body of the Suquamish Tribe.

(h) The “General Council” means all members of the Tribe who are eligible to vote in a regular or special meeting of the General Council as provided in Article VIII of the Constitution and Bylaws of the Suquamish Tribe of the Port Madison Indian Reservation.

(i) “Constitution” means the Constitution of the Suquamish Tribe approved June 18, 1965, by John A. Carver Jr., Under-secretary of the Interior, and all amendments added to it.

(j) “Child” means an individual under the age of eighteen (18) who is the biological descendant of another.

(k) “Disenrollment” means an official act by the Tribe to remove a member from the membership roll for the reasons provided for in §1.1.9 of this chapter.

(l) “Enrollment officer” means the person the Tribe employs to research and process applications for enrollment, work with the enrollment committee to process applications for automatic membership or membership by adoption, and maintain the Suquamish Tribe’s enrollment database and membership roll.

(m) “Treaty rights” means the rights the Suquamish Tribe reserved in the 1855 Treaty of Point Elliott to fish and harvest shellfish in its usual and accustomed grounds and stations and to hunt and gather on all open and unclaimed lands.

(n) “DNA testing” means the method of acquiring and analyzing DNA cells from a person to establish parentage or tribal lineage.

(o) “Relinquishment” means the voluntary action taken by a tribal member or an individual legally authorized to act on the tribal member’s behalf to terminate the tribal member’s relationship with the Tribe.

(p) “Born to any member” means the biological child of any member whether born before or after the parent became an enrolled member of the Suquamish Tribe.

(q) “Minor” means a person under the age of eighteen (18) years who is under the legal supervision of an adult.

(r) “Certificate of Indian blood” means the certification of the degree of Indian blood issued by a federally-recognized Indian tribe or by the Bureau of Indian Affairs. (Res. 2003-004 §IV, passed Jan. 6, 2003; amended by Res. 2015-016, passed Feb. 9, 2015; amended and renumbered by Res. 2016-166, passed Oct. 3, 2016)

1.1.6. Membership Eligibility. Any person who meets the requirements of Article II, Membership, Sections 1 and 2 of the Constitution of the Suquamish Tribe is eligible for membership in the Suquamish Tribe. In accordance with the Constitution, in order to be eligible for membership in the Suquamish Tribe, a person must be one of the following:

(a) A person whose name appears on the base roll and who is not a member of another federally-recognized tribe;

(b) A person who is the child of a member listed on the base roll born before July 2, 1965 and who is not a member of another federally-recognized tribe;

(c) A person of at least one-eighth (1/8) degree Indian blood born to any member of the Suquamish Tribe after July 2, 1965, and who is not a member of another federally-recognized tribe; or

(d) A person of at least one-fourth (1/4) degree Indian blood who is accepted for membership by adoption by a majority vote of the General Council of the Suquamish Tribe and who is not a member of another federally-recognized tribe; *provided that*, such person must possess at least one-eighth (1/8) degree Suquamish blood in order to exercise treaty rights. (Res. 2003-004 §V, passed Jan. 6, 2003; amended and renumbered by Res. 2016-166, passed Oct. 3, 2016)

1.1.7. Application for Automatic Enrollment. (a) Any person not listed in the current membership roll who wishes to become enrolled in the Suquamish Tribe and who meets the eligibility criteria established in Article II, Section 1 of the Suquamish Constitution may file an enrollment application.

(b) **Where to File.** All automatic enrollment applications must be filed with the enrollment officer. Application forms may be obtained from the Suquamish Tribe enrollment office or online.

(c) **Adult Applicant.** A person over the age of eighteen (18) who seeks enrollment must sign his or her application, and the applicant’s signature must be notarized. A legal guardian may sign and submit the application for an adult applicant

who has been determined by a court of competent jurisdiction to need assistance with his or her personal and/or financial affairs, upon submission of court documents appointing the legal guardian.

(d) Minor Applicant. The Suquamish tribal parent must sign an enrollment application for a person under the age of eighteen (18). If the Suquamish tribal parent is legally unavailable (deceased, parental rights have been terminated or other legal unavailability), the application may be signed and submitted by another person with a legal relationship to the minor, such as the non-Suquamish tribal parent, the minor's legal guardian, or the minor's Suquamish Tribal Child Welfare caseworker upon submission of documents proving the legal relationship. If the minor applicant is claiming blood quantum from a non-Suquamish parent, both parents must sign the application. All signatures must be notarized.

(e) Deadline for Automatic Membership. Applications for automatic enrollment must be complete by the date the application will be considered for Tribal Council approval.

(f) Complete Application File. An application for enrollment is complete when the applicant's file contains the following:

(1) Completed application with family tree,

(2) Social Security card,

(3) Certified birth certificate, and

(4) Genetic marker ("DNA") test results determining that a specific tribal member(s) is the biological parent(s) of the applicant to not less than 97% certainty. The DNA test result requirement became effective January 6, 2003, by authority of Resolution 2003-004 §VI. Members enrolled before that date are not required to have DNA test results on file. (Res. 2003-004 §VI, passed Jan. 6, 2003; amended and renumbered by Res. 2016-166, passed Oct. 3, 2016)

1.1.8. Application for Membership by Adoption. (a) Any person not listed on the current membership roll who wishes to become enrolled in the Suquamish Tribe and who meets the eligibility criteria established in Article II, Section 2 of the Suquamish Constitution may file an application for membership by adoption.

(b) Where to File. All adoption applications must be filed with the Tribe's enrollment officer. Application forms may be obtained from the Suquamish Tribe enrollment office or online.

(c) Adult Applicant. A person over the age of eighteen (18) must sign his or her adoption application.

(d) Minor Applicant. A minor's legal guardian must sign an adoption application for a person under the age of eighteen (18). Proof of the guardian's relationship to the applicant, such as birth certificate or court order, is required.

(e) Deadline for Submission. Applications for membership by adoption must be complete by December 15th for presentation to the General Council at the annual General Council meeting.

(f) Complete Application File. An application for membership by adoption is complete when applicant's file contains the following:

(1) Completed application and family tree,

(2) Social Security card,

(3) Certified birth certificate, and

(4) Relinquishment or conditional relinquishment if the applicant is a member of another federally-recognized tribe including documented proof from the relinquishing tribe. (Res. 2003-004 §VI, passed Jan. 6, 2003; amended and renumbered by Res. 2016-166, passed Oct. 3, 2016)

1.1.9. Processing the Application. (a) By Enrollment Officer. (1) The enrollment officer will receive and process applications for membership and adoption. If additional information is needed from the applicant to process the application, the enrollment officer will notify the applicant by telephone, mail and/or electronically.

(2) Once the application is complete, the enrollment officer will prepare an individual applicant file for the enrollment committee's review.

(b) By Enrollment Committee. (1) With the enrollment officer, the enrollment committee will examine the application and the supporting documentation, determine the accuracy and sufficiency of research and supporting documentation, and request additional action by the enrollment office if necessary.

(2) The enrollment committee will prepare a recommendation on each application for Tribal Council action.

(3) The enrollment committee will provide information on all adoption applications to the General Council.

(c) By Tribal Council. Except for applications for membership by adoption, Tribal Council will review the enrollment committee's recommendation and, by majority vote, will accept or reject applications. Action will be taken on the applications based on a schedule the Tribal Council will determine.

(d) By General Council. Applications for membership by adoption must be complete by December 15th for consideration at the annual General Council meeting in March. The General Council will accept an applicant for enrollment by adoption into the Suquamish Tribe if there is a favorable majority vote of the General Council. Applicants accepted for membership by adoption obtain all rights and responsibilities as members of the Tribe except that treaty rights cannot be exercised unless such member is at least one-eighth (1/8) degree Suquamish.

(e) Notice to Applicant. Within fifteen (15) business days of the decision of the Tribal Council or the General Council to accept or reject an application, the applicant will receive notice of the decision. (Res. 2003-004 §VI, passed Jan. 6, 2003; amended and renumbered by Res. 2016-166, passed Oct. 3, 2016)

1.1.10. Changes to the Membership Roll. (a) Relinquishment. Members may voluntarily relinquish their membership subject to the following:

(1) For an Adult Member. Any adult member of the Suquamish Tribe may voluntarily relinquish his or her membership. Such relinquishments must be in writing and the member's signature must be notarized. If the adult tribal member is under a legal guardianship, the guardian must provide evidence that a court of competent jurisdiction has approved the relinquishment and documented proof of the guardianship is required. Formal action by any tribal body is not required for the relinquishment to become effective. The relinquishment is effective the date the relinquishment statement is signed by the adult member or his or her legal guardian.

(2) For a Minor Member. Membership of a minor member of the Suquamish Tribe may not be relinquished.

(3) Conditional Relinquishment. A member desiring to relinquish in favor of enrollment in another tribe is encouraged to submit a conditional relinquishment. In such case, the relinquishment will become effective upon the acceptance of that individual into the membership of another tribe. Members who conditionally relinquish are not eligible to receive benefits as a member of the Suquamish Tribe from the date the conditional relinquishment is submitted. However, the member's name may not be removed from the membership roll until documentation of the acceptance into the other tribe's membership is received. Should a member insist, in writing, upon full relinquishment instead of conditional relinquishment, the member's name must be removed from the membership roll effective the date the relinquishment statement is signed by the member and the signature notarized.

(4) Membership after Relinquishment. An adult member who relinquishes his or her membership in the Suquamish Tribe has permanently severed his or her ties with the Tribe and is not eligible to re-enroll in the Tribe. A minor

member who is also enrolled in another tribe must relinquish membership within one (1) year after he or she becomes eighteen (18) years of age.

(b) Disenrollment. The burden of proof in disenrollment actions rests with the Tribe. A tribal member may be disenrolled when it is determined that he or she:

(1) Was erroneously enrolled in that he or she did not submit adequate documentation proving he or she met the constitutional membership criteria at the time of enrollment. This “erroneous enrollment” may have resulted from fraudulent submissions, mistakes in blood degree computations, or inadequate research. Tribal members listed on the membership roll before January 6, 2003 cannot be disenrolled for this reason.

(2) Is currently enrolled with another Indian tribe and does not relinquish the membership in the other tribe within ninety (90) days of receiving a certified letter from the Tribal Council secretary requiring the person to submit the relinquishment.

(c) Procedure for Disenrollment. (1) Notification. A member identified as subject to disenrollment as set out in §1.1.10(b) will be notified of the intent to disenroll by certified mail, return receipt requested, addressed to the last known address for the member in the enrollment database. If a current address cannot be located, the notice may be made by publication in a publication of general circulation. The notice will include the date set for a hearing before the Tribal Council to consider the matter and the reason for disenrollment.

(2) Rights. The member will have the rights to call witnesses, representation, and provide documentation to support his or her position.

(3) Hearing. Whether or not the affected member makes any appearance or response, the Tribal Council will determine if a member is to be disenrolled. Such decision will be documented in a Tribal Council resolution.

(4) Results. The disenrolled member will be notified of the action taken by certified mail, return receipt requested. Such notice will include the appeal rights outlined in §1.1.11.

Persons who have been disenrolled may submit new applications for membership when adequate documentation of eligibility has been obtained. Such applications will be processed as though the individual had not previously been a member. (Res. 2003-004 §VIII, passed Jan. 6, 2003; amended and renumbered by Res. 2016-166, passed Oct. 3, 2016)

1.1.11. Appeals. Any applicant who has been rejected for membership or any person who has been disenrolled may file an appeal of the decision in the Suquamish Tribal Court. Tribal Court jurisdiction is limited to a review of the procedures followed by the

Tribal Council or the General Council, whichever is the deciding body. The Tribal Court does not have the authority to overturn a decision and only may remand to the deciding body if it determines that enrollment procedures were not followed.

(a) Timing of Appeal. Individuals receiving a notice of rejection, relinquishment or disenrollment may appeal the decision within thirty (30) business days of receiving the notice of decision. The date five (5) days from the date the certified letter of the decision was mailed will be considered the beginning of that thirty (30) day period.

(b) Filing of Appeal. The notice of appeal must be filed with the Suquamish Tribal Court. The date the appeal is received in the Tribal Court office will be considered its date of receipt. An appeal must be in writing. Failure to file an appeal within thirty (30) business days waives any right to appeal.

(c) Handling of Appeal. Upon receiving an appeal, the Suquamish Tribal Court will request a copy of the appellant's file from the enrollment officer. The Suquamish Tribal Court will set a date not less than twenty (20) or more than sixty (60) business days from the notice of appeal's date of receipt for a hearing on the appeal. Following the hearing, the Suquamish Tribal Court will issue its decision and notify the appellant of its decision. The Suquamish Tribal Court's decision is final. (Res. 2003-004 §IX, passed Jan. 6, 2003; amended and renumbered by Res. 2016-166, passed Oct. 3, 2016)

1.1.12. Records. The enrollment records are the official membership records for the Suquamish Tribe. The Tribe uses data maintained for enrollment purposes to determine many governmental purposes, including eligibility for membership benefits. The enrollment officer may provide general information concerning membership statistics and members' names and addresses to other agencies of the Suquamish government upon approval by the Tribal Council or Executive Director.

(a) Contents of Individual Files. An individual file will be maintained for each applicant. All current enrolled tribal members will be encouraged to provide information to update their files. At a minimum, the individual file will contain:

- (1) Suquamish Tribe enrollment resolution,
- (2) Application for enrollment,
- (3) Family tree chart,
- (4) Birth certificate,
- (5) Copy of Social Security card,
- (6) Any other documentation pertinent to the individual's membership in the Tribe, and

(7) Death certificate.

(b) Confidentiality of Records. (1) The Membership Roll and the Enrollment Database. The membership roll and the enrollment database are confidential. Neither the membership roll, the enrollment database, nor any portion of them may be copied or distributed to any person or organization outside the Tribe except upon the Tribal Council's written permission. The Tribal Council will exercise its discretion to allow a person or department of the Tribe to inquire for, use, or release information from the roll for the benefit of tribal members and tribal programs.

(2) Individual Files. Information in individual files is confidential. No information from individual enrollment files will be released to anyone without a release of information notarized and signed by the member or the member's legal guardian; except that the following may review information contained in the individual files: enrollment office staff, enrollment committee, Tribal Council, and the Suquamish Tribal Court. At no time will individual files leave the enrollment officer's control.

(c) Updating Records. Upon receiving appropriate documentation, the enrollment officer is authorized to update the information in the enrollment database and membership roll. It is the sole responsibility of the enrolled tribal member or the applicant to keep the enrollment office informed of name changes and address changes. The following documentation is considered adequate for such actions to be taken:

(1) Name Change. Marriage license, divorce decree, or court order changing name.

(2) Address Change. Statement from a tribal member over eighteen (18) years of age. Notarized affidavit and proof of custody of a minor is required.

(3) Death. Death certificate, Bureau of Indian Affairs records, mortuary records, hospital records, or obituary notice from newspaper.

(d) Membership Cards. The enrollment officer will develop and maintain a system for issuing, renewing, or, upon Tribal Council resolution, revoking membership cards for tribal members. Membership cards will list the member's official name, date of birth, and Suquamish enrollment number. All membership cards remain the property of the Suquamish Tribe and are proof, for all purposes, that the person to whom the card is issued is a duly enrolled tribal member entitled to exercise all rights and privileges of membership in the Suquamish Tribe, including those reserved by the Treaty of Point Elliott except as limited by the Suquamish Constitution. Tribal members must appear in person at the enrollment office to obtain a membership card. (Res. 2003-004 §X, passed Jan. 6, 2003; amended and renumbered by Res. 2016-166, passed Oct. 3, 2016)

1.1.13. Computing Degree of Tribal Blood. (a) Initial Computation. All Indian blood shown in the Tribe's official census roll as of January 1, 1942, is considered to be blood of the Suquamish Tribe. The blood degrees shown on that roll will be used in computing the degree of Suquamish Tribal blood for applicants for membership in the Tribe.

(b) Other Tribe Blood Computation. In computing the total degree of Indian blood, only the arithmetic sum of the blood quantum inherited from federally-recognized tribes is counted. Indian blood quantum from non-United States tribes and non-federally-recognized tribes is not included in the computation of total degree of Indian blood. A certificate of Indian blood from the non-Suquamish tribe is required.

(c) Changing Blood Degrees. Once a member's degree of tribal blood has been recorded on the membership roll and in the enrollment database the individual tribal member's degree of tribal blood may be changed only upon written request and supporting documentation provided by the tribal member. Upon receiving the request, the enrollment officer will review any supporting documentation and research additional information if needed.

If the enrollment officer determines that a member's blood degree was computed incorrectly, the enrollment officer will review the basis for that determination with the enrollment committee and prepare a resolution for Tribal Council consideration authorizing the enrollment officer to change the member's blood degree and the blood degree of all other persons affected by the change.

The enrollment officer will notify the member requesting the change and all other persons affected by the change of Tribal Council's decision. Any person whose blood quantum has been changed has the right to appeal as set out in §1.1.11 only if the change results in disenrollment. (Res. 2003-004 §XI, passed Jan. 6, 2003; amended and renumbered by Res. 2016-166, passed Oct. 3, 2016)

1.1.14. Penalties. Any person the Suquamish Tribal Court finds to have violated any provision of this chapter or any Tribal Council rule, regulation, or written order is subject to a civil penalty of not more than two thousand five hundred dollars (\$2,500) for each violation. (Res. 2003-004 §XIII, passed Jan. 6, 2003; amended and renumbered by Res. 2016-166, passed Oct. 3, 2016)

1.1.15. Amendments. The Tribal Council may amend this chapter in accordance with and pursuant to the Constitution and Bylaws of the Suquamish Tribe. (Res. 2003-004 §XIV, passed Jan. 6, 2003; renumbered by Res. 2016-166, passed Oct. 3, 2016)