LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2010-0121-01 DATE: JANUARY 21, 2010
AMENDED: MAY 19, 2016 #2

"AN ACT TO PROVIDE FOR TRIBAL CITIZENSHIP"

WHEREAS, The Lumbee Tribe of North Carolina ("Lumbee Tribe") is a recognized American Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina and its inherent powers of self-government;

WHEREAS, Article VII, Section 1 of the Lumbee Tribal Constitution delegates all legislative authority to the Tribal Council of the Lumbee Tribe of North Carolina;

THEREFORE, Be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina this ordinance shall be cited as "AN ACT TO PROVIDE FOR TRIBAL CITIZENSHIP",

Section 1. Citizenship. The citizenship of the Lumbee Tribe of North Carolina shall consist of the following:

a) The biological descendants of those persons enumerated as Indian on the----

(1) 1900 and/or 1910 Federal Census of Robeson County, NC
(2) 1900 and/or 1910 Federal Census of Bladen County, NC
(3) 1900 and/or 1910 Federal Census of Richmond County, NC
(4) 1900 and/or 1910 Federal Census of Cumberland County, NC
(5) 1900 and/or 1910 Federal Census of Scotland County, NC
(6) 1900 Federal Census of Marion County, SC
(7) 1910 Federal Census of Dillon County, SC
(8) Robeson County, NC Taxable Records from 1890 to 1910
(9) Croatan School Attendance list of O.R. Sampson from 1891 to 1896
(10) Croatan Petitioners List of 1888
(11) Croatan School Committee List of 1900
(12) Deep Branch Church Roll of Ladies 1882 and the male members as mentioned in the minutes of the Deep Branch Church between December 1882-May 23, 1986; and
(13) Minutes of the Lumbee Elders Review Committee 1985 to 1987.

b) No persons, or descendant eligible under section 1 A, shall be enrolled if the Office of Citizenship and Records determines the person lacks sufficient historical or present day tribal contact.

c) Membership is defined as being a citizen of the Lumbee Tribe and meeting all criteria outlined in the ordinance.

Section 2. Special conditions.

a) Applicants for citizenship must comply with any requested DNA testing. Failure to do so will result in the disqualification of the applicant(s) in question and/or removal from the Lumbee Tribal Rolls. The cost of the DNA testing will be borne by those individuals and the testing shall be conducted at a state or tribal certified facility.

b) Applicants rejected or terminated because of insufficient tribal contact may re-apply for Lumbee tribal citizenship three (3) years from the date of final termination or rejection, not to exceed twice in a lifetime.

c) Terminations or rejections that occurred prior to the adoption of this ordinance shall be eligible to re-apply for citizenship.

Section 3. The Office of Citizenship and Records

a) Shall have the responsibility of preparing and maintaining the current citizenship roll consistent with the provisions of this ordinance and tribal constitution.

b) Shall develop day to day procedures, guidelines, and/or policies for implementation of this ordinance.

Section 4. Applications for Citizenship

a) **Who must file?** All persons who request citizenship in the Lumbee Tribe of North Carolina must file a citizenship application. Parents, or legal guardians, may file applications for minors or incompetents. No one will be considered for citizenship unless the individual or legal guardian has filed a citizenship application.

b) **When and Where to file an application**.

1. All citizenship applications must be filed in person with the Office of Citizenship and Records. Application forms may be obtained by oral or written request from the Lumbee Office of Citizenship and Records, or downloaded from www.lumbeetribe.com.

2. Tribal Citizenship Rolls will close 30 calendar days prior to any Special or Regular Election and will reopen 30 calendar days after the certification of any Special or Regular Election.

3. The closing and opening of tribal citizenship rolls shall be determined by the Lumbee Tribal Council upon recommendation of the Tribal Chairman.

c) **What the application must contain**. Each citizenship application must be completed in its entirety and contain sufficient personal information to properly determine the applicant's eligibility for citizenship.

1. All birth and death certificates must be certified, or validated by the Office of Citizenship and Records staff through research of county and/or state vital records.

2. Independent genealogical research submitted by the applicant is acceptable solely for informational purposes, but shall not waive staff's responsibility to verify ancestry.

Section 5. Processing of the Application.

a) Applications for citizenship will be reviewed by the Office of Citizenship and Records to determine if the application is complete. If the application is incomplete, the application will be returned to the applicant and he/she will be advised as to what record(s) or information is needed to complete the application.

b) New applicants (parents or legal guardians of minors under the age of 18) shall be interviewed by the Office of Citizenship and Records to determine if the applicant has maintained historical or present day tribal contact. If the applicant has failed to maintain historical or present day contact, the applicant shall be advised of his/her right to appeal to the Tribal Administrative Court.

c) Historical contact may be demonstrated by the applicant or citizen meeting one of the following criteria:

1. The citizen or applicant attended a public school that was a Lumbee Indian school prior to desegregation, or

2. The citizen or applicant has, or had, membership in a church historically or presently known as a Lumbee Indian church

d) Present day contact may be demonstrated by the applicant or citizen meeting the following criteria:

1. The citizen has frequent visitation in the tribal territory, and

2. The citizen has knowledge of Lumbee churches, schools, and communities, or the citizen has knowledge of community-based and/or tribal leadership.

e) The Office of Citizenship and Records shall verify ancestry to tribal base rolls through birth, death, census, DNA, or other accepted records.

f) Applicants who meet the citizenship criteria shall be certified as eligible by the Office of Citizenship and Records and the citizen shall be duly enrolled into the Lumbee Tribe by:

1. Assignment of a unique enrollment number, #

2. Assignment of a chart or entity number, #

3. Assignment of an expiration date which shall be seven (7) years from date of citizenship. (Applicants who are fifty-five (55) years or older shall receive a citizenship card with a fifty (50) year expiration date.)

4. Processing of the Lumbee Tribal Citizenship Card (or Certificate of Citizenship, in event the citizen prefers the Certificate).

Section 6. Updating of Citizenship Rolls

a) **Who is required to update their citizenship file?** All citizens, under the age of fifty-five (55), are required to recertify tribal citizenship by providing current mailing and physical addresses and other changes to personal information once every seven (7) years. Citizens who are fifty-five (55) years or older shall not be required to update once every seven (7) years and shall receive a citizenship card with a fifty (50) year expiration date.

b) **How is citizenship updated?** Current information shall be recorded on a form supplied by the Citizenship Office and shall be submitted in person by the citizen at the Office of Tribal Citizenship and Records. If the citizen is under 18 years of age, the citizenship file shall be updated by a parent, or legal guardians.

1. Citizens who are 55 years or older are encouraged to periodically update their citizenship file, but are not required to do so, provided they are holding active (i.e. updated) citizenship at age fifty-five (55).

2. Citizens who are incarcerated may update their citizenship file by completing and mailing a Recertification form to the Office of Tribal Citizenship and Records.

3. Citizens serving on active military duty outside the tribal territory may update their citizenship file by completing and mailing a Recertification form to the Office of Tribal Citizenship and Records.

4. The spouse and children (or stepchildren) who are tribal citizens and living with a spouse serving in the military service outside the tribal territory may update their tribal citizenship by completing and mailing a recertification form to the Office of Tribal Citizenship and Records.

5. Citizens who are physically or mentally unable to appear as evidenced by a letter or statement signed by an attending physician or other primary health care provider may update their citizenship file by completing and mailing a Recertification form to the Office of Tribal Citizenship and Records.

c) **When must the citizen update his/her citizenship record?** All tribal citizenship cards or certificates of citizenship shall have an expiration date. On or before that recorded date, the citizen must update his/her citizenship file. However, it is the responsibility of the citizen to advise the Office of Citizenship and Records when there is a change in address and name.

d) **What happens if the citizen fails to meet the deadline?** Failure to recertify by the expiration date shall result in a loss of tribal voting rights and services. Voting rights and services shall be restored upon recertification, provided the citizen pays a restoration fine (citizens 17 years of age and under are exempt from said fine), payable by cash, money order, or debit card to the Lumbee Tribal Citizenship Office.

Section 7. Blood Quantum.

a) All persons enumerated as Indian on tribal base rolls shall be deemed 4/4 Lumbee Indian blood.

b) The full siblings of all persons enumerated as Indian on tribal base rolls shall be deemed 4/4 Lumbee Indian blood.

c) Half brothers and half sisters of persons enumerated as Indian on tribal base rolls shall be deemed ½ blood quantum when they are the issue of the same Indian parent.

Section 8. Records. (Reserved)

Section 9. Loss of Citizenship

a) Relinquishments.

1. Any adult citizen of the Lumbee Tribe may voluntarily relinquish his/her citizenship. His/her parent or guardian may relinquish the citizenship of any citizen of the Lumbee Tribe who is not at least 18 years of age. All relinquishment requests must be in writing, and the signature must be notarized.

2. The tribe shall comply with the citizen's wish, and will remove the citizen's name from the Lumbee Tribal Rolls on the date the relinquishment notice is signed by the citizen.

3. All numbers (citizenship and chart or entity) previously assigned to the citizen shall remain associated with the relinquished citizen.

4. Whenever a relinquishment is submitted for a minor citizen, or an incompetent, care will be taken to determine that the individual who signed the form is a enrolled citizen of the Lumbee Tribe and the legal guardian of the minor or incompetent affected. If both parents have custody rights over a Lumbee tribal citizen child, and both parents are Lumbee tribal citizens, both parents must sign a relinquishment form before relinquishment becomes effective.

5. Adult citizen's relinquishing their citizenship will be entitled to re-apply with the tribe. Any subsequent relinquishment shall be final and the individual shall never be able to re-apply for Lumbee tribal citizenship.

6. Minors who have been relinquished by their parents or guardians may re-apply for citizenship upon reaching the age of 18 years under the citizenship criteria in effect at time of the re-application.

Section 10. Loss of Citizenship. A tribal citizen who is found to have been erroneously or fraudulently applied, or is an enrolled member/citizen of another Indian tribe duly recognized by either a State or the United States, or any other person who is found not eligible for tribal citizenship pursuant to the tribe's citizenship requirements contained in the constitution of the Lumbee Tribe shall be subject to loss of citizenship.

Section 11. Honorary Citizenship. The Lumbee Tribal Council may, at its discretion, issue honorary citizenship by tribal resolution. No honorary tribal citizen shall be eligible to vote in tribal elections or receive tribal services based on his/her honorary citizenship in the Lumbee Tribe.

Section 12. Fees. All fees generated from the implementation of this ordinance shall be added to the Citizenship General Fund.

Section 13. Repeal of Tribal Ordinance 2002-002. This Act, upon adoption, shall repeal Tribal Ordinance 2002-002, entitled "AN ACT TO PROVIDE FOR TRIBAL ENROLLMENT".

CERTIFICATION OF AMENDMENT

THIS CLLO-2010-0121-01 **"AN ACT TO PROVIDE FOR TRIBAL CITIZENSHIP"** ADOPTED AT A MEETING OF THE 21-MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 17 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 19TH DAY OF MAY, 2016 BY A VOTE OF 12 FOR, 5 AGAINST, 0 ABSTENTION(S).

Bill J Brewington 5/19/16

ATTEST: BILL JAMES BREWINGTON — Date
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

Jan Lowery 5-19-16

ATTEST: JAN LOWERY — Date
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

HARVEY GODWIN, JR. — Date
Chairman, Lumbee Tribe of North Carolina

POSTING

This CLLO-2010-0121-01 **"AN ACT TO PROVIDE FOR TRIBAL CITIZENSHIP"**, duly posted on this the 19 day of MAY, 2016.

LUMBEE TRIBE TRIBAL CLERK OF NORTH CAROLINA

Belinda Brewer 5-19-16

ATTEST: BELINDA BREWER — Date
Tribal Clerk Designee, Lumbee Tribe of North Carolina

MAY 19, 2016

ROLL CALL VOTE RESULTS TO ADOPT

CLLO-2010-0121-01 "AN ACT TO PROVIDE FOR TRIBAL CITIZENSHIP"

12 YES, 5 NO, 0 ABSTENSION(S)

District 1:	LaKishia Sweat	NO
District 2:	Terry Hunt	YES
	Janie McFarland	NO
District 3:	Alton Locklear	ABSENT
	Lesaundri Hunt	ABSENT
District 4:	Jonathan Locklear	YES
District 5:	Bobby Oxendine	YES
	Jarrod Lowery	YES
District 6:	Larry Townsend	YES
	Douglas Locklear	NO
District 7:	Reginald Oxendine	YES
	Jan Lowery	YES
	Bill Brewington	YES
District 8:	Daniel Jones	YES
District 9:	Anita Hammonds Blanks	ABSENT
District 10:	Janet Locklear	YES
District 11:	Frank Cooper	YES
District 12:	Areatha Patterson	YES
	Shelley Strickland	ABSENT
District 13:	William Maiden	NO
District 14:	Barbara Lowery	NO