

LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2010-0121-01
AMENDED:

DATE: JANUARY 21, 2010
August 18, 2011

“AN ACT TO PROVIDE TRIBAL ENROLLMENT ORDINANCE”

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 that shall be cited as “AN ACT TO PROVIDE FOR TRIBAL ENROLLMENT”,

Section 1. Membership. The membership 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, 1886; 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 Enrollment and Records determines the person lacks sufficient historical or present day tribal contact.

Section 2. Special conditions.

- a) Applicants for membership 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 certified facility.
- b) Applicants rejected or terminated because of insufficient tribal contact may reapply for Lumbee tribal membership three (3) years from the date of final termination or rejection.

Section 3. The Office of Enrollment and Records

- a) Shall have the responsibility of preparing and maintaining the current membership 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 Enrollment

- a) **Who must file?** All persons who request membership in the Lumbee Tribe of North Carolina must file an enrollment application. Parents, guardians, or other sponsors such as social workers may file applications for minors or incompetents. No one will be considered for enrollment unless the individual or a sponsor has filed an enrollment application on an approved form supplied by the tribal enrollment office.
- b) **When and Where to file an application.**
 1. All enrollment applications must be filed in person with the Office of Enrollment and Records. Application forms may be obtained by oral or written request from the Lumbee Office of Enrollment and Records, or downloaded from www.lumbeetribe.com.
 2. There is no deadline date established for filing enrollment applications, except when the Tribal Council authorizes an enrollment cutoff date.
 3. The closing and opening of tribal membership rolls shall be determined by the Lumbee Tribal Council upon recommendation of the Tribal Chairman. Tribal Membership Rolls will close 30 calendar days prior to any Special Election or Regular Election and will reopen 30 calendar days upon certification of any Special or Regular Election.
- c) **What the application must contain.** Each enrollment application must be completed in its entirety and contain sufficient personal information to properly determine the applicant's eligibility for enrollment.
 1. All birth and death certificates must be certified, or validated by Enrollment 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 enrollment will be reviewed by the Office of Enrollment 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 (or their parents or legal guardians or sponsors if the applicant is under the age of 18) shall be interviewed by the Office of Enrollment 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) Historic contact may be demonstrated by the applicant or member meeting one of the following criteria:
 1. The member or applicant attended a public school that was a Lumbee Indian school prior to desegregation, or
 2. The member 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 member meeting the following criteria:
 1. The member has frequent visitation in the tribal territory, and
 2. The member has a knowledge of Lumbee churches, schools, and communities, or the member has a knowledge of community-based and/or tribal leadership
- e) The Office of Enrollment and Records shall verify ancestry to tribal baserolls through birth, death, census, DNA, or other accepted records.
- f) Applicants who meet the membership criteria shall be certified as eligible by the Office of Enrollment and Records and the member shall be duly enrolled into the Lumbee tribe by:
 1. Assignment of a unique enrollment #
 2. Assignment of a chart or entity #
 3. Assignment of an expiration date which shall be seven (7) years from date of enrollment
 4. Processing of the Lumbee tribal membership card (or Certificate of Enrollment, in event the member prefers the Certificate).

Section 6. Updating of Membership Rolls

- a) **Who is required to update their membership file?** All members are required to recertify tribal enrollment by providing current mailing and physical addresses and other changes to personal information once every seven (7) years. Members who are fifty-five (55) years or older shall not be required to update once every seven (7) years, provided they are holding active (i.e. updated) membership at age fifty-five (55).
- b) **How is membership updated?** Current information shall be recorded on a form supplied by the Enrollment Office and shall be submitted in person by the member at the Office of Tribal Enrollment and Records. If the member is under 18 years of age, the membership file shall be updated by a parent, or legal guardians, or sponsors.

1. Members who are 55 years or older are encouraged to periodically update their membership file, but are not required to do so.
 2. Members who are incarcerated may update their membership file by completing and mailing a Recertification form to the Office of Tribal Enrollment and Records.
 3. Members serving on active military duty outside the tribal territory may update their membership file by completing and mailing a Recertification form to the Office of Tribal Enrollment and Records.
 4. The spouse and children (or stepchildren) who are tribal members and living with a spouse serving in the military service outside the tribal territory may update their tribal membership by completing and mailing a recertification form to the Office of Tribal Enrollment and Records.
 5. Members 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 membership file by completing and mailing a Recertification form to the Office of Tribal Enrollment and Records.
- c) **When must the member update his/her enrollment record?** All tribal membership cards or certificates of enrollments shall have an expiration date. On or before that recorded date, the member must update his/her membership file. However, it is the responsibility of the member to advise the Office of Enrollment and Records when there is a change in address and name.
- d) **What happens if the member 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 member pays a restoration fine of \$5.00 (17 years of age and under are exempt from Fine), payable by cash, money order, or debit card to the Lumbee Tribal Enrollment Office.
- e) All members who are classified as "inactive" shall be immediately reclassified so as to remove any restrictions on voting rights or services.

Section 7. Blood Quantum.

- a) All persons enumerated as Indian on tribal baserolls shall be deemed 4/4 Lumbee Indian blood.
- b) The full siblings of all persons enumerated as Indian on tribal baserolls shall be deemed 4/4 Lumbee Indian blood.
- c) Half brothers and half sisters of persons enumerated as Indian on tribal baserolls shall be deemed 1/2 blood quantum when they are the issue of the same Indian parent.

Section 8. Records. (Reserved)

Section 9. Loss of Membership

a) Relinquishments.

1. Any adult member of the Lumbee Tribe may voluntarily relinquish his/her membership. His/her parent or guardian may relinquish the membership of any member 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 member's wish, and will remove the member's name from the Lumbee Tribal Rolls on the date the relinquishment notice is signed by the member.
3. All numbers (enrollment and entity) previously assigned to the member shall remain associated with the relinquished member.
4. Whenever a relinquishment is submitted for a minor member, or an incompetent, care will be taken to determine that the individual who signed the form is an enrolled member of the Lumbee Tribe and the legal custodian of the minor or incompetent affected. If both parents have custody rights over a Lumbee tribal member child, and both parents are Lumbee tribal members, both parents must sign a relinquishment form before relinquishment becomes effective.
5. Adult member's relinquishing their membership will be entitled to re-enroll with the tribe. Any subsequent relinquishment shall be final and the individual shall never be able to re-apply for Lumbee tribal membership.
6. Minors who have been relinquished by their parents or guardians may re-apply for membership upon reaching the age of 18 years under the enrollment criteria in effect at time of the re-application

Section 10. Dis-enrollments. A tribal member who is found to have been erroneously or fraudulently enrolled, or is an enrolled member 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 membership pursuant to the tribe's membership requirements contained in the constitution of the Lumbee Tribe shall be subject to dis-enrollment.

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

Section 12. Fees. All fees generated from the implementation of this ordinance shall be added to the Enrollment general fund.

Section 13: Repeal of Tribal Ordinance 2010-0121-01. This Act, upon adoption, shall repeal Tribal Ordinance 2010-0121-01 entitled "An Act to provide for Tribal Enrollment".

CERTIFICATION OF AMENDMENT

THIS CLLO-2010-0121-01 "AN ACT TO PROVIDE FOR TRIBAL ENROLLMENT ORDINANCE", ADOPTED AT A MEETING OF THE 21-MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 19 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 18TH DAY OF AUGUST, 2011 BY A VOTE OF 17 FOR, 0 AGAINST, 0 ABSTENTION(S), 1 RECUSE.

Steve Sampson 8/23/11
ATTEST: STEVE SAMPSON Date
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

Linda Revels 8/23/11
ATTEST: LINDA REVELS Date
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

Sharon Hunt 8/30/11
SHARON HUNT Date
Chairwoman, Lumbee Tribe of North Carolina

POSTING

This CLLO-2010-0121-01 "AN ACT TO PROVIDE TRIBAL ENROLLMENT ORDINANCE", duly posted on this the ~~18th~~ day of August, 2011. (Posted 9-1-11 RBL)

Ruth B. Locklear 9-1-11
ATTEST: RUTH B. LOCKLEAR Date
Tribal Clerk, Lumbee Tribe of North Carolina

ROLL CALL VOTE RESULTS TO ADOPT

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17 FOR, 0 AGAINST, 0 ABSTENTION(S), 1 RECUSE

District 1:	Audrey Revels Hunt	YES
District 2:	Sharon Hunt	RECUSED
	Larmari Louise Mitchell	YES
District 3:	Pearlean Revels	YES
	Pam Hunt	YES
District 4:	Helen H. Locklear	YES
District 5:	Kernice Lee Locklear	ABSENT FOR VOTE
	Charles Bullard	YES
District 6:	James Deese	EXCUSED
	Larry Anthony Chavis	YES
District 7:	Robert Chavis	YES
	Larry Campbell	YES
	Terry Campbell	YES
District 8:	Steve Sampson	YES
District 9:	James Taft Smith	YES
District 10:	Terry Collins	YES
District 11:	Linda Revels	EXCUSED
District 12:	Danita Locklear	YES
	Shelley Strickland	YES
District 13:	William Maiden	YES
District 14:	Homer Fields	YES