

**TITLE 34**  
**LUMMI NATION CODE OF LAWS**  
**ENROLLMENT CODE**

Enacted: Resolution 99-61 (5/25/99)



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**TITLE 34  
LUMMI NATION CODE OF LAWS  
ENROLLMENT CODE**

**Chapter 34.01 Purpose, Title and Authority**

**34.01.010 Purpose**

The Lummi Nation has the inherent authority to govern its own membership, and to establish eligibility requirements, and procedures for membership. The purpose of this ordinance is to define and regulate membership in the Lummi Nation as authorized by the Lummi Constitution and to establish fair and uniform procedures for determining membership.

**34.01.020 Short Title**

This ordinance shall be cited as the Lummi Enrollment Code and it replaces any previously adopted rules or resolutions regarding enrollment matters.

**34.01.030 Severability**

If any section, chapter or provision of this Title is declared invalid for any reason, that provision shall be severed from the remainder of this code and the validity of the remainder shall not be affected.

**34.01.040 Construction**

The provisions of this code shall be strictly construed in accordance with its legislative purpose. Any reference to “he” or “she” or other gender pronouns include both male and female persons.

**Chapter 34.02 Definitions**

**34.02.010 Adopted Person**

One whose natural biological parent(s) may not legally act on his behalf because their rights have been terminated and parental rights are exercised by another.

**34.02.020 Adoptive Parent**

One who has been given, by court order, the parental rights for a child born to other biological parent(s).

**34.02.030 Affidavit**

A written, signed and notarized statement of fact signed by a person under penalty of perjury.

**34.02.040 Applicant**

A person seeking enrollment in the Lummi Nation and whose name appears on the application form required by the Enrollment Office.

**34.02.050 Base Enrollee**

A person whose name appears on the Official Census Roll of the Tribe known as the January 1, 1942 Base Roll.

**34.02.060 Base Roll**

The Official Census Roll of the Tribe as of January 1, 1942, as cited in the Lummi Constitution.

**34.02.070 Born To Any Member**

A biological child of a person who was previously or is currently enrolled as a member of the Lummi Nation.

**34.02.080 Certification of Indian Blood (C.I.B.)**

A certified statement signed by a designee of the Enrollment Office that a person is a member of the Lummi Nation.

**34.02.090 Descendant**

Direct descendent means biological children born to parents. Lineal descendants are the biological children of parents and their biological descendants. It does not include collateral relatives who are descended from the same ancestor but not from one another. For example, it does not include aunts, uncles, nieces, nephews, brothers, sisters, cousins, or other indirect relationships.

**34.02.100 Disenrollment**

An action to revoke tribal membership.

**34.02.110 Dual Enrollment**

Membership in more than one federally

recognized tribe.

**34.02.120 Enrolled Member**

Person(s) who have completed an application for membership, supplied sufficient documentation, and been approved to be added to the Tribal Roll as a member of the Lummi Nation.

**34.02.130 Family Tree**

A chart used to trace and demonstrate the ancestry of biological descendants on the form supplied by the Enrollment Office.

**34.02.140 Federally Recognized Tribe**

“Federally Recognized Tribe” means any Indian tribe, band, nation, pueblo, town, community, rancheria, colony, or other group of Indians which is recognized by the Secretary as eligible for the special programs or services provided by the Bureau of Indian Affairs and is listed in the Federal Register under Pub. L. 103-454, Act of Nov. 2, 1994.

**34.02.150 LIBC**

The term LIBC, Council or Tribal Council refers to the Lummi Indian Business Council.

**34.02.160 Paternity**

A legal procedure to establish the legal father of a child. An applicant’s degree of Indian blood will not include the father’s blood quantum until paternity is legally established.

**34.02.170 Quantum**

A portion or an allotted unit or amount. When used in this Code it means the allotted unit, amount or portion of Indian blood.

**34.02.180 Relinquishment of Membership**

An action by a Lummi tribal member to sever his membership with the Lummi Nation.

**34.02.190 Total Blood Quantum (TBQ)**

The combined quantum of Indian Blood of all federally recognized tribes to which ancestry can be proven.

**34.02.200 Tribal Member**

A person on the Lummi Nation Tribal Roll.

**34.02.210 Tribal Roll**

A list prepared and maintained by the Enrollment Office used for voting, office holding and other tribal purposes. It consists of those originally listed on the January 1, 1942, Base Roll and those who have applied, been accepted and are listed as members on the Tribal Roll as that list is kept and updated by the Enrollment Office.

**34.02.220 Tribal Roll Error**

Errors that occur on the Tribal Roll including errors apparent and structural errors. Errors apparent are errors visible on the face of the Tribal Roll and can be changed with documentation of the error and notification to all parties involved. Structural errors are all other errors on the Tribal Roll.

**Chapter 34.03 Enrollment Administration**

**34.03.010 Enrollment Office, Enrollment Officer and/or Tribal Statistician**

The Enrollment Office is responsible for maintaining, correcting and otherwise updating all records of tribal members or potential tribal members regarding enrollment matters. The Enrollment Office and its staff assists the Enrollment Committee in all aspects of enrollment but does not itself make or recommend the result of enrollment matters.

[Resolution 77-55, May 9, 1977]

**34.03.020 Committee Membership and Officers**

The Enrollment Committee shall consist of not less than seven (7) members appointed by the Lummi Indian Business Council. Committee members shall be enrolled tribal members and residents of the Lummi Reservation with knowledge of the tribe and its families. Committee members are required to be available for training. Officers will consist of a chairman and vice chairman and will be elected within the Committee. Each officer will serve a two (2) year term beginning at the first regular meeting in February.

(a) The Enrollment Committee shall hold its

regular meeting at least once a month on the date designated by the Chairman of the Committee at the first regular meeting in February. A quorum of four (4) members shall be required to conduct business. A member having three (3) consecutive unexcused absences from a regular Enrollment Committee meeting will be recommended for replacement.

(b) The Enrollment Committee will make nominations to the Lummi Indian Business Council for membership in the Committee.

(c) The Enrollment committee has authority to review enrollment applications, determine the completeness of the applications, make decisions to accept or reject applications for enrollment, make decisions on requests for corrections of error, conduct hearings for the presentation of evidence and take such other actions as are necessary under this Code.

(d) After approval of this Code, members of the committee shall draw lots for one, two or three years and thereafter an appointment will be made for the two members who drew one-year lots, with an appointment made every two years thereafter. In other years, two members will be appointed for those who drew two-year lots and three members will be appointed who drew three year lots. Thereafter, each member will serve his two year term.

[Resolution Q-61, May 3, 1974]

#### **34.03.030 Confidentiality**

The Lummi Nation recognizes that records concerning enrollment may contain sensitive, personal information. These records may also be critical in proving an individual's right to membership. Policies and procedures to protect and preserve the confidentiality of enrollment records will be developed and will include provisions that:

(a) All persons responsible for providing information must maintain strict confidentiality.

(b) All persons of the Enrollment Office and Enrollment Committee shall be required to

sign confidentiality statements upon employment or confirmation of appointment. Breach of confidentiality is cause for termination of employment or committee membership.

(c) Confidential information includes, but is not limited to, enrollment status, enrollment numbers, degree of Indian blood and information on parentage. Such information may be released to an authorized law enforcement official or other government official, including, but not limited to, education personnel, medical personnel, housing officials, or child welfare personnel. The information may only be released for a lawful purpose which requires the information. Release of information will be made only under procedures required by the Code or as defined by the Lummi Nation, the Enrollment Committee or the Enrollment Office.

### **Chapter 34.04 Membership**

#### **34.04.010 Defined**

The membership of the Lummi Nation shall be composed of all persons on the roll of the Tribe on the date of approval of this Code by the Secretary of the Interior and all applicants who can show under the rules set out in this Code that their heritage and parentage fully conforms to the requirements of the Constitution of the Lummi Nation.

#### **34.04.020 Eligibility Requirements**

All persons are eligible for membership who can prove:

(a) They meet the requirements of the Constitution that

- (1) they are a person of Indian blood; and
- (2) their name appears on the Base Roll of the Tribe;

OR,

(b) They meet the requirements of the Constitution that

- (1) they are a person of Indian blood; and

(2) they were a resident of the reservation on January 1, 1947; and

(3) they were a person whose name would have been placed on the census roll had one been prepared.

OR,

(c) They meet the requirements of the Constitution that

(1) they are a person of Indian blood; and

(2) they were a resident of the Lummi Reservation between January 1, 1942, and April 10, 1970; and

(3) they were accepted into membership by an official action of the general council convened for official business between January 1, 1942, and April 10, 1970.

[Resolution Q-69, May 21, 1974]

OR,

(d) They meet the requirements of the Constitution that

(1) they were born between January 1, 1942, and April 10, 1970; and

(2) they were born to any member of the tribe; and

(3) the tribal member from whom they are descended was living on the Lummi Reservation at the time of the child's birth.

OR,

(e) They meet the requirements of the Constitution that

(1) they possess a total blood quantum of one-fourth (1/4) or more Indian blood; and

(2) they were born between January 1, 1942, and April 10, 1970; and

(3) they were born to any member of the tribe who was not living on the Lummi Reservation at the time of their birth.

OR,

(f) They meet the requirements of the Constitution that

(1) they possess a total blood quantum of one-fourth (1/4) or more Indian blood; and

(2) they were born to any member of the tribe; and

(3) they were born after April 10, 1970.

### **34.04.030 Membership Restrictions**

The following persons shall NOT be eligible for membership in the Lummi Nation.

(a) Any person otherwise eligible for membership in the Lummi Nation but who is enrolled in another federally recognized Indian Tribe shall not be enrolled unless such person officially relinquishes, in writing, membership from the other Tribe. This section does not apply to minor(s) or dependent(s) who are otherwise qualified to be enrolled as provided in this Code.

[Resolution T-8, May 9, 1975; Resolution 96-81, April 30, 1996]

(b) Any person who has relinquished his enrollment, in writing, from the Lummi Nation and has been accepted as a member by another federally recognized tribe. This does not include a minor child whose membership was relinquished by his parent or guardian. A minor child so relinquished by another person is eligible for membership upon proof he meets the requirements of this Code.

(c) Any person who is from a tribe that has been federally terminated. This does not include a minor child who was a minor at the time of termination of the federally recognized tribe; PROVIDED that he meets the requirements of this Code for enrollment.

[Resolution 96-81, April 30, 1996]

## **Chapter 34.05 Enrollment Procedure**

### **34.05.010 Coverage of this Chapter**

All enrollments into the Tribe shall take place under the provisions of this Code.

### **34.05.020 Burden of Proof and Limitation of Remedy**

The burden of proof shall be on the applicant to prove they meet the requirements for enrollment under the Lummi Constitution and of this Code. Any matters required to be proven under this Code must be proven by a preponderance of evidence unless otherwise specifically stated. An applicant denied enrollment, shall not, under any circumstances, be entitled to or be compensated by an award of money damages, costs or attorneys' fees against the Lummi Nation, its officials whether elected or appointed, its employees, or officers.

### **34.05.030 Enrollment Application**

Applicants attempting to enroll shall file a short, written application with the Enrollment Office. The application shall include all relevant evidence and documentation showing that the person meets the requirements for enrollment. The enrollment application and supporting documentation submitted with the application must contain, at least:

(a) The name, date of birth, residence of the applicant and a statement by the applicant verifying that the information supplied is true and correct.

(b) The signature of the applicant if the applicant is over eighteen (18) years of age. If the applicant is under eighteen (18) years of age, a parent or legal guardian must sign the application. If the applicant is a minor, all parents wanting their Indian blood calculated in the total degree of Indian blood of the child must sign the application.

(c) If a minor or dependent child, otherwise eligible for enrollment, is not enrolled because of an action by the minor or dependent child's biological parent, and protection of the minor is needed, the LIBC may authorize completion of an enrollment application on the minor or dependent's behalf. Such authorization

remains effective until the child reaches eighteen (18) years of age and acts in a manner inconsistent with membership requirements.

[Resolution 96-81, April 30, 1996]

(d) Proof of parentage and/or legal guardianship of the applicant.

(e) A certified copy of the applicant's birth certificate.

(f) A completed family tree correctly identifying the applicant's ancestry to their grandparents. If the applicant is claiming Indian blood from another Tribe, the family tree must state enrollment status and enrollment number for those ancestors listed in the family tree.

(g) Verification of other Indian blood or other tribal affiliation of the applicant or his ancestors.

(h) Any other information which may be necessary to correctly identify heritage, relationship and correct degree of Indian blood in the form required by the Enrollment Office. Other information required may include, but is not limited to, divorce records, marriage certificates, or any document correctly identifying the name and/or relationship of the applicant.

An application lacking the information required in this Chapter will be considered an "incomplete application" and shall be processed as provided in section 34.05.070.

[Resolution S-73, March 9, 1975]

### **34.05.040 Enrollment Office Action on Application**

Within forty-five (45) days of the filing of a completed application for enrollment, the Enrollment Office shall verify the information contained in the application. Within forty-five (45) days after verification, the Enrollment Office shall submit the completed application to the Enrollment Committee for review.

**34.05.050 Enrollment Committee Action on Application**

The Enrollment Committee shall, within ninety (90) days after submission by the Enrollment Office, review and vote on their recommendation regarding the application. The Committee may vote to recommend approval or disapproval of the application or determine the application is incomplete.

(a) A copy of the written recommendation of the Committee to approve or to deny enrollment of the Applicant shall be sent to the applicant within thirty (30) days of the date of the recommendation. The recommendation shall contain the Enrollment Committee’s recommendation of approval or denial, the reasons for the action and a precise degree of Indian blood of the Applicant. Applicants will be informed that if they disagree with the Committee’s recommendation they may request a hearing as provided in this Code. Applicants will also be informed that if they fail to request a hearing with thirty (30) days, the recommendation of the Committee will become final.

(b) A determination that an application is incomplete shall cause the Application to be returned to the Enrollment Office. An applicant shall be notified within fourteen (14) days after return to the Enrollment Office that the application is incomplete and the reason(s) it is incomplete.

A failure of the Enrollment Committee or Enrollment Office to act on the application within the time provided may, on the written request of the applicant to the Enrollment Officer, cause the application to be set for hearing before the Enrollment Committee.

**34.05.060 Hearing on Enrollment Committee Recommendation**

The Applicant who disagrees with the recommendation of the Enrollment Committee may request a hearing on the recommendation of the Enrollment Committee within thirty (30) days of the date the Enrollment Committee recommendation was sent to the Applicant.

(a) The Enrollment Committee will set and conduct a hearing on the Applicant’s enrollment application within thirty (30) days of the Applicant’s request for a hearing.

(b) An Applicant disagreeing with the recommendation of the Enrollment Committee has the right and opportunity to present witness(es) and evidence on his behalf, to inspect opposing evidence and examine opposing witness(es) and to a spokesperson at his own expense.

Thirty (30) days after the date of the hearing, the Enrollment Committee will issues its final decision. The Committee may grant enrollment, deny enrollment or find the application incomplete. The decision of the Committee is final and an applicant granted enrollment will be enrolled as of the date of the decision of the Committee granting enrollment. A person denied enrollment may appeal as provided in this Code. Written notice of the decision shall be provided to the applicant.

**34.05.070 Action on Incomplete Applications**

Upon submission of the required additional information by the applicant, the Enrollment Office shall submit the application to the Enrollment Committee as provided in this Code. If the applicant fails to submit the required information within ninety (90) days, the application shall be deemed withdrawn. Any action on an enrollment application after ninety (90) days requires the applicant to submit a new enrollment application or resubmit the previous application as required by the Enrollment Officer.

**34.05.80 Further Review**

If the application was returned to the Enrollment Committee for further review pursuant to section 34.08.060, the LIBC shall state the reasons further review is required. The Committee’s further review will be conducted within the time required for the filing of an original enrollment application. At the end of the time for review, the Committee shall take such action as required by this Code.

## **Chapter 34.06 Correction of Tribal Roll Errors**

### **34.06.010 Applicability and Standards of Proof**

The following procedures shall be used when correcting the Tribal Roll. Errors that are apparent on the face of the roll may be corrected as provided in this Chapter. For all other requests for correction of Tribal Roll errors, the burden of proof shall be on the person requesting the correction and there shall be a rebuttable presumption that the information on the Tribal Roll is correct.

### **34.06.020 Correction of Errors Apparent on the Tribal Roll**

The Enrollment Office with the approval of the Enrollment Committee may correct errors apparent on the face of the roll. An error apparent on the face of the roll includes improper or inconsistent designations for members of the same family, mathematical, and typographical errors. Correction of an error apparent shall be completed in accordance with this section; PROVIDED that, no person listed on the January 1, 1942, Base Roll shall have his blood degree decreased; and FURTHER PROVIDED that a correction which negatively impacts a person's membership shall not be made under this section.

(a) The Enrollment Officer shall investigate the error and make a report and recommendation to the Enrollment committee.

(b) The Enrollment Committee shall review the recommendation. If the Committee agrees an error exists and it requires a change to the Tribal Roll, the person(s) affected by the change will be identified.

(c) The person(s) affected shall be notified of the proposed change and given at least thirty (30) days to protest the proposed change. The notice shall contain a statement of the change, the effect of the change, and inform the person(s) of his right to protest the change. If a party fails to protest within the time allowed, the Enrollment Officer shall make the change to the Tribal Roll.

(d) After the expiration of the time for protest, a person(s) aggrieved by the change must appeal as provided in this Code.

[Resolution 80-1, January 14, 1980]

### **34.06.030 Applicant Requests for Corrections of the Tribal Roll**

A person desiring to correct an error regarding his designation on the Tribal Roll, must file an application for correction on the form approved by the Enrollment Office. The application for correction must state clearly that he is requesting a correction of the Tribal Roll. The application for correction must also identify any previous applications for correction or enrollment, the date the applications were filed, the action taken on those applications, and any other information which would assist in detailing the previous history of the matter. In addition, the person must present:

(a) A statement which identifies all reasons the person believes the Tribal Roll is in error.

(b) Copies of any documents supporting the contention that the Tribal Roll is in error.

(c) Signed, sworn and notarized documents summarizing any expected oral statements that will be submitted in support of his contention that the Tribal Roll is in error. Statements summarizing expected oral statements must include a statement of why that person believes the Tribal Roll is in error.

(d) A statement precisely defining the change being proposed.

(e) A verified signature stating that all relevant data he intends to submit has been supplied.

### **34.06.040 Enrollment Office Requests for Correction of the Tribal Roll**

Whenever the Enrollment Office receives information that the Tribal Roll for a tribal member other than an applicant is in error, it shall initiate an investigation of the Tribal Roll regarding the claimed error. Such procedures shall include, but are not limited to:

(a) Review of all files available to the Office regarding the alleged error.

(b) Review of sworn statements made by tribal members concerning ancestry, parentage, heritage, or degree of Indian blood relating to the alleged error.

(c) Review of official records on file that were made in connection with enrollment applications.

The Enrollment Officer will determine whether substantial, credible, new evidence exists justifying further review of the Tribal Roll. The Enrollment Officer will then submit her findings to the Enrollment Committee for review.

#### **34.06.050 Procedure for Review**

The Enrollment Committee shall notify all potentially affected person(s) of a date and time for a hearing to be held to determine whether a correction of the Tribal Roll is warranted. The notice shall include a statement that the person has a right to review the evidence, a right to present evidence, witnesses, and the right to an attorney or spokesperson at his own expense.

#### **34.06.060 Hearing on Requests for Correction**

A hearing will be held by the Enrollment Committee on all requests to change the Tribal Roll. The affected person shall have the right and opportunity to present witnesses and evidence on his own behalf and to inspect opposing evidence or examine opposing witnesses regarding a proposed change to the Tribal Roll. The burden of proof is on the person seeking the correction to prove the Tribal Roll listing for the person(s) is in error.

#### **34.06.070 Decision on Requests for Correction**

Within sixty (60) days after the hearing, the Enrollment Committee shall issue a written decision to accept or reject the request for a change to the Tribal Roll. A decision by the Enrollment Committee is final and appealable as provided in this Code.

### **Chapter 34.07 Disenrollment Procedure**

#### **34.07.010 Grounds for Disenrollment**

All disenrollments shall be made pursuant to the provisions of this section. No person shall be disenrolled from the Lummi Nation except when

(a) the person legally belongs to or is duly enrolled in another federally recognized Indian tribe or band. This does not include a minor child who is still classified as enrollable as otherwise provided in this code; or

(b) enrollment in the Tribe was procured by fraud; or

(c) error has occurred which affects eligibility because new or conflicting evidence not known at the time of consideration of the application for enrollment has been presented and that evidence is substantial and credible proof supporting ineligibility; or

(d) convicted under tribal, state or federal law of a crime which threatens the well-being, economic or social welfare, or culture of the Lummi Nation and its members.

#### **34.07.020 Petition for Disenrollment**

The Enrollment Officer or other authorized department of the Lummi Nation may file a written Petition for Disenrollment with the Enrollment Committee. The Petition shall state the grounds for disenrollment, a brief statement of the facts upon which the petition is based, and shall be signed by a member of the Enrollment Office or authorized representative from a department of the Tribe.

(a) The Enrollment Committee shall serve the Petition on the person(s) whose disenrollment is sought by certified mail or verified personal service.

(b) The person(s) against whom the Petition is filed shall have thirty (30) days to respond to the Petition. The response to the Petition must be filed and served with the Enrollment Committee and the person(s) or department(s) seeking disenrollment.

**34.07.030 Hearing for Disenrollment**

The Enrollment Committee shall hold a hearing within sixty (60) days after receipt of the response from the person(s) to be disenrolled or after the time for response has expired.

(a) At the hearing all relevant evidence both written and oral shall be considered by the Enrollment Committee.

(b) The person and/or department requesting disenrollment shall have the burden to prove by a preponderance of the evidence that the person(s) should be disenrolled for the grounds listed in this Chapter.

(c) The person against whom disenrollment is sought may examine the witness(es) and evidence presented in support of the petition, present witness(es) and evidence on his own behalf, and may be represented by counsel at his own expense.

After hearing all the evidence and witnesses, the Enrollment Committee will make a recommendation to grant or deny the petition within thirty (30) days of the hearing to the LIBC. A vote by the majority of the full membership of the Enrollment Committee is required for a recommendation in favor of disenrollment. Written notice of the recommendation will be sent to the party against who disenrollment is sought. The Notice will state a summary of the decision, that the decision will be forwarded to the LIBC within thirty (30) days, that they have the right to be present at the LIBC hearing to present evidence and witness(es) and examine opposing witness(es) and evidence.

**34.07.040 Hearing, Findings and Decision of LIBC**

The LIBC shall hold an open hearing on the Petition for Disenrollment and Recommendation of the Enrollment Committee not less than twenty (20) nor more than sixty (60) days after receipt of the recommendation of the Enrollment Committee. The LIBC may vote to grant the petition for disenrollment, deny the petition, or grant the petition with conditions for reinstatement if the disenrollment is sought

under 34.07.010 (d).

Conditions for reinstatement may include but are not limited to:

(a) No conviction for similar crimes which caused the disenrollment for five (5) years.

(b) Completion of treatment or counseling as required.

(c) Appearance at the annual Lummi General Council meeting and obtaining a majority vote of the General Council to reconsider the disenrollment and reinstate the person's enrollment status. The General Council shall place matters concerning reconsideration of disenrollments on the agenda as one of the first items requiring action.

(d) Any other conditions which insure the safety of the members of the Lummi Nation. If a disenrolled member meets the requirements above and as outlined by the Enrollment Committee, they may file an application for enrollment as provided in this Code.

[Resolution 93-41, April 6, 1993, Remedies used in Abandonment]

The decision of LIBC is final. There will be no further appeal or review.

**34.07.050 Reinstatement of Membership After Conditional Disenrollment**

A person desiring to obtain reconsideration of enrollment after the issuance of a decision for conditional disenrollment shall be subject to the following requirements:

(a) Submit a request to the Tribal Prosecutor to investigate and certify that all requirements or conditions established by the disenrollment have been met. This request must contain all information necessary to allow the Prosecutor to verify the conditions have been met. This request must be made to the Prosecutor at least sixty (60) days prior to the Annual General Council Meeting.

(b) The Tribal Prosecutor will examine the

conditional disenrollment decision, and investigate and verify that the conditions have been met. The Tribal Prosecutor shall determine whether the conditions have been met, have not been met, or cannot be verified, and shall certify such findings to the LIBC.

(c) If the conditional disenrollment required the person to appear at a General Council meeting, that person must

(1) give notice to the Enrollment Officer of his intent to appear and seek reconsideration of enrollment. Notice to the General Council will be given by the Enrollment Officer. Certification from the Tribal Prosecutor and intent to appear must be provided to the Enrollment Officer at least forty-five (45) days prior to the Annual General Council Meeting.

(2) obtain and appoint a Spokesperson, who shall be a voting member of the Lummi Nation General Council, to appear and speak on his behalf at the Annual General Council Meeting;

(d) Failure to meet the requirements of Sections (a) through (c) above, will waive a person's ability to appear before the General Council for that year.

(e) If the General Council votes to permit reconsideration of enrollment, that person may then submit an application for enrollment under the procedures provided in this Code.

[Resolution 98-127, September 29, 1998].

#### **34.07.060 Appeal of Disenrollment**

A decision by the LIBC is final. No further proceedings or appeal shall be allowed.

### **Chapter 34.08 Appeals**

#### **34.08.010 Appeal to the Lummi Indian Business Council**

The Lummi Indian Business Council shall have exclusive jurisdiction to hear appeals arising under this Code.

#### **34.08.020 Contents of Petition of Appeal**

An applicant aggrieved by a decision of the Enrollment Committee may appeal by filing a Petition within thirty (30) days of a final decision of the Enrollment Committee. A copy of the Petition must be served on the Enrollment Committee and a separate copy must be served on the Enrollment Officer. Failure to file a Petition for an appeal within the time allowed waives the applicant's right to appeal.

A Petition appealing a decision of the Enrollment Committee, which denies enrollment or corrects or fails to correct the tribal roll or other action allowed under this Code, shall contain, at least, the following:

(a) A statement that the person(s) is appealing a decision of the Enrollment Committee.

(b) A copy of the decision of the Enrollment Committee being appealed.

(c) A brief statement of the reasons why the decision of the Enrollment Committee was in error, including a brief summary of the evidence provided to the Committee.

(d) A signature verifying that the statements made are true and correct.

(e) Any other information required by the LIBC.

#### **34.08.030 Grounds for Appeal**

The grounds for appeal of a decision under this section are

(a) that the decision of the Enrollment Committee is in error; or

(b) that the Enrollment Committee violated the Constitution of the Lummi Nation.

#### **34.08.040 Presumptions**

There shall be a presumption, rebuttable by the person appealing, that the Enrollment Committee has acted properly, consistent with the facts of the case, this Code and the Constitution of the Lummi Nation.

### **34.08.050 Hearing**

The LIBC shall hold a hearing within a reasonable time. At the hearing the aggrieved party may present evidence and witness(es) in his behalf, examine evidence and witness(es) opposing them and may be represented by a spokesperson at his own expense. The Enrollment Committee may present evidence and witness(es) in support of its decision and examine the evidence and witness(es) of the aggrieved party.

### **34.08.060 Decision of the LIBC on Appeal**

Within sixty (60) days after the hearing, the LIBC shall issue a written decision regarding the Appeal. The LIBC may grant or deny an application for enrollment, grant or deny a request for correction of the tribal roll, find the application incomplete, return the matter for further review to the Enrollment Committee or take such other action as is necessary or required under this Code. The decision of the Lummi Indian Business Council is final. No further proceedings or appeal shall be allowed.

## **Chapter 34.09 Relinquishment**

### **34.09.010 Procedure**

A member of the Lummi Nation may relinquish all rights as a tribal member. To relinquish membership in the Lummi Nation, the person must either

(a) appear before the LIBC to submit his request for relinquishment. At such appearance the member shall be informed that relinquishment of membership is permanent, the member may not re-apply for membership at a later date, and that relinquishment may affect the ability of the person's descendants to become an enrolled member of the Lummi Nation; or

(b) if relinquishment is being compelled by another federally recognized tribe because of a prohibition on dual enrollment, the person is not required to appear before the LIBC. However, to relinquish his membership that person must submit a notarized statement which states the person's full name, date of birth and enrollment number and a statement that the other tribe does not allow dual

enrollment.

[Resolution 88-112, September 6, 1988; Resolution 94-114, 1994]

### **34.09.020 Conditional Relinquishment**

If a person requesting relinquishment is being required to do so to obtain membership in another Tribe, the relinquishment may be made conditional upon the person's acceptance into the other Tribe. A conditional relinquishment shall expire at the end of one (1) year if no action is taken by the other Tribe to act on the relinquished member's enrollment in that Tribe. After one (1) year, a person still requesting relinquishment must affirmatively, in writing, express his desire to have the conditional relinquishment continue. Relinquishment is final upon acceptance of membership into another Tribe and any person who has relinquished his membership in the Lummi Nation shall thereafter be prohibited from applying or being granted membership in the Lummi Nation.

### **34.09.030 Exception for Minors and Incompetents**

This section shall not apply to the actions of a parent or guardian who relinquishes the rights of a minor or incompetent person. When the minor reaches the age of majority or the person regains legal competence, that person may apply for enrollment as provided in this Code.

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