

LUMBEE TRIBE OF NORTH CAROLINA  
PO BOX 2709  
PEMBROKE, NC 28372  
(910) 521-7861

ORDINANCE NO. 2002-0002

DATE: May 16, 2002

WHEREAS, The Lumbee Tribe of North Carolina, a recognized 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; and

WHEREAS, Article IV, Section 5 of the Constitution of the Lumbee Tribe of North Carolina delegates all legislative authority to the Tribal Council to enact tribal ordinances governing tribal membership;

THEREFORE, Be it enacted by the Council of the Lumbee Tribe of North Carolina the following ordinance that shall be cited as "AN ACT TO PROVIDE FOR TRIBAL ENROLLMENT" which establishes an Office known as the Lumbee Tribal Enrollment Office and Records whose responsibilities are set out herein.

Section 1: The Enrollment and Records Office shall maintain a current roll of enrolled members of the Lumbee Tribe of North Carolina. Such roll shall consist of:

1. Those persons, who apply for membership and can demonstrate direct natural descent from a person listed on SOURCE DOCUMENTS, see Exhibit A to this Ordinance, and who maintain contact with the tribe as defined in Section 2.
2. Those persons who apply for membership and are enrolled by the process established by the Lumbee Regional Development Association in the enrollment of Lumbee Indians, except that such persons shall meet the enrollment criteria as defined in Section 1A and Section 3.

Section 2: The Lumbee Tribal Enrollment and Records Office shall have the following duties:

1. To employ staff according to Personnel Policies/Ordinances to develop tribal membership application forms and other forms and procedures for purpose of enrolling the tribal membership and implementing the laws of the Tribe with respect to this Act.
2. To establish fees for purposes of issuing and replacing tribal membership cards, issuing Certificates of Blood Degree, and other services to tribal membership, except all fees shall be approved by the Tribal Council and shall be used for general operating cost of the Tribal Enrollment and Records Office.
3. To ensure that all enrolled members maintain contact with the Lumbee Tribe and maintain current membership information with the Lumbee Tribal Enrollment and Records Office by complying with the following regulations:
  - A. All tribal members must present his or herself at the Tribal Enrollment and Records Office for purpose of enrollment, except that parent(s) or legal guardian(s) may enroll or update tribal membership for children under the age of 18 without the child presenting him or herself.
  - B. All adult enrolled members shall renew his or her enrollment once every seven (7) years, providing the member resides inside the territory of the Lumbee Tribe; or once every five (5) years, providing the member resides outside the territory of the Lumbee Tribe. Parents,

custodians, and/or legal guardians are responsible for renewing tribal membership for children less than 18 years of age.

C. All renewals shall be done in person by the tribal member at the Lumbee Tribal Enrollment and Records Office, except where one or more of the below criteria exist:

(1) The member is physically unable to appear at the Tribal Enrollment Office because of long term incapacitating health impairment,

(2) The member is incarcerated,

(3) The member is serving in the Armed Forces outside the tribal territory,

(4) The member is over the age of 55, at which time, the tribal member may update his or her membership information by designating a person to appear on his or her behalf at the Tribal Enrollment and Records Office or by submitting the information in writing to the Office.

D. The minimum requirements for updating tribal membership shall include: full name of tribal member, current physical and mailing addresses, home and work telephone, designation of tribal council district, marital status, full listing of children, and provision of birth certificates for unenrolled children under the age of 18 years of age (if not enrolled).

E. Notwithstanding any other section or provision of this Act, tribal members are required to report in a manner described by the Tribal Enrollment Office and Records any changes to addresses (physical and/or mailing), change of name (e.g. last name).

4. To place a member on an "Inactive List of Tribal Membership", at which time the member shall be ineligible to vote in tribal elections or receive Tribal Services, if the member fails to satisfy the requirements of updating his or her membership application as described in Section 3B through Section 3D.

5. To reinstate a member who applies for active membership status and meets the requirements for updating his or her tribal membership. The following stipulation shall apply to reinstatement:

A. For a period of one (1) year from the date the inactive member has been reinstated to active status on the membership rolls, the member shall remain ineligible to vote in tribal elections, or receive Tribal Services.

6. To accept the tribal enrollment decision rendered by the Constitutional Supreme Court of the Lumbee Tribe, when an adverse decision has been appealed by a member. The Constitutional Supreme Court shall describe the rules and procedures for appeal.

Section 3: A member may voluntarily relinquish tribal membership for his or herself and children no more than once, except that children under the age of 18 may be restated upon reaching the age of 18 or older upon request without any penalties.

Section 4: The Lumbee Tribal Council shall appoint an Elders Review Committee who shall advise the Executive Branch of the Tribal Government, and the Tribal Enrollment Office in particular, on matters relating to implementation of the Tribal Membership Criteria and adoption of tribal members.

Section 5: The opening and closing of Tribal Rolls shall be determined by the Tribal Council in consultation with the Tribal Administrator.

## **CERTIFICATION**

THIS ORDINANCE ADOPTED THIS THE 16th DAY OF MAY, 2002 AT A MEETING OF THE LUMBEE TRIBAL COUNCIL BY A VOTE OF 14 FOR, 2 AGAINST.

### **POSTING:**

This Ordinance duly posted in the Office of the Lumbee Tribe of North Carolina on this the 23rd day of May, 2002.

Posted on Web: May 31, 2002