

LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2010-0121-01

AMENDED:

AMENDED:

AMENDED:

DATE: JANUARY 21, 2010

AUGUST 18, 2011

MAY 16, 2019

OCTOBER 8, 2020

“AN ACT TO PROVIDE FOR TRIBAL ENROLLMENT”

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 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, 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 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 or tribal certified facility.
- b) Applicants rejected because of insufficient tribal contact may reapply for Lumbee tribal membership one (1) year from the date of final termination or rejection.
- c) Terminations or rejections that occurred prior to the adoption of this ordinance shall be eligible to re-apply for membership.

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 submit an application?** All persons who request membership in the Lumbee Tribe of North Carolina must submit an enrollment application. Parents, legal guardians, or legal custodians may submit applications for minors or incompetents using an approved form supplied by the tribal enrollment office.
- b) **When and Where to submit an application.**
 - 1. All enrollment applications must be submitted 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. Tribal Membership 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 membership rolls shall be determined by the Lumbee Tribal Council upon recommendation of the Tribal Chairman.

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) The Office of Tribal Enrollment and Records shall verify that new applicants or any persons eligible to apply on an applicant's behalf has maintained historical or present day tribal contact. If the applicant has failed to maintain historical or present day tribal contact, the applicant shall be advised of his/her right to appeal.
- c) The Office of Enrollment and Records shall verify ancestry to tribal base rolls through birth, death, census, DNA (not to include genetic testing), or other accepted records.
- d) 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 number, #
 2. Assignment of a chart or entity number, #
 3. Assignment of an expiration date which shall be seven (7) years from date of enrollment. (Applicants who are fifty-five (55) years or older shall receive a membership card with a fifty (50) year expiration date.)
 4. Processing of the Lumbee tribal membership card.

Section 6. Updating of Membership Rolls

- a) **Who is required to update their membership file?** All members, under the age of fifty-five (55), 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 and shall receive a membership card with a fifty (50) year expiration date.

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.

1. Members who are 55 years or older are encouraged to periodically update their membership file, but are not required to do so, provided they are holding active (i.e. updated) membership at age fifty-five (55).
2. Members serving on active, retired, or honorably discharged 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.
3. 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.
4. 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 members pays a restoration fine of \$5.00 (members 17 years of age and under are exempt from said fine), payable by cash, money order, or debit card to the Office of Tribal Enrollment and Records.

e) **Are there any exceptions to the update requirement?** Tribal member update requirements can only be extended for the following reasons:

1. Tribally declared state of emergency
2. North Carolina State of Emergency

3. United States State of Emergency
4. Natural disasters on tribal territory

The timeframe for the extension allowed for updates must be specifically stated through Tribal resolution. The timeframe may be retroactive, but SHALL NOT extend for more than 90 days past the declared state of emergency or natural disaster. Tribal members whose update deadline is extended due to the state of emergency or natural disaster are required to update within (1) one year of their original update deadline or (1) year of the end of the state of emergency, whichever is later.

Section 7. Tribal Contact.

- a) Members seeking to update and applicants for new enrollment prove Tribal Contact. Contact shall be established through Historical OR Present Day Contact with the Lumbee Tribe of North Carolina.
- b) Historical Contact: Members seeking to prove contact through Historical Contact shall provide proof of the following:
 1. Self-Identification as a Lumbee prior to enrollment, AND
 2. One of the following:
 - i. Attendance at a public school that was considered a Lumbee Indian School prior to desegregation OR
 - ii. Membership (Current or Past) in a church that was historically known as a Lumbee Indian Church.
- c) Present Day Contact: Members Seeking to prove contact through Present Day Contact shall provide proof of the following:
 1. Self-Identification as a Lumbee prior to enrollment, AND
 2. Applicant maintains a physical presence within the Tribal Territory
 - i. Members are considered to meet the physical presence requirement if they have been physically present within the Tribal Territory at least one time in the last seven years.
- d) ALL Applicants for NEW ENROLLMENT over the age of eighteen shall attend a Lumbee History Culture Class offered by the Lumbee Tribe.

1. Upon completion, applicants shall receive a certificate of completion, signed by a representative of the Lumbee Tribe.
2. A copy of the certificate of completion shall be presented to the Enrollment Office and placed in the member's enrollment file.

Section 8. Records. (Reserved)

Section 9. Loss of Membership

a) Relinquishments.

5. 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.
6. 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.
7. All numbers (enrollment and chart) previously assigned to the member shall remain associated with the relinquished member.
8. 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 guardian 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.
9. 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.
10. 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.

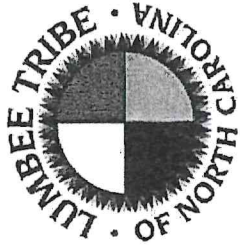
Section 10. Dis-enrollments. A tribal member who is found to have been erroneously or fraudulently enrolled, or is an enrolled member of another Indian tribe duly recognized by either a State or the United States, or any other person who is found not eligible for tribal membership pursuant to the tribe's membership requirements contained in the constitution of the Lumbee Tribe shall be subject to dis-enrollment.

ROLL CALL VOTE RESULTS TO ADMEND

CLLO-2010-0121-01
“AN ACT TO PROVIDE FOR TRIBAL ENROLLMENT”
Amended October 8, 2020

17 FOR, 0 AGAINST, 0 ABSTENTION(S)

District 1:	Carvicious Barfield	YES
District 2:	Sharon Hunt	YES
	Gerald Goolsby	YES
District 3:	James B. Hunt	YES
	Pam Hunt	YES
District 4:	Ted Woodell	YES
District 5:	Jarrod Lowery	ABSENT
	Wendy Moore	YES
District 6:	Douglas Locklear, Jr.	ABSENT
	Larry Chavis	YES
District 7:	Yvonne Dial	YES
	Alvin Mercer	YES
	Reginald Oxendine, Jr.	YES
District 8:	Corbin Eddings	YES
District 9:	Dewey McNeill	YES
District 10:	Marshil Locklear	YES
District 11:	Frank Cooper	ABSENT
District 12:	Shelley Strickland	YES
	Michael Chavis	ABSENT
District 13:	Ricky Burnett	YES
District 14:	Terry Hunt	YES



Lumbee Tribe of North Carolina

The Desk of the Tribal Clerk

Record of Posting

Tribal Ordinance: CLLO-2010-0121-01 "AN ACT TO PROVIDE FOR TRIBAL ENROLLMENT" AMENDMENT#3

Posted Date: 10/08/2020

Presented to Tribal Chairman for Review: 10/08/2020

Signature or Veto date: _____

Reason for Veto: _____

Other: _____

Harvey Godwin, Jr.

Tribal Chairman of the Lumbee Tribe of North Carolina

Date



Belinda Brewer

Tribal Clerk Designee of the Lumbee Tribe of North Carolina

Date

