

## **Title IV - Enrollment**

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# Chapter 1. Enrollment Ordinance No. 1

NOTE: Pursuant to Article III of the Constitution and Bylaws of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, this Chapter was adopted and should be amended only by a referendum vote of the Tribes.

## **Sec. 101. Qualifications.**

The following individuals automatically qualify for membership in the Assiniboine and Sioux Tribes of the Fort Peck Reservation and shall be enrolled if they comply with the rules of procedure prescribed for enrollment by the Tribal Executive Board:

(a) Basic rolls. Each living person of Assiniboine and/or Sioux blood whose name appears on either the 1932 annuity payment roll or an allotment schedule prepared and approved pursuant to the Acts of February 8, 1887 (24 Stat. 388), February 28, 1891 (26 Stat. 794), May 30, 1908 (35 Stat. 558), August 1, 1914 (38 Stat. 593), February 14, 1920 (41 Stat. 408), and March 3, 1927 (44 Stat. 1401), provided that he or she is not enrolled as a member of some other tribe.

(b) Descendants of persons on basic roll. Each living person who is of one-fourth (1/4) or more Assiniboine or Sioux blood born prior to the effective date of this Constitution who is a lineal descendant of a person whose name appears on one or both of the documents specified in (a) of this Section regardless of whether such annuitant or allottee is living or deceased, provided that he or she is not a member of some other tribe at the time of application for enrollment and provided further that he or she is a citizen of the United States. Any such person may apply for enrollment at any time.

### **(AMENDMENT NO. 1 AS PER REFERENDUM VOTE OF 05/07/88.)**

(c) Adoptees. Each person adopted into tribal membership by the General Council prior to the effective date of this constitution whose adoption was approved by the Secretary of the Interior, or his/her authorized representative, provided such adoptee has not subsequently become enrolled as a member of some other tribe.

(d) Future members. Each child of one-fourth (1/4) or more Assiniboine and/or Sioux blood born after the effective date of this ordinance to any member of the Assiniboine and Sioux Tribes provided that the child is not a member of some other tribe at the time of application for enrollment and provided further, that the child is a citizen of the United States at the time of the child's birth.

### **(AMENDMENT NO. 2 AS PER REFERENDUM VOTE OF 05/07/88.)**

(e) Associate members. Each child of one-eighth (1/8) or more but less than one-quarter (1/4), Assiniboine and/or Sioux blood born to any member of the Assiniboine and Sioux Tribes, provided the child is a citizen of the United States at the time of the child's birth. Associate members shall not be eligible to vote in Tribal elections or to share in any distribution of tribal funds or property, but shall otherwise be eligible for benefits as Indians as provided by Law.

### **(AMENDMENT NO. 4 AS PER REFERENDUM VOTE OF 05/07/88.)**

## **Sec. 102. Loss of membership.**

In no case shall a member lose his/her membership other than by personal request in writing to the Tribal Executive Board or establishing residence in a foreign country.

## **Sec. 103. Rules of procedure.**

The Tribal Executive Board shall have the authority to appoint an Enrollment Committee of

seven (7) tribal members and to prescribe rules to be followed by the Committee and by the tribal members in compiling a membership roll in accordance with the provisions of this article. The completed roll to be approved by the Tribal Executive Board, and in a case of distribution of tribal assets the roll shall be submitted to the Secretary of the Interior for final approval by him/her or by his/her authorized representative prior to such distribution.

**Sec. 104. Appeals.**

Any person who has been rejected for enrollment as a member of the Assiniboine and Sioux Tribes shall have the right to appeal within sixty (60) days from the date of receipt of written notice of rejection to the Secretary of the Interior from the decision of the Tribal Executive Board, and the decision of the Secretary of the Interior shall be final.

**Sec. 105. Definition.**

The terms "Assiniboine or Sioux blood" or "Assiniboine and/or Sioux blood" as used in this Ordinance, means the blood of the Assiniboine or the Sioux Tribes of the Fort Peck Reservation, Montana, or the blood of any other federally recognized Assiniboine or Sioux Tribes, or any combination of Assiniboine and Sioux blood. The burden shall be on the applicant for enrollment to establish the requisite degree of blood by evidence satisfactory to the Executive Board.

**(AMENDMENT NO. 3 AS PER REFERENDUM VOTE OF 05/07/88.)**

## **Chapter 2. Enrollment Procedure**

**Sec. 201. Definitions.**

- (a) "Applicant" means the applicant for enrollment.
- (b) "Enrollment Ordinance" is the ordinance adopted by referendum and effective as of October 1, 1960, and codified as Chapter 1 of this Title.
- (c) "Section 1(a) annuity roll or allotment schedules" embraces the documents identified in Section 101(a) of the enrollment ordinance.
- (d) "Secretary" means the Secretary of the Interior.
- (e) "Superintendent" means the Superintendent of the Fort Peck Indian Agency or the person authorized to act in that office.

**Sec. 202. Who is eligible for enrollment.**

Persons eligible for enrollment fall into five (5) groups. The first three (3) groups are made up of persons born or adopted into the Tribes on or before October 1, 1960. The fourth (4th) group is made up of persons born after October 1, 1960. The fifth (5th) group is made up of persons born prior to and after October 1, 1960. The following are eligible for enrollment:

Group 1. Living annuitants and allottees. Any person of Assiniboine and/or Sioux blood living on October 1, 1960, whose name is listed on the Section 101(a) annuity roll or allotment schedules, who was not a member of some other tribe on or since October 1, 1960;

Group 2. Living lineal descendants of annuitants and allottees. Any lineal descendant living on October 1, 1960, of any ancestor whose name is listed on the Section 101(a) annuity roll or allotment schedules, regardless of whether such ancestor is living or dead (the applicant must be of one-fourth (1/4) or more Assiniboine or Sioux blood, must be born on or before October 1, 1960, must not be enrolled as a member of any other tribe on or since October 1, 1960, and must be a citizen of the United States). Any such person may apply for enrollment at anytime.

**(AMENDMENT NO. 1 AS PER REFERENDUM VOTE OF 05/07/88.)**

Group 3. Adoptees. Any person living on October 1, 1960, adopted into the Tribes by the General Council of the Tribes prior to October 1, 1960, with the approval of the Secretary, who did not become enrolled as a member of some other tribe subsequent to his/her adoption;

Group 4. Persons born after October 1, 1960. Any persons born after October 1, 1960 to a member under Groups 1, 2 or 3. The applicant must possess one-fourth (1/4) or more Assiniboine and/or Sioux blood and must be a citizen of the United States at the time of birth. Applicants of illegitimate birth shall be eligible but in determining their degree of Assiniboine and/or Sioux blood, only the blood of the mother shall count, and the applicant shall take one-half (½) the mother's Assiniboine and/or Sioux blood;

Group 5. Associate members. Each child of one-eighth (1/8) or more but less than one-quarter (1/4) Assiniboine and/or Sioux blood born to any member of the Assiniboine and Sioux Tribes, provided the child is a citizen of the United States at the time of the child's birth. Associate members shall not be eligible to vote in Tribal Elections or to share in any distribution of tribal funds or property, but shall otherwise be eligible for benefits as Indians as provided by law.

**(AMENDMENT NO. 4 AS PER REFERENDUM VOTE OF 05/07/88, AND AMENDED AS PER RESOLUTION NO. 3151-89-10, DATED 10/24/89.)**

**Sec. 203. Who must file applications for enrollment.**

All persons in Groups 1, 2, 3, 4 and 5 interested in seeking membership in the Tribes must apply for enrollment under the provisions of this Chapter. Except as specified herein, persons who do not file applications will not be enrolled. Applications for persons in Groups 1, 2, 3, 4 and 5 who are minors, or under any other legal disability, or members of the Armed Forces stationed outside of the continental United States, and applications for persons in Groups 1, 2 or 3 who died after October 1, 1960, may be filed and prosecuted by a parent, recognized guardian, next of kin, spouse, or other person responsible for the applicant's care, or by the Superintendent, except that the Superintendent may not file for any Group 4 or 5 applicant.

Applications will be necessary for deceased persons in Groups 1, 2 and 3 who died after October 1, 1960, only in instances where a Group 4 and 5 application must establish that a parent was a member of the Tribes.

**(AMENDED AS PER RESOLUTION NO. 3151-89-10, DATED 10/24/89.)**

**Sec. 204. Where application forms may be obtained.**

Application forms may be obtained upon request from the Fort Peck Tribal Office, Poplar, Montana, or the Fort Peck Indian Agency, Poplar, Montana. The request shall state the name of the applicant for whom the application is sought and a record shall be maintained of the prospective applicants for whom application forms are obtained and the dates furnished. The Enrollment Committee shall mail an appropriate application form to each living person or Assiniboine and/or Sioux blood whose name is listed on Section 1(a) annuity roll or allotment schedules (Group 1 applicants) and shall lend all assistance possible in obtaining the completion and filing of such applications. Publicity shall be given to the availability of application forms pursuant to Section 216 of this Chapter.

Form 1 is for Group 1 applicants.

Form 2 is for Group 2 applicants.

Form 3 is for Group 3 applicants.

Form 4 is for Group 4 applicants.

Form 5 is for Group 5 applicants.

**(AMENDED AS PER RESOLUTION NO. 3151-89-10, DATED 10/24/89.)**

**Sec. 205 Where applications must be filed.**

All applications must be filed in the Tribal Office, Poplar, Montana. A receipt or written acknowledgment shall be furnished for each application filed.

**Sec. 206. When applications must be filed.**

Groups 1 and 3. Except as specified herein, applicants under Groups 1 and 3 must file their applications by May 7, 1962 except that any person in Groups 1 and 3 who, during the period allowed for filing applications, is a member of the Armed Forces of the United States may file his or her application for membership and that of the applicant's spouse and children any time within one hundred twenty (120) days after the date of discharge from the Armed Forces. Applications filed after May 7, 1962 shall be rejected, except that the Tribal Executive Board shall add to the rolls the name of any person qualified under Section 101(a) of the enrollment ordinance regardless of whether an application was ever filed.

Group 2. Applicants under Group 2 (persons before October 1, 1960) may file at any time.

Group 4. Applicants under Group 4 (persons born after October 1, 1960) may file at any time.

Group 5. Applicants under Group 5 (persons born before and after October 1, 1960) may file at any time.

**(AMENDED AS PER RESOLUTION NO. 3151-89-10, DATED 10/24/89.)**

**Sec. 207. Review of Groups 1, 2, 3, 4 and 5 applications.**

The Enrollment Committee shall review all Group 1, 2, 3, 4 and 5 applications and shall submit to the Tribal Executive Board at a regular meeting its recommendation for or against enrollment of each applicant, exercising care to follow the requirements of the enrollment ordinance and this procedure and not to discriminate for or against any applicant. If the Tribal Executive Board determines that an applicant is qualified, his/her name shall be listed for entry on a proposed roll and the applicant shall be so notified by mail. If the Tribal Executive Board rejects an applicant for enrollment, the applicant shall be notified of the decision, by certified mail, return receipt requested, together with a statement of the reasons for the rejection and shall be advised of his/her right to appeal to the Secretary and the procedure for taking such an appeal. Any person in Group 2 where application was timely filed but who was rejected on the grounds that the Group 1 ancestor through whom eligibility was claimed had not filed an application to be enrolled shall be reviewed by the Tribal Executive Board and if the applicant meets the requirements his/her name shall be entered on the roll and the Tribal Secretary shall notify the applicant of the action. The Tribal Enrollment Committee shall present all group applications separately, by group number, to the Tribal Executive Board for consideration.

**(AMENDED AS PER RESOLUTION NO. 3151-89-10, DATED 10/24/89.)**

**Sec. 208. Review of Group 4 applications.**

**(THIS SECTION HAS BEEN REPEALED AS PER RESOLUTION NO. 3148-89-10, DATED 10/24/89.)**

**Sec. 209. Applicant's right of appeal.**

An applicant aggrieved by the decision of the Tribal Executive Board shall have a right of appeal to the Secretary. The appeal must be in writing and filed with the Superintendent within sixty (60) days from the date of receipt of the notice of rejection of the application. The Superintendent shall serve a copy of the appeal on the Tribal Secretary at the time of filing. The Superintendent shall present to the Tribal Executive Board any evidence reflected in the Agency records bearing on the eligibility of the applicant. If upon review of the evidence the Tribal Executive Board is satisfied that the right to enrollment has been established the applicant's name shall be entered on the roll. The Tribal Secretary shall notify the applicant of the decision. If the Tribal Executive Board is not so satisfied, the Secretary shall act on the appeal. The applicant may submit with his/her appeal supporting evidence not previously furnished. The decision of the Secretary on the appeal shall be final and conclusive.

**(Sections 210-215 pertain only to Tribal Executive Board activities with regard to the original tribal membership roll processes which took place circa 1960-1962. Nothing in Section 210- 215 shall be construed to effect a mandate on the Tribal Executive Board to prepare and/or post any new proposed tribal membership roll. INSERTED AS PER RESOLUTION NO. 3152- 89-10, DATED 10/.24/89.)**

**Sec. 210. Preparation of proposed roll.**

After the time for filing applications for Groups 1, 2 and 3 has expired and the Tribal Executive Board has completed action on all applications filed, a proposed roll shall be prepared listing the name of each person in Groups 1, 2 and 3 determined to be qualified as a member. Opposite each name shall be shown (a) the new roll number, (b) allotment or annuity roll number, (c) address, (d) sex, (e) date of birth, (f) degree of Indian blood and (g) a column headed "Remarks" under which shall be shown the name, relationship, the Section 1(a) annuity roll or allotment schedule number of the ancestor from whom the enrollee derives his/her enrollment and related information.

**Sec. 211. Notice and posting of proposed roll.**

The proposed roll shall be posted for examination for not less than forty-five (45) days at each of the prominent public places listed below and such other places as the Tribal Executive Board deems appropriate:

1. Tribal Office, Poplar
2. Agency, Poplar
3. Poplar Post Office
4. Wolf Point Post Office
5. Brockton Post Office
6. Oswego Post Office
7. Frazer Post Office
8. Culbertson Post Office
9. Froid Post Office
10. Nashua Post Office
11. Fort Kipp Community Hall
12. Glasgow Post Office

The Tribal Executive Board shall certify the date on which the proposed roll is posted and this date shall be conclusive for purposes of filing protests under this procedure. Publicity shall be

given to the posting of the proposed roll pursuant to Section 216 of this Chapter.

**Sec. 212. Who may file protests to the proposed roll.**

Any person claiming the right to enrollment, or the Superintendent, may protest the inclusion of a name on the proposed roll or the omission of a name from the proposed roll, by filing a protest within sixty (60) days after the proposed roll is posted.

**Sec. 213. How, where and when protests must be filed.**

All protests must be in writing and filed with the Superintendent within sixty (60) days after the proposed roll is posted. Each protest must be in writing and supported by documentary evidence. The Superintendent shall serve notice of the protest on the protestee by certified mail, return receipt requested, and at the same time shall notify the protestee that his/her answer to the protest, including any evidence to support his/her position, must be filed with the Superintendent within thirty (30) days from the date of the Superintendent's service on the protestee.

The protests, answers and all related materials shall be submitted to the Tribal Executive Board and if based on the information submitted by the Superintendent the individual meets the qualifications for enrollment specified in the enrollment ordinance, his or her name shall be entered on the roll. If for any reason the Tribal Executive Board determines that the individual does not meet the requirements of the enrollment ordinance, it shall pass a resolution to that effect and submit it to the Superintendent who shall transmit it together with all related material through proper channels to the Secretary and his/her decision shall be final and conclusive. In the event the Tribal Executive Board fails to act on any protests, the Superintendent shall forward the case through proper channels to the Secretary and his/her decision shall be final and conclusive. The Tribal Executive Board and all persons affected shall be advised of the Secretary's decision.

**Sec. 214. Preparation and approval of roll.**

Upon expiration of the period during which protests may be filed, the Tribal Executive Board shall cause to be prepared multiple copies of a roll composed of the names of those persons in Groups 1, 2 and 3 determined by the Tribal Executive Board to be eligible for membership and against whom no protests have been filed. Three (3) copies of this roll duly certified by resolution of the Tribal Executive Board shall be submitted to the Secretary for approval. As appeals and protests are determined by the Tribal Executive Board or by the Secretary, the names of additional members shall be added to the roll. Any person who did not file an application and who is enrolled under these procedures but who does not desire that his/her name be entered on the roll may at any time have his/her name removed by filing a request in writing with the Tribal Executive Board that his/her name be removed from the roll.

**Sec. 215. Finality of the roll.**

The roll approved by the Secretary shall be closed as to persons in Groups 1, 2 and 3 and after approval of the roll no further names of persons in Group 1, 2 and 3 shall be added, except the following:

(a) The name of any person required to be added by any decision of the Tribal Executive Board or by the Secretary in an appeal or protest taken under this procedure;

(b) The name of any person qualified under Section 101(a), (b) or (c) of the enrollment ordinance where the application was timely filed but the name was omitted from the roll by inadvertence, mistake or neglect or in the case of a person qualified under Section 101(a)

because the application was not timely filed; such names shall be added upon action of the Tribal Executive Board with the approval of the Secretary;

(c) The name of any person in the Armed Forces of the United States and such person's spouse and children qualified under Section 101(a), (b) or (c) of the enrollment ordinance and files his or her application for membership within one hundred twenty (120) days after the date of discharge from the Armed Forces.

**Sec. 216. Publicity.**

Publicity shall be given to the enrollment program. Particular emphasis shall be placed on the availability of application forms, the time within which such forms must be filed.

**(AMENDED AS PER RESOLUTION NO. 3149-89-10, DATED 1-0/24/89.)**

**Sec. 217. Removal from roll; false statements.**

Any enrollment granted in reliance on information which is false shall be void and of no force and effect. The Tribal Executive Board shall give a challenged enrollee ten (10) days notice by certified mail, return receipt requested, to show cause why his/her name should not be removed from the roll, stating in the notice the reason for removal. The last known address of the enrollee, and where applicable, the person who represented the enrollee in filing the application for enrollment shall be conclusive for purposes of service. Following the expiration of the time for responding to the notice to show cause the Tribal Executive Board shall act. The enrollee shall be advised of the Tribal Executive Board's decision. If it is adverse, the enrollee shall have a right of appeal to the Secretary by filing a notice of appeal with the Superintendent a copy with the Tribal Secretary within thirty (30) days after receiving notice of the Tribal Executive Board's adverse action. The Secretary's decision on appeal shall be final.

Each application form shall contain a certification by the applicant, or the one authorized to act on behalf of the applicant, that the information given in the application is true and correct and that if any material statement is false, any enrollment granted pursuant to the application shall be void and of no force and effect and that the name shall be removed from the roll by action of the Tribal Executive Board subject to the enrollee's right of appeal to the Secretary. This Section provides additional reasons for loss of membership in conjunction with those reasons set forth in Section 102 of this Title.

**(AMENDED AS PER RESOLUTION NO.3150-89-10, DATED 10/24/89.)**

**Sec. 217A. Relinquishment of Enrollment - Tribal Membership.**

(a) In no case, shall any person be allowed to relinquish the enrollment or tribal membership of any minor Indian.

(b) Any adult member of the Assiniboine and/or Sioux Tribes may apply for relinquishment of their respective tribal enrollment, at any time. Relinquishment of an adult's tribal membership for the purpose of becoming enrolled in another Indian Tribes is allowed only if another Indian Tribes declares, in writing, that such adult Indian is eligible for enrollment in such Tribe. This is called a "conditional relinquishment". Forms for "conditional relinquishment" shall be available at the Fort Peck Tribal Enrollment Office.

**(AMENDED AS PER RESOLUTION NO. 149-89-12, DATED 12/11/89.)**

**Sec. 217B. Re-enrollment of Prior Tribal Members.**

(a) Any person, whose prior enrollment on the Assiniboine and/or Sioux Tribes of the Fort. Peck Reservation was relinquished when said person was a minor, by a parent or other adult

person, may apply for re-enrollment in the Tribes. If such applicant meets the qualifications for enrollment set forth in this Title, then said applicant shall be re-enrolled with all rights and privileges attaching to such enrollment. Nothing in this Section shall be construed so as to allow any such re-enrolled person to receive any prior rights or monetary payments made prior to such re-enrollment.

(b) Any person, who had by their own volition, previously relinquished their tribal enrollment as an adult, shall not be eligible for re-enrollment into the Fort Peck Assiniboine and/or Sioux Tribes, unless such individual can show that their relinquishment was for the purpose of enrolling in another tribe and was subsequently rejected, where no conditional relinquishment was operative in this Title. **(AMENDED AS PER RESOLUTION NO. 151-89-12, DATED 12/11/89.)**

**Sec. 218. Roll to be kept under security.**

The roll approved by the Secretary shall be stamped "ORIGINAL" on each page of the roll. It shall be the official tribal roll. It shall be kept under security in a safety deposit box in a local bank. The box shall be in the names of the Tribes. The box shall be opened and changes made in the roll only in the presence of the Chairman of the Tribal Executive Board, the Chairman of the Enrollment Committee and the Superintendent or person delegated to act for the Superintendent. No changes or alterations shall be made in the roll without a resolution of the Tribal Executive Board approved by the Secretary and a duplicate original of the resolution shall be placed in security with the roll. Duplicates of the original roll shall be maintained at the Tribal Office. Copies of the roll shall be furnished to the Agency. All authorized changes shall be shown on the duplicate roll maintained at the Tribal Office. From time to time, but at least twice a year, the original roll shall be brought up to date.

**Sec. 219. Directions to Enrollment Committee.**

The Enrollment Committee is directed to exercise the greatest care in its work to insure that the objectives of the enrollment ordinance are carried out in accordance with the requirements of this procedure. The Enrollment Committee is specifically directed to open a separate jacket for each application filed and to maintain a filing system which will permit efficient handling of applications.

**Sec. 220. Cost of preparation of the roll.**

All tribal costs incurred in the preparation of the tribal roll shall be paid by appropriate withdrawals from tribal funds. The necessary expenditures are hereby authorized by the Tribal Executive Board subject to the preparations and submission of budgets for the review and action by the Tribal Executive Board.