



MODOC NATION

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MEMORANDUM

TO: Modoc Tribal Council
FROM: Modoc Elected Council
DATE: April 26, 2022
RE: Enrollment Audit and Postponement of Annual Meeting

The Elected Council recognizes that any time enrollment concerns arise within the Tribe, those issues can be difficult and emotional. We want to assure Tribal members that the Elected Council has had the strength and integrity of the Tribe as its singular goal in recent decisions to audit enrollment and postpone elections.

These are related issues. Proper enrollment is important, because only enrolled members of the Tribe may vote in elections. Understanding the genealogy of our lineal and extended families is also important to ensure that the Tribe knows what accommodations or changes may need to be made moving forward so that our nation thrives.

ENROLLMENT AUDIT

The Modoc Tribal Enrollment Code authorizes the Tribal Registrar to make temporary enrollment decisions. Those temporary decisions must be submitted to the Enrollment Committee for a determination on each person's full enrollment. Under our Constitution, the Elected Council serves as the Enrollment Committee.

A preliminary audit of enrollment records by tribal staff found that the temporary enrollment decisions of the Tribal Registrar contained irregularities, including numerous instances where the Tribal Registrar did not correctly verify lineal descent. According to the preliminary audit, the Enrollment Committee has not reviewed enrollment actions submitted by the Tribal Registrar since the Modoc Tribal Enrollment Code was enacted in 2003. This means that at least 419 temporary enrollments by the Tribal Registrar have not been reviewed and more than 75% of the Tribe's members are not fully enrolled. We are concerned that the Tribal Registrar may not have adequately verified lineal descent for many of these temporary enrollments.

WHAT WE HAVE DONE:

Every enrollment file should be independently audited: The Elected Council decided that every individual member file should be audited for completeness and accuracy according to the enrollment eligibility requirements in effect at the time of enrollment. In order to avoid the appearance of impropriety, the Elected Council has contracted with the independent certified public accounting firm of Wipfli LLP to audit the enrollment records in accordance with generally



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accepted government auditing standards and to prepare a Final Enrollment Audit Report. We will audit all enrollments so that no person feels unfairly targeted.

WHAT WE HAVE NOT DONE:

- No member of the Tribe has been disenrolled.
- No member of the Tribe has been or will be denied any due process in the review of their enrollment with the Tribe.

POSTPONEMENT OF ANNUAL ELECTIONS

Only enrolled members may vote in elections during the annual meeting of the Tribal Council. Given the findings of the preliminary audit, the Elected Council must ensure the integrity of tribal elections by determining whether all temporarily enrolled persons meet the qualifications under Article II of our Constitution.

WHAT WE HAVE DONE:

Temporarily postponed the Annual Meeting and Election. The Elected Council adopted Resolution 22-16 resolving that the Annual Meeting will be postponed and rescheduled to **Saturday, August 6, 2022**, so that the enrollment audit can be performed to ensure the integrity of the election process, as well as to mitigate the potential for exposure to COVID-19.

WHAT WE HAVE NOT DONE:

- No candidate for Elected Council has been removed from the election.
- No changes have been made to voter registration.
- No changes have been made to the official term of any Elected Council member.

ENROLLMENT REVIEW AND ANNUAL ELECTION

The Elected Council is committed to a careful, thorough, and transparent audit of the enrollment records. We have been assured by Wipfli LLP that the Final Enrollment Audit Report can be issued quickly. Upon receipt of the Final Enrollment Audit Report, we will schedule a meeting of the Enrollment Committee, which will meet to either approve or disapprove the enrollment of each individual member. After the Enrollment Committee makes final enrollment decisions, Chief Follis will call a Special Meeting of the Tribal Council to present the findings and recommendations of the independent auditor Wipfli and the enrollment decisions of the Enrollment Committee.

If the independent audit finds an enrollment application does not establish a person's qualifications for membership under Article II of our Constitution, the Enrollment Committee may disapprove final enrollment for that person. In accordance with Article II, Section 3 of the Constitution, any person whose final enrollment was disapproved will be permitted to file (or have filed on his/her



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behalf) an appeal to the Tribal Council. If there are enrollment appeals, Chief Follis will call a series of Special Meetings of the Tribal Council so that the appeals may be heard and decided. These Special Meetings will include an organizational meeting wherein the Tribal Council may propose and adopt the rules for addressing the appeals. The decision of the Tribal Council with respect to each appellant will be final.

Following the completion of the appeals process, the Enrollment Committee will publish a certified and confirmed list of enrolled members. Each enrolled member may register to vote if they are not already so registered. The Secretary/Treasurer will then publish notice of the time and place of the Annual Meeting, scheduled for August 6, 2022. Elections for the Elected Council will take place during the Annual Meeting.

THE ELECTED COUNCIL'S GOALS IN AUDITING ENROLLMENT

This is an extraordinary situation requiring us to proceed with caution and deliberation. Our goals are to:

- Produce a certified and confirmed list of fully enrolled members.
- Develop procedures for ensuring that enrollment decisions by the Enrollment Committee occur timely and regularly.
- Recruit and hire a qualified candidate possessing training in genealogical research to serve as the Tribal Registrar.
- Continue to protect the integrity of the Tribe's elections and foster confidence in the outcomes.

We acknowledge that this disruption in the election cycle is disappointing to many of you. At the same time, we must also acknowledge our duty is to ensure that a genuine and credible election occurs, which means that the elections must fairly and accurately represent the will of the Tribe's qualified voters. To ensure the fairness and the accuracy of the election, we must ensure that all candidates meet the eligibility requirements to run for office and that all voters are qualified to participate in the election. The validity of our elections is necessarily founded in accurate enrollment records.

If you have any questions regarding the enrollment audit process, please feel free to contact Chief Bill Follis or Second Chief Robert Burkybile.