

**MODOC TRIBAL ENROLLMENT CODE**

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### **SECTION 1: Tribal Registrar**

There shall be created the office of the tribal registrar, who shall have the duties specified in this code, as approved by the tribal council. The tribal registrar may be removed from office at the discretion of the tribal council. The tribal registrar does not have to be a member of the tribe, nor be employed on a full time basis.

### **SECTION 2: Membership/Adoption Roll**

- A. The tribal registrar shall have the duty of maintaining a current membership roll in which shall be listed all persons who are members of the Modoc Tribe of Oklahoma, whether by enrollment or adoption. The roll shall contain, for each person, a roll number, name, address, sex, date of birth, degree of Modoc blood, total degree of Indian blood, and in the remarks column, name and degree of relationship of the ancestor or ancestors through whom eligibility was established or signification of adoption.
- B. Information contained in the membership files of the tribe is confidential. It shall be released only pursuant to this code or to any subsequent resolution of the tribal council. Membership information contained in individual membership files may be used by tribal programs in the normal course of business. It may be released to agencies of the Federal Government for the purposes of support of an application of the individual for a federal program if the information is necessary to prove the individual's eligibility for the program.

### **SECTION 3: Enrollment Committee and Tribal Registrar duties**

- A. As per Article II, Section 4 of the Modoc Constitution, the elected council shall serve as the enrollment committee. The duties of the enrollment committee shall include, but not be limited to:
  - (1) approval or disapproval of enrollment actions submitted by the tribal registrar.
  - (2) oversight of all enrollment activities.
  - (3) review denied applications if appealed by the applicant. The enrollment committee may override a decision of the tribal registrar by a majority vote.

- B. The duties of the tribal registrar shall include, but not be limited to:
- (1) receive and process applications for membership;
  - (2) investigate applications and the documentation furnished with them;
  - (3) approve applicants eligible for membership or adoption;
  - (4) notify rejected applicants of the reasons for their rejection.
- C. It shall be the responsibility of the tribal registrar and the tribal chief to sign all membership cards issued by the enrollment committee.

**SECTION 4:        Application Process**

All persons not on the membership roll of the Modoc Tribe of Oklahoma on the date of adoption of this ordinance who wish to apply for membership by enrollment shall submit a written application upon such forms as shall be approved by the registrar. Said forms shall be available from the tribal registrar upon request, and shall be filled out and submitted to the tribal registrar for processing.

**SECTION 5:        Membership by Enrollment**

- A. All persons who meet the requirements for membership set forth in Article II, Section 1 of the Modoc Constitution shall be eligible for membership by enrollment. Procedures of eligibility for membership by enrollment shall be set out in Section 6 of this code.
- B. All persons seeking membership by enrollment shall file an application together with the required documentation of ancestry and such additional proof that the applicant and or the registrar shall deem helpful. The burden of proof rests on the applicant to prove eligibility. Failure to supply sufficient proof of eligibility will be cause for rejection.
- C. The tribal registrar shall promptly examine the application to determine whether the requirements for membership have been sufficiently established. The tribal registrar may request additional information or documentation from the applicant, and may conduct investigations of his/her own. If the tribal registrar is satisfied that the applicant has sustained his/her burden of proof for membership by enrollment, the tribal registrar shall enroll the applicant on a temporary basis, with a temporary card. If the registrar is not satisfied, he/she shall reject the application and shall promptly furnish reasons, in writing, for the rejection and provide

information on adoption applications and rejection appeal procedures to the applicant.

D. The applicant who is rejected shall have the right to file an appeal with the enrollment committee, as provided below.

- (1) The appeal shall be instituted no later than ten (10) days after the mailing of the rejection of the application.
- (2) The appeal shall be instituted by filing a letter, requesting a hearing, with the secretary of the enrollment committee. The committee then has thirty (30) days to call the meeting. If the committee does not set a meeting within the thirty day period, then the appeal shall be deemed denied.
- (3) If the committee sets a meeting within the time period allowed then the appeal shall be heard. The evidence presented at the hearing, together with all documentation submitted to the registrar, shall constitute the record on appeal.
- (4) The appealing applicant must be present at the hearing and shall be entitled to present arguments. The registrar shall also be present and shall report on the reasons for the rejection of the applicant.

#### **SECTION 6:        Proof of Ancestry**

- A. An applicant for membership by enrollment shall furnish the tribal Registrar with documented proof of ancestry tracing the individual back to a person listed on the current roll or the 1878 Quapaw Agency Modoc Census of Subsistence and Ration list.
- B. Proof of ancestry shall include tribal enrollment cards; state certified birth, death, marriage or baptismal certificates; church records; court records; census records or a roll or historical record of the Modoc Tribe of Oklahoma

#### **SECTION 7:        Dual Enrollment**

- A. In accordance with Modoc Tribal Ordinance 94-12, no person shall be enrolled in the tribe if the person is enrolled with any other tribe, Indian nation or band of Indians.
- B. If evidence of dual enrollment comes to the attention of the tribal registrar, he/she is obligated to investigate and proceed with dis-enrollment.



- C. The tribal registrar shall contact the member and inform them of the possible dis-enrollment. A meeting shall be set at that time for the member to present evidence against the dis-enrollment. If the tribal registrar finds that the member continues to be enrolled in another tribe, then the member shall immediately be removed from the roll of the Modoc Tribe.
- D. Upon conclusion of the dis-enrollment, the tribal registrar shall submit her/his decision to the enrollment committee. The enrollment committee may, on its own initiative, review and override or accept the determinations of the tribal registrar. Inaction by the enrollment committee constitutes acceptance.
- E. Any minor child who otherwise meets the requirements for membership shall remain enrolled in the tribe notwithstanding the fact that the child may be enrolled in another tribe or band. Upon reaching the age of 18, the child shall be notified in writing by the tribal registrar that he/she must choose whether to remain a member of the tribe and relinquish membership in the other tribe or band. The notice shall provide a reasonable time within which to accomplish the relinquishment and to provide documentation to the tribal registrar. If the child fails to relinquish membership in the other tribe or band within the time allowed, the tribal registrar shall dis-enroll.
- F. Dis-enrollment does not prevent the person from being re-enrolled into the tribe after future relinquishment from the other tribe. Prior enrollment is direct evidence of eligibility for membership.
- G. No person who has submitted a letter of relinquishment under this section shall receive or accept any benefit or services from, or participate in any governmental activities of, the other tribe or band. A violation of this subsection shall be grounds for removal.

**SECTION 8:        Loss of Membership**

- A. A legally competent adult member of the tribe may relinquish their membership in the tribe by furnishing a signed and notarized statement to that effect to the tribal registrar. The tribal registrar shall maintain a record of the relinquishment and remove the name of the member from the tribal roll.
- B. A relinquished member may be re-enrolled with the tribe only after a written request explaining the reason for relinquishment and reapplication. The written request should be addressed to the enrollment committee. The

enrollment committee may set a hearing on the request and grant or deny after arguments are presented. If no hearing is set the request is considered denied.

- C. A minor child's membership shall be retained in the tribe even if the child's parent(s) relinquish their membership and even though the parent may choose to enroll his or her minor child with another federally recognized tribe or band. Upon reaching the age of 18, the child shall be notified in writing by the tribal registrar of the dual enrollment and given the option to remain a Modoc tribal member or relinquish.
- D. A member may lose membership by disbarment for actions against the dignity and respect of the Modoc Tribe of Oklahoma. Such actions include, but are not limited to, treason to the Modoc Tribe or to both the Modoc Tribe and the United States of America, conviction of crimes so horrendous as to bring shame to the people of the Modoc Tribe, and deliberate actions deemed detrimental to the welfare of the Modoc Tribe and its people. The tribal council is the only body that can vote and approve disbarment. It is the responsibility of the Chief to bring a disbarment action to the council by submitting the charges in writing at a special meeting called for the purpose of disbarment. The council shall vote to accept or deny the request for disbarment. A majority vote is required to disbar. If there is no majority vote then the charges fail. A person can only be charged once for each action for disbarment.
- E. An individual who loses tribal membership has no further official association with the tribe and loses all right, title, and interest which he/she had, if any, in tribal property assets, and all rights and privileges derived from tribal membership, if any.

#### **SECTION 9: Membership Cards**

- A. New enrollees shall receive a temporary paper membership card until their enrollment is finalized by the enrollment committee. After which, a permanent plastic card will be issued.
- B. If a temporary member is not approved by the enrollment committee, then they are required to return the card for destruction. All agencies will be notified not to provide tribal services to that card number.
- C. All members shall receive a permanent plastic card signifying their enrollment. The cards should last an extended amount of time. There will be a five dollar (\$5.00) charge for a new membership card. There is no charge to replace cards ten (10) years old or older. Each card shall be dated to when they were distributed.

**SECTION 10:      Adoption**

- A. Any person who has substantial contacts with the tribe, such as social and economic ties, and whose contribution has been instrumental in the well being and continuation of the tribe, may be adopted into membership in the tribe pursuant to this section.
- B. To be adopted into membership the following must be done:
  - (1) Preparation of a document attesting to the reasons for the purposed adoption of the individual, signed by three tribal members in good standing.
  - (2) Submit document to the tribal council for determination. To approve the adoption, the tribal council must pass the request by majority vote at a properly called meeting.
- C. Adoptees shall have the full rights of membership in the tribe, with the exception of being eligible to hold a tribal office. Further, adoptees membership is not transferable to their offspring or any other person, it is to the specific person in the request only, no other.
- D. No blood quantum determination or ancestry information is necessary for adoptees.

**SECTION 11:      Enrollment of Members of Other Tribes**

- A. Persons who are eligible for enrollment in the Modoc Tribe of Oklahoma who are or have been members of another tribe or band of American Indians prior to applying for membership in the tribe (hereafter, "members of other tribes") are subject to the provisions of this section.
- B. A member of another tribe may apply for membership in the tribe by submitting the standard enrollment application. Documentation of eligibility required by this code shall be provided to the tribal registrar, together with evidence of relinquishment or conditional relinquishment of membership in the other tribe. A conditional relinquishment is a relinquishment which is effective only upon enrollment in another tribe.
- C. The registrar shall investigate said application, approve or disapprove, and report to the enrollment committee. The committee may review the application on an individual basis, according to its own procedures and Section 5 of this code. The committee may consider the applicant's



reasons for dis-enrollment from the other tribe, social and economic ties to the tribe, and other relevant considerations. Non-review of the application is deemed as approval of the tribal registrar's actions.

*Per the 2007 Constitution Amendments to Article II of the Modoc Constitution, no members of other tribes may become members of the Modoc Tribe of Oklahoma. Transfers are no longer accepted.*

**SECTION 12:      Appeal to Tribal Council**

In accordance with Article II, Section 3 of the Modoc Constitution and notwithstanding any provision of this act, any person who has been rejected for membership may file or have filed in his/her behalf an appeal to the Modoc tribal council whose decision shall be final. The person must file the written appeal with the tribal secretary, addressed to 515 G SE, Miami, OK 74354. The appeal will be heard at the next tribal Council meeting, either a special meeting or the annual meeting.

**SECTION 13:      Amendments to Code**

This code may be amended or changed only by a majority vote of the qualified voters of the Modoc Tribe voting in a meeting called for that purpose.

**SECTION 14:      Severability Clause**

If any provision of this code shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision, or provisions, shall be severed and the remaining provisions shall continue in full force and effect.

**SECTION 15:      Adoption**

This code will become effective when adopted by a majority vote of the tribal Council of the Modoc Tribe of Oklahoma voting at a meeting called for that purpose. A copy of the enacting resolution shall be attached to this document.

Amended as a result of the 2007 Amendments to the Constitution.