



**THREE AFFILIATED TRIBES
MANDAN, HIDATSA, & ARIKARA NATION
ENROLLMENT ORDINANCE**

TITLE 11

John Charging, Enrollment Director

Sevant S. Taft, Enrollment Clerk

Tessa M. Baker, Data Clerk/File Manager

1st Reading: ____/____/____

2nd Reading: ____/____/____

Approved: ____/____/____

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(THIS PAGE SHALL BE FINISHED UPON APPROVAL)

Chapter 1 General Provisions

Section 11-1-1: Authority: This Ordinance is enacted by the Tribal Business Council of the Three Affiliated Tribes in accordance with Article III Membership Section 3 of the Three Affiliated Tribes Constitution and By-Laws which states the Tribal Business Council shall have the power to promulgate ordinances, subject to review by the Secretary of Interior, governing future membership, the adoption of new members and the revision of the membership rolls from time to time as determined by such ordinances.

Section 11-1-2: Purpose: The purpose of this Enrollment Ordinance of the Three Affiliated Tribes is to:

- 1) Preserve the viability and integrity of the Three Affiliated Tribes membership;
- 2) Strengthen the independence and sovereignty of the Three Affiliated Tribes;
- 3) Provide for an efficient and non-biased determination of Enrollment Eligibility of any person;
- 4) Ensure that the Three Affiliated Tribes preserves and protects the rights of the past, present, and future members; and
- 5) Establish the Office of Tribal Enrollment policies and procedures of the Three Affiliated Tribes.

Section 11-1-3: Jurisdiction: The Three Affiliated Tribes, pursuant to its inherent authority under its Constitution and By-Laws, shall have exclusive jurisdiction to determine membership in the Three Affiliated Tribes as provided in the Three Affiliated Tribes Constitution and By-Laws and this Ordinance.

Section 11-1-4: Definitions: The following definitions apply to this Ordinance:

Adopted Child – A person that has been adopted through a formal adoption proceeding in a court of competent jurisdiction or pursuant to the customs and traditions of the Three Affiliated Tribes after the rights of his/her biological parents have been either legally relinquished or terminated by a court of competent jurisdiction.

Adult – A person(s) who has reached the age of eighteen (18) years.

Applicant – A person who has submitted an application for Three Affiliated Tribes membership.

Base Enrollees of the Three Affiliated Tribes – Persons of Mandan, “Gros Ventre G.V” (Hidatsa), and/or Arikara Blood that are listed on the Indian Census roll of the Three Affiliated Tribes as of January 1, 1936.

Base Roll – The Three Affiliated Tribes Indian Census Roll as of January 1, 1936.

Benefits – shall be limited to ‘per capita’ payments received from another Tribe for the purposes of Article II Section 2. B of the Three Affiliated Tribes Constitution.

Total Blood Quantum or Degree of Indian Blood – An individual’s total amount of Indian blood derived from any combination of federal recognized Indian Tribe’s in the United States.

Three Affiliated Tribes Blood Quantum or Degree – an individual’s blood quantum or degree derived solely from the Mandan, Hidatsa or Arikara Tribes.

Constitution – The Constitution and By-Laws of the Three Affiliated Tribes and all amendments added thereto approved by the Secretary of the Interior.

Days - Calendar days of any month or year.

Disenroll – An Official action of the Three Affiliated Tribes pursuant to this Ordinance to remove a member from the official membership roll of the Three Affiliated Tribes.

Federally Recognized Tribes – Any Indian Tribe, Band or Group recognized by the Federal Government of the United States of America; this is not inclusive of those Tribes, Bands or Groups recognized by non-United States Governments

Child Born out of Wedlock – A child born to a mother who was not married to the father at the time of the child’s birth and the child’s father is not listed on the birth certificate.

Minor – Any person(s) who has not reached the age of eighteen (18) years.

Non Compos Mentis– Person that has been legally determined, through a formal court action, to lack the mental capacity or ability to govern their own affairs.

Notarize – The process for an authorized public officer (notary) to authenticate a person’s identity and to witness his/her signature upon a document.

Paternity – A child’s legal father determined by the father’s name on the birth certificate of a child or by the legal marriage of the father to the child’s mother.

Relinquishment of enrollment – The voluntary act of an enrolled tribal member or of a legally authorized guardian of an enrolled tribal member to terminate an individual’s enrolled membership in the Three Affiliated Tribes.

Tribal Resolution – Written confirmation of a legal action or decision by a tribal government.

Tribal Council – The Three Affiliated Tribe’s Business Council as authorized to govern the Three Affiliated Tribes pursuant to its Constitution.

Section 11-1-5: Office of Tribal Enrollment: There is hereby established an Office of Tribal Enrollment. The Office of Tribal Enrollment is authorized to:

- 1) To receive applications for enrollment;
- 2) To review applications for content and completeness;
- 3) To contact applicants to request any information;
- 4) To meet with the Tribal Business Council and make recommendations for approval/disapproval action on enrollment applications;
- 5) To maintain accurate and current enrollment files;
- 6) To record all actions taken on the enrollment of any applicant;
- 7) To assist in researching applicable records to obtain adequate documentation to recommend official enrollment actions to the Tribal Business Council;
- 8) To protect the privacy of members and applicants;
- 9) To act pursuant to the Three Affiliated Tribes Constitution and By-Laws and this Ordinance;
- 10) To perform any other duties necessary to fulfill the purposes of this Ordinance or which may be assigned by the Tribal Business Council.

The Office of Tribal Enrollment shall establish procedures for its internal operations.

Section 11-1-6: Prior Enrollment Ordinances: Formal Adoption of this Ordinance by the Three Affiliated Tribe’s Tribal Business Council shall repeal and nullify all formerly enacted Enrollment Ordinances regarding membership of the Three Affiliated Tribes.

Section 11-1-7: Severability: The provisions of this Three Affiliated Tribe's Enrollment Ordinance shall be distinct and severable and if any phrase, clause, sentence or provision of this Ordinance is found to be contrary to Laws of the Three Affiliated Tribes rendering such phrase, clause, sentence or provision invalid, the remaining provisions of this Ordinance shall not be affected and shall remain in legally effective.

Section 11-1-8: Amendments: This Ordinance may be amended by the Three Affiliated Tribe's Tribal Business Council at a regularly scheduled meeting at which a quorum is present. All amendments made to this Ordinance shall be duly passed by majority vote of the Tribal Council evidenced by Tribal Council Resolution. The Office of Tribal Enrollment staff is authorized to propose amendments to this Ordinance to the Tribal Council.

Section 11-1-9: Effective Date: This Ordinance shall become effective upon approval of the Three Affiliated Tribes Tribal Business Council by Tribal Council Resolution.

Chapter 2 Eligibility for Enrollment

Section 11-2-1: Eligibility for membership in the Tribe: According to the Article II, Section 1: Membership of the Three Affiliated Tribes Constitution, the membership of the Three Affiliated Tribes shall consist of:

- A. All persons of at least 1/8th Degree Blood of the Hidatsa, Mandan and /or Arikara Tribes.

Article II Section 2. Dual Enrollment

- A. Persons enrolled with another tribe and who have received benefits from such tribe in the form of land or payments shall not be eligible for enrollment with the Three Affiliated Tribes of the Fort Berthold Reservation, provided that inherited interests shall not be considered as being benefits.
- B. A person eligible for membership with the Three Affiliated Tribes of the Fort Berthold Reservation and another tribe shall relinquish whatever rights of membership he may hold in the other tribe as a condition to his enrollment with the Three Affiliated Tribes of the Fort Berthold Reservation.

Article II Section 3.

- A. The Tribal Business Council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership, the adoption of new members and the revision of the membership rolls from time to time as determined by such ordinances.

Section 11-2-2: Severability: If the Constitutional requirements for Enrollment with the Three Affiliated Tribes shall be changed by Constitutional Amendment, such Amendments will be automatically included within this Ordinance.

Chapter 3 Enrollment Procedures

Section 11-3-1 General Provisions

1) Document Submission: The Office of Tribal Enrollment shall hereinafter only accept original documents as proof. Once an original document is submitted to the Enrollment Office it shall be photocopied and such copy shall be marked as an official copy of the original document. Such copy of the Original document, shall under no circumstance, be copied again. This provision applies to any Birth Record, Marriage License, Adoption Decree, Official Name Change, or other document(s) in any enrollment file.

2) Confidentiality: All information contained in an individual's enrollment application file shall be confidential and released only upon the individual's signed release of information. The Office of Tribal Enrollment staff shall have access to all enrollment files to fulfill duties under this Ordinance. Enrollment files shall not be removed from the Office of Tribal Enrollment. However, the Office of Tribal Enrollment shall comply with court orders from the Three Affiliated Tribes or federal courts to produce enrollment files.

3) Burden of Proof: The burden of proof for establishing enrollment eligibility for enrollment with the Three Affiliated Tribes shall be on the individual making the application. The 1936 Indian Census Roll of the Three Affiliated Tribes shall be the authoritative document to be used in establishing Three Affiliated Tribes blood degree.

Section 11-3-2: Applications for Enrollment: All living persons of Three Affiliated Tribes ancestry not currently listed on the Three Affiliated Tribes Official Membership Roll are eligible to file an enrollment application.

- 1) Adults seeking enrollment must personally certify and submit an application for enrollment with required documents.
- 2) Parents may certify and file applications with required documents for minor children.
- 3) Legal guardians of minor children may certify and file applications for the minor children in their care upon submission of documentation establishing the legal guardianship.
- 4) Legal guardians of adult persons legally determine non compos mentis may certify and file applications for enrollment of the non-compos mentis adult with documentation establishing the legal guardianship.

Section 11-3-3: Procedure: The Three Affiliated Tribes Office of Tribal Enrollment shall develop an application for enrollment. The completed application must be submitted with, at a minimum, the following documents to the Office of Tribal Enrollment:

- 1) Applicant's Original State Certified Birth Certificate. (No Photocopies or Hospital Copies shall be accepted),
- 2) Family Tree Chart filled out to the best of the applicant's knowledge,
- 3) Application Fee as described in the Enrollment Application. (Money Order Only),
- 4) If either of the applicant's parents is an enrolled member of another (other than TAT) federally recognized tribe, an official Certificate of Indian Blood (CIB) from the parent's tribe;
- 5) if either of the applicant's parents are enrolled in a different federally recognized tribe, a written Verification of Non-Enrollment of the applicant,
- 6) If applicable, proof of compliance with the dual enrollment provisions above.
- 7) Any and all court documents regarding the applicant's name change, adoption, or legal custody.

Section 11-3-4: Application Review for Completeness: Every Enrollment Application shall be stamped on the date in which it was received by the Office of Tribal Enrollment Staff and recorded in a record book of all submitted applications. All applications will be reviewed for completeness within 30 days of submission.

Section 11-3-5: Incomplete Applications: Applications submitted to the Enrollment Office that do not include all requested information or required documents attached shall be deemed incomplete. Upon a finding that the application is incomplete:

- 1) The Office of Tribal Enrollment staff shall issue a letter, within 10 days of review, notifying the applicant that the application is incomplete and provide notice of missing application information or documents.
- 2) All incomplete applications shall be logged in a continuous log book stating the name of the applicant, date the application was received, and the missing documents.
- 3) Incomplete applications shall remain active for up to ninety (90) days; after the ninety (90) days has expired, such application shall be returned to the applicant by mail to the last known address of the applicant.
- 4) If requested information is not submitted within the ninety (90) day period, the Staff shall notify the applicant that the application is inactive and no further action will be taken.
- 5) Upon a determination that an application is inactive, an applicant must submit a new application with required documentation pursuant to Chapter 3 of this Ordinance.

Section 11-3-6: Review of Complete Application/Eligibility Standards. Complete Applications with required documentation shall be reviewed by the Office of Tribal Enrollment to determine the applicant's eligibility based his/her Three Affiliated Tribe's Blood Degree and accuracy of

supporting documents. The review shall determine TAT Blood Quantum, Total Indian Blood Quantum, paternity (if illegitimate) and relinquishment of dual enrollment (if applicable):

1. **TAT Blood Quantum determined by biological parents:** The Applicant's Degree of Three Affiliated Tribes Blood Degree shall be determined by the applicant's biological parents. The applicant shall be entitled to one-half (1/2) of the Three Affiliated Tribes Blood Degree from each parent with documented Three Affiliated Tribes Blood.
2. **Blood Quantum from other Federally Recognized Tribes:** If either of an applicant's parents are enrolled members of any other Federally Recognized Tribe, Band, or Community, the applicant's Total Indian blood degree shall be determined from that parent's official Certificate of Indian Blood. Such Certificate shall have the parents name, tribe, enrollment number, and blood degree.
3. **Children Born out of Wedlock:** If an applicant is determined to be illegitimate as defined by Chapter 1 Section 11-1-3, proof of paternity shall be required if eligibility for enrollment is based on the father's blood degree. Failure to establish paternity by any of the methods listed below shall result in the disqualification of use of the father's Indian blood. Proof of paternity shall be established by at least one of the following methods;
 - a) A Court Decree issued by a court of competent jurisdiction establishing paternity; and/or
 - b) Proof established by DNA Testing by an accredited DNA testing facility; and/or
 - c) State Certified Birth Certificate with father identified.
4. **Relinquishment of Dual Enrollment:** If an applicant was enrolled with another federally recognized Tribe, he/she must provide documentation that he/she has officially relinquished enrollment in the other Tribe and formal notification that the other Tribe has accepted the relinquishment of enrollment.

Section 11-3-7: Eligibility Notification to applicant: Every applicant for enrollment that has submitted a complete application shall be entitled a written determination eligibility for enrollment within 30 days of the review. The notification will inform the applicant of the Office of Tribal Enrollment's determination that:

1. The Office of Tribal Enrollment will recommend enrollment with the Three Affiliated Tribes to the Tribal Business Council for formal action, or
2. The Office of Tribal Enrollment has determined that the applicant is ineligible for enrollment with the Three Affiliated Tribes based upon the established criteria in this Ordinance. An applicant that has received a determination of ineligibility may appeal the Office of Tribal Enrollment's determination pursuant to Chapter 6 of this Ordinance.

Section 11-3-8: Approval by Tribal Business Council: Official enrollment into the Three Affiliated Tribes shall be by resolution duly passed by the Tribal Business Council of the Three Affiliated Tribes. The Office of Tribal Enrollment shall prepare a resolution for the recommended applicants and submit such resolution to the Three Affiliated Tribes Legal Department (5) business days prior to a Tribal Business Council meeting to consider the resolution. The Office of Tribal Enrollment must also submit the proposed resolution to the Three Affiliated Tribes Tribal Secretary's Office with an agenda item request. The adoption of the approved resolution by the Tribal Business Council of the Three Affiliated Tribes shall constitute official action of enrollment.

Section 11-3-9: Enrollment/Notification: Upon the passage of the resolution enrolling a group of applicants into the Three Affiliated Tribes, the Office of Tribal Enrollment shall immediately add the approved individuals to the Official Membership Roll of the Three Affiliated Tribes and assign the member an enrollment identification number. The member shall be notified of their enrollment into the Three Affiliated Tribes by mail with a Certificate of Enrollment.

Section 11-3-10: Enrollment Certificate: Certificates of Enrollment shall include the following: name of the member, enrollment number, degree of Indian blood, and date of birth. Such certificate shall be signed by the Office of Tribal Enrollment staff.

Section 11-3-11: Publication of Enrollment: The Office of Tribal Enrollment shall publish a list of new enrollees of the Three Affiliated Tribes at the Tribal Administration Offices, in the local newspaper and in conspicuous places in each segment of the Reservation.

Chapter 4 Adoptions

Section 11-5-1: Adopted Applicants: Applicants who are legally adopted shall not be eligible for enrollment with the Three Affiliated Tribes, unless the applicant meets all the Enrollment Criteria of the Three Affiliated Tribes. All Blood Degrees shall be determined from an applicant's biological parent(s) in accordance with Section 11-3-6. In no case shall the blood degree be used from any adoptive parent.

Chapter 5 Loss of Membership

Section 11-5-2: Loss of Membership: An enrolled member of the Three Affiliated Tribes may be dis-enrolled from the Three Affiliated Tribes membership rolls and lose membership pursuant to the following provisions.

Section 11-5-3: Voluntary Relinquishment: An enrolled member of the Three Affiliated Tribes may voluntarily relinquish membership pursuant to the following process:

- 1) Adult Members:** Any competent adult member of the Three Affiliated Tribes may voluntarily relinquish his/her membership by submitting a written request with the

member's notarized signature to the Office of Tribal Enrollment. The Office of Tribal Enrollment shall draft a resolution to remove the member from the membership rolls and present it to the Tribal Business Council for action at the next applicable regularly scheduled meeting. If approved, the Office of Tribal Enrollment shall notify the adult seeking voluntary relinquishment of the Tribal Council's action within ten (10) business days.

- 2) Minor Children:** Membership of minor children enrolled with the Three Affiliated Tribes cannot be relinquished by parents or legal guardians.

Section 11-5-4: Adult Reapplication for Membership after Relinquishment: An adult member of the Three Affiliated Tribes who voluntarily relinquished his/her membership from the Three Affiliated Tribes may re-apply for membership one time only pursuant to the process outlined in the Ordinance.

Section 11-5-5: Involuntary Disenrollment: Enrolled members of the Three Affiliated Tribes may be involuntarily dis-enrolled upon investigation of a Challenge to Enrollment as follows:

- 1) Any member of the Three Affiliated Tribes may file a written challenge to the eligibility of an individual enrolled as a member within 90 days of the public notice of enrollment of the individual. The Office of Tribal Enrollment is authorized to set and collect a fee with each written challenge to enrollment. No challenge to the enrollment of any individual will be accepted after the 90 day publication period.
- 2) The written challenge must indicate the reason for the newly enrolled member does not meet membership eligibility criteria including:
 - Erroneous or inadequate documentation that he/she met the Constitutional Membership Criteria at the time of his/her enrollment with the Three Affiliated Tribes.
 - Erroneous documentation regarding blood quantum,
 - Fraudulent documentations,
 - Mistake in blood degree calculation,
 - Enrollment with another federally recognized tribe.
- 3) The Office of Tribal Enrollment shall investigate any Challenge to Enrollment submitted within 90 days of publication of the individual's enrollment with the Three Affiliated Tribes and render a decision on the challenge within 60 days. The Office of Tribal Enrollment may either dismiss the challenge or may determine that just cause exists to involuntarily dis-enroll the new enrollee based upon substantiation of the reasons raised in the challenge. Upon a determination that the new member does not meet enrollment criteria, the Office of Tribal enrollment shall provide written notice to the new enrollee of its determination to recommend disenrollment to the Tribal Business Council. The challenged enrollee may file an appeal to the Office of Enrollment's determination to recommend disenrollment pursuant to Chapter 6 of this Ordinance.

4. Upon the Office of Tribal Enrollment's discovery that any enrolled member of the Three Affiliated Tribes is also enrolled with another federally-recognized Tribe, the Office of Tribal Enrollment is authorized to provide notice to the member that he/she must voluntarily relinquish enrollment with the Three Affiliated Tribes pursuant to the process at 11-5-3 or provide proof of a request to relinquish enrollment with the other tribe within 30 days of receipt of the notice.

Section 11-5-6: Reapplication After Involuntary Disenrollment: If a member is involuntarily disenrolled from the Three Affiliated Tribes, he/she may re-apply pursuant to Chapter 3 of this Ordinance.

Chapter 6 Appeals

Section 11-6-1: Eligible Appellants: The following persons shall be eligible to file an appeal:

- 1) An applicant, or parent or legal guardian of any minor applicant that was determined by the Office of Tribal Enrollment not to meet enrollment eligibility criteria, or
- 2) Any person who has been involuntarily dis-enrolled.

Section 11-6-2: Timing of Appeal – Each notice of rejection or disenrollment shall provide that an appeal must be filed within thirty (30) days of the receipt of the written notice. The date stamped on the receipt of the certified letter shall be considered the beginning of that thirty (30) day period.

Section 11-6-3: Filing an Appeal: The notice of appeal must be filed in writing with the Enrollment Office of the Three Affiliated Tribes. Such appeal shall include a statement of reasons for appeal and any evidence the appellant believes will impact the decision of the Office of Tribal Enrollment rejecting an application or recommending involuntary disenrollment. Failure to file an appeal within the thirty (30) calendar day period shall waive the right to an appeal.

Section 11-6-4: Appeal Consideration and Decision-making:

1. Upon receipt of an appeal, the Office of Tribal Enrollment shall convene an appellate panel that will include a Tribal attorney, the Bureau of Indian Affairs Superintendent and the Chairman of the Health and Human Resources Committee of the Three Affiliated Tribes Business Council.

2. The Office of Tribal Enrollment shall prepare and submit the appellant's file, the notice of appeal and statement of reasons to the appellate panel within 10 days of receipt of the appeal.
3. The Appellate panel shall have the discretion to either review the record before it or to set a date to conduct an administrative hearing on the appeal.
 - If the Appellate panel elects to conduct a hearing, it shall send a written notice of the date and time for the hearing no later than 5 days after receipt of the appellant's file. The hearing shall be scheduled within 10 days of receipt of the appellant's file.
 - If the Appellate panel elects to review the record and issue a decision without a hearing, the panel shall set a date to meet, review the file and render a decision within 10 days of receipt of the appellant's file.
 - The Appellate panel shall issue a written decision within 10 days of the hearing or review of the record. The decision of the appellate panel shall be a final decision .

Chapter 7

Maintaining the Official Tribal Membership Roll

Section 11-7-1: By the Office of Tribal Enrollment Staff: The Office of Tribal Enrollment staff shall maintain all enrollment records. This includes all membership information such as Names, Dates of Birth, Dates of Death, Family History, Enrollment Numbers, Blood Degrees and any other information pertaining to enrollment.

Section 11-7-2: Updating Records: Upon receipt of appropriate documentation the Office of Tribal Enrollment is authorized to update information on the Official Tribal Membership Roll as follows:

- 1) Name Changes – Enrolled members may request an official Name Change based upon submission of a Marriage License, Divorce Decree, Court Order, and/or valid Government Issued ID Cards.
- 2) Address Changes – Enrolled members may request an address change by submitting written notification of a new address sent to the Office of Tribal Enrollment. Enrolled members may also inform the Office during regular business hours of address changes upon verification of identity.
- 3) Death – Death Certificate, BIA Records, Probates, Mortuary Records, Hospital Records, Obituaries, written notification from a funeral home, Chairman's Office, or Notarized statement from the deceased individual's immediate family.

Chapter 8
Certificate of Enactment

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, ___ were present at a Regular Meeting thereof duly called, noticed, convened, and held on the ___ day of _____ 2015; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of ___ members, ___ members opposed, ___ members abstained, ___ members not voting, and that said Resolution has not been rescinded or amended in any way.
Chairman [] voting. [] not voting.

Dated this ___ day of _____ 2014.

ATTEST:

Tribal Secretary, L. Ken Hall
Tribal Business Council
Three Affiliated Tribes

Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes