



**LAC COURTE OREILLES BAND
OF
LAKE SUPERIOR CHIPPEWA INDIANS**

TRIBAL CODE OF LAW

**TITLE IV
CITIZENSHIP**

TITLE IV – CHAPTER 1
CITIZENSHIP CODE
OF THE
LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

Preamble

This ordinance is enacted pursuant to the inherent sovereign authority of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians to determine its Tribal citizenship which predates its Treaties of 1825, 1826, 1837, 1842, 1847 and 1854 with the United States Government. In the implementation of this inherent sovereign authority, Article II, §§ 2, 3 and 4 of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians empowers the tribal governing board to “enact the ordinance subject to approval of the Secretary of the Interior stating the criteria for future membership and adoption of the new members...,” establish that “Any person who has been rejected for enrollment as a member of the Band shall have the right of appeal to the Secretary of the Interior, whose decision shall be final” and “enact ordinances governing loss of membership...” It is the purpose of this ordinance to: (1) define and regulate membership in the Lac Courte Oreilles Tribe in accordance with the Constitution and By-Laws of the Lac Courte Oreilles Tribe; and (2) establish an orderly enrollment procedure which affords due process of Tribal law to all persons.

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SUBCHAPTER 1.1 - INTRODUCTION.

§ 1.101 Title.

This ordinance shall be known as the Citizenship Code of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

§ 1.102 Authority.

This ordinance is enacted pursuant to the inherent sovereign authority of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians to determine its Tribal citizenship which predates its Treaties of 1825, 1826, 1837, 1842, 1847 and 1854 with the United States Government. In the implementation of this inherent sovereign authority, Article II, §§ 2, 3 and 4 of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians empowers the tribal governing board to “enact the ordinance subject to approval of the Secretary of the Interior stating the criteria for future membership and adoption of the new members...,” establish that “Any person who has been rejected for enrollment as a member of the Band shall have the right of appeal to the Secretary of the Interior, whose decision shall be final” and “enact ordinances governing loss of membership...”

§ 1.103 Purpose.

It is the purpose of this ordinance to:

(1) Define and regulate membership in the Lac Courte Oreilles Tribe in accordance with the Constitution and By-Laws of the Lac Courte Oreilles Tribe; and

(2) Establish an orderly enrollment procedure which affords due process of Tribal law to all persons.

§ 1.104 Effective Date.

The provisions of this ordinance shall be effective on the date adopted by the Tribal Governing Board subject to approval of the Secretary of the Interior or her authorized representative.

§ 1.105 Interpretation.

The provisions of this ordinance:

(1) Shall be interpreted and applied as minimum requirements applicable to enrollment with and citizenship (membership) in the Lac Courte Oreilles Tribe;

(2) Shall be liberally construed in favor of the Tribe;

(3) Shall not be deemed a limitation or repeal of any other tribal power or authority.

§ 1.106 Severability and Non-Liability.

If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. The Tribe further asserts immunity on its part and that of its agencies, employees, and/or agents from any action or damages that may occur as a result of reliance upon and conformance with this ordinance.

§ 1.107 Repeal of Inconsistent Tribal Ordinances.

All ordinances and resolutions inconsistent with this ordinance are hereby repealed. To the extent that this ordinance imposes greater restrictions than those contained in any other tribal law, code, ordinance or regulation, the provisions of this ordinance shall govern.

SUBCHAPTER 1.2 – GENERAL DEFINITIONS.

§ 1.201 General Definitions.

The following terms, wherever used in this ordinance, shall be construed to apply as follows:

- (1) **“Applicant”** means the person seeking to be enrolled for membership in the Tribe.
- (2) **“Appellant”** means a person who is appealing the decision of the Lac Courte Oreilles Tribal Governing Board to reject an application for enrollment.
- (3) **“Birth Certificate”** means a vital record that documents the birth of a child. The term “birth certificate” can refer to either the original document certifying the circumstances of the birth or to a certified copy of or representation of the ensuing registration of that birth.
- (4) **“Bureau of Indian Affairs Record”** means an official record of the Bureau of Indian Affairs maintained in the holdings of the Agency Office, Regional Office, Central Office or the U.S. National Archives and Records Administration.
- (5) **“Certified Documentary Evidence”** means evidence that is an original or complete reproduction (photocopy) of a document, judgment, or record that is signed and attested to as an accurate and complete reproduction of the original document by a public official in whose custody the original has been placed for safekeeping. These include documents executed under seal including certified copies of public records and ancient documents.
- (6) **“Citizen”** means a member of the Lac Courte Oreilles Lake Superior Band of Chippewa Indians.
- (7) **“Citizen Services Department” or “Department”** means the citizen services department of the Tribe.
- (8) **“Citizenship”** identifies membership within the Lac Courte Oreilles Lake Superior Band of Chippewa Indians.
- (9) **“Citizenship Committee” or “Enrollment Committee”** means the seven member Committee appointed by the Tribal Governing Board pursuant to Subchapter 1.3 of this ordinance with the powers and authority as conferred upon it by this ordinance including but not limited to the following: review of applications for Tribal citizenship, acceptance of relinquishment requests, acceptance of requests to rescind relinquishment, and recommending the acceptance or rejection of Citizenship applications or renunciation petitions to the Tribal Governing Board.

(10) **“Enrollment Document”** means an application, petition, letter, notice, recommendation or any other document submitted by a member, applicant, or the Citizenship Committee.

(11) **“Family Tree”** means a diagram showing the relationships between people in several generations of a family; a genealogical tree.

(12) **“Genealogical Record”** means a record or account of the decent of a person or family from an ancestor or ancestors including but not limited to family tree, genetic analysis (DNA Tests), historical and other records.

(13) **“Genetic Analysis”** means a genetic test also referred to as a DNA Test, which examines the genetic information contained inside a person's cells called DNA, to determine if that person is the offspring or relative of another.

(14) **“Historical Record”** means a vital or other record including but not limited to the following: death certificate, marriage certificate, divorce record, adoption record, census record, religious record (baptism and confirmation record), court record, military record, cemetery record or newspaper article.

(15) **“Immediate Family Member”** means the mother, father, brother, sister, daughter, son, grandmother, grandfather, grandchildren, aunt, uncle, and first cousin.

(16) **“Lineal Descendant”** means a blood relative in the direct line of descent to an ancestor, such as a child, grandchild, great-grandchild, etc.

(17) **“Meetings”** means the meetings of the Citizenship Committee including regular, special, and emergency meetings.

(18) **“Obvious Conflict of Interest Situation”** means a situation pertaining to a decision involving the citizenship file of an immediate family member of a member of the Committee.

(19) **“Relinquishment”** means the voluntary withdrawal of citizenship (membership) in the Tribe.

(20) **“Renunciation”** means an affirmative action pursuant to Subchapter 1.7 of this ordinance by the Tribe to deprive a citizen (member) of the right to tribal citizenship (membership). **“Renunciation of citizenship”** means an act or instance of relinquishing, abandoning, or repudiating ones citizenship as a right, title, or interest; also referred to as disenrollment.

(21) **“Sponsor”** means the applicant's parents, legal guardian, spouse, next of kin, or other person authorized to file enrollment documents on behalf of the applicant.

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(22) **“Sworn Affidavit”** means a written sworn statement of fact voluntarily made by an affiant or deponent under an oath or affirmation administered by a person authorized to do so by law.

(23) **“Tribal Governing Board”** means the Tribal Governing Board of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

(24) **“Tribe”** means the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

SUBCHAPTER 1.3 - CITIZENSHIP POLICY.

§ 1.301 Composition.

The Citizenship (Enrollment) Committee shall consist of seven (7) members.

§ 1.302 Establishment and Terms.

Within fourteen (14) days of the effective date of this ordinance, each member of the Tribal Governing Board shall appoint or shall have appointed one person to the Citizenship (Enrollment) Committee who shall serve for a term concurrent with the term of the appointing Governing Board member.

§ 1.303 Appointment by Tribal Governing Board and Terms.

Except as provided in § 1.302 of this ordinance, within fourteen (14) days of Inauguration or appointment a Tribal Governing Board member shall appoint one person to the Citizenship (Enrollment) Committee who shall serve for a term concurrent with the term of the appointing Tribal Governing Board member.

§ 1.304 Vacancies on Enrollment Committee.

Within fourteen (14) days of any vacancy on the enrollment committee, the Tribal Governing Board member who originally appointed the individual whose position is vacant shall appoint a new member to the Citizenship (Enrollment) Committee. Said appointee shall serve the remaining term of the vacant position.

§ 1.305 Failure to Appoint.

Should any Tribal Governing Board member fail to appoint an individual to the Citizenship (Enrollment) Committee in accordance with § 1.302, § 1.303, or § 1.304 of this ordinance, the Tribal Governing Board shall make such appointment by majority vote.

§ 1.306 Duties and Authority.

The Citizenship (Enrollment) Committee shall have the duty and authority:

(1) In accordance with Subchapter 1.6 of this ordinance to receive and review all enrollment applications and to recommend to the Tribal Governing Board whether such applications should be approved or rejected;

(2) In accordance with Subchapter 1.7 of this ordinance, to receive and review disenrollment petitions, to initiate disenrollment proceedings, and to recommend to the Tribal Governing Board whether disenrollment petitions should be approved or rejected; and

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(3) To exercise such other duties and authority as may be conferred upon it by the Tribal Governing Board.

§ 1.307 Bylaws.

The Citizenship (Enrollment) Committee shall establish Bylaws which shall govern the manner and procedures by which it shall carry out its duties and authority conferred by this ordinance. The Citizenship Committee Bylaws are established pursuant to Title IV, Chapter 2 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law (LCOTCL), which was enacted by Lac Courte Oreilles Tribal Governing Board Resolution No. 15-38 on April 7, 2015.

SUBCHAPTER 1.4 - CITIZENSHIP (MEMBERSHIP).

§ 1.401 Citizenship (Membership) Based on 1940 Rolls.

All persons of Lac Courte Oreilles Indian blood who meet the Citizenship (Membership) criteria of Article II, § 1 of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, shall be Citizens (Members) of the Tribe.

§ 1.402 Lineal Descendency.

(1) Any person born prior to November 2, 1966 who possesses Lac Courte Oreilles Indian blood, and who is a lineal descendant of an enrolled Citizen (Member) of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, shall be a member of the Tribe upon filing an application for enrollment with the Citizenship (Enrollment) Committee and upon approval of such application by the Tribal Governing Board.

(2) Any person born subsequent to November 2, 1966, who is a lineal descendant of an enrolled Citizen (Member) of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, who possesses 1/8 degree Lac Courte Oreilles Indian blood or possesses at least 1/16 degree Lac Courte Oreilles Indian blood and 1/16 degree federally recognized Ojibwe blood and who files an application for enrollment with the Citizenship (Enrollment) Committee, shall be a Citizen (Member) of the Tribe upon approval of such application in accordance with this ordinance.

(3) To be considered a lineal descendant of an enrolled Citizen (Member) of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, an Applicant must demonstrate that his or her mother, father, grandparent, or other lineal ancestor is, was, or was eligible for inclusion on the basic membership roll as, a member of the Tribe. A relationship of lineal ancestry shall exist when there is a direct blood parental relationship from one generation to the next.

§ 1.403 Lac Courte Oreilles Tribal Membership Exclusive.

No person who is enrolled with a Tribe, Band or group of Indians other than the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, shall be a member of the Tribe.

SUBCHAPTER 1.5 – TRIBAL CITIZENSHIP (MEMBERSHIP) ROLL.

§ 1.501 Membership Roll.

The tribal Citizenship (Membership) roll shall contain the names of all enrolled Citizens (Members) of the Tribe arranged in alphabetical order. For each such Citizen (Member), the roll shall also indicate the person's enrollment number, sex, date of birth, blood degree (Indian and Tribal), parents' blood degree, address, and a column for remarks, e.g., date of enrollment. The remarks column should also indicate the name and base roll number of the person's ancestor. Any notations made upon such roll shall indicate by whom such notations were made, the date, and the authority for making such notations.

§ 1.502 Citizenship (Membership) Roll to Be Kept Current.

The Tribal Governing Board shall cause the tribal Citizenship (Membership) roll to be kept current and shall annually review the roll for such purpose. The names of all persons who are deceased and all persons who have relinquished their Citizenship (Membership) in the Tribe in writing shall be noted in the roll and the names of all persons whose applications for enrollment have been approved by the Tribal Governing Board shall be promptly added to the roll.

§ 1.503 Annual Tribal Citizenship (Membership) Roll Provided.

The Tribal Governing Board shall provide to Citizens (Members) annually a list of all additions to or deletions from the Tribal Citizenship (Membership) roll.

SUBCHAPTER 1.6 – APPLICATION FOR ENROLLMENT.

§ 1.601 Written Application to Be Filed With the Citizenship (Enrollment) Committee.

All person seeking Citizenship (Membership) in the Tribe pursuant to § 1.402 and § 1.403 of this ordinance shall file with the Citizenship (Enrollment) Committee a separate written application on a form approved by the Tribal Governing Board.

§ 1.602 Application for Enrollment on Behalf of Another Person.

If the person to be enrolled is a minor or an incompetent person, a member of the United States Armed Services or other services of the United States Government who is stationed outside the continental United States, or part of the immediate family of a United States Government servant stationed outside the continental United States, an application for enrollment may be completed and filed by the applicant's parents, legal guardian, next of kin, or by the applicant's spouse as the sponsor of such person.

§ 1.603 Applications To Be Numbered And Dated.

The Citizenship (Enrollment) Committee shall assign an identifying number and shall record the date on which each enrollment document is received.

§ 1.604 Citizenship (Enrollment) Committee to Review Applications.

The Citizenship (Enrollment) Committee shall review all enrollment applications. It shall consider the information provided in such applications and all other relevant evidence as defined in § 1.606 of this ordinance concerning the applicant's eligibility for Citizenship (Membership). The Citizenship (Enrollment) Committee shall then make a written recommendation to the Tribal Governing Board as to whether the application should be approved or rejected. Where the Citizenship (Enrollment) Committee needs additional information from an applicant, the Committee shall send the applicant or sponsor as applicable, a notice specifying that additional information is necessary to make a recommendation on the application. In doing so, the Committee shall explain that the applicant has six (6) months to provide the requested information otherwise the Committee shall make a recommendation to the Tribal Governing Board to deny membership for lack of a complete application. A sponsor may be the applicant's parents, legal guardian, next of kin, or other persons authorized to file Citizenship documents on behalf of the applicant as established in § 1.606 of this ordinance.

§ 1.605 Governing Board to Determine Applicant's Eligibility.

(1) The Tribal Governing Board shall review each application for enrollment, and accompanying information and evidence, together with the recommendations of the Citizenship (Enrollment) Committee and determine whether the applicant is eligible to be enrolled as a member of the Tribe.

(2) The Tribal Governing Board shall express, its final determination of eligibility for enrollment in a resolution properly certified by the Tribal Governing Board's Secretary. The determination shall show or attach documentation of the Citizenship (Enrollment) Committee's recommendation and the applicant's date of birth.

(3) The form of the Tribal Governing Board's written determination shall be approved by the Tribal Governing Board.

(4) Determination by the Tribal Governing Board shall be final except as otherwise provided in Subchapter 1.8 of this ordinance.

§ 1.606 Burden of Proof and Evidence of Eligibility.

(1) The applicant shall have the burden of proof in establishing to the Tribal Governing Board by clear and convincing evidence that the applicant meets all of the requirements for Tribal Citizenship (Membership).

(2) The evidence, which an applicant may submit in support of an application, shall be limited. All documentary evidence shall be certified documentary evidence as defined in § 1.201 (5), and be limited to: birth certificates as defined in § 1.201 (3); genealogical records as defined in § 1.201 (12) and as further explained in § 1.201 (11), § 1.201 (13), § 1.201 (14); sworn affidavits as defined in § 1.201 (22) from persons having personal knowledge of the facts at issue; and the records of the Bureau of Indian Affairs as defined in § 1.201 (4).

(3) The Governing Board shall consider all other relevant evidence except as limited herein regarding the applicant's eligibility for enrollment and shall have the authority to determine the relevance, weight and sufficiency of such evidence.

§ 1.607 Notice of Citizenship (Membership) Determination.

(1) Manner of Notice of Citizenship (Membership) Determination. Upon a final determination of approval or rejection of a Citizenship (Membership) application by the Tribal Governing Board pursuant to § 1.605 of this ordinance, the Citizenship Services Department shall mail a written notice by certified mail, postage fully prepaid and return receipt requested, to the address provided by the applicant, or as provided in Tribal files, or at such different address as may have subsequently been provided to the Department in writing.

(a) Upon a final determination of approval of a Citizenship application by Tribal Governing Board, the names of the new tribal Citizens shall be posted in the Lac Courte Oreilles Tribal Administration Office pursuant to § 1.503 of this ordinance.

(2) Content of Notice of Rejection. If the final determination of the Tribal Governing Board is to reject the application for enrollment, the written notice provided by the Citizenship Services Department shall indicate that the application was rejected, give the vote results of the

Tribal Governing Board and set forth the requirement or requirements, which the Tribal Governing Board found the applicant failed to establish. The notice shall also indicate the time within which an appeal as provided by Subchapter 1.8 of this ordinance must be commenced and the procedure for making such a request or commencing such an appeal.

(3) Content of Notice of Approval. If the final determination of the Tribal Governing Board is to approve the application for enrollment, the written notice shall indicate that the application was approved and shall give the resolution number and date of enactment whereby the Tribal Governing Board approved such application.

SUBCHAPTER 1.7 – RELINQUISHMENT AND RENUNCIATION.

§ 1.701 Relinquishment.

Any Citizen (Member) may voluntarily relinquish his or her Citizenship (Membership) in the Tribe by filing a written notice of such relinquishment with the Citizenship Services Department. Upon receipt of a filing of a written notice of relinquishment, the Citizenship Services Department shall assign a number to, and record the date the written notice was received and then provide the written notice of such relinquishment to the Citizenship (Enrollment) Committee. A relinquishment shall be effective upon receipt by the Citizenship (Enrollment) Committee unless subject to § 1.702 of this ordinance.

§ 1.702 Conditional Relinquishment.

The voluntary relinquishment of any Citizen (Member), who relinquishes their Citizenship (Membership) for the purpose of enrolling in another federally recognized Tribe, shall not become effective until the request for enrollment in the other Tribe is accepted. Once accepted, enrollment in the Lac Courte Oreilles Tribe shall cease immediately.

§ 1.703 Rescission of Relinquishment.

(1) Any person may rescind his or her relinquishment upon providing written notice to the Citizenship Services Department. Such notice shall indicate whether the person has been enrolled with another Tribe, Band or group of Indians after his or her relinquishment and whether the person has shared in the distribution of any Claims judgment while so enrolled. Upon receipt of a filing of a written notice rescinding relinquishment, the Citizenship Services Department shall assign a number to, and record the date the written notice was received and then provide the written notice of such rescission of relinquishment to the Citizenship (Enrollment) Committee.

(2) A rescission of relinquishment shall be effective upon receipt by the Citizenship (Enrollment) Committee and the person shall be re-enrolled with the Tribe provided that such person shall not be eligible for distribution of any claims judgment of any other Tribe, Band, or group of Indians.

§ 1.704 Relinquishment by Other than Member.

Applications for relinquishment of Citizenship (Membership) shall not be made by any person other than the Citizen (Member) unless accompanied by proof that the person seeking the relinquishment is the legal guardian of the person who's Citizenship (Membership) will be relinquished.

§ 1.705 Petitions for Renunciation.

Any Citizen (Member), or member of the Citizenship (Enrollment) Committee, may file a petition seeking the disenrollment of any other member. Such petition shall be submitted to the Citizenship Services Department and shall specify the grounds upon which the request for disenrollment is based. Upon receipt of a petition for renunciation, the Citizenship Services Department shall assign a number to, and record the date the petition was received and then provide the petition for renunciation to the Citizenship (Enrollment) Committee.

§ 1.706 Enrollment Committee to Review Petitions and Initiate Renunciation Proceedings.

The Citizenship (Enrollment) Committee shall have the authority to initiate disenrollment proceedings upon its own petition or upon receipt of a renunciation petition filed by a Citizen (Member). The Citizenship (Enrollment) Committee shall accept all petitions for renunciation of citizenship filed by a member or may initiate renunciation proceedings upon its own petition. The Citizenship Committee shall review all renunciation petitions and shall consider the information provided in such petitions and all other relevant information pertaining to the citizen's evidence of eligibility pursuant § 1.606 of this ordinance concerning such petitions. Other relevant information may include certified documentary evidence as defined in § 1.201 (5), and be limited to: birth certificates as defined in § 1.201 (3); genealogical records as defined in § 1.201 (12) and as further explained in § 1.201 (11), § 1.201 (13), § 1.201 (14); sworn affidavits as defined in § 1.201 (22) from persons having personal knowledge of the facts at issue; and the records of the Bureau of Indian Affairs as defined in § 1.201 (4) of this ordinance. The Citizenship (Enrollment) Committee shall make a written recommendation to the Tribal Governing Board as to whether the petition should be approved or rejected. Where the Citizenship (Enrollment) Committee determines that additional information is needed, it may request such information from the petitioner or affected Citizen (Member).

§ 1.707 Petitions To Be Numbered and Dated.

The Citizenship (Enrollment) Committee shall assign an identifying number to each disenrollment petition and shall record the date on which each petition is received.

§ 1.708 Tribal Governing Board to Determine Citizen's Continued Eligibility.

(1) The Governing Board shall review each renunciation petition, and accompanying information and evidence, together with the recommendations of the Citizenship (Enrollment) Committee and determine whether the applicant is eligible for continued enrollment as a Citizen (Member) of the Tribe.

(2) The Tribal Governing Board shall express its final determination of eligibility for continued enrollment in a resolution properly certified by the Tribal Governing Board Secretary. The determination shall show:

- (a) The Citizenship (Enrollment) Committee's recommendation;

(b) The affected Citizen's (Member's) date of birth;

(c) If the renunciation petition was granted, the Citizenship (Membership) requirement or requirements which the Tribal Governing Board found the affected Citizen (Member) failed to meet; and

(3) The form of the Tribal Governing Board's written determination shall be approved by the Tribal Governing Board.

(4) Determination by the Tribal Governing Board shall be final except as otherwise provided in Subchapter 1.8 of this ordinance.

§ 1.709 Grounds for Disenrollment.

The Tribal Governing Board shall not dis-enroll any Citizen (Member) except for one of the following reasons:

(1) The person obtained citizenship rights by error or mistake or by fraud, deceit or misrepresentation;

(2) The person knowingly became a fully recognized member in a Tribe, Band or group of Indians other than the Lac Courte Oreilles Tribe; or

(3) The person is a descendant of a person whom renunciation of citizenship proceedings were previously granted pursuant to subs. (1), above and does not otherwise meet the Citizenship (Membership) criteria of the Tribe.

§ 1.710 Burden of Proof And Evidence of Continued Eligibility.

(1) The petitioner shall have the burden of proof in establishing to the Tribal Governing Board by clear and convincing evidence that the petitioned applicant does not meet the requirements for tribal Citizenship (Membership).

(2) The evidence, which a petitioner may submit in support of a renunciation petition, shall be limited as provided in § 1.606 of this ordinance.

(3) The Tribal Governing Board shall consider all other relevant evidence except as limited herein regarding the affected Citizen's (Member's) eligibility for continued enrollment and shall have the authority to determine the relevance, weight and sufficiency of such evidence.

§ 1.711 Notice Specifying the Grounds for Renunciation Prior to Final Decision.

The Citizenship (Enrollment) Committee initiates a renunciation proceeding or upon receipt of a renunciation petition filed by a Citizen (Member), the Committee shall send the tribal citizen a notice specifying the grounds for renunciation as established pursuant to § 1.709 of this

ordinance. In doing so, the Committee shall explain that the tribal citizen has six (6) months to provide adequate evidence pursuant to § 1.606 of this ordinance, to rectify the error, mistake or other grounds for renunciation, otherwise the Committee shall make a recommendation to the Tribal Governing Board to approve the renunciation of the citizenship of the tribal citizen pursuant to § 1.708 of this ordinance.

§ 1.712 Notice of Determination of Applicant's Continued Eligibility.

(1) Notice Required. Upon a final determination of approval or rejection of a renunciation petition by the Tribal Governing Board pursuant to § 1.708 of this ordinance, the Citizenship Services Department shall mail a written notice by certified mail, postage fully prepaid and return receipt requested, to the address provided by the applicant, or as provided in Tribal files, or at such different address as may have subsequently been provided to the Department in writing.

(2) Content of Notice When Petition Granted. If the final determination of the Tribal Governing Board is to grant the renunciation petition, the written notice shall indicate that the petition was granted, give the result of the Governing Board's vote and set forth the requirement or requirements, which the Tribal Governing Board found the affected member failed to meet. The notice shall also indicate the time within which an appeal as provided by Subchapter 1.8 of this ordinance must be commenced and the procedure for making such a request or commencing such an appeal. The content and form of the Notice shall be approved by the Governing Board.

(3) Content of Notice When Petition Rejected. If the final determination of the Tribal Governing Board is to reject the renunciation petition, and affirm the affected Citizen's (Member's) right to Citizenship (Membership), the written notice shall indicate that the Citizenship (Enrollment) Committee's recommendation for disenrollment was disapproved. The notice shall give the Tribal resolution number and the date of its enactment whereby affirmation of the right to Citizenship (Membership) was commemorated. The content and form of the Notice shall be approved by the Governing Board.

SUBCHAPTER 1.8 – APPEAL OF FINAL DETERMINATION.

§ 1.801 Right of Appeal.

Any person filing an application for enrollment that has been rejected or a Citizen (Member) who has been dis-enrolled by the Tribal Governing Board may appeal the final determination as provided herein.

§ 1.802 Reconsideration by Tribal Governing Board.

(1) To commence an appeal, such person must first request the Tribal Governing Board to reconsider its final determination by clearly expressing in writing an intent to appeal such rejection or disenrollment. A copy of such written notice must be served on the Tribal Governing Board no later than the 30th day after the Notice of Rejection or Renunciation was received. Service upon the Tribal Governing Board shall be made by mailing the notice to the Tribal Governing Board's address or by personal service upon the Governing Board's Secretary. Service by mail is complete upon mailing via certified mail, postage prepaid and return receipt requested. Personal service may be made by any adult who is not the appellant and may be accomplished by delivering the written notice of appeal to the Governing Board's Secretary or by leaving the notice in the office of the Secretary with the person who is apparently in charge of the office. Proof of such service indicating the date, time and place of service may be required by the Tribal Governing Board. If the Notice of Rejection or Renunciation is delivered to an address outside the continental United States, there shall be 60 days in which to file an appeal.

(2) Upon the timely receipt of a request for reconsideration, the Tribal Governing Board shall review the complete record together with all evidence concerning the eligibility for Citizenship (Membership) previously presented to the Tribal Governing Board. The reconsideration shall not include any evidence as defined in § 1.606 and § 1.705 of this ordinance not previously furnished unless the appellant establishes that such evidence was not previously available through no fault of the appellant or was not previously introduced because of mistake, inadvertence or excusable neglect. An appellant may be granted additional evidence within the discretion of the Tribal Governing Board.

(3) Upon reconsideration, the decision of the Tribal Governing Board shall be final and conclusive as to the Tribe and written notice of the decision shall be given to the appellant promptly, provided that the appellant shall have the right to appeal to the Secretary of Interior as provided § 1.803 of this ordinance.

§ 1.803 Appeal to Secretary of Interior.

After Tribal Governing Board reconsideration, any person whose application for enrollment has been rejected or who has been renounced may appeal the Tribal Governing Board's decision to the Secretary of the Interior pursuant to the provisions of 25 C.F.R. Part 62 (2014) or its successor. The decision of the Secretary of Interior shall be final and conclusive.



Pride of the Ojibwe

13394 W Trepania Road . Hayward . Wisconsin . 54843
Phone 715-634-8934 . Fax 715-634-4797

RESOLUTION NO. 15-38

**RATIFICATION OF TITLE IV, CHAPTERS 1 AND 2
OF THE
LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
TRIBAL CODE OF LAW
CITIZENSHIP CODE AND CITIZENSHIP COMMITTEE BY-LAWS**

WHEREAS, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians (“Tribe”) is a federally recognized Indian tribe organized pursuant to the provisions of the Indian Reorganization Act of 1934, 25 U.S.C. § 461, *et seq.*; and

WHEREAS, the Tribal Governing Board serves as the governing body of Lac Courte Oreilles Band of Lake Superior Chippewa Indians pursuant to Article III, Section 1 of the Amended Constitution and Bylaws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians; and

WHEREAS, the Tribe, a sovereign nation, has the right to determine its own membership. *Martinez v. Santa Clara Pueblo*, 436 U.S. 49 (1978); and

WHEREAS, Article II, §§ 2, 3 and 4 of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians empowers the tribal governing board to “enact the ordinance subject to approval of the Secretary of the Interior stating the criteria for future membership and adoption of the new members....” establish that “Any person who has been rejected for enrollment as a member of the Band shall have the right of appeal to the Secretary of the Interior, whose decision shall be final” and “enact ordinances governing loss of membership...”; and

WHEREAS, It is appropriate that the 2004 Amended Membership Ordinance of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians which was enacted by Lac Courte Oreilles Tribal Governing Board Resolution No. 04-20 and approved by the Secretary of the Interior on October 13, 2004, be amended; and

WHEREAS, It is appropriate to establish Citizenship Committee Bylaws which shall govern the manner and procedures by which the Citizenship (Enrollment) Committee shall carry out its duties and authority conferred by the Tribal Governing Board.


NOW THEREFORE BE IT RESOLVED that the attached Title IV, Chapters 1 and 2 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law "Citizenship Code" and "Citizenship Committee By-laws" shall be, and hereby is, enacted as ordinances of the Tribe, pursuant to Article II, §§ 2, 3 and 4 of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

NOW THEREFORE BE IT FURTHER RESOLVED that the "2004 Amended Membership Ordinance of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians" and Lac Courte Oreilles Tribal Governing Board Resolution No. 04-20 are hereby repealed in their entirety conditioned on Secretarial approval of the "Citizenship Code" and "Citizenship Committee By-laws".

NOW THEREFORE BE IT FINALLY RESOLVED that the said Title IV, Chapters 1 and 2 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law "Citizenship Code" and "Citizenship Committee By-laws" together with this resolution, shall be forwarded to the officials of the Bureau of Indian Affairs, United States Department of the Interior, with the request by the Tribal Governing Board that the Secretary approve as enacted.

CERTIFICATION

I, the undersigned, as Secretary/Treasurer of the Lac Courte Oreilles Tribal Governing Board, hereby certify that the Tribal Governing Board is composed of seven (7) members, of whom 5 being present, constituted a quorum at a meeting thereof, duly called, convened, and held on this 7th day of April, 2015; that the foregoing Resolution was duly adopted at said meeting by an affirmative vote of 4 members, 0 against, 0 abstaining, and that said Resolution has not been rescinded or amended in any way.



Norma Ross, Secretary/Treasurer
Lac Courte Oreilles Tribal Governing Board



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Great Lakes Agency
916 Lake Shore Drive West
Ashland, Wisconsin 54806-1357



IN REPLY REFER TO

Tribal Operations

May 18, 2015

Honorable Michael J. Isham, Jr.
Chairman, Lac Courte Oreilles
Tribal Governing Board
13394 W. Trepania Road
Hayward WI 54843

Dear Chairman Isham:

The 2015 Lac Courte Oreilles Band of Lake Superior Chippewa Indians Citizenship Code and Citizenship Committee By-laws, adopted by Tribal Governing Board Resolution 15-38 on April 7, 2015, is hereby approved. Approval is granted pursuant to Article II, Sections 2,3 and 4, of the Constitution and By-laws of the Lac Courte Oreilles Tribe and pursuant to authority delegated to me in 10 BIAM 3.1 and Addendum to 10 BIAM 3.1 dated March 17, 1994.

By copy of this letter, we are providing a copy of this Citizenship Code to the Regional Director of the Midwest Regional Office. If you have any questions concerning this Citizenship Code, please contact Laura Corbine, Tribal Operations Specialist at 715-682-4527, ext. 402.

Sincerely,

Kimberly Bouchard

Superintendent

cc: Regional Director, Midwest Regional Office w/enc.

Attn: Tribal Operations

✓ Kekek Jason Stark, LCO Legal Director

RECEIVED

MAY 27 2015

**Lac Courte Oreilles
Tribal Government**