SITKA TRIBAL CODE
03.01 ENROLLMENT ORDINANCE

03.01.01 Purpose and Scope

The purpose of this Ordinance is to implement Article III, Section 5, of the Constitution of the Tribe in order to establish rules and procedures for citizenship and enrollment, consistent with the Sitka Tribe of Alaska's Constitution.

03.01.02 Definitions

(a) "Enrollment Manager" means the staff person designated as enrollment manager per their job description, as designated by the General Manager of Sitka Tribe of Alaska.

(b) "Lineal descendant" means a person that traces a direct line of ancestry from an individual whose name appears on the official citizenship roll of 1991 or a Base Roll citizen. Lineal descendants include sons, daughters, grandchildren, great grandchildren, and further direct descendants, but do not include aunts, uncles, nieces, nephews, or cousins.

(c) "Tribal officials, staff and contractors" include Tribal Council members, STA employees, and individuals performing duties under contract for STA.

03.01.03 Enrollment Committee

(a) The Enrollment Committee shall consist of six members over the age of eighteen years. The Committee shall be made up of five voting members, consisting of two council members, two staff members, and one tribal citizen at large. In addition, the Enrollment Manager shall be a non-voting member of the Committee.
(b) All other matters related to the establishment and operation of the enrollment committee shall be pursuant to Sitka Tribal Code 02.03 Ordinance Governing Committees.
(c) The enrollment committee shall have the authority and responsibility as described in this ordinance.

03.01.04 Enrollment Manager

(a) The Enrollment Manager shall research applications for Enrollment, reporting on such applications, preparing and maintaining the Tribal Citizenship Roll, assisting applicants during the process, and performing such other actions as are appropriate to further the purposes of this ordinance.

(b) At each monthly meeting of the Enrollment Committee, the Enrollment Manager shall provide the names and files of all pending applicants for incomplete

applications.

(c) The Enrollment Manager shall be responsible for maintaining the official enrollment files for the Tribe, which includes protecting the vital statistics of the Tribe, by placing and updating records in two locations, one within and one outside of tribal offices.

03.01.05 Enrollment Regulations and Rulemaking Authority

(a) The Enrollment Committee shall adopt appropriate regulations governing its procedures under this ordinance and submit them to the Tribal Council prior to implementation. The Tribal Council does not need to take any action in order for the regulations to become effective.

(b) Regulations adopted by the Committee shall include, but are not limited to, the following subjects: procedures for notifying applicants of incomplete or insufficient application materials, procedures for periodic review by the Committee of the computerized and paper enrollment files, and development of the enrollment application form and content.

(c) All regulations concerning Enrollment will be placed in a binder and made available for review by any Council member, staff, or Tribal citizen when requested. Any authority that is not expressly delegated by this Ordinance to the Committee is reserved by the Tribal Council.

03.01.06 Base Roll

Original citizens shall be those persons listed on the 1937 census for the Indians of Sitka who formalized their bond as citizens under one tribal government through their Constitution ratified October 11, 1938. The base roll shall be maintained separately and distinct from the current Tribal Citizenship Roll. Base Roll Citizens and lineal descendants of Base Roll Citizens may be entitled to preferences as established by Tribal Council.

03.01.07 Official Citizenship Roll of 1991

All persons whose names appear on the official citizenship roll of the Tribe dated October 29, 1991, shall be citizens of the Tribe.

03.01.08 Children of Citizens

All children born to tribal citizens shall be enrolled in the Tribe upon completion of the requirements of section 03.01.11 of this Chapter.

03.01.09 Lineal Descendants of Tribal Citizens

All lineal descendants, as defined in section 03.01.02(a) of this Chapter, may be enrolled in the Tribe upon completion of requirements of section 03.01.11 of this Chapter.

03.01.10 New Citizens

Pursuant to Article III, Section 4, of the Constitution, any person who has voluntarily relinquished his or her citizenship in the Tribe, and any other person who is a citizen of (or eligible for citizenship in) a Native American tribe, who sets up a permanent home in the vicinity of the Tribe, who renounces in writing his or her citizenship in any other Tribe, who establishes social or cultural relations with the Tribe, and who agrees to be bound by this Constitution, may be made a tribal citizen upon completion of the requirements of section 03.01.11 of this Chapter.

03.01.11 Enrollment Procedures

(a) Application Required

No person, other than those persons whose names appear on the official citizenship roll of 1991, shall be enrolled in the Tribe who has not applied for citizenship according to the provisions of this ordinance and any regulations adopted hereunder. Application for the enrollment of any child born to a tribal citizen may be made by any individual, including, but not limited to, a member of the Enrollment Committee.

(b) Application Form and Content

Applications for citizenship shall be submitted in writing to the Enrollment Manager upon a form approved by the Committee, and

(1) In the case of a child of a tribal citizen, the completed application must be accompanied by a birth certificate demonstrating that the applicant is in fact the child of an enrolled tribal citizen.

(2) In the case of a lineal descendant, as defined in section 03.01.02(a) of this Ordinance, the completed application must be accompanied by a birth certificate or certificates demonstrating that the individual meets the definition of lineal descendant. The Committee, at their discretion, may also request that a lineal descendant provide a Certificate of Indian Blood to supplement a completed application.

(3) In the case of any other person, the completed application must be accompanied by a Certificate of Indian Blood or other documents deemed reliable by the Committee to establish blood quantum, Birth Certificate, proof

that the person has set up a permanent home in the vicinity of Sitka, proof that the person has established social or cultural ties with the Tribe, written agreement to be bound by the Tribal Constitution, and certification of relinquishment of citizenship from another Tribe, if that person is currently enrolled in another Tribe.

(4) If the Committee accepts other documents deemed reliable to establish blood quantum in lieu of a Certificate of Indian Blood, the Committee will provide a written explanation of what documents were accepted and why those documents are reliable in the Tribal Council Resolution authorizing enrollment.

(5) Applicants for enrollment with the Sitka Tribe of Alaska are encouraged to list the Clan House to which the applicant belongs in his/her enrollment application. If the applicant does not know what Clan and/or Clan House to which he/she belongs, the applicant is encouraged to submit a family tree to the Committee and authorize the Committee to determine if the applicant may belong to a Clan House.

(c) Review of Application by the Manager

Upon receipt of an application for enrollment, the Enrollment Manager shall review each application for completeness. The Enrollment Manager shall forward all complete applications to the Committee for approval within 30 days of completion. The Enrollment Manager shall also provide a list of incomplete applications to the Committee at each meeting of the Committee.

(d) Application Consideration by the Committee

(1) The Committee shall review all complete applications and the list of incomplete applications before making recommendations to the Tribal Council.

(2) If after review the Committee determines an application is complete and otherwise meets the requirements of tribal law, the Committee shall forward a recommendation for approval to the Tribal Council within 30 days of receipt of the completed application.

(3) If after review the Committee disapproves an application, the Committee shall forward a recommendation for disapproval to the Tribal Council within 30 days of receipt of the completed application.

(e) Tribal Council consideration of enrollment committee recommendations

Upon receipt of a written request for additional time, the Tribal Council may allow the Committee an additional 21 days to consider an application based on a showing of good cause. The Committee will also provide the applicant with a copy of the written request for additional time. **Tribal Council consideration of enrollment committee recommendations:**

The enrollment manager shall draft a resolution authorizing enrollment, for each applicant for citizenship that has been recommended by the Committee, to forward to the Tribal Council for consideration. Each applicant shall be notified by the Enrollment Manager or his or her designee at least seven days in advance of the Council meeting at which his or her application is considered. The Tribal Council may adopt any and all such resolutions presented at a single meeting by a single motion. If a Tribal Council member desires to have one or more of the resolutions considered separately, then the member may make a motion for division of the question, specifying which resolution or resolutions shall be considered separately. Such motion for division of t he question shall be honored only upon a second to the motion and a majority vote of the Tribal Council. If a majority of the Tribal Council vote to divide the question, then each resolution so divided shall be considered as a separate agenda item.

(1) An applicant shall be considered accepted into citizenship upon approval of a resolution authorizing enrollment by the Tribal Council at any regular or special meeting at which a quorum is present. It is this vote that determines the qualifications for citizenship have been met in accordance with the requirements of Article III of the Constitution.

(2) Prior to accepting an applicant for citizenship, the Tribal Council may, at its discretion, request that any applicant provide a Certificate of Indian Blood to supplement his/her application. The request must be in writing and state the Tribal Council's reasons for requiring a Certificate of Indian Blood for this applicant. If such a request is made, the request and application will be referred back to the Committee for reconsideration upon receipt of a Certificate of Indian Blood.

03.01.12 REVIEW OF TRIBAL ROLLS, DISAPPROVAL OF CITIZENSHIP APPLICATIONS, AND RELINQUISHMENT

(a) Review of Tribal Rolls

The Tribal Council reserves the right to review the tribal citizenship rolls to determine whether all persons on the rolls were properly enrolled under the provisions in effect at the time they were placed on the tribal rolls. The Tribal Council may direct the Enrollment Committee, or any other committee it may appoint, to conduct such a review.

(b) Disapproval of Citizenship Applications

Any person whose citizenship application has been disapproved shall have the right and opportunity to be heard and present evidence at a hearing according to the laws, regulations and policies of the Sitka Tribal Court.

(c) Involuntary Relinquishment and Loss of Citizenship Rights

Any person who suffers an involuntary relinquishment or loss of citizenship rights shall, pursuant to Article III, Section 3 of the Constitution, have the following rights and opportunities:

(1) first to have the right and opportunity to be heard and present evidence at a hearing according to the laws, regulations and policies of the Sitka Tribal Court;

(2) and then, if still aggrieved, upon the affirmative vote of two-thirds of the eligible voters present at a General Citizenship meeting the person shall lose citizenship rights.

(d) Voluntary Relinquishment of Citizenship Rights

(1) A person shall be deemed to have voluntarily relinquished his or her citizenship in the Tribe by enrolling in another tribe or providing his or her relinquishment in writing.

(2) Upon receipt of evidence that a citizen has enrolled in another Tribe or provided written relinquishment, the Enrollment Committee shall forward a recommendation for approval or disapproval to the Tribal Council within 30 days of receipt of evidence of relinquishment.

(3) Upon a showing of good cause, the Committee may be allowed an additional 21 days by providing the applicant and the Tribal Council with written notice and a statement of good cause.

(4) Each applicant for relinquishment shall be voted on separately at the next regular or special meeting of the Tribal Council. Each applicant for relinquishment shall be notified by the Enrollment Manager at least seven days in advance of the Council meeting at which his or her relinquishment is considered.

(e) Deceased Citizens

Upon evidence that a tribal citizen of the Sitka Tribe of Alaska is deceased, via either a death certificate, publication of an obituary, or other reliable source, the official citizenship roll shall be revised to reflect that fact and the tribal citizen's name shall be placed in the Book of Remembrance.

03.01.13 Confidentiality of Records And Access

(a) Confidentiality

Except as provided below, all enrollment records and files are confidential and shall not be viewed, copied or released to individuals other than the tribal officials to the extent necessary to carry out their duties under the terms of this Ordinance. This requirement of confidentiality extends to the list of names from the official Tribal Citizenship Roll, or any part of the list.

(b) Safekeeping of Records and Files

It is the responsibility of the Enrollment Manager to ensure that all records and files are safely kept and only access authorized under this Ordinance is allowed. It is also the responsibility of the Enrollment Manager to ensure that the viewing, copying, or other authorized access does not result in the diminishment, disarray or loss of records and files. The Enrollment Manager shall personally supervise access to original copies of enrollment files and the computerized enrollment database. In the absence of the Enrollment Manager, another staff person designated by the General Manager may supervise access to original copies of enrollment files and the computerized enrollment database.

(c) Access

The following individuals or organizations shall have access to enrollment records and files, including the right to view and copy:

(1) An individual shall have access to his or her own enrollment records and files;

(2) An individual or organization who has written permission from an enrolled citizen of the Tribe shall be granted access to the records and files of that citizen;

(3) A minor and the minor's guardian or parent shall have access to the minor's enrollment records;

(4) An individual who is a lineal descendant or progenitor of an enrolled citizen who is deceased shall have access to the records and files of that deceased citizen; and

(5) Tribal officials, staff, and contractors carrying out their duties under the terms of this Ordinance or performing their jobs in the case of official tribal business.

(d) Citizenship Roll

(1) The list of names from the official Tribal Citizenship Roll, excluding any and all references to address, phone number, or other enrollment information, shall be public information. The list of names or any portion of the list of names may be obtained by any tribal citizen upon written request to the Enrollment Manager.

(2) The list of names from the official Tribal Citizenship Roll, including individual addresses and phone numbers (but no other information, such as birthdates or enrollment numbers) may be released to a tribal citizen or organization, only upon an affirmative vote of the Tribal Council, for good cause.

03.01.14 Date of Enactment and Amendment

This ordinance was originally enacted on April 23, 1993; amended on July 28, 1999; amended on March 19, 2003, emergency amendment on October 20, 2010, and amended on April 20, 2011.

CERTIFICATION

The above ordinance was approved at a meeting of the Sitka Tribe of Alaska Tribal Council held on **April 20, 2011**, at which time a quorum was present by a vote of 8 for, Ø against, Ø abstentions, and Ø absent; and amended after three readings at a duly convened meeting of the Sitka Tribe of Alaska Tribal Council at which time a quorum was present held on April 20, 2011.

Lawrence Widmark
Chairman, Sitka Tribe of Alaska

ATTEST:

Rachel Moreno
Secretary, Sitka Tribe of Alaska

HISTORICAL AND STATUTORY NOTES

SITKA TRIBE OF ALASKA
ENROLLMENT ORDINANCE

April 23, 1993	**Enactment.**
July 28, 1999	**Amendment.**
March 19, 2003	**Amendment/Revision.**
October 20, 2010	**Emergency Amendment.**
April 20, 2011	**Amendment.**