



# DELAWARE TRIBE OF INDIANS

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**A RESOLUTION OF THE TRIBAL COUNCIL  
of the  
DELAWARE TRIBE OF INDIANS  
regarding  
ADOPTING THE DELAWARE TRIBAL MEMBERSHIP ACT  
Resolution 2000-14**

**WHEREAS,** The Delaware Tribal Council is authorized by Article V of the Constitution and Bylaws of the Delaware Tribe (1982) to represent the Delaware Tribe and act in all matters that concern the general welfare of the tribe, and

**WHEREAS,** The adoption of the attached Delaware Tribal Membership Act will serve the best interests of the tribe.

**NOW THEREFORE BE IT RESOLVED,** by the Delaware Tribal Council that the attached Delaware Tribal Membership Act is hereby adopted effectively immediately.

### CERTIFICATION

I hereby certify that the foregoing was considered by the Tribal Council of the Delaware Tribe of Indians by a duly constituted quorum in a regularly called meeting and adopted this 20 day of March 2000, with a vote of 7 yes, 0 no, and 0 abstaining.

  
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DEE KETCHUM, CHIEF

  
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PAULA PECHONICK, SECRETARY

## **DELAWARE TRIBAL MEMBERSHIP ACT**

Adopted by the Delaware Tribal Council on

March 21, 2000

Resolution 2000-14

**Section 1. Title.**

This Act shall be known as the "Delaware Tribal Membership Act" and shall be codified in the Delaware Tribal Statutes in such manner as directed by the Delaware Tribal Council.

**Section 2. Purpose**

The purpose of this Act is to provide fair and reasonable laws and procedures to all applicants and members for enrollment in the Delaware Tribe of Indians.

**Section 3. Definitions**

- (A) "Adopted child" refers to a child given up by their natural parents and adopted by others. It does not refer to adult Delaware Indians adopted into the membership nor to honorary membership into the Tribe unless otherwise stipulated in the Constitution.
- (B) "Applicant" is a person who has submitted an application for membership in the Tribe prior to final action on the application.
- (C) "Base enrollees" are those 1100 Delaware persons whose names appeared on the Delaware Indian per capita payroll approved by the Delaware Business Committee on or about January 12, 1905 and further approved by the Secretary of Interior on April 20, 1906, pursuant to the April 21, 1904 Act of Congress (33 Stat. 222), and the Resolution of the General Council of the Delaware Tribe of Indians, April 29, 1904, Dewey, Indian Territory;

1. Provided, by virtue of the Resolution of the Delaware Tribe of Indians in Council Assembled [General Council] July 14, 1951, and pursuant to Article II of the Constitution of the Delaware Tribe of Indians (1982), as amended, "base enrollees" shall further be deemed to include those Kansas-Delawares, hereinafter referred to as the "Delaware Later-Comers," and their lineal descendants who initially chose to sever tribal relations under Article 9 of the 1866 Treaty with the Delaware, but later removed from the Kansas territory to resettle with the Delaware Tribe in Indian Territory between 1867 and 1900 and individually paid a sum of money to the Cherokee Tribe prior to 1900 for the right to do so;

2. Further provided, that except for those Delawares specifically named in the aforementioned 1951 General Council Resolution<sup>1</sup>, no Late-Comer shall be deemed a "base enrollee" except upon proof of said resettlement with the Delaware Tribe prior to 1900, proof of payment directly to the Cherokee Tribe prior to 1900 for the right to resettle, and proof that the Late Comer is listed on the 1867 Article 9 Registry of Delawares severing relations with the tribe.

3. Further provided, except as provided by federal statute or duly authorized Tribal Council Resolution, nothing herein shall be deemed to vest any Late-Comer or their heirs or descendants with an individual right or claim to any per capita payments or other interests in the proceeds of any judgement funds previously or hereinafter awarded to the Delaware Tribe of Indians and its members

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<sup>1</sup>Nannie M. Bartles, Nonie I. Pratt, Ella M. Pratt, Ida F. Pratt, and Lewis Ketchum

for pre-1867 treaty violations.

- (C) "Court" and "Court Order" refers to any state, federal, or tribal court, and a duly certified order therefrom.
- (D) "Constitution" or "Delaware Constitution" is the Constitution of the Delaware Tribe of Indians adopted by the adult voting members of the tribe meeting in General Council on November 6, 1982, as thereafter amended.
- (E) "Direct lineal descendant" is a biological descendant whose lineage can be traced from parent to child in each generation. By definition, an adopted child is not a direct lineal descendant of his or her parents.
- (F) "Enrollment Director" refers to the senior staff position within the Delaware Enrollment Office, as acknowledged by the Delaware Tribal Council, who shall be responsible for implementing this act and otherwise supervising all enrollment activities for the Delaware Tribe.
- (G) "Family Tree Chart" is the form provided by the Delaware enrollment office which shall be used to describe and indicate the line of descent of an applicant from a base enrollee.
- (H) "Federally Recognized Indian Tribe" means any Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony or community, including any native Hawaiian group or any Alaska native village or regional or village corporation which is federally recognized as eligible by the U.S. Government for the special programs and services provided by the Secretary of the Interior to Indians because of their status as Indians.
- (I) "Legal Guardian" refers to a custodial parent or a court-appointed guardian of an unmarried minor child, or the trustee or guardian of a person found to be legally incompetent by a court of law;
- (J) "Minor" refers to a person under eighteen (18) years of age.
- (K) "Relinquishment" is the personal, voluntary action taken by a tribal member or an individual legally authorized to act on the member's behalf to terminate the member's relationship with the Tribe.

#### **Section 4. Eligibility**

- (A) **Lineal Descent.** Any person who can prove direct lineal descent from a base enrollee, as defined herein, shall be eligible for membership in the Delaware Tribe;
- (B) **Degree of Indian Blood.** Except as otherwise provided in the Delaware Constitution, there shall be no minimum blood quantum requirements imposed for membership in the Delaware Tribe; Provided, that the blood quantum of every member of the tribe shall be computed, maintained on file, and reported on each tribal member's enrollment card as provided herein;
- (C) **Dual Enrollment.** Unless otherwise provided for in the Constitution of the Delaware Tribe of Indians, simultaneous enrollment in the Delaware Tribe and in another federally recognized Indian tribe shall be permissible;
  - (1) Provided, effective October 1, 2000, any tribal member who is dually enrolled shall be required to relinquish membership in all other tribes before being eligible to receive federally funded or state funded benefits or services from the Delaware Tribe; and,
  - (2) Further provided, the territorial jurisdiction (criminal, civil, and regulatory) of the Delaware

Tribe shall not extend to any trust land or restricted allotment owned by a tribal member who is dually enrolled with another tribe.

- (D) **Residency.** Unless otherwise provided for in the Constitution of the Delaware Tribe of Indians, there shall be no residency requirements imposed for membership in the Delaware Tribe; Provided, the Tribal Council in its discretion may limit the receipt of certain federal and tribal services, gratuitous notices, and other privileges to those individuals who reside within the boundaries of an identified service area within the tribe's territorial jurisdiction. Nothing herein shall affect or limit any rights vested by the Constitution of the Delaware Tribe, or privileges and benefits provided under the Trust Document of the Delaware Tribe (1990).

**Section 5. Application Requirements.**

- (A) Each enrollment application must be completed in its entirety and must contain sufficient personal information to properly determine the applicant's eligibility, including but not limited to:
- (1) All names by which the applicant has ever used, or by which applicant has been known;
  - (2) The residential address of the applicant;
  - (3) A completed family tree, showing the applicant's lineal ancestry to an enrolled tribal member, or lineal ancestry to a base enrollee as defined herein;
  - (4) The name and locations of the other tribe(s) and degree(s) of Indian blood (if known) of any other tribe(s) in which the applicant claims descent or membership;
  - (5) Information indicating whether the applicant has previously applied or been enrolled with the Delaware Tribe, and if so, during what periods of time;
  - (6) A declaration that enrollment is sought based on descent from a Delaware Late-Comer as provided herein and any other information required to support a Late-Comer application;
  - (6) The signature of the applicant, or legal guardian for the applicant, witnessed before a notary; and
  - (7) The date of filing of the application.
- (B) The following must be also provided with the application at the time of filing:
- (1) Documentation evidencing membership eligibility by:
    - (a) A certified state, county, federal or tribal copy of the applicant's birth certificate which evidences direct descent from an enrolled Delaware tribal member, or if applicant has no direct lineage to an enrolled Delaware tribal member, then applicant must provide a certified state, county, federal, or tribal copy of all birth certificates and/or death certificates sufficiently linking the applicant to a base enrollee; or,
    - (b) If the lineal descendent is alleged to be from an undeclared Delaware father, or if a relevant birth certificate fails to declare a Delaware father, applicant must provide a certified state, federal or tribal court order establishing paternity or relevant lineal descent; or,
    - (c) If the lineal descent is alleged by a person adopted by parents who are not a lineal Delaware, applicant must provide an amended birth certificate evidencing

lineal descent or a certified state, federal, or tribal court order acknowledging lineal descent.

- (2) A copy of any membership card(s) or voting registration card(s) or similar documentation evidencing membership in another tribe(s), if any, and a copy of any prior Delaware voter registration or membership card(s), if any.
- (3) A copy of any certificate of degree of Indian blood previously issued by the Bureau of Indian Affairs or another tribe to the applicant, if any;
- (4) A copy of any current driver's license, if any;
- (5) A copy of applicant's federal social security card, if any;
- (6) A passport-size recent photograph of applicant - or any similar type photograph that is acceptable to the Enrollment Director.
- (7) Any applicable application fees for a new Delaware membership card or a replacement card.

#### **Section 6. Processing Procedures and Requirements.**

- (A) All applications for enrollment shall be hand-delivered or mailed to the Delaware Enrollment Office. Upon receipt, the Enrollment Office shall:
  - (1) Immediately file-stamp date the application and send acknowledgment of receipt to the applicant within thirty (30) days of receipt;
  - (2) Create a permanent file for the application and supporting documents;
  - (3) Notify applicant of any deficiencies in the application and advise applicant of the documentation needed within thirty (30) days of receipt of application which shall be provided by the applicant no later than within (1) year of the notification;
  - (4) Contact other tribes in writing and request verification in writing of applicant's dual enrollment or eligibility for enrollment in other tribes, and any available blood quantum information, if applicable;
  - (5) Make an initial determination as to whether applicant is eligible for membership consistent with this act and Article II of the Delaware Constitution which shall be duly approved in writing by the Enrollment Director;
  - (6) Upon making an initial determination of eligibility, calculate the blood quantum for the applicant as further provided herein.
- (B) Upon making an initial determination, the Enrollment Director shall prepare proposed written resolutions accepting or rejecting an application for enrollment for submission to the Tribal Council for action. Said resolution shall contain the full name of applicant, the calculated blood quantum, and the basis for the acceptance or rejection of the application. Each proposed Tribal Council resolution may address more than one application.
- (C) Upon approval by the Tribal Council of an applicant's enrollment, the Enrollment Office shall:
  - (1) Assign to the tribal member a new, permanent enrollment number which shall never have

been previously assigned and which shall never again be reassigned - even upon the relinquishment of membership or the death of the tribal member. Upon reapplication for membership following relinquishment, the tribal member shall be reassigned his or her permanent enrollment number.

- (2) Prepare a membership card for the tribal member as further provided herein;
- (3) Mail the new membership card with a notification of the enrollment approval by certified mail to the applicant within thirty (30) days of Tribal Council approval. The Tribal Enrollment Office shall include with the new membership card a notice of the rights and procedures for appealing the blood quantum calculation.

**Section 7. Computing Degree of Indian Blood.**

- (A) **Base Roll.** Within six months of the passage of this Act, the Enrollment Director shall have verified and recorded the Delaware blood quantum of each and every base enrollee as defined herein for the purpose of computing the blood quantum of each tribal member. Documents verifying the blood quantum of base enrollees shall be permanently maintained in the Office of Tribal Enrollment.<sup>2</sup> Upon completion of the verification process, the Enrollment Director shall compile a new list of the base enrollees with the relative blood quantum for each and shall attach a written affidavit attesting to the source and accuracy of the base enrollees listed therein and the reported blood quantum.
  - (1) The Delaware blood quantum for the base enrollee shall be computed from the information provided on the final approved rolls of the Five Civilized Tribes closed March 4, 1907, by Act of April 26, 1906. Any base enrollee as defined herein whose name does not appear upon in the records of the said rolls of the Five Civilized Tribes shall be conclusively deemed a full-blood; Provided the Enrollment Director shall create a notation indicating that the base enrollee was deemed a full blood due to lack of any other viable source documenting the blood quantum.
  - (2) Upon completion, the Enrollment Director shall submit the Verified Base Roll to the Tribal Council for approval.
  - (3) Upon Tribal Council approval, the Enrollment Director shall arrange for the computerization of the Verified Base Roll for the purposes of facilitating computation the blood quantum of the descendants of the base roll.
- (B) **Other Indian Blood Quantum.** To the extent that federal regulations or statutes require that a federal Certificate of Degrees of Indian Blood must report the individual's Indian blood quantum from all tribal sources regardless of tribal membership or affiliation, the Enrollment Director shall implement such additional procedures and regulations as necessary to comply with the federal requirements.
- (C) **Computation.** The Delaware blood quantum of each and every tribal member shall be computed from the Verified Base Roll and as otherwise required by federal law for the issuance of a federal

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<sup>2</sup>The blood quantum for Late-Comer Delawares, other than those specifically named in the 1951 General Council Resolution, shall be computed and added to the Verified Base Roll on an ongoing basis consistent with the requirements of this Act.

**Certificate of Degree of Indian Blood** The blood quantum for each tribal member shall be determined by dividing the blood quantum of each of the relevant tribal member's biological parents by one-half. Where the blood quantum of the lineal ancestors of a tribal member has not been previously computed, the blood quantum shall be computed for each successive generation beginning with the blood quantum base roll. For every application for tribal membership, the Enrollment Office shall permanently record the computed blood quantum of all lineal Delaware ancestors identified in a particular computation. The permanent record of lineal ancestors shall not be re-computed for subsequent applications except as proved by a written resolution of the Tribal Council which sets forth factual findings clearly evidencing irrefutable errors in prior computations. If the permanent blood quantum record is modified by the Tribal Council as provided herein, the Enrollment Office shall take such necessary measures to correct the blood quantum for all affected tribal members and to notify said tribal members of the corrections. The fact that the permanent blood quantum record was corrected as provided herein shall be permanently noted in each tribal member's file.

**Section 8. Format for Tribal Membership Card**

- (A) **Uniform Card.** All tribal members shall receive the same tribal membership card which shall be labeled and referred to as the Delaware Tribal Membership Verification, upon proper application as provided herein, regardless of the age, blood quantum, or otherwise.
- (B) The Tribal Enrollment Director shall be responsible for developing and utilizing a permanent format for the Delaware Tribal Membership Verification consistent with the provisions herein within six months of the passage of this Act. The initial format and any subsequent changes shall be submitted to the Tribal Council for approval.
- (C) **Minimum Contents -Face.** The front of each membership card shall contain at a minimum:
  - (1) Title of the card : Delaware Tribe of Indians, Membership Verification
  - (2) A space for a photograph of the tribal member in the upper left-hand corner of the card;
  - (3) The first name, last name (maiden name) and middle initial of the tribal member;
  - (4) The tribal enrollment number;
  - (5) The degree of Delaware Indian Blood;
  - (6) The tribal member's date of birth and sex;
  - (7) Social Security number; and,
  - (8) Signature line for Tribal Member Signature.
- (D) **Minimum Contents- Back.** The back of each membership card shall contain at a minimum:
  - (1) The following statement: "This card verifies that the individual named on the face of this card is an enrolled member of the Delaware Tribe of Indians, 220 NW Virginia Ave., Bartlesville, Ok., 74003, (918) 336-5272, a federally recognized Indian tribe (61 Fed. Reg. 58211)(1996), is entitled to the protection and services of the Bureau of Indian Affairs, and is bestowed certain other privileges and benefits by virtue of membership in a federally recognized Indian tribe. The degree of Indian blood shown on the face of this card was computed in compliance with applicable federal law."

- (2) Signature line of the Enrollment Director.
- (3) Date of issuance.

**Section 9. Denial / Appeals/Reapplication**

- (A) **Notice of Denial.** Upon denial by the Tribal Council of an application for enrollment, the Enrollment Office shall send written notification to the applicant by certified mail, return receipt requested, within (15) days of the Tribal Council decision, advising that the application has been denied and the grounds for the denial. Each notification shall contain a copy of the Tribal Council's resolution, a standard notice of the rights and procedures for appealing the decision to Tribal Court, and a standard form prepared by the Enrollment Office for filing the appeal.
- (B) **Appeal Procedures.** An applicant seeking to challenge the denial of eligibility for membership or the blood quantum calculated must first file a written appeal to the Tribal Court for within sixty (60) days of the receipt of the notice of denial. The written appeal shall state the grounds for appeal and the evidence supporting those grounds. The appeal must be mailed directly to the Tribal Headquarters to the attention of the Delaware Tribal Court. Upon receipt of the appeal, the Court shall schedule a hearing and give at least ten (10) days written notice to applicant and the Enrollment Director of the date, time, and location of the hearing. Notice to the Enrollment Director shall include a complete copy of applicant's appeal. Upon receipt of the notice of the appeal to Tribal Court, the Enrollment Director shall prepare and provide a copy of the entire contents of the applicant's file to the Tribal Court within five (5) days of the notice. Review by the Tribal Court shall include only those materials previously presented to the Enrollment Officer and /or the Tribal Council which shall include all information contained in applicant's file. The Tribal Court shall make a decision on all appeals within sixty (60) days of the receipt of the appeal. Evidence must establish membership and blood quantum according to the provisions of this Act and the Constitution of the Delaware Tribe of Indians. A written decision of the Tribal Court shall be sent by the Court to the applicant by certified mail within fifteen (15) days of the Court's decision. A copy of the decision shall further be sent to the Enrollment Office and placed in the applicant's file. The decision of the Tribal Court shall be final.
- (C) **Reapplication.** Upon being denied membership under the provisions of this Act, a person may reapply for membership only if he/she submits relevant new material(s) to be added to his/her previously rejected application. If more than three (3) years have lapsed since the applicant's last application then a new application must be submitted. If it has been less than three (3) years then applicant need only submit the new relevant information. When the applicant submits the new, material applicant must explain why the new material is relevant to establishing membership or blood quantum. Once the new materials are submitted, the application will be processed under the same procedures for a new application described above.

**Section 10. Records/Enrollment Information Releases**

- (A) **Content.** Each application folder shall contain the original application, birth certificate, family tree, any correspondence, any resolutions affecting enrollment and all other documentation pertinent to the folder.
- (B) **Access.**
  - (1) No portion of or the complete tribal roll shall be copied or distributed to any person or organization without the authorization from the Tribal Council by written resolution.



- (2) The Tribal Council shall use its discretion in using and/or releasing information from the roll for the benefit of tribal members or tribal programs.
  - (3) All application/membership folders shall be confidential. Access to these folders is restricted to the individual member, his/her duly authorized agent, the Enrollment Staff, the Tribal Council, and the Tribal Court.
  - (4) At the discretion of the Enrollment Director, limited portions of the tribal roll may be viewed by a tribal member or applicant for the purpose of researching genealogy and proving lineal descent.
  - (5) Any person may be given access, allowed to copy, or otherwise view the 1906 Secretarial Delaware Base Roll and the Verified Base Roll as described herein, for any reasonable purpose.
- (C) Certification of Tribal Enrollment. The Enrollment Director shall be responsible for developing and utilizing standard forms for certifying individual tribal enrollment and reporting total enrollment numbers for tribal uses and for general distribution. The format of these standard forms shall be submitted to the Tribal Council for approval within ninety (90) days of the passage of this Act. All enrollment certifications shall be duly signed by the Enrollment Director, dated, and notarized. The Enrollment Director shall further submit a certification of the total enrollment numbers to the Tribal Council on no less than a quarterly basis.
- (1) Forms certifying the enrollment of an individual tribal member shall include: Full name, blood quantum, tribal roll number, last known address, date of birth, and social security number.
  - (2) Forms for certifying the total enrollment of tribe shall include: An itemization of the number of members residing within and outside Oklahoma, an itemization of the number of members residing within the territorial jurisdiction by county and within the service jurisdiction of the tribe by county, and a distinction between the number of adult and minor children for each residency category.
  - (3) At the discretion of the Chief or Tribal Council, the Enrollment Director may as the need arises issue a modified form containing additional or less information to meet a particular tribal need for enrollment certification
- (D) Maintaining Records. Upon receipt of the required information, the Enrollment Office is responsible for updating the information contained in the tribal roll and in the individual membership files.
- (1) Notification of a change in the tribal member's legal name must be accompanied by one of the following: marriage license, divorce decree, court order, amended birth certificate, or Social Security card; Provided, a tribal member's maiden or birth name shall be permanently recorded and recognized by the tribe as the tribal member's name for all tribal purposes. Subsequent name changes shall be parenthetically noted next to the maiden or birth name.
  - (2) Notification of a tribal member's change of address must be in writing and signed by the tribal member or his/her duly authorized guardian/agent or representative. Unless a tribal member's address is duly changed as provided herein, a tribal member shall be presumed to reside at the last known address reflected in the tribal enrollment records.
  - (3) Notification of the death of a tribal member must be demonstrated by one of the

following: death certificate, Bureau of Indian Affairs mortuary records, hospital records, a notarized affidavit attesting to death from the tribal member's surviving spouse, if any, or the next of kin; Provided, the Enrollment Director shall be authorized to survey local newspapers for obituaries to record the death of a tribal member.

- (4) A list of deceased tribal members shall be maintained as an addendum to the tribal membership roll.
  - (5) Upon notification of death of a tribal member or upon relinquishment of membership, the relevant tribal member's enrollment number shall be retired. Retired membership numbers shall not be used again, provided, the same number may be reassigned to the same tribal member reapplying after a previous relinquishment.
- (D) Records of Denials of Membership.
- (1) A list of all rejected applicants shall be permanently maintained by the Enrollment Office;
  - (2) All rejected applications and related files shall be maintained for three (3) years after notification of rejection;
  - (3) All documents, materials, and correspondence pertaining to an application must be maintained in the applicant's file.

#### **Section 11. Relinquishment of Membership**

- (A) **Adult Relinquishment.** Any competent adult member of the Tribe may voluntarily relinquish membership in the tribe. Relinquishment must be in writing and notarized.
- (B) **Minor Child Relinquishment.** The parent or legal guardian of a minor child may relinquish the membership on behalf of the child and regardless of the child's consent. Relinquishment must be in writing and the signature must be notarized. The Enrollment Office shall be responsible for verifying that the individual who signed the relinquishment has legal custody or guardianship of the minor. Verification shall be provided by birth certificate or court order. Minors whose membership was relinquished by a parent or legal guardian may reapply for membership at any time after reaching majority (eighteen years of age) or after attaining emancipation as evidence by court order.

#### **Section 12. Clarification of Existing Tribal Roll.**

- (A) **Inventory of Deficient Files.** Within thirty (30) days of the passage of this Act, the Enrollment Director shall take an inventory of the tribe's enrollment files and create a data base those files that do not contain sufficient documentary evidence that the individual applied to the Delaware Tribe for membership or documentary evidence that the individual is a descendant of a base enrollee as defined herein.
- (B) **Confirmation of Proof of Descendent/Membership by Affidavit.** Upon completion of the data base of deficient files, the Enrollment Director shall:
  - (1) Identify of those individuals within the data base who are named on either on the Bureau of Indian Affairs' May 9, 1983 Delaware Tribal Roll, or on the Bureau of Indian Affairs' June 20, 1975 Cherokee Delaware Judgement Roll. The Enrollment Director shall then prepare, sign, and date a verification statement that the individual has proven descent from the 1906 Delaware Per Capita roll as evidence by inclusion on the 1983 or 1975 per capita

payment rolls. A copy of the verification and a copy of the relevant page from the 1983 or 1975 per capita rolls shall be placed in the individual's enrollment file; and,

- (2) Prepare a standard Membership Affidavit for each individual in the data base stating that the individual declares and affirms that he or she is an enrolled member of the Delaware Tribe of Indians. The membership Affidavit shall be mailed to the individual's last known address with instructions that the individual must sign the affidavit and return the same to the Enrollment Office within a specified time period, which shall be no less than six (6) months from the date of mailing, in order to retain membership in the Delaware Tribe of Indians. In the Enrollment Director's discretion, an individual in the data base may be sent more than one (1) request to execute the Membership Affidavit.
- (C) **Striking the Roll.** If after one (1) year, an individual within the deficient files data base has failed to return the request for a Membership Affidavit, Enrollment Director shall present said individual's name to the Tribal Council with a request to remove said individual from the membership roll. Upon Tribal Council approval, the Enrollment Director shall remove the individual from the roll and issue written notice of the action to the individual's last known address. The Enrollment Director shall maintain a permanent list of all individuals so removed from the roll and a copy of the individual's enrollment file.
- (D) **Deceased Tribal Members.** No deceased tribal member shall be included in the data base for deficient files. If during the process of clarifying the tribal roll, the Enrollment Director determines that an individual included in the data base is deceased, the individual's file shall be removed from the data base and no further action shall be taken to clarify or remove the tribal member's name from the permanent enrollment files.
- (E) **No Prejudice to Reapplication.** Any individual whose name has been removed from the tribal roll for failure to return a Membership Affidavit shall be entitled to reapply for a new membership at any time consistent with the requirements of this Act.

**Section 13. Application Fee/Lost Cards/Updated Cards.**

- (A) **Application Fee.** Effective immediately, all new applications for tribal membership shall be accompanied by a \$ 10.00 application fee.
- (B) **Updated Cards.** Beginning ninety (90) days after passage of this Act, any tribal member may apply for a new, updated tribal membership card as provided herein upon payment of a fee of \$10.00 and upon submission of such additional information reasonably requested by the Enrollment Director.
- (C) **Lost Cards.** Any tribal member requesting a replacement for a lost membership card, regardless of whether the card is an old voter registration card or an updated card as provided herein, shall be required to tender the application fee of \$10.00 and submit any additional information required herein for a membership application.

**Section 14. Effective Date/ Applicability to Existing Members**

- (A) **Effective date.** This Act shall become effective immediately and shall be fully implemented within six (6) months of the date of passage.
- (B) **Applicability.** Except as provided in Section 12 of this Act regarding the provisions for clarifying

the existing roll, nothing in this Act shall result in the loss of membership for any currently enrolled tribal members. Nothing in this Act shall be construed to require a tribal member to apply for an updated card, nor construed to undermine the validity of the membership cards issued prior to the passage of this Act.

APPROVED BY THE TRIBAL COUNCIL OF THE DELAWARE TRIBE OF INDIANS ON THIS 7<sup>th</sup> DAY OF APRIL, IN THE YEAR 2000, BY RESOLUTION 2000-14.

  
DEE KETCHUM, CHIEF

  
PAULA PECHONICK, SECRETARY