

TITLE 8 ENROLLMENT, REFERENDUMS AND ELECTIONS

CHAPTER 8-1 MEMBERSHIP

PREAMBLE

8-1-1

Findings

The Colville Tribal Constitution provides for the terms upon which membership in the Confederated Tribes of the Colville Reservation (hereinafter Tribes) will be granted, forfeited, or denied, and empowers the Colville Business Council to regulate tribal membership. Accordingly, the Colville Business Council finds it in the best interest of all members and potential members to provide specific written rules and regulations governing the procedure to be used in determining membership.

8-1-2

Burden of Proof and Standard of Proof

The burden of proof shall be upon the Applicant to establish all elements of the Applicant's entitlement to enrollment or entitlement to a correction of blood degree under the Tribal Constitution and rules and regulations of this Chapter, unless otherwise specifically stated herein. Any matters required to be proved under this Chapter unless otherwise specifically stated, must be proved to the satisfaction of the Tribal Court, Enrollment Committee or the Council, as provided herein, by clear and convincing evidence.

DEFINITIONS

8-1-30

Definitions

(a) "Adoption" means admission to membership in the Tribes by the procedure for adoption in the Tribes set out below.

(b) "Basic Enrollee" means an enrolled member of the Tribes whose name appears as an enrolled member on the official tribal roll dated January 1, 1937; not including those listed as enrolled for "land only".

(c) "Blood of the Tribes and bands which constitute the Tribes," "Colville Blood," or "Colville Indian Blood," means the Colville Indian blood as defined by Amendment V and Amendment IX to the Constitution of the Confederated Tribes of the Colville Reservation.

(d) "Applicant" means any person who has applied formally for membership in the Tribes prior to approval or denial of the application.

(e) "Chief Enrollment Officer" means the person employed by the Tribes to direct the operations of the Tribal Enrollment Office.

(f) "Committee" means the Enrollment Committee of the Colville Business Council.

(g) "Council" means the Business Council of the Tribes.

(h) "Court" means the Tribal Court of the Confederated Tribes of the Colville Reservation.

(i) "Days" means all calendar days. However, when any deadline date established by this Chapter falls on a Saturday, Sunday or any day designated a legal holiday by federal or tribal law or by tribal administrative action, the deadline date shall be extended to the next tribal work day following the Saturday, Sunday or holiday.

(j) "Enrollment" means admission to membership in the Tribes by the procedure for enrollment set out below.

(k) "Parent" means the natural or biological parent.

(l) "Permanent Residence" means the true, fixed, permanent home to which one has intention of return whenever absent therefrom. Minors shall be considered to reside with any parent who is a member of the Tribes.

(m) "Person" means any human being of any age or sex whether or not an enrolled member of the Tribes.

(n) "Relevant Data Form" means a form drafted by and available from the Colville Tribal Enrollment Office which shall request from applicants for membership in the Tribes important information about the applicant and the applicant's heritage upon which decisions regarding the applicant's eligibility for membership or desirability as a member may be based. The Relevant Data Form shall not be considered to define all acceptable or relevant data regarding membership which may be considered in making decisions under this Chapter.

(o) "Reservation" means all lands within the jurisdiction of the Tribes.

(p) "Roll" means the January 1, 1937, census roll of the Tribes as kept and updated by the Colville Tribal Enrollment Office.

(q) "Secretary" means the Secretary of the Interior of the United States or a duly authorized representative.

(r) "Tribal Member" or "Member" means any person who is a duly enrolled member of the Tribes, unless the context clearly indicates otherwise.

(s) "Tribes" or "Confederated Tribes" means the Confederated Tribes of the Colville Reservation.

(t) "Executive Department" means the Colville Tribal Enrollment Office, Colville Tribal Prosecutor, or other operating department of the Tribes.

(Amended 9/6/01, Resolution 2001-494)

MEMBERSHIP

8-1-80

Membership

The membership of the Tribes for all tribal programs shall be composed of all persons on the roll of the Tribes on the date of the approval of this Chapter by the Secretary of the Interior and:

(a) Blood degree, parental enrollment, parental residence on reservation: All applicants who can show pursuant to the rules and standards set out in this Chapter:

(1) that the applicant possesses at least one-fourth (1/4) degree of the blood of the tribes and bands which constitute the Tribes; and

(2) that at least one parent of the applicant was or is an enrolled member of the Tribes at the time of the applicant birth; and

(3) that the parent of the applicant maintained a permanent residence on the Colville Indian Reservation at the time of the applicant's birth.

(b) Blood degree, parental enrollment, residence in Continental United States, written application: All applicants who can show pursuant to the rules and standards set out in this Chapter:

(1) that the applicant's heritage and parentage fully conforms to the requirements of sections 8-1-80(a), subparts (1) and (2) above; and

(2) that their parent or guardian of the applicant, at the time of the applicant's birth maintained a permanent residence in the Continental United States; and

(3) that the applicant or the applicant's guardian, within six (6) months of the birth of the applicant, has submitted to the Tribes a written application for enrollment including a copy of the applicant's birth certificate and other evidence of eligibility for enrollment.

(c) Any person who can show pursuant to the rules and standards set out in this Chapter: That his or her heritage and parentage fully conforms to the requirement of section 8-1-80(a), subpart (1) above; and is approved for Adoption into membership in the Tribes by a two-thirds (2/3) majority of all members of the Colville Business Council voting at a regular or special, open session of the Council.

(Amended 9/6/01, Resolution 2001-494)

8-1-81 **Enrolled Member of Another Tribe**

No person who is an enrolled member of any other Indian Tribe or band, foreign or domestic, recognized by a national government may be enrolled or adopted into the Tribes. Neither the Enrollment Committee nor Business Council shall consider the application for membership in the Tribes of any person who is an enrolled member of another tribe or band, until the Enrollment Department has received a resolution (or other official document from such tribe or band if it does not utilize a resolution to approve relinquishment) from such person's tribe or band that such tribe or band has approved such person's relinquishment of membership in that tribe or band. Such relinquishment shall not be deficient if it is made contingent by the approving tribe or band on approval of enrollment with the Tribes. The Enrollment Department shall include an explanation of this requirement in the membership application materials provided to each applicant, and shall obtain the signature of every applicant, who is a member of another tribe, on a form acknowledging the applicant's understanding of this requirement.

(10/12/95, Resolution 1995-683)

8-1-82 **Membership Rights**

There shall be no distinction as to the tribal rights of persons placed on the Colville Tribal Roll under sections 8-1-80(a), (b), and (c) above, after enrollment has been completed.

8-1-83 **Paternity Tests**

Each applicant is required to establish paternity through DNA testing. Each parent who the child derives blood of the Confederated Tribes of the Colville Reservation must be tested. If the biological parent is not available for testing, kinship testing may be available upon request. The applicant or legal guardian of the applicant must schedule an appointment with the Enrollment department to conduct a buccal swabbing. Payment for all DNA testing is the sole responsibility of the applicant.

(Amended 11/19/09, Resolution 2009-856)

8-1-84 **Petition of Court**

The Enrollment Office or the Enrollment Committee may petition any court to obtain information necessary to make decisions they are required to make under this Chapter.

8-1-85 **Membership Roll Information Process for Authorization**

All agencies and offices in possession of the Colville Tribal membership roll shall be officially notified that copies of such roll are not to be given to anyone without the written authorization of the Colville Business Council.

(Adopted 4/8/76, Resolution 1976-203)

ENROLLMENT PROCEDURE

- 8-1-120** **Enrollment Procedure**
All enrollments into the Tribes shall take place under the provisions of this section.
- 8-1-121** **Approval, Denial, No Money Damages**
All persons who prove under the rules and standards set out in this Chapter that they meet all qualifications for enrollment shall have a right to enroll in the Tribes. An applicant denied the right to enroll shall not, under any circumstances, be compensable in money damages against the Tribes, its employees or officers.
- 8-1-122** **Application for Enrollment**
Applicants attempting to enroll shall file a short written Application For Enrollment with the Tribes which Application shall contain relevant evidence and documentation showing that the person is entitled to enrollment in the Tribes. The Tribal Enrollment Office shall make every effort to assist applicants in filling out the Application for Enrollment and the Enrollment Office shall record the date of first contact with applicants, whether that contact is by telephone, personal appearance or letter, as the date of filing the Application for Enrollment.
- 8-1-123** **Relevant Data Form to Accompany Application for Enrollment**
Within thirty (30) days of the receipt of an Application for Enrollment, the Tribes shall send by registered mail to the person filing the application, at his or her last known address, a comprehensive list of the kinds of evidence and data utilized by the Tribes to make decisions on enrollment and a completed Relevant Data Form with a place on the form for the person's verified signature (or that of their parent or guardian if the applicant is a minor or incompetent), stating that the applicant has supplied all relevant data that he or she intends to submit to the Tribes on the issue of the applicant's enrollment. Review of an enrollment application shall not begin until the Application for Enrollment and the verified, completed Relevant Data Form have been returned to the Tribes.
- 8-1-124** **Determination Procedure of the Executive Department**
Within one hundred twenty (120) days of the filing of the completed Relevant Data Form with the Tribes, the Executive Department of the Tribes shall make a formal, written recommendation of enrollment or recommendation of denial of enrollment, along with written reasons, to the Enrollment Committee. A copy of the written recommendation of enrollment or recommendation of denial of enrollment shall be sent to the person applying for enrollment at his or her last known address at the same time the recommendation is sent to the Enrollment Committee.
- 8-1-125** **Determination Procedure of the Enrollment Committee**
- (a) The Enrollment Committee shall, within sixty (60) days of the filing with the Enrollment Committee of the written recommendation of the Executive Department, approve or disapprove the recommendation, in writing, by majority vote of the Enrollment Committee and convey notice of approval or disapproval to the applicant.
 - (b) A failure by the Enrollment Committee to act within sixty (60) days of the filing of a recommendation from the Executive Department shall cause the Executive Department's recommendation to become final for the Tribes on the sixty-first (61) day after receipt of the recommendation by the Enrollment Committee.
 - (c) A vote by a majority of the Enrollment Committee in favor of the recommendation of the Executive Department by the Enrollment Committee shall cause the recommendation to become final for the Tribes on the date of the vote.
 - (d) A vote by a majority of the Enrollment Committee against a recommendation by the Executive Department to permit enrollment of an Applicant shall cause at the direction of the Enrollment Committee either:

(1) The applicant to be finally denied enrollment on the date of the Enrollment Committee vote; or

(2) The recommendation of the Executive Department to be returned to the Executive Department for no more than thirty (30) days for further review.

(e) If a recommendation is returned for further review, a second recommendation shall, on or before the thirtieth (30) day after the return, be sent back to the Enrollment Committee in accordance with the applicable portion of section 8-1-124 above. Upon filing of the recommendation for the second time with the Enrollment Committee, the Enrollment Committee shall vote either to permit enrollment or to finally deny enrollment; and the failure to conduct such a vote within sixty (60) days on the second recommendation of the Executive Department, or a vote to return the second recommendation to the Executive Department, shall be considered a failure to act as in section 8-1-125 above.

(f) A vote by the Enrollment Committee against a recommendation by the Executive Department to deny enrollment to an Applicant shall cause, at the direction of the Enrollment Committee:

(1) The enrollment to be finally permitted on the day of the vote; or

(2) The recommendation to be returned to the Executive Department for no more than thirty (30) days for further review.

(g) If a recommendation is returned to the Executive Department for further review, it shall, on or before the thirtieth (30) day after its return, be sent back to the Enrollment Committee with recommendations in accordance with the applicable portion of section 8-1-124 above. Upon filing of the recommendation for the second time with the Enrollment Committee, the Committee shall vote either to permit enrollment or to deny enrollment. A failure to vote within sixty (60) days on the second recommendation or a vote to return the second recommendation to the Executive Department shall be considered a failure to act as in section 8-1-125(b) above.

(h) A final denial of enrollment shall not be reopened by the Tribes without a showing that the Applicant denied enrollment has available for immediate presentation substantial, credible, new evidence. A decision by the Executive Department or the Enrollment Committee that substantial, credible, new evidence does not exist to reopen an enrollment, shall be appealable only on that specific issue under the Subchapter on Appeals under this Chapter.

8-1-126 **Final Decision, Tribal Rights, Appeals, Per Capita Payments**

The decision of the Enrollment Committee shall be final for the Tribes and a person admitted to membership by vote of the Enrollment Committee, or by operation of this Chapter, shall be entitled to exercise tribal rights on the date of favorable enrollment action by the Committee or by operation of this Chapter. Persons denied enrollment shall be permitted to appeal as provided below. Persons obtaining membership in the Tribes by enrollment shall be entitled to receive per capita payments, if any were made, from the date that the completed Relevant Data Form was filed with the Tribes.

ADOPTION PROCEDURE

8-1-160 **Adoption Procedure**

All adoptions into the Tribes shall take place under this subchapter.

8-1-161 **Decisions are Discretionary**

Adoption shall be granted or denied at the absolute discretion of the Tribes and is not a right. Decisions not to adopt shall not be appealable to any Court and the willful or negligent denial of an

adoption shall not under any circumstances be compensable in money damages or remediable by injunction against the Tribes, its employees or officers.

8-1-162 Petition for Adoption

Any person considering himself or herself eligible to be considered for adoption into the Tribes under section 8-1-80(c) above, may file with the Executive Department of the Tribes a Petition for Adoption. The petition shall show Colville blood degree and other Indian blood and any other information the person believes is relevant to obtaining a favorable recommendation of adoption. The Colville Business Council shall set no standards for adoption and adoption shall remain discretionary with the Tribes. Persons who do not meet the requirements for adoption set out in the Constitution of the Confederated Tribes of the Colville Reservation shall not be considered for adoption.

8-1-163 Adoption—Determination Procedure of the Executive Department

Within one hundred eighty (180) days after the receipt of the Petition for Adoption with the Tribes the Executive Department of the Tribes shall make a formal, written, recommendation of adoption or recommendation of denial of adoption, along with written reasons and evidence supporting its recommendations to the Enrollment Committee. A copy of the written recommendation of adoption or recommendation of denial of adoption shall be sent to the person applying for adoption at his or her last known address at the same time the recommendation is sent to the Enrollment Committee.

8-1-164 Adoption—Determination Procedure of the Enrollment Committee

The Enrollment Committee shall, within sixty (60) days of the receipt of the written recommendation of the Executive Department, vote to recommend to the Business Council that the person be adopted, that the person not be adopted, or that no recommendation is made.

If the Enrollment Committee shall fail to vote any recommendation within sixty (60) days of the written recommendation of the Executive Department, the Petition for Adoption shall be presented to the Business Council with a Committee recommendation of "no recommendation" for or against adoption of the person filing the petition.

8-1-165 Final Decision, No Appeal

Adoption shall only be allowed when a two-thirds (2/3) majority vote of all members of the Business Council has approved the adoption at a regularly scheduled meeting of the Business Council. A failure to receive a two-thirds (2/3) majority vote shall mean the adoption is finally denied. Decisions of the Business Council shall be final and no appeal of any kind to any tribunal or other agency for any reason shall be allowed from a denial of adoption by the Business Council.

8-1-166 Adopted Member

An adopted member may begin exercising all tribal rights and will become eligible for subsequent per capita payments, if any are made, on the date of Business Council action approving the adoption.

8-1-167 Adoption Denied

Any person who is formally denied adoption by a vote of the Business Council shall not for any reason be permitted to file another valid petition for Adoption until three years from the date of the Business Council vote on the prior Petition for Adoption have passed.

APPEALS

8-1-200 Who May Appeal

(a) This section applies only in cases where:

(1) A person has applied for enrollment and has been denied by majority vote of the

Enrollment Committee;

(2) A person has been disenrolled under this Chapter by majority vote of the Enrollment Committee; or

(3) A finding of no substantial new evidence to open an enrollment has been made.

(b) No appeal of decisions regarding adoption shall be allowed.

8-1-201 Tribal Court Jurisdiction—Limited Waiver of Sovereign Immunity

The Tribal Court of the Confederated Tribes shall have exclusive jurisdiction to hear all appeals of disenrollment or enrollment decisions in the manner set out in this Chapter. No jury shall be allowed in disenrollment or enrollment matters.

To the extent necessary for the hearing of appeals under this Chapter, and as limited by this Chapter, the Tribes hereby makes a limited waiver of its immunity from suit in the Colville Tribal Court for the purpose of hearing appeals from enrollment decisions of the Enrollment Committee and issuing judgment as provided in this Chapter.

8-1-202 Form of Procedure, Time Limit, Effect of Petition for Adoption

Appeals from disenrollments or denials of enrollment by the Enrollment Committee shall proceed in the Tribal Court pursuant to the sections of the Colville Tribal Code governing Civil Actions and Civil Rules of Court except where specifically provided in this Chapter. No appeal may be brought under this section unless it is filed within one (1) year of the decision of the Enrollment Committee to disenroll or deny enrollment. The fact that a person has petitioned for adoption at the same time as appeal from an enrollment or disenrollment decision is filed shall have no bearing whatsoever on appeals under this section.

8-1-203 Grounds for Appeal

The only grounds for appeal of an enrollment decision under this section shall be:

(a) That the decision of the Enrollment Committee is unsupported by the facts; or

(b) That the Enrollment Committee has by its actions violated the Constitution of the Confederated Tribes of the Colville Reservation.

8-1-204 Remedies

The only remedies which the Court may order in matters appealed under this section are injunctive requiring enrollment or re-enrollment.

8-1-205 Presumption

There shall be in all appeals under this Chapter a presumption, rebuttable by the appellant, that the Enrollment Committee has acted properly, consistent with the facts of the case, this Chapter, and the Constitution of the Confederated Tribes of the Colville Reservation.

8-1-206 Standard of Proof—Statutory Construction

Appellants shall have the burden of proving their case by clear and convincing evidence. The Court in ruling on an appeal shall strictly construe provisions of this Chapter.

8-1-207 Court Costs, Attorney Fees

If the Court rules against an appellant in any appeal under this Chapter, the appellant shall pay all court costs and the reasonable attorneys fees of the Tribes expended in defending against the appeal. If the Court rules for an appellee in any appeal under this section, each party shall bear his or her own expenses - unless there is a finding that the Tribes acted in bad faith in disenrolling or

refusing to enroll.

8-1-208 **Bad Faith**

A finding by the Court that the Enrollment Office or the Enrollment Committee acted in bad faith under this Chapter shall permit the Tribal Court to order the Tribes to pay to persons denied due to the bad faith any Tribal per capita payment or payment derived from land or other claims, any such payments denied, plus a reasonable rate of interest.

BLOOD DEGREE CORRECTION

8-1-240 **Blood Degree Corrections**

The following procedures shall be used in making corrections of all blood degrees presently listed on the roll of the Tribes. This procedure is established to provide for a fair and unbiased examination of all blood degree corrections requested by the Tribes or by any other person.

(Amended 11/19/09, Resolution 2009-859)

8-1-241 **Form of Action and Procedure**

An action for blood degree correction shall be by civil complaint for blood degree correction in the Colville Tribal Court or through the Enrollment Committee as outlined in 8-1-250. The Tribal Code governing civil actions and Civil Rules of Court shall be applicable to this proceeding except as specifically provided in this Chapter.

(Amended 8/4/2022, Resolution 2022-487, Certified 8/9/2022)

8-1-242 **Standing, Parties**

The following entities shall have standing to file and prosecute a blood degree correction action:

(a) The Chairperson of the Colville Business Council Committee with jurisdiction over enrollment matters;

(b) The Chief Enrollment Officer of the Colville Confederated Tribes;

(c) Members of the Tribes who desire to have their own blood degree, as listed on the roll of the Tribes, corrected; provided that in this section “member” shall mean the natural person himself or herself, or the legal guardian of any minor or incompetent member, or the administrator or executor of the unprobated estate of a deceased member listed on the roll of the Tribes;

(d) Any person entitled to request a blood degree correction pursuant to Amendment Nine (IX) to the Constitution of the Confederated Tribes of the Colville Reservation.

(Amended 11/19/09, Resolution 2009-853)

8-1-243 **Standard of Proof**

In all actions for blood degree corrections the plaintiff shall be required to prove by clear and convincing evidence, that a blood degree other than that which is listed on the roll for the person whose blood degree is at issue, is the correct blood degree and what the precise blood degree to be listed on the roll should be. There shall be a presumption, rebuttable by the plaintiff, that the blood degree listed on the roll is correct.

8-1-244 **Sovereign Immunity**

The sovereign immunity of the Tribes shall not be a bar to suits for injunctive relief brought in the Colville Tribal Courts by parties having standing under this Chapter to bring actions for correction of blood degrees under the provisions of this Chapter. This waiver shall not apply to any other cause of action and shall not be a waiver of immunity from the award of money damages.

8-1-245 **Jury Prohibited**
Actions brought under this section shall be tried by the judge alone and no person shall have a right to trial by jury in an action brought to correct a blood degree.

8-1-246 **Form of Judgment**
Judgments in cases involving petitions for correction of blood degrees shall be issued in writing over the signature of the trial judge and shall be limited to declaratory judgments, injunctions, and awards of reasonable costs and representative fees, as set by the Court, to prevailing parties.

The prevailing party shall not be eligible to receive any retro-active payments of any kind. Tribal benefits, including but not limited to, any and all disbursements or per capita shall only begin once the Colville Business Council officially approves the enrollment application of the person seeking enrollment.

(Amended 11/19/09, Resolution 2009-854)

8-1-247 **Effect of Judgment**
Judgments in actions to correct blood degrees shall be binding on all parties to the action; provided that such judgments shall be admissible into evidence in all other actions to which they are relevant but shall not be determinative of any actions in which they are found relevant and admissible.

Once the final decision is received by the Enrollment department, any ordered correction shall apply to all direct lineal descendant(s) of the tribal member listed on the 1937 Base Roll whose blood is to be corrected.

(Amended 11/19/09, Resolution 2009-855)

8-1-248 **Jurisdiction**
For purposes of all actions to correct blood degrees the Colville Tribal Court will be considered to have jurisdiction over such actions pursuant to CTC section 2-1-1, as such section is now written or shall in the future be amended, in that the events giving rise to the action are deemed to have occurred within the tribal jurisdiction.

8-1-249 **Appeals**
Any party to an action to change a blood degree may appeal the judgment of the trial court pursuant to the Colville Tribal Code rules for civil appeals. Any appeal shall stay the judgment of the trial court until the completion of the appeal. A judgment on appeal shall be final. The prevailing party in an appeal of a judgment in a change of blood degree action shall be awarded costs of appeal and reasonable fees for representation.

8-1-250 **Blood Degree Correction by Chief Enrollment Officer**
The Chief Enrollment Officer may initiate a Blood Degree Correction, outside of the Tribal Court, when it is discovered that a blood degree correction is necessary. The following process will be used:

(a)The Chief Enrollment Officer must present the Blood Degree Correction to the Enrollment Committee.

(b)The Chief Enrollment Officer must provide the Tribal Member whose blood degree will be corrected, 30 days' notice of the when the Blood Degree Correction will be presented to the Enrollment Committee.

(1) If a Tribal Member does not agree with the Chief Enrollment Officer's Blood Correction Action, the Chief Enrollment officer will not pursue the matter through the Enrollment Committee, instead filing the action in the Tribal Court pursuant to 8-1-242.

(c) The Chief Enrollment Officer must present clear and convincing evidence to the Enrollment Committee, that a blood degree other than that which is listed on the roll is the correct blood

degree and what the precise blood degree to be listed on the roll should be.

(d) A vote by a majority of the Enrollment Committee in favor of the recommendation of the Chief Enrollment Officer by the Enrollment Committee shall cause the recommendation to become final for the Tribes on the date of the vote; the recommendation, must be in writing.

(e) Nothing shall preclude a Tribal Member from filing a Petition for Blood Correction in the Colville Tribal Court if the Enrollment Committee does not vote in favor of the recommendation as outlined in 8-1-250 (d).

(f) No Tribal member's blood degree will be decreased as a result of this provision. Constitution and By-laws, Amendment VII, Section 4.

(Amended 8/4/2022, Resolution 2022-487, Certified 8/9/2022)

[8-1-251 to 8-1-279 RESERVED]

DIENROLLMENT PROCEDURE

8-1-280

Disenrollment

All proceedings for disenrollment shall be pursuant to the provisions of this section.

8-1-281

Grounds for Disenrollment

No person shall be disenrolled from the Tribes except on the following grounds:

(a) The person legally belongs to or is duly enrolled in another governmentally recognized Indian tribe or band, domestic or foreign; or

(b) Enrollment of the person in the Tribes was procured by fraud; or

(c) Error; provided, that no person on the roll of the Tribes on the date of enactment of this Chapter may be disenrolled for error; and provided further that, no person shall be disenrolled for error if five (5) years have passed since the date of the person's enrollment.

8-1-282

Petition for Disenrollment

The Executive Department of the Tribes may file a written Petition for Disenrollment with the Enrollment Committee. The Petition shall state upon what grounds disenrollment is sought and a brief summary of the facts upon which the petition is based.

8-1-283

Service—Written Response

The Enrollment Committee shall cause the Petition to be served upon the person whose disenrollment is sought by registered mail or verified, personal service. The Enrollment Committee shall allow the person against whom the Petition is filed not less than sixty (60) days nor more than one hundred eighty (180) days to file a written response to the claims of the Executive Department.

8-1-284

Hearing—Time, Vote

The Enrollment Committee shall hold an open hearing not less than twenty (20) days nor more than sixty (60) days after the receipt of the response of the person whose disenrollment is sought to hear all evidence and decide by majority vote of the committee on disposition of the disenrollment petition.

8-1-285

Hearing—Standard of Proof, Counsel

At the hearing all relevant evidence, written or oral, shall be considered by the Committee. The Executive Department of the Tribes shall have the burden of proving by preponderance of the evidence that the Petition should be granted. The person whose disenrollment is sought may be represented by counsel of his or her own choosing at his or her own expense.

- 8-1-286** **Decision of Disenrollment**
A vote by the Enrollment Committee as to the disenrollment of a member shall be final and appealable only as provided in this Chapter.

RELINQUISHMENT

- 8-1-320** **Relinquishment**
A member of the Tribes may relinquish all rights as a tribal member pursuant to this section.
- 8-1-321** **Request for Relinquishment**
A member may relinquish all rights as a member of the Tribes by filing with the Enrollment Office
a
notarized relinquishment form requesting his/her desire to relinquish all membership rights in the Tribes.

The member seeking to relinquish membership with the Colville Tribes shall:

1. Return Tribal membership identification card; and
2. Not be entitled to any benefits from the date the request is submitted to the Enrollment Department. Section 8-1-82 does not apply when requesting to relinquish from the Tribes.

Should, for any reason, the member withdraw his or her request to relinquish membership prior to the Enrollment department conveying the request for relinquishment to the Colville Business Council, and prior to Council granting the relinquishment by Resolution, that member shall not be entitled to any retro-payments(s) that may have been processed from the date the member filed the request to relinquish membership and the date the member withdrew such request.

(Amended 11/19/09, Resolution 2009-860)

- 8-1-322** **Resolution Recommendation to Business Council**
The Enrollment Office shall present the request for relinquishment at the next scheduled meeting of the Committee with jurisdiction over enrollment to convey the Request for Relinquishment to the Colville Business Council. Upon approval of the recommendation the Committee Chair shall present the recommendation at the next scheduled Special or Regular Session to the Colville Business Council. The final approval shall permit the relinquishment of all rights and direct the Enrollment department to remove the member from the rolls. Approval of requests for relinquishment of all tribal rights shall be by majority vote of the Colville Business Council.

(Amended 11/19/09, Resolution 2009-857)

- 8-1-323** **DELETED** (Amended 11/19/09, Resolution 2009-858)

- 8-1-324** **Effect of Relinquishment**
Any person who (after the effective date of the prohibition embodied in this sentence) has been removed from the roll through relinquishment shall thereafter be prohibited from membership in the Confederated Tribes of the Colville Reservation; provided, however, that, a person who, while such person was a minor or incompetent, has obtained relinquishment by the actions of a parent or guardian, shall not be prohibited by that relinquishment from seeking restoration of full tribal rights through adoption under this Chapter, upon such person's reaching the age of majority or regaining legal competence.

Any minor who seeks restoration of full tribal rights and is approved, by the Colville Business Council, through adoption under this Chapter shall not receive any payments disbursed by the Tribes during the time which the individual was relinquished from the Tribes.

A copy of the Council Resolution which approves the relinquishment of membership with the Colville Tribes shall be forwarded to all appropriate Colville Tribal departments that provide benefits to Colville Tribal Members.

(Section 8-1-80 through 8-1-324 Amended 9/6/01, Resolution 2001-494)

(Adopted 10/12/95, Resolution 1995-683)

(Chapter 8-1 Adopted 7/7/88, Resolution 1988-362)

(Certified 10/13/88)

(Amended 11/19/09, Resolution 2009-861)