Tribal Council OKs sending constitutional amendment to voters to limit disenrollments

By Dean Rhodes
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Tribal voters will be asked on Tuesday, Nov. 1, to amend the Tribal Constitution to restrict how a Tribal member can be disenrolled to only cases of proven fraud or dual enrollment.

Tribal Council approved sending the proposal out to voters during its Wednesday, Aug. 10, meeting. It will be the eighth time since 1999 that Tribal voters will be asked to amend the Constitution. Only two proposals out of those previous seven votes that included 11 suggested amendments received the required two-thirds majority to alter the Tribe's Constitution.

The proposed constitutional amendment would amend Article V, Section 5 to limit involuntary loss of membership to fraud and dual enrollment, and remove the current language regarding loss of membership for failure to meet enrollment criteria.

Section 5 currently reads, "The Tribal Council shall by ordinance prescribe rules and regulations governing involuntary loss of membership. The reasons for such loss shall be limited exclusively to failure to meet the requirements set forth for membership in this Constitution."

Tribal Council Chairwoman Cheryle A. Kennedy said the creation of the proposed amendment has been a long process.

"Healing is what we are after," Kennedy said during the Tuesday, Aug. 9, Legislative Action Committee hearing.

Tribal Council Secretary Michael Langley read a statement at the beginning of the meeting, stating that Tribal Council believes the amendment is in the best interest of the Tribe.

History of Tribal Constitution elections

Date	Yes	No	% yes	Topic
July '99	**757**	**292**	**72.1**	**Enrollment**
Feb. '08	636	513	55	Grand Ronde blood
Feb. '08	700	450	60.9	Parent on the roll
Feb. '08	**880**	**277**	**76**	**Relinquishment period**
Nov. '11	457	536	46	Enrollment
June '12	407	222	64.7	Primary election
March '15	391	220	64	Term limits
March '15	230	381	37.6	Remove BIA
July '16	382	670	36.3	Initiatives, etc.
July '16	412	639	39.2	Enrollment
March '19	601	345	63.5	Split siblings

(Bold signifies successful amendment elections)

It comes in reaction to the divisive disenrollment proceedings that occurred in 2015 during which 67 Tribal members were provisionally disenrolled. Eventually, the Tribal Court of Appeals ruled that the Tribal members who were identified for disenrollment because they allegedly did not meet enrollment criteria were to remain in the Tribe because the government had waited too long to start proceedings against them.

The proposed amendment has already been submitted to the Secretary of the Interior for preliminary review and nothing was found to prevent the proposal moving forward to a vote.

Unlike regular Tribal Council elections, a constitutional amendment election will be run by the Bureau of Indian Affairs, which will require Tribal members to register separately to vote. From there, at least 30 percent of those who register to vote must cast a ballot for the results to count and 66.7 percent of those voting must approve the amendment before it can change the Constitution.

In March 2015, Tribal voters were asked to remove the Bureau of Indian Affairs from supervising Grand Ronde constitutional amendment elections, but voters overwhelmingly rejected the idea with 62.4 percent wanting to retain federal oversight.

The Tribal Attorney's Office will submit the request for an election to the Department of the Interior on Sept. 12.

In other action, Tribal Council:

- Established Friday, Sept. 9, as the third per capita payment date of 2022;
- Approved applying for $26,459 in Natural Resources Conservation Service funding for conservation practices at the 62-acre Ahsney property located east of Basket Slough and north of Dallas. The Tribe acquired the conservation property in 2019;
- Approved an agreement with the Affiliated Tribes of Northwest Indians' Economic Development Committee to administer approximately $1.2 million in federal funding to develop and implement small business credit support programs for Tribal member-owned businesses and Tribal enterprises. The funds were included in the American Rescue Plan enacted in March 2021;
- Sent proposed amendments to the Fish & Wildlife Ordinance out for a second reading, which will give Tribal members 30 days to comment. The ordinance's proposed amendments originally went out for a first reading in April and after receiving comments, the amendments were changed to reflect some of those concerns;
- And approved the Finance Department hiring REDW LLC of Albuquerque, N.M., to conduct the Tribe's 2022 and 2023 independent audits.

Also included in the Aug. 10 Tribal Council packet were two approved authorizations to proceed that will allow demolition and removal of three local structures – the old post office, the old housekeeping structure and the Johns manufactured home – deemed to be in hazardous condition and directs the Finance Department to provide an additional $200,000 to the Tribe's small loan program to fund it through the end of 2022.

To watch the entire meeting, visit the Tribal government's website at www.grandronde.org and click on the Government tab and then Videos. ■