

Title 175 MEMBERSHIP

Choctaw Nation Membership Act

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Chapter 1. General Provisions

Section 101. Short Title.

This Act shall be referred to as the “Choctaw Nation Membership Act.”

History

CB-85-25, eff. August 12, 2025.

Section 102. Definitions.

- A. "Act" means this Choctaw Nation Membership Act.
- B. "Applicant" means a person submitting a Membership Application for Enrollment.
- C. "Biological Parents" and "Biological Lineage" and "Biological Parent/Mother/Father" means the natural parents of a person; Biological Lineage refers to the person's ancestry as determined by genetic parentage; the Biological Father is the man whose sperm fertilized the egg of a child's Biological Mother; the Biological Mother is the woman whose egg was fertilized by the sperm of a child's Biological Father.
- D. "Chief" means the Chief of the Choctaw Nation.
- E. "Choctaw Nation" means The Choctaw Nation of Oklahoma, a federally recognized sovereign and self-governing tribe, with a government duly organized and conducted in accord with the Constitution.
- F. "Constitution" means the Constitution of the Choctaw Nation as ratified by the qualified electors of the Choctaw Nation on July 9, 1983, and as amended from time to time.
- G. "Direct Ancestors" and "Lineal Ancestor" mean those persons who are Biological Parents, grandparents, great-grandparents, etc., through whom Enrollment rights are claimed. Collateral relations such as brothers, sisters, nieces, nephews, cousins, etc. are not Direct Ancestors.
- H. "Enrollment" means the process for applying to be formally recognized or registered as a Member of the Choctaw Nation.
- I. "Final Rolls" means the list of Original Enrollees on the final rolls of the Choctaw Nation approved pursuant to Section 2 of the Act of April 26, 1906 (34 Stat. 136), otherwise known as the Dawes Commission Rolls.
- J. "Incapacitated Person" means:
 - i. Any person eighteen (18) years of age or older:
 - a. who is impaired by reason of mental or physical illness or disability, dementia, or related disease, developmental or intellectual disability or other cause, and
 - b. whose ability to receive and evaluate information effectively or to make and to communicate responsible decisions is impaired to such an extent that such person lacks the capacity to manage their financial resources or to meet essential requirements for their mental or physical health or safety without assistance from others, or
 - ii. A person for whom a guardian, limited guardian, or conservator has been appointed by a court of competent jurisdiction, or
 - iii. A person under the age of eighteen (18) years who has not obtained the rights of

majority through a court of competent jurisdiction.

K. "Indian" means a person who is either a member of an Indian tribe or eligible for membership in an Indian tribe.

L. "Lineal Descendant" means a person who is the biological child, grandchild, great-grandchild, etc. of a Direct Ancestor who is or was an Original Enrollee.

M. "Member" means all Choctaw Indians by blood whose names appear on the Final Rolls and their Lineal Descendants, subject to Article II of the Constitution.

N. "Membership Application" means the request of an individual for Enrollment.

O. "Tribal Membership Department" or "Membership Department" means the department designated by the Choctaw Nation to receive and process Membership Applications for and issuances of designations of membership in the Choctaw Nation, pursuant to the provisions of the Constitution and applicable tribal laws of the Choctaw Nation.

P. "Necessary Evidence" means required documentation and records needed to establish identity and Biological Lineage.

Q. "Original Enrollee" means an individual listed on the Final Rolls with a roll number and blood quantum.

R. "Relinquishment Request Form" means the request in writing from an individual to relinquish membership from Choctaw Nation.

S. "Relinquishment" means the Member's act of voluntarily and officially giving up and refuting their right to membership in the Choctaw Nation, and all benefits associated with such membership.

T. "Revocation" means the Choctaw Nation's act of refuting an individual's right to membership in the Choctaw Nation that has been erroneously granted, and all benefits associated with such membership.

U. "Sponsor" means a person of the age of majority who is acting on behalf of an Incapacitated Person in (i) submitting a Membership Application, (ii) requesting the release of records or information pursuant to this Act, (iii) requesting and submitting a Relinquishment Request Form pursuant to this Act, or (iv) any other dealings with the Membership Department which relate in any respect to a person's membership in the Choctaw Nation; and

i. in the case of an Incapacitated Person, a Sponsor means a Biological Parent of such Incapacitated Person whose parental rights relating to the Incapacitated Person have not been terminated by a court of law; or duly appointed legal guardian, Adoptive Parent, child welfare social worker, or other representative with power and authority over the care, custody, and welfare of such Incapacitated Person;

ii. in the case of an Incapacitated Person, a Sponsor means a duly appointed legal guardian or other representative with power and authority over the affairs, care, custody, and welfare of such Incapacitated Person.

iii. the Sponsor of the Incapacitated Person shall provide the Membership Department verification that the Sponsor may act on behalf of the Incapacitated Person prior to seeking the services described in this Act.

iv. the Incapacitated Person's membership in the Choctaw Nation or Membership Application shall not be revoked or rendered invalid because their Membership Application was submitted by a person not qualified to act as a Sponsor under this section.

v. For the purposes of this Act:

a. "Adopted Person" means a person whose Biological Parents' parental right(s) have been awarded to another person or persons pursuant to court order, judgment or decree, or an orphaned person who has been formally adopted by another person or persons in accordance with the law.

b. "Adoptive Parent" means a person who has been awarded permanent care, custody, and parental rights of another person pursuant to a court order, judgment, or decree of adoption.

V. "Tribal Council" means the Legislative Branch of the Choctaw Nation established in Article VIII, of the Constitution.

History

CB-85-25, eff. August 12, 2025.

Section 103. Membership; Membership Department

A. The Membership Department shall receive and process Membership Applications and amendments pursuant to the provisions of the Constitution and applicable tribal laws of the Choctaw Nation.

B. The Membership Application form shall be created and developed by the Membership Department in accordance with applicable policies and procedures and must comply with the requirements of this Act.

C. Membership in the Choctaw Nation is composed of Original Enrollees listed on the Final Rolls, Lineal Descendants of Original Enrollees for which Necessary Evidence of Choctaw blood has been provided to and approved by the Membership Department, and any Choctaw who has been accepted by blood as a member of the Choctaw Nation by the Tribal Council; however, any person who has relinquished membership shall not be a Member.

D. Blood quantum calculations shall begin from the oldest known Original Enrollee on

the Final Rolls.

E. The Membership Department is authorized to create policies and procedures to carry out these responsibilities. Any policy and procedures, or their subsequent amendments, the Membership Department is authorized to establish must be submitted to the legislative committee on membership affairs thirty (30) days prior to their effective date.

History

CB-85-25, eff. August 12, 2025.

Section 104. Severability; No Retroactive Application

A. If any provision of this Act, or application of any provision of this Act to any person or circumstance, is determined to be invalid or unlawful, the application of such provision to other persons and circumstances, and the remaining provisions of this Act, shall not be affected.

B. This Act shall not have retroactive effect. All previously approved memberships shall remain valid, provided the eligibility criteria in effect at the time of the determination were satisfied.

History

CB-85-25, eff. August 12, 2025.

Chapter 2. Membership Applications

Section 201. Requirements of the Applicant

A. An Applicant or Sponsor has the burden of proof by a preponderance of evidence to establish eligibility for membership in the Choctaw Nation and verification of identity. The Membership Department is authorized to require certain paperwork or documentation to verify identity; provided that such requirements must be set forth by policy and procedure and conform with this Act.

B. A Membership Application containing false or fraudulent information will be rejected for Enrollment and may subject the Applicant or Sponsor to criminal prosecution for submitting false or fraudulent information in the Membership Application.

C. Except as hereinafter provided, any Member or individual eligible for membership who has elected or shall hereafter elect to become a member of any other tribe or band of Indians shall not be a Member of the Choctaw Nation.

D. All Applicants must verify under oath that they are not a member of another tribe or band of Indians pursuant to Article II, Section 3 of the Constitution.

History

CB-85-25, eff. August 12, 2025.

Section 202. Membership Requirements

A. The Membership Department shall approve membership in the Choctaw Nation to any person who submits a Membership Application to the Membership Department with the Necessary Evidence that they are an Original Enrollee or who is a Lineal Descendant of an Original Enrollee and are not a member of another tribe or band of Indians.

B. Those persons who are Choctaw by blood and whose names appear on the Final Rolls shall be automatically included as Members of the Choctaw Nation.

C. The Membership Department shall have the authority to revoke a tribal membership in cases where the membership was issued in violation of this Act; provided, however, Revocation shall not be contrary to § 104(B) of this Act.

History

CB-85-25, eff. August 12, 2025.

Section 203. Submitting, Processing of Membership Application; Determination.

A. Membership Applications should be completed by the Applicant or a Sponsor.

B. An Applicant or Sponsor has the burden of proof to establish by a preponderance of the evidence that the Applicant qualifies as a Member and must provide Necessary Evidence as required by applicable laws of the Choctaw Nation and the policies and procedures of the Membership Department.

C. Upon verification of eligibility for membership in the Choctaw Nation by the Membership Department, a membership card shall be issued to the Member upon request. The membership card may be in the form of a photo identification card. A fee will not be charged for any card issued to a Member.

D. If the Membership Department determines that an Applicant or Sponsor has failed to meet the burden set forth in § 203(B), the Membership Department must deny the Membership Application. The denial must be in writing, explaining fully the reason(s) for the denial and the Applicant's right to appeal, and must be mailed by certified mail return receipt requested.

E. If an Applicant dies during the Membership Application process, the Membership Department shall continue processing the application. Any decision, notice, or appeal rights shall be issued to the personal representative of the Applicant's estate. The personal representative shall assume the Applicant's role in the process, including any appeals.

i. If no personal representative has been appointed or no estate has been opened, the Membership Department may issue its decision and notice of appeal rights to the Applicant's next of kin or legal heir, who may act on behalf of the deceased Applicant for the limited purpose of completing the membership process.

History

CB-85-25, eff. August 12, 2025.

Chapter 3. Appeals from Adverse Enrollment Action

Section 301. Membership Board, Appeals of Denials of Membership Applications, Appeals of Revocation, or Determination of Choctaw Blood Quantum

A. Appeals to Membership Board.

i. All appeals of adverse actions by the Membership Department shall be conducted by the Membership Board.

ii. The Membership Board shall consist of Members of the Choctaw Nation.

iii. Members of the Membership Board shall receive no salary, but shall be reimbursed for their ordinary travel expenses. Mileage shall be paid according to the then-prevailing United States Internal Revenue Service standard mileage rate.

iv. At least one (1) member of the Membership Board shall be a licensed attorney.

v. Membership Board Structure:

i. The Chief shall, with the advice and consent of Tribal Council, appoint four (4) individuals to serve as members of the Membership Board, subject to meeting the qualifications and responsibilities established for the Board. The Membership Board shall consist of a Chair, Vice Chair, and two additional Board members.

I. Membership Board Members shall serve staggered three-year terms to ensure continuity. Upon the initial appointment, the terms shall be as follows:

1. One member shall serve a one-year term,
2. One member shall serve a two-year term, and
3. Two members shall serve three-year terms.

II. Thereafter, all appointments shall be for a term of three years. Members may be reappointed upon the expiration of their term.

ii. All communications related to the Membership Board shall be directed through the Membership Department and the Board Chair. If the Chair is unable or unwilling to serve, the Vice Chair shall assume those responsibilities.

iii. Each Board member shall take an oath to faithfully carry out their duties. Duties include, but are not limited to:

I. Understanding and applying the Constitution, this Act, and applicable tribal laws, rules, regulations, policies and procedures.

II. Requesting, receiving, and reviewing all necessary documentation.

III. Conducting proceedings consistent with due process.

IV. Issuing a written decision with findings to both the appellant and the Membership Department.

vi. The Membership Board shall determine if a decision to deny membership in the Choctaw Nation or revoke membership in the Choctaw Nation was done following all applicable policies and procedures of the Membership Department and laws of the Choctaw Nation.

B. Right to Appeal. Any Applicant or Sponsor whose Enrollment has been denied or revoked shall have the right to appeal a decision of the Membership Department except as follows:

i. An incomplete application;

ii. The denial of reinstatement of membership if the five (5) year period set forth in § 404 of this Act, if applicable, has not been served is not eligible for appeal;

iii. Blood quantum is also not appealable. The Membership Department shall have the authority to amend blood quantum in accordance with Section 103(D).

C. Notice of Appeal Rights.

i. All notices regarding appeal rights shall be mailed via certified mail return receipt requested. If any appealable decision is personally served to the person affected, the notice of appeal rights shall be attached to the decision, and mailing of the notice shall not be required. Personal service shall be documented in the records of the Membership Department.

ii. If personal service cannot be established and the certified mail is returned unclaimed or undeliverable, notice shall be deemed accomplished provided the Membership Department mailed the notice by certified mail to the individual's last known address on record.

D. Filing an Appeal.

i. Appeals must be submitted in writing on a form provided by the Membership Department within thirty (30) days of receiving notice of the decision.

i. An Appeal of a Membership Department decision that is received by the Membership Department after the applicable thirty (30) day time limit prescribed must be dismissed by the Membership Board, except that the Membership Board may extend the time limit upon a good cause showing by the appellant.

ii. The Membership Board may find good cause to extend the time limit

only if the appellant demonstrates in writing it could not reasonably be expected to file timely due to extraordinary circumstances beyond its control (such as a natural or other catastrophe, fire, or strike), and the appellant's written request for an extension is received by the Membership Department within a reasonable time (as determined by the Membership Board under the circumstances) after the expiration of the applicable thirty (30) day limit specified above.

iii. The Membership Board may not grant a request for an extension under this section if the appellant relies on a change in the law (whether based on a court decision or otherwise) or a change in the policy and procedures of the Membership Department.

iv. If an extension request is granted or denied under this section, the Membership Department must give prompt written notice to the appellant. The notice must include a detailed explanation of the reasons for the decision by the Membership Board and the facts underlying the decision.

ii. If the thirtieth day falls on a day the Department is closed, the appeal must be received on the next business day.

iii. Appeals shall be date-stamped upon receipt, and a copy provided to the appellant.

iv. The appeal may be simply stated but shall specify the ground(s) upon which it is based, and the action of relief requested. It shall be signed by the person appealing

v. The appellant must provide a mailing address, which will serve as the address of record for appeal-related correspondence. Thereafter, the appellant shall promptly notify the Membership Department of any change of address.

vi. The Membership Department shall promptly forward the appeal, along with all associated documentation and records, to the members of the Membership Board, unless the appeal includes new information. In such cases, the Membership Department shall reprocess the new evidence in accordance with established procedures before submitting the updated materials to the Membership Board as appropriate.

E. Appeal Process.

i. The Membership Board shall conduct a de novo review of the appeal and the full application record.

ii. A hearing may be requested by the appellant or initiated by the Membership Board; however, holding a hearing shall be at the discretion of the Membership Board.

iii. A majority of Membership Board members shall constitute a quorum. A majority vote of those present is required to reverse and remand a decision of the Membership Department.

iv. Hearings are closed to the public. Unauthorized use or disclosure of information is punishable by up to six (6) months in jail, a \$500 fine, or both.

v. The Membership Board shall issue either:

i. A decision with no findings, affirming the Membership Department's decision as consistent with this Act.

ii. A decision with findings, identifying errors or inconsistencies, or providing reasons for reversing the Membership Department's decision. The Membership Department must correct the findings, then either resubmit to the Board or update the membership record accordingly.

F. Recusal and Disqualification.

i. Board members must recuse themselves if they cannot render an impartial decision.

ii. Members may be disqualified for bias, conflicts of interest, or ex parte communications which violate § 301(G).

iii. Disqualification requests must be made promptly and specifically. Failure to act diligently may result in denial of the request.

iv. A majority of the Board shall vote on disqualification requests, excluding the challenged member.

v. If the Chair is the subject of disqualification, the Vice Chair or another member shall preside over the matter.

G. *Ex parte* Communication with Members of the Membership Board.

i. Board members shall not consider or allow communications from any party without the other parties' knowledge or consent.

ii. Limited ex parte communications for scheduling or administrative issues are permitted.

iii. Board members may consult staff or other officials as long as they avoid receiving outside factual information and do not delegate their decision-making responsibility.

iv. Ex parte communications are allowed only when expressly permitted by law.

v. Board members must base decisions solely on the evidence in the official record.

H. Finality of the Decision.

i. If no appeal is filed within the required time, the Membership Department's decision becomes final. However, individuals may reapply with new evidence if the denial was not based on dual enrollment.

ii. If an appeal is filed, the decision of the Membership Board is final.

L Application Classified as Pending Trust During Appeal. The Applicant's membership status shall remain as it was before the Membership Department's decision until the Membership Board issues a final appeal decision.

History

CB-85-25, eff. August 12, 2025.

Chapter 4. Member Relinquishment

Section 401. Relinquishment.

A. Relinquishment by Member. Any Member of the Choctaw Nation may relinquish their membership in the Choctaw Nation by following the procedures as set forth in this Act.

B. Relinquishment by Sponsor.

i. In the instance where the Incapacitated Person is a minor, a Sponsor may only relinquish a minor child's membership in the Choctaw Nation if the Sponsor is also the minor child's Biological Parent or Adoptive Parent having legal custody of the minor child. A Sponsor who is not a minor child's Biological Parent or Adoptive Parent having legal custody of the minor child shall have no authority to act on such minor child's behalf in the Relinquishment of the minor's membership in the Choctaw Nation.

ii. A Sponsor may relinquish an Incapacitated Person's membership in the Choctaw Nation so long as the Sponsor is acting in the person's best interests.

History

CB-85-25, eff. August 12, 2025.

Section 401. Request for Relinquishment.

A. A Member or Sponsor may request a Relinquishment Request Form from the Membership Department. The request for a Relinquishment Request Form may be made in person or in writing, signed by the Member or Sponsor, and delivered to the Membership Department. The Relinquishment Request Form shall be furnished to the Member and/or Sponsor by the Membership Department.

B. The Choctaw Nation Legal Department is hereby authorized to provide the Membership Department with the Relinquishment Request Form and any other necessary forms, which shall be consistent with the provisions of this Act.

Commencing on the effective date of this Act, all Relinquishment Request Forms shall include the following language above the signature line:

NOTICE: THE RELINQUISHMENT OF YOUR MEMBERSHIP HAS SERIOUS CONSEQUENCES.

I, THE UNDERSIGNED, UNDERSTAND THAT ANY PERSON OVER EIGHTEEN (18) YEARS OF AGE OR OLDER WHO RELINQUISHES THEIR MEMBERSHIP OR THE MEMBERSHIP OF A MINOR OR INCAPACITATED PERSON ON THEIR BEHALF DOES WAIVE THE RIGHT TO BE RE-ENROLLED AS A MEMBER OF THE CHOCTAW NATION OF OKLAHOMA FOR A PERIOD OF FIVE (5) YEARS FOLLOWING THE EFFECTIVE DATE OF THE MEMBER'S RELINQUISHMENT.

I UNDERSTAND THAT BY RELINQUISHING MY MEMBERSHIP, I WILL LOSE ALL THE BENEFITS THAT I MAY BE ENTITLED TO BY VIRTUE OF MY STATUS AS A MEMBER OF THE CHOCTAW NATION OF OKLAHOMA.

I UNDERSTAND THAT THIS RELINQUISHMENT OF MEMBERSHIP WILL BECOME EFFECTIVE ON THE DATE IN WHICH THIS RELINQUISHMENT REQUEST FORM IS RECEIVED BY THE MEMBERSHIP DEPARTMENT.

C. Upon receipt of a request pursuant to subsection (A) of this section, the Membership Department shall issue to the Member and/or Sponsor a Relinquishment Request Form, which shall include the name of the Member, the Member's membership number, the Sponsor's name (if any), and the date of issuance of the form. No Relinquishment Request Form may be used to relinquish the membership of any person other than that of the Member whose name and membership number is entered on the Relinquishment Request Form by the Membership Department.

History

CB-85-25, eff. August 12, 2025.

Section 403. Relinquishment Process.

A. A Member or Sponsor seeking to relinquish membership must complete and sign the Relinquishment Request Form before a notary public. The notarized form shall be submitted to the Membership Department.

B. Upon receipt of a properly completed and notarized Relinquishment Request Form, the Membership Department shall:

- i. Record the date of receipt and place the form in the Member's official file;
- ii. Grant the relinquishment; and
- iii. Update the Choctaw Nation's membership records to reflect the relinquishment.

C. Relinquishment of membership shall become effective on the date the Membership Department grants the request in accordance with this section.

History

CB-85-25, eff. August 12, 2025.

Section 404. Reenrollment after Relinquishment.

A. Except as provided in subsection (B) and (C) of this section, any person who has relinquished their membership in the Choctaw Nation may re-enroll at a time as a Member pursuant to this Act.

B. Any person who relinquishes their membership in the Choctaw Nation in accordance with the provisions of this Act, shall be ineligible to re-enroll as a member of the Choctaw Nation for a period of five (5) years following the effective date of their Relinquishment if, but only if:

i. The certified copies of the notarized and approved Relinquishment Request Form authorizing Relinquishment to proceed were received by the Membership Department on or after the effective date of this Act; or

ii. The Member whose membership in the Choctaw Nation was relinquished was eighteen (18) years of age or older on the date of the notarized and approved Relinquishment Request Form.

C. The provisions of this Subsection shall not apply to:

i. Any person whose membership in the Choctaw Nation was relinquished through a Sponsor;

History

CB-85-25, eff. August 12, 2025.

Chapter 5. Maintenance and Release of Records.

Section 501. Maintenance of Records.

A. The Membership Department shall keep and maintain the original Membership Applications, copies of required documents, and supporting documentation.

B. These records shall be subject to a records retention program as determined by the Membership Department and the Choctaw Nation Legal Department.

C. The Membership Department shall develop and maintain a membership database.

History

CB-85-25, eff. August 12, 2025.

Section 502. Release of Information.

- A. All requests for copies of, or information contained in, records relating to membership in the Choctaw Nation shall be made in writing and on a form prepared for that purpose by the Membership Department.
- B. The Membership Department is hereby authorized and directed to prepare one or more forms to be used for all requests for the release of copies of membership records or information.
- C. Only a Member of the Choctaw Nation or a Sponsor may request copies of membership records or information such request must be made in accordance with this Act and the policies and procedures of the Membership Department.
- D. Whenever authority to release information or records cannot be obtained from the Member or Sponsor, the Chief or the Chief's designees may authorize the release of such records or information to any person if the Chief or the designee determines that the release of same would be appropriate under the circumstances of the request.
- E. Nothing in this section shall prevent the Membership Department from releasing copies of records or information pursuant to a bona fide request from a law enforcement official or a prosecuting attorney for a federal, tribal, or state government.
- F. In addition to any other tribal membership information that the Membership Department is now or may hereafter be authorized to release or otherwise make public under the laws of the Choctaw Nation, the Membership Department is authorized to disclose to any person, upon request, whether or not a person is currently enrolled as a Member of the Choctaw Nation.
- G. Except as otherwise set forth in this Act, all records of all Members and Applicants are confidential and may be used only in accordance with the official business of the Choctaw Nation.
- H. The fraudulent use of any Choctaw Nation membership card, either as personal identification, to register to vote, to become eligible for any benefit, or for any other fraudulent purpose, by any person other than the enrolled person to whom the enrollment was issued or by their authorized representative, or by any person who has Relinquished their membership in the Choctaw Nation is a criminal offense punishable under the law of the Choctaw Nation.

History

CB-85-25, eff. August 12, 2025.