

MUSCOGEE (CREEK) NATION CODE ANNOTATED

TITLE 7. CITIZENSHIP/CENSUS TVSEKVYV/AHONKVTKEPE

Chapter	Section
1. TITLE, FINDINGS, DEFINITIONS.	1-101
2. CITIZENSHIP BOARD.....	2-101
3. ESTABLISHMENT OF CITIZENSHIP ROLL.	3-101
4. ENROLLMENT PROCESS.	4-101
5. MAINTENANCE OF ROLL.....	5-101

Code of Federal Regulations

Enrollment appeals, see 25 CFR 62.1 et seq.
Preparation of rolls of Indians, see 25 CFR 61.1 et seq.

CHAPTER 1. TITLE, FINDINGS, DEFINITIONS

Section
1-101. Title and codification.
1-102. Findings.
1-103. Terms defined.

§ 1-101. Title and codification

This Law of the Muscogee (Creek) Nation shall be known and may be cited as the Muscogee (Creek) Nation Citizenship Code and shall be codified in Title 7 of the Muscogee (Creek) Nation Code of Laws.

[NCA 81-06, § 101, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 101, eff. Aug. 23, 2001.]

§ 1-102. Findings

The National Council finds that:

A. Constitution supreme. The 1979 Constitution of the Muscogee (Creek) Nation (“Constitution”) shall be supreme in all matters of law relating to, arising under or in conflict with this Title, and

B. Constitutional provisions. Relevant Constitutional provisions are set forth below:

1. Each Muscogee (Creek) Indian by blood shall have the opportunity for citizenship in the Muscogee (Creek) Nation. (Constitution, Article II, Section 1).

Title 7, § 1–102

CITIZENSHIP/CENSUS

2. The Principal Chief shall appoint, subject to majority approval of the Muscogee (Creek) National Council, a Citizenship Board comprised of five (5) citizens who shall be charged with the responsibility of the establishment and maintenance of a Citizenship Roll, showing degree of Muscogee (Creek) Indian blood based upon the final rolls prepared pursuant to the Act of April 26, 1906, (34 Stat. 137), and other evidence as prescribed by ordinance. (Constitution, Article III, Section 1).

3. Persons eligible for citizenship in the Muscogee (Creek) Nation shall consist of Muscogee (Creek) Indians by blood whose names appear on the final rolls as provided by the Act of April 26, 1906, (34 Stat. 137), and persons who are lineal descendants of those Muscogee (Creek) Indians by blood whose names appear on the final rolls as provided by the Act of April 26, 1906 (34 Stat. 137) except that an enrolled member of another Indian Tribe, Nation, Band or Pueblo shall not be eligible for citizenship in the Muscogee (Creek) Nation. (Constitution, Article III, Section 2).

4. All persons eligible for citizenship shall register as an applicant for citizenship. (Constitution, Article III, Section 3A).

5. The Citizenship Board shall certify citizenship, and the declaration of citizenship may be affirmed at any time with the name of the individual being entered on the citizenship roll, and the persons being recognized as a citizen of the Muscogee (Creek) Nation provided that:

a. The person is a Muscogee (Creek) Indian by blood whose name appears on the final rolls as provided by the Act of April 26, 1906, (34 Stat. 137), or the person is a lineal descendant of the Muscogee (Creek) Indian by blood whose name appears on the final rolls as provided by the Act of April 26, 1906, (34 Stat. 137); and is not an enrolled member of another Tribe, Nation or Pueblo (Constitution, Article III, Section 3(B)(1)); and

b. The person has made application to the Citizenship Board to become a citizen of the Muscogee (Creek) Nation (Constitution, Article III, Section 3(B)(2)); but

c. Those persons who are Muscogee (Creek) Indian by blood whose names appear on the final rolls as provided by the Act of April 26, 1906, (34 Stat. 137) shall be automatically included as citizens of the Muscogee (Creek) Nation. (Constitution, Article III, Section 3(B)(3)).

6. Full citizens in the Muscogee (Creek) Nation shall be those persons and their lineal descendants whose blood quantum is one-quarter (1/4) or more Muscogee (Creek) Indian, hereinafter referred to as those of full citizenship. All Muscogee (Creek) Indians by blood who are less than one-quarter (1/4) Muscogee (Creek) Indian by blood shall be considered citizens and shall have all rights and entitlements as members of the Muscogee (Creek) Nation except the right to hold office. (Constitution, Article III, Section 4).

C. Enactment of this Title will enable implementation of these constitutional requirements in a fair and organized fashion.

[NCA 81–06, § 102, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 102, eff. Aug. 23, 2001.]

Library References

Indians ↻214, 216, 222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 1-103. Terms defined

For purposes of this Title, the following terms shall be defined as follows:

A. “Affirmation of enrollment” means the acceptance of or failure to refuse the Citizen Enrollment Card within ten (10) days of receipt by the citizen.

B. “Citizen” means an enrolled Muscogee (Creek) Indian by blood.

C. “Certification” means the action or decision by the Citizenship Board to place the name of an applicant upon the Citizenship Roll of the Muscogee (Creek) Nation.

D. “Degree of Muscogee Indian blood” means the ratio, expressed as a fraction, of Muscogee (Creek) Indian blood to all other Indian and non-Indian blood of the citizen, based upon evidence supplied from the 1906 Final Roll or other rolls listed in this title, and determined by averaging the degree of Muscogee (Creek) Indian blood of their direct ancestors, utilizing the base unit of 4/4ths (four fourths) as equal to a person who is a full-blood Muscogee (Creek) Indian, and the base unit of 0/4ths (no fourths) as equal to a person who has no Muscogee (Creek) Indian blood.

E. “Enrolled member of another Indian Tribe, Nation, Band or Pueblo” means any person who is listed upon the Citizenship Roll or Membership Roll of any federally recognized Indian Tribe, Nation, Band, Rancheria, Alaskan Native Village, or Pueblo. Enrolled member of another Indian Tribe, Nation, Band, or Pueblo shall not mean any person enrolled in a Tribal town of the Muscogee (Creek) Nation, enrolled for judgment as a descendant of another Tribe, Nation, Band, Rancheria, Alaskan Native Village, or Pueblo in its distribution of a claim against the United States (unless said judgment enrollment constitutes, according to the Tribal law of another Tribe involved, Tribal citizenship or membership); or any person documenting their other Tribal affiliations for the purpose of guaranteeing their descendant’s rights in such other Tribes.

F. “Final rolls as provided by the Act of April 26, 1906 (34 Stat. 137)” means the entire set of rolls established pursuant to that Act, including the final rolls of the Muscogee (Creek) Nation, and the Tribes of Seminole, Cherokees, Choctaws and Chickasaws, in order to provide for the enrollment of any Muscogee (Creek) Indian by blood descended from a Muscogee (Creek) Indian by blood enrolled in another Tribe in 1906 for the purpose of selecting lands.

G. “Full citizens” means those persons and their lineal descendants whose blood quantum is one-quarter (1/4) or more Muscogee (Creek) Indian, as determined under this Title.

H. “Lineal descendant” means child, grandchild, great-grandchild, great-great-grandchild or any further descendant in that sequence. Lineal descendant shall not mean any foster child or adopted child (unless such is independently Muscogee (Creek) Indian by blood) whose adoption has not been approved by the Courts of the Muscogee (Creek) Nation, and said jurisdiction is hereby

Title 7, § 1–103

CITIZENSHIP/CENSUS

reserved from the Courts of the Nation until such time as a law is adopted to govern such actions.

I. “Muscogee (Creek) Indian by blood” means any person listed upon the Final Rolls of 1906 and enrolled with a listed quantum of Muscogee (Creek) Indian blood; or not enrolled with a separated racial status listed in lieu of Muscogee (Creek) Indian blood (e.g., Cherokee, White, Spanish, etc.) notwithstanding a Tribal Town citizenship for such person; and including such other Indians by blood of other Tribes adopted into the Muscogee (Creek) Nation prior to the final roll (whether Shawnee, Natchez, or other Tribal affiliation) who were enrolled or their descendants enrolled as Muscogee (Creek) Indians in the Final Rolls of 1906.

J. “Registration” means the act of filling out proper forms under this Title and forwarding the forms in completion to the Citizenship Board.

[NCA 81–06, §§ 5001 to 5010, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 103, eff. Aug. 23, 2001.]

Library References

Indians ☞222.

Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

CHAPTER 2. CITIZENSHIP BOARD

Section

- 2-101. Nominations and confirmation.
- 2-102. Terms of office.
- 2-103. Quorum.
- 2-104. Officers.
- 2-105. Translation.
- 2-106. Functional management.
- 2-107. Administrative management.
- 2-108. Duties and responsibilities.
- 2-109. Rulemaking authority.
- 2-110. Compensation of Citizenship Board members.

Cross References

Citizenship Board, see Const. Art. III, § 1.

§ 2-101. Nominations and confirmation

The Principal Chief shall nominate the members of the Citizenship Board by submission of a Tribal Resolution to the National Council. The National Council may at its discretion hold hearings on the persons nominated. National Council approval of the Tribal Resolution submitted by the Principal Chief shall be required for confirmation of all appointments. Nominations not approved by majority vote shall be withdrawn by the Principal Chief. Nominations withdrawn shall be replaced by new nominations.

[NCA 81-06, § 1001, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 201, eff. Aug. 23, 2003; NCA 03-052, § 3, eff. March 28, 2003.]

Library References

Indians ⇄216, 222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 2-102. Terms of office

The members of the Citizenship Board, as of January 1, 1981, shall draw lots to determine that each member serve a one, two, three, four, or five year term. Thereafter, the term of office shall be for five (5) years, or in the event of a vacancy, for the balance of the term becoming vacant, with each term ending on June 1.

[NCA 81-06, § 1002, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 97-03, § 103, approved Jan. 28, 1997; NCA 01-135, § 202, eff. Aug. 23, 2001.]

Library References

Indians ⇄222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

Title 7, § 2–103

CITIZENSHIP/CENSUS

§ 2–103. Quorum

A quorum of the Citizenship Board shall be three (3) members. The existence of a quorum shall be certified by the Chairman, Vice-Chairman or presiding officer, and thereafter the actions taken by the Board shall be legally binding.

[NCA 81–06, § 1003, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 203, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 2–104. Officers

Officers shall be elected by majority vote of the Citizenship Board to hold a term of office for one (1) year. Only members of the Citizenship Board shall be eligible to serve as officers of the Board. The officers of the Board shall include the Chairman, Vice-Chairman and the Secretary.

[NCA 81–06, § 1004, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 204, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 2–105. Translation

If no Board member is present to translate Board actions into the Muscogee or Yuchi languages when actions involve a citizen who is not fluent in English, the Board shall appoint a translator.

[NCA 81–06, § 1005, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 205, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 2–106. Functional management

The Citizenship Board, through the Chairman, shall be responsible for all functional management of staff assigned to or working with the Citizenship Board, and shall be the sole authority for the direction, management and implementation of the functions of such staff.

[NCA 81–06, § 1006, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 206, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 2-107. Administrative management

The Citizenship Board, through the Chairman, shall be responsible for providing administrative management information to the Executive Director of the Muscogee (Creek) Nation, who shall implement the policies and procedures necessary to achieve the administrative management decisions of the Citizenship Board.

[NCA 81-06, § 1007, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 207, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 2-108. Duties and responsibilities

A. Authority to maintain rolls. The Citizenship Board shall establish and maintain the Citizenship Roll.

B. Administration. The Citizenship Board shall administer the Citizenship Office and supervise its staff to insure that:

1. All required records are properly kept in order;
2. The abbreviated Citizenship Roll is available for public inspection;
3. All other components of the information received from citizens applying for enrollment is kept confidential;
4. Procedures established by the Citizenship Board for staff review of applications are strictly enforced;
5. Applicants providing all needed evidence are certified and enrolled; and
6. Applicants not providing all needed evidence are granted:
 - a. The opportunity to submit needed evidence; and
 - b. If necessary, the right to a hearing and appearance before the Citizenship Board.

[NCA 81-06, § 1008, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 85-45, § 101, approved Aug. 2, 1985; NCA 01-135, § 208, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 2-109. Rulemaking authority

A. Rulemaking authority. The Citizenship Board shall have the authority to prescribe, promulgate, and enforce, without National Council approval, such written rules and regulations as may be necessary to administer and enforce this Title, including without limitation rules and regulations for internal operational procedures, for review of citizenship applications, for hearings and appeals and for such other purposes as shall be reasonably necessary for the

Title 7, § 2–109

CITIZENSHIP/CENSUS

efficient performance of its duties, or as may be required or permitted by law; provided that said rules and regulations may not be inconsistent with this Title. Said rules shall be discussed in at least one public hearing, after notice and advertised in the *Muscogee Nation News*, prior to adoption by the Citizenship Board.

B. Filing requirements for regulations. No rule or regulation of the Citizenship Board shall be of any force or effect until and unless a certified copy of said rule or regulation bearing the signature of the Citizenship Board shall have been published in the *Muscogee Nation News*, filed for record in the office of the National Council Secretary, and filed for record in the Office of the Clerk of the Muscogee (Creek) Nation Courts.

C. Judicial notice of regulations. The Courts of the Muscogee (Creek) Nation shall take judicial notice of all rules of the Citizenship Board promulgated pursuant to this Title.

[NCA 81–06, § 1009, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 209, eff. Aug. 23, 2001.]

Library References

Indians ☞222, 412, 520(1).
Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 59, 62, 67, 151 to
180.

§ 2–110. Compensation of Citizenship Board members

Each member of the Citizenship Board shall be paid a stipend for attendance at each Citizenship Board meeting. The stipend for each Citizenship Board member shall be one hundred fifty dollars (\$150.00) per meeting; provided, however, that stipends shall not be paid for more than fifty (50) meetings per year.

[Added by NCA 07–154, § 1, eff. July 10, 2007.]

Library References

Indians ☞210, 222.
Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 57 to 59, 62, 66 to
72, 180.

CHAPTER 3. ESTABLISHMENT OF CITIZENSHIP ROLL

Section

- 3-101. Citizenship Roll.
- 3-102. Enrollment numbers.
- 3-103. Information upon roll; access.
- 3-104. Confirmation of enrollment of living allottees.

Cross References

Citizenship Board, establishment and maintenance of Citizenship Roll, see Const. Art. III, § 1.

§ 3-101. Citizenship Roll

The Citizenship Roll of the Muscogee (Creek) Nation is hereby established to include those Muscogee (Creek) Indians by blood on the final rolls prepared pursuant to the Act of April 26, 1906, and those persons hereafter enrolled pursuant to this Title.

[NCA 81-06, § 2001, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 301, eff. Aug. 23, 2001.]

Library References

Indians ⇌222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 3-102. Enrollment numbers

The enrollment numbers issued by the Citizenship Board under this Title shall begin with and sequentially follow the number: Creek 12030.

[NCA 81-06, § 2002, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 302, eff. Aug. 23, 2001.]

Library References

Indians ⇌222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 3-103. Information upon roll; access

A. Information on rolls. The information on said rolls shall be limited to the following: all information categories upon the census cards of the final rolls prepared pursuant to the Act of April 26, 1906; name of the member, including all names formerly used by the member; the member's sex; the member's roll number; the member's degree of Muscogee (Creek) Indian blood; the member's clan, Tribal Town, father and citizenship and mother and citizenship; the date of enrollment; the birthdate of the member; the address of the member; the district of the member; and the social security number or other enrollment identification number of the member.

B. Abbreviated citizenship roll. The Citizenship Board shall also maintain an abbreviated membership roll which contains only the following information:

Title 7, § 3–103

CITIZENSHIP/CENSUS

the name of the member, the member's degree of Muscogee (Creek) Indian blood, birthdate and the member's clan.

C. Access to rolls. The printout of the abbreviated membership roll shall be available to public inspection during regular office hours of the Citizenship Board Office, and shall be available for computer access by the Muscogee (Creek) Nation Election Board Office. Both the computer printout of the full membership roll and the computerized full membership roll shall be available for viewing and computer access by Tribal programs providing benefits to Tribal members. The Citizenship Board Office shall provide information about a specific Tribal member contained on the membership rolls to any enrollment office of another Tribe which requests in writing information about such person for enrollment purposes.

[NCA 81–06, § 2003, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 303, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 3–104. Confirmation of enrollment of living allottees

A. Constitutional requirement. As provided by the Constitution of the Muscogee (Creek) Nation in Article III, Section 3(c), “persons who are Muscogee (Creek) Indian by blood whose name appears on the final rolls as provided by the Act of April 26, 1906, (34 Stat. 137) shall be automatically included as citizens of the Muscogee (Creek) Nation.”

B. Procedures. The Citizenship Board shall in all situations concerning living allottees:

1. Attempt to identify living allottees;
2. Upon identification, obtain the information required to complete contemporary Tribal enrollment files, such as the married names of the female citizens, the current address of the citizens, the current district of the citizens, or any information required by law; and
3. Upon determining the current address of the citizen, mail an executed enrollment card to the citizen.

[NCA 81–06, § 2004, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 304, eff. Aug. 23, 2001.]

Library References

Indians ☞164, 222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 1 to 2, 32 to 35, 59, 62, 67,
95, 179 to 180.

CHAPTER 4. ENROLLMENT PROCESS

Section

- 4-101. Eligibility.
- 4-102. Ineligibility.
- 4-103. Opportunity for citizenship; records; hearing.
- 4-104. Applications.
- 4-105. Evidence of lineal descent.
- 4-106. Evidence of degree of Muscogee (Creek) Indian blood.
- 4-107. Checking for dual enrollment.
- 4-108. Certification; denial; death of applicant.
- 4-109. Citizen enrollment cards and full citizen enrollment cards.
- 4-110. Appeals.
- 4-111. Copies of enrollment information.
- 4-112. Citizens advised of responsibility in current information.
- 4-113. Resignation of enrollment.
- 4-114. Fraudulent use of Muscogee Nation Enrollment Cards.

Cross References

Registration and certification, see Const. Art. III, § 3.

§ 4-101. Eligibility

As provided in the Constitution of the Muscogee (Creek) Nation at Article III, Section 2, “Persons eligible for citizenship in the Muscogee (Creek) Nation shall consist of Muscogee (Creek) Indians by blood whose names appear on the final rolls as provided by the Act of April 26, 1906, (34 Stat. 137), and persons who are lineal descendants of those Muscogee (Creek) Indians by blood whose names appear on the final rolls as provided by the Act of April 26, 1906 (34 Stat. 137); (except that an enrolled member of another Indian Tribe, Nation, Band or Pueblo shall not be eligible for citizenship in the Muscogee (Creek) Nation.)”.

[NCA 81-06, § 3001, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 401, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 4-102. Ineligibility

The following persons shall not be eligible for citizenship:

- A. Persons who are not Muscogee (Creek) Indian by blood, and
- B. Persons who are “an enrolled member of another Indian Tribe, Nation, Band or Pueblo.”

[NCA 81-06, § 3002, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 402, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 4–103. Opportunity for citizenship; records; hearing

A. Opportunity for citizenship. As provided in the Muscogee Nation Constitution at Article II, Section 1, “Each Muscogee (Creek) Indian by blood shall have the opportunity for citizenship in the Muscogee (Creek) Nation.”

B. Records. In order to implement this Title, the Citizenship Board shall utilize the 8x10 Certificates of Degree of Indian Blood of the United States Department of the Interior, and other suitable records identified in Title 7, § 4–105.

[NCA 81–06, § 3003, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 403, eff. Aug. 23, 2001; NCA 02–078, § 1, approved May 30, 2002.]

Library References

Indians ⇄214, 222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 4–104. Applications

A. Forms. All applications for enrollment must be printed upon the Enrollment Application Form approved by the Citizenship Board, and all persons attempting to make application without utilizing the form shall be mailed or given an Enrollment Application Form.

B. Requirements. A separate application must be filed by each person seeking enrollment. The application of an applicant eighteen (18) years of age or older must signed and notarized by the applicant or by the applicant’s legal guardian. The application of an applicant less than eighteen (18) years of age shall be submitted only by the applicant’s parent possessing legal custody of the minor or by his legal guardian, and must be signed and notarized by the person submitting the application.

C. Personal information. Each enrollment application must be complete in its entirety and must contain sufficient personal information to properly determine the applicant’s eligibility for enrollment, including all names by which the applicant is known, the applicant’s current mailing address, the name of the ancestor on the final roll and final roll number, and the name of the Tribe and degree of Indian blood of parents or other ancestors enrolled with the other Tribes. The Citizenship Board Office shall not be responsible for completion of the application. The responsibility for completion of the application is on the applicant.

D. Documentation. Applications for enrollment must be supported by original state-certified full photocopies, by state-certified vault copies or, in the case of applicants born abroad, by federal archival copies of birth certificates and other official records showing date of birth and names of parents, and shall be subject to the following additional requirements if applicable:

1. If the father or mother is known by another name, the applicant must bring in a document or documents showing both names, including the following: state birth certificates; certificate of degree of Indian blood; court-recorded probate or heirship papers; or an affidavit stating that the person was known by

both names to the affiant, supported with some other record, such as a baptismal certificate showing the names of the parents and the birthdate.

2. Applications based on paternal descent from the 1906 rolls for a person born out of wedlock, whose birth certificate does not reflect his father's identity, must be supported by a notarized acknowledgment of paternity by the father or documented by a court order or other official finding as to the father's identity.

E. Retention of documents. All evidence submitted to support an application for enrollment will be retained in the Citizenship Office as a part of the applicant's permanent record, except that original birth certificates will be copied and the original returned to the applicant.

[NCA 81–06, § 3004, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 404, eff. Aug. 23, 2001.]

Library References

Indians ☞ 222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 4–105. Evidence of lineal descent

A. Lineal descent. Evidence of lineal descent from a Muscogee (Creek) Indian by blood whose name appears on the final rolls prepared pursuant to the act of April 26, 1906 (34 Stat. 137), shall be required from each applicant.

B. Evidence. Evidence of lineal descent may include:

1. Certificate of Degree of Indian Blood (CDIB) issued by the United States Bureau of Indian Affairs (said certificate to be checked against the records of the issuing BIA agency to insure that no revocation has occurred);

2. An unbroken and complete documentation of descent through birth certificates or court-approved heirship decrees;

3. Sworn affidavit or testimony directly relating to the identity of the biological father of the applicant or the biological father of a lineal ancestor of the applicant in order to establish lineal descent from an enrolled person; provided that if the Citizenship Board finds that said testimony and any other relevant documentation has not proven a preponderance of the evidence, the Citizenship Board may order the DNA testing of the applicant and the alleged parent to be conducted by a qualified medical laboratory testing facility approved by the Citizenship Board, at a time and place appointed by the Citizenship Board, with all costs to be the responsibility of the applicant, or, if the applicant is a minor child, with all costs to be the responsibility of the parent or legal custodian making application for citizenship in their behalf;

4. Birth certificate indicating an enrolled person as a parent, the enrollment papers of the parent being sufficient evidence of the child's descent;

5. When no other sufficient evidence can be produced, a court-approved Decree of Heirship which shows the relationship between the heir and the devisee to be a direct lineal relationship.

[NCA 81–06, § 3005, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 81–77, § 101, approved July 27, 1981; NCA 01–135, § 405, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 4–106. Evidence of degree of Muscogee (Creek) Indian blood

Evidence of degree of Muscogee (Creek) Indian blood shall be based upon the degree of Muscogee (Creek) Indian blood shown for all direct ancestors on the final rolls prepared pursuant to the Act of April 26, 1906 (34 Stat. 137).

[NCA 81–06, § 3006, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 406, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 4–107. Checking for dual enrollment

Every applicant who indicates a degree of Indian blood other than Muscogee (Creek) Indian shall:

A. Be advised by the Citizenship Board of the Constitutional prohibition of dual enrollment.

B. Be requested to execute an Acknowledgment of Other Indian Blood, naming the Tribe, Nation, Band, Pueblo, Alaskan Native Village, or other federally recognized Indian entity (other than Tribal Towns of Muscogee (Creek) Nation) descended from, their degree of blood in that Tribe or Tribes, and their current enrollment status in that Tribe or Tribes; and the Citizenship Board shall request that the other Tribe(s) verify the acknowledgment.

C. If enrolled in another Tribe, Nation, Band, Pueblo, Alaskan Native Village, or other federally recognized Indian entity, be required to execute a Resignation of Enrollment for the purpose of being enrolled in the Muscogee (Creek) Nation.

D. If not enrolled, be requested to execute an oath not to enroll in another Tribe, Nation, Band, Pueblo, Alaskan Native Village, or other federally recognized Indian entity without thirty (30) days written notice to the Citizenship Board of the Muscogee (Creek) Nation; violation of this oath will make the applicant ineligible for Tribal services and subject to removal.

[NCA 81–06, § 3007, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 87–89, § 102, approved Dec. 28, 1987; NCA 01–135, § 407, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 4–108. Certification; denial; death of applicant

A. **Certification.** Certification of one or more applications shall require a majority vote of the Citizenship Board.

B. Denial. In the event that certification is denied, the Citizenship Board shall send a notice of denial of the application to those persons whose applications were rejected by the Citizenship Board. Each notice shall state the date of the action and shall state the grounds for the decision.

C. Death of applicant. If the death of an applicant occurs while an application is pending or during the pendency of an appeal to the Citizenship Board, the following shall apply:

1. The Citizenship Board shall issue a decision regarding the applicant's eligibility for enrollment had he or she lived, if requested by the Social Services Office of the Muscogee (Creek) Nation for the purposes of determining eligibility for burial assistance.

2. If a child is stillborn or if a child aged one year or less dies with or without an enrollment application pending, the Muscogee (Creek) Nation Citizenship Board shall issue a decision regarding the child's eligibility for enrollment had he or she lived, if requested by the Social Services Office of the Muscogee (Creek) Nation for purposes of determining eligibility for burial assistance.

3. During the entire process, the Citizenship Board shall provide all notices to which the deceased would have been entitled, to the applicant's family member responsible for the Social Services Office application for burial assistance. Said family members shall assume the rights of the deceased at all further stages of the application process, including appeal rights.

[NCA 81–06, § 3008, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 408, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 4–109. Citizen enrollment cards and full citizen enrollment cards

A citizen enrollment card or full citizen enrollment card shall be issued to each certified applicant for citizenship and to each living citizen on the 1906 Dawes Commission Roll. Failure to refuse or return the card within ten (10) days after receipt by the applicant shall be construed as affirmation of enrollment. The enrolled member's social security number, which shall be used as his identification number in the enrollment records, shall be placed on the membership card. The membership card shall be in the form of a photo identification card and shall contain the degree of Muscogee (Creek) Indian blood of the Tribal member. It shall not contain the degree of Indian blood from any other Tribe. The membership card shall be signed by the Principal Chief of the Muscogee (Creek) Nation or stamped with the signature of the Principal Chief. There will be no fee for the first card issued to a Tribal member. A lost card may be replaced for a fee of five dollars (\$5.00). All members shall have a duty to keep the Citizenship Board Office informed of their current mailing address.

[NCA 81–06, § 3009, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 409, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 4–110. Appeals

A. Administrative appeal. If certification is denied or if certification is granted but the applicant disagrees with the Muscogee (Creek) blood quantum on the membership card, the applicant may appeal the decision within ten (10) days of receipt of the decision of the Citizenship Board. The burden of proof shall be upon the applicant, to demonstrate by a preponderance of evidence that he or she is a Muscogee (Creek) Indian by blood or to prove the correct Muscogee (Creek) blood quantum for membership purposes. The applicant may request a hearing to reconsider the denial of certification or the Muscogee (Creek) blood quantum determination. At least seven (7) days notice shall be given to an applicant before holding any hearing. Said notice shall be served on the applicant by certified mail, return receipt requested. Applicants may represent themselves at any hearing, or they may designate a person to represent them. The applicant and any member of the Citizenship Board may subpoena witnesses and present any additional documentary evidence not already considered by the Citizenship Board. If an appeal is filed but a hearing is not requested, the Citizenship Board may issue a decision based on the appeal notice and relevant documentary evidence. If the Board affirms the denial of certification or the Muscogee (Creek) blood quantum determination the applicant shall have standing to bring action under subsection B of this section.

B. Judicial appeals. The Courts of the Muscogee (Creek) Nation are hereby granted exclusive jurisdiction over all disputes relating to, arising under or in conflict with this Title. After the applicant has exhausted the administrative remedies of the Citizenship Board, and a final determination not to enroll the applicant has been made, the applicant shall have the right to file an appeal of said decision in the Muscogee (Creek) Nation District Court. The applicant shall serve notice of the appeal to the Chairman of the Citizenship Board or his authorized representative at the Citizenship Board Offices. In hearing the appeal, the Muscogee Nation District Court shall give proper deference to the administrative expertise of the Citizenship Board. The Muscogee Nation District Court shall not set aside, modify, or remand any determination by the Board unless it finds that the determination is arbitrary and capricious, unsupported by substantial evidence or contrary to law. Standard procedures of the Muscogee (Creek) Nation District Court, including the right to appeal to the Supreme Court, shall govern all proceedings.

[NCA 81–06, § 103, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 410, eff. Aug. 23, 2001.]

Cross References

Removal of names from Citizenship Roll, review by courts, see Title 7, § 5–106.
Jurisdiction, generally, see Title 27, § 1–102.

Library References

Indians ☞222, 429, 433. Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 59, 62, 67, 151 to 180.

§ 4-111. Copies of enrollment information

The Citizenship Board shall provide copies of enrollment information to:

- A. The Election Board of the Muscogee (Creek) Nation.
- B. At the request of the citizen, to any other person or entity.
- C. Upon subpoena, to the Courts of the Muscogee (Creek) Nation.

[NCA 81-06, § 3010, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 411, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 4-112. Citizens advised of responsibility in current information

The Citizenship Board shall advise each certified citizen in writing, in Muscogee and in English, of their responsibility to provide new information to the Citizenship Board any time they move or change their name.

[NCA 81-06, § 3011, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 412, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 4-113. Resignation of enrollment

A. Resignation. Resignations of enrollment shall become effective thirty (30) days after the enrollment card is returned, or twenty (20) days after required forms are executed, whichever is later. Any enrolled citizen of the Muscogee (Creek) Nation may resign their enrollment in the Muscogee (Creek) Nation by:

- 1. Presenting their enrollment card to the Citizenship Board.
- 2. Executing forms prescribed by the Citizenship Board which indicate that the resignation is voluntary.

B. Resignation irrevocable. The resignation of a member over the age of eighteen (18) shall be an absolute and irrevocable resignation effective upon the date of receipt by the Citizenship Board Office.

C. Resignation of minors. Resignation of the membership of a child under eighteen (18) may be made only by a parent possessing legal custody of the child or by the legal guardian of the child and shall be a conditional resignation, conditioned on the member's acceptance for enrollment in another Tribe, in which case the resignation shall be effective on the date of the enrollment in the other Tribe.

[NCA 81-06, § 5011, as amended by NCA 82-69, § 101, approved Dec. 1, 1982; NCA 01-135, § 413, eff. Aug. 23, 2001.]

Library References

Indians ↻222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 4–114. Fraudulent use of Muscogee (Creek) Nation Enrollment Cards

A. The fraudulent use of any Muscogee (Creek) Nation Enrollment 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 resigned their enrollment in the Muscogee (Creek) Nation, is an offense punishable for up to one (1) year in jail and up to five thousand dollars (\$5,000) in fines in accordance with Title 14 of the Muscogee (Creek) Nation Code.

B. Reports concerning violations of this section may be referred to the Tribal Lighthorse Administration.

[NCA 81–06, § 5012, as amended by NCA 82–69, § 102, approved Dec. 1, 1982; NCA 01–135, § 414, eff. Aug. 23, 2001.]

Library References

Indians ↻260, 620.
Westlaw Topic No. 209.
C.J.S. Indians §§ 151 to 187, 191 to 194.

CHAPTER 5. MAINTENANCE OF ROLL

Section

- 5-101. Change of name.
- 5-102. Change of address.
- 5-103. Change in district.
- 5-104. Add social security number.
- 5-105. Deceased enrolled persons.
- 5-106. Removal of names from the Citizenship Roll.

Cross References

Citizenship Board, establishment and maintenance of Citizenship Roll, see Const. Art. III, § 1.

§ 5-101. Change of name

A legal change of name in the form of a court-ordered change of name or a change by reason of marriage, divorce or adoption shall be entered upon the Citizenship Roll, and a new Citizen Enrollment Card issued.

[NCA 81-06, § 4001, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 501, eff. Aug. 23, 2001.]

Library References

Indians ⇄222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 5-102. Change of address

Any change in address must be reported to the Citizenship Board, and the citizen's address in their enrollment records shall be updated.

[NCA 81-06, § 4002, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 502, eff. Aug. 23, 2001.]

Library References

Indians ⇄222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 5-103. Change in district

Any enrolled person who changes districts, whether:

A. A resident of a district of the Muscogee (Creek) Nation who moves to a different district within the Muscogee (Creek) Nation or moves outside the Muscogee (Creek) Nation and desires to change districts; or

B. A non-resident of the Muscogee (Creek) Nation who moves into a district of the Muscogee (Creek) Nation other than the one already enrolled in, shall be changed in their district enrollment by the Citizenship Board (if properly reported by the citizen) and issued a new Citizen Enrollment Card. Changes of district shall not be made for (either) citizens who are not residents in Muscogee (Creek) Nation and desire to change districts. No changes in district shall be effective during any sixty (60) days prior to a regular or special election.

[NCA 81-06, § 4003, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 503, eff. Aug. 23, 2001.]

Cross References

Voter registration, change of residence to another district, see Title 19, § 4–114.

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 5–104. Add social security number

A social security number may be added to enrollment records at any time by the citizen, whether a living 1906 enrollee for whom the Citizenship Board does not have a social security number, or a child enrolled under this title who later obtains a social security number.

[NCA 81–06, § 4004, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 504, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 5–105. Deceased enrolled persons

The Citizenship Board shall keep a file of the name, number and date of death of any deceased enrolled person reported by any citizen and verified by the staff of the Citizenship Board.

[NCA 81–06, § 4005, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01–135, § 505, eff. Aug. 23, 2001.]

Library References

Indians ☞222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 5–106. Removal of names from the Citizenship Roll

A. Authority. The Citizenship Board shall have the power to remove the names of persons from the Citizenship Roll of the Muscogee (Creek) Nation.

B. Procedure. In effecting removal, the Citizenship Board shall:

1. Designate a cause to remove from the Roll, said cause hereby limited to:
 - a. Proof that the person is not Muscogee (Creek) Indian by blood;
 - b. Proof that the person is an enrolled member of another Indian Tribe, Nation, Band, Pueblo, Alaskan Native Village or other federally recognized Indian entity;
 - c. Proof that fraud, bribery, or misrepresentation were utilized at any stage in securing enrollment;
 - d. Voluntary resignation from citizenship by an enrolled citizen; and
 - e. Order by a Tribal Court to remove a name from the Citizenship Roll.

MAINTENANCE OF ROLL

Title 7, § 5-106

2. Notify the otherwise enrolled citizen that cause for his or her name to be removed has been designated and that he or she have thirty (30) days to request a hearing if any cause other than resignation or court order is involved.

3. Hold a hearing if requested by the person against whom cause has been designated. The hearing shall be an evidentiary proceeding where the burden of proof shall be upon the Citizenship Board to establish by evidence beyond a reasonable doubt that the designated cause is true and sufficient to remove the person from the Citizenship Roll by unanimous decision of the Citizenship Board. All certified copies of records in the citizen's file shall automatically be introduced by the Chairman. The citizen and any member of the Citizenship Board may subpoena witnesses. The decision of the Citizenship Board may be reviewed by the Muscogee (Creek) Nation courts as provided by Title 7, § 4-110.

C. Removal decision. The removal decision shall be effective upon the day following any appeal deadline, if the member fails to appeal a removal decision at any stage of the proceedings by said appeal deadline. If the removed member appeals the removal decision within the time allowed, the removal shall not become effective until a final appeal decision is rendered. When a removal decision becomes final, the Citizenship Board shall send the removed person a certified letter, return receipt requested, stating that he or she is no longer a member of the Muscogee (Creek) Nation as of that date.

[NCA 81-06, § 4006, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 506, eff. Aug. 23, 2001.]

Library References

Indians ☞222.

Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.