



Legislation Text

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A LEGISLATIVE ACT AMENDING TITLE 11, "CITIZENSHIP", OF THE CHEROKEE NATION CODE ANNOTATED; RELATING TO CHEROKEE NATION CITIZENSHIP BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as the 2007 Technical Amendments to Title 11 Citizenship and codified as Title 11 Sections 1 et seq. of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to modify Title 11 of the Cherokee Nation Code in conformance with Article III of the 1975 Constitution of the Cherokee Nation, and the Judicial Appeals Tribunal Ruling in JAT-04-09, *Lucy Allen v. Cherokee Nation Tribal Council, et al.* and Article IV of the 1999 Constitution.

Section 3 (Code Section 3) . Legislative History

§ 3. Legislative history

The 1975 Cherokee Nation Constitution provides for the citizenship requirements under Article III; the 1999 Cherokee Nation Constitution provides for the citizenship requirements under Article IV. This code will supersede the guidelines approved by Council Resolution # 21-88 adopted March 12, 1988. Title 11 has also been amended as follows: LA 6-92 having been enacted on the 12th day of September 1992 and approved by the Principal Chief on the 12th day of September 1992; LA 2-93 having been enacted on the 12th day of July 1993 and approved by the Principal Chief on the 12th day of July 1993; LA 16-02 having been enacted on the 21st day of May 2002 and approved by the Principal Chief on the 21st day of May 2002 and LA 20-05 having been enacted on the 16th day of May 2005 and approved by the Principal Chief on the 19th day of May 2005.

Section 4. (Code Section 4) Definitions

A. "Adopted Person" means a person whose biological parents' parental rights have been awarded to another or other persons pursuant to court order, judgment or decree, or an orphaned person who has been formally adopted by another person or other 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 final court order, judgment or decree of adoption.

~~B. C.~~ "Applicant" means a person submitting an application for enrollment in the Cherokee Nation.

~~C. D.~~ "Base Roll" or "Final Roll" means a specific list of individuals used for determining tribal citizenship. An Applicant ~~One~~ must prove that he or she is a direct descendant of ~~back directly to~~ an individual who is listed by blood ~~by blood~~ on a base roll. The base roll as used herein means those final rolls otherwise known as the Dawes Commission Rolls including the Delaware Cherokees in Article II of the Delaware Agreement dated the 8th day of May, 1867, and the Shawnee Cherokees of Article III of the Shawnee Agreement dated the 9th day of June 1867, and or their descendants. ~~or the Final Rolls. The Final Rolls were closed in 1907. Those Final Rolls by blood used for citizenship purpose are (1) Cherokee by Blood, (2) Cherokee Minors by Blood, and (3) Delaware Cherokees, and by (4) Shawnee Cherokees.~~

~~D. E.~~ "Certificate of Degree of Indian Blood" (CDIB) means the official document issued by the Bureau of Indian Affairs

(BIA) stating a person's degree of Indian blood. The CDIB is an acceptable document used to meet the necessary evidence requirements. The CDIB is not an enrollment/citizenship document.

~~E. F.~~ "Cherokee Register" means the current citizenship roll of the Nation and is maintained by the Registrar.

~~F. G.~~ "Citizen," "enrolled citizen" and Tribal citizen" mean any person who, having met all requirements to be a citizen of the Cherokee Nation pursuant to the Cherokee Nation Constitution, and is enrolled on the Cherokee Register in accordance with the provisions of this Title, except that the term "citizen" also includes any Original Enrollee and any newborn child who qualifies for citizenship under the provisions of section 11A of this Title, whether or not such Enrollee or child has been enrolled on the Cherokee Register. Provided, however, any such newborn child shall no longer be a citizen when the period of his or her temporary citizenship expires as provided in section 11A unless the child is otherwise enrolled on the Cherokee Register in accordance with the provisions of sections 11,12,13, and 14 of this title.

~~G. H.~~ "Direct Ancestors" means those persons who are the 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.

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

~~H. J.~~ "Enrollment" means the process for applying to be formally recognized or registered as a citizen of the Cherokee Nation.

~~I. K.~~ "Member" or "membership" has been replaced throughout Title 11 of the Cherokee Code Annotated by the term "citizen" or "citizenship" as defined in this section.

~~J. L.~~ "Nation" means the Cherokee Nation.

~~K. M.~~ "Necessary Evidence" means the documents that clearly establish relationships from one generation to another and that the person has a Direct Ancestor on the Dawes Rolls. These documents must be State certified copies of the original birth and/or death records. These records are issued by State Vital Statistics Offices. Other acceptable records are Court Ordered Determinations or a CDIB issued by the BIA.

~~L. N.~~ "Original Enrollee" means an individual who is listed on the Final Rolls.

~~M. O.~~ "Registrar" means the person who has the immediate administrative jurisdiction over the affairs of registration for enrollment/citizenship.

~~N. P.~~ "Registration Committee" means the Registrar and two assistants.

~~Q. Q.~~ "Sponsor" means a person who is acting on behalf of a minor or an incompetent adult in (i) submitting an application for Tribal citizenship, (ii) requesting the release of records or information pursuant to 11 CNCA § 33, (iii) requesting and submitting a Tribal Citizenship Relinquishment Form pursuant to 11 CNCA § 34, or (iv) any other dealings with the Registrar which relate in any respect to Tribal citizenship, and

1. in the case of a minor, a biological parent of such minor who has legal custody of the child at the time he/she is acting on behalf of such minor, whose parental rights relating to the minor have not been terminated by a court of law, or a 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 minor; or
2. in the case of an incompetent adult, a duly-appointed legal guardian or other representative with power and authority over the affairs, care, custody and welfare of such incompetent adult; or
3. ~~whenever acting on behalf of either a minor citizen or an incompetent adult, an adult citizen, and subject to the provisions of section 34.A of this Title, any person determined by the Registrar to have unambiguous authority in writing to act on behalf of the minor incompetent adult for Tribal citizenship purpose signed by a person who is~~

~~qualified to be a Sponsor under paragraph (1) or (2) of this subsection.~~

~~P. R.~~ “Tribal Citizenship Relinquishment Form” means any form approved for use by the Registrar in connection with the relinquishment of a person’s citizenship pursuant to the provisions of this Title.

~~Q. S.~~ “Tribal citizenship” means a person’s status as a citizen of the Cherokee Nation.

Section 5. (Code Section 12) Citizenship Requirements

A. Tribal citizenship is derived only through proof that the Applicant is an Original Enrollee, a direct descendant of an Original Enrollee of Cherokee blood based on the Final Rolls, or any newborn child who qualifies for citizenship under the provisions of section 11A of this Title.

B. The Registrar will issue tribal citizenship to a person who can prove that he or she is an original enrollee listed on the Final Rolls by blood or who can prove to at least one direct ancestor listed by blood on the Final Rolls in accordance with the Cherokee Nation Constitution.

C. The Registrar shall issue cards that include the term “citizen” replacing the term “member” or “membership” on all new cards issued.

Section 6 (code section 33) . Release of tribal citizenship Information

§ 33. Release of tribal citizenship information

A. All requests for copies of, or information contained in, records relating to Tribal Citizenship shall be made in writing and on a form prepared for that purpose by the Registrar.

B. The Registrar is hereby authorized and directed to prepare one or more forms to be used for all requests for the release of copies of Tribal Citizenship records or information.

C. Only the citizen of the Cherokee Nation to whom the records pertain or the Sponsor of a citizen to whom the records pertain may request copies of Tribal Citizenship records or information. Upon a request for such records or information by a citizen or a Sponsor, the Registrar shall issue to the citizen or Sponsor an Authorization Form. Provided, however, prior to issuing the Form the Registrar shall enter thereon the name of the citizen, the citizen’s Registry Number, the Sponsor's name (if any), and the date of issuance of the Form. No Authorization Form issued pursuant to this section may be used to obtain information or records relating to any citizen other than the citizen whose name and Registry Number is entered on the Form by the Registrar.

D. Whenever authority to release information or records cannot be obtained from the tribal citizen or Sponsor, the Principal Chief or the Principal Chief s' designee may authorize the release of such records or information to any person if the Principal 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 Registrar from releasing copies of records or information pursuant to a bona fide request from a law enforcement official. Nothing in this Section shall prevent the Registrar from releasing copies of records or information pursuant to a bona fide request from the Cherokee Nation Election Commission in order for said Commission to ensure that those individuals registered or applying to register to vote in any Cherokee Nation election are bona fide citizens of the Cherokee Nation.

F. Listings, statistics, and labels from the tribal citizenship database must be approved by the Principal Chief or designee. The receiving of such requests are routed through the Registrar, who obtains the Chief’s approval, and coordinates with other departments to facilitate the request.

G. The status of a person as an enrolled citizen of the Cherokee Nation is hereby deemed to be public information. In addition to any other Tribal citizenship information that the Registrar is now or may hereafter be authorized to release or otherwise make public under the laws of the Cherokee Nation, the Registrar is authorized to disclose to any person, upon request, the following Tribal citizen information.

1. Whether or not a person is currently enrolled as a citizen of Cherokee Nation, and, if so, the date on which the person became enrolled as a Tribal citizen;
2. Whether or not a person has relinquished his or her Tribal citizenship one or more times, and, if so, the date or dates on which the relinquishment of his or her Tribal citizenship became effective under Section 34 of this Title; and
3. Whether or not a person, having relinquished his or her Tribal citizenship one or more times, has re-enrolled as a Tribal citizen, and, if so, the date or dates upon which such person re-enrolled as a Tribal citizen.
4. Whether or not a person has requested to relinquish their Tribal Citizenship and the date the Relinquishment shall become effective pursuant to Section 34 of this title.

H. The Registrar shall maintain and keep current a list of the names of all persons who have relinquished their Tribal citizenship, together with their former enrollment numbers and the effective dates of relinquishments of Tribal citizenship. If any person appearing on the list re-enrolls pursuant to the Tribal Citizenship Act, the person's name shall remain on the relinquishment list but notation shall be made thereon of the re-enrollment and each of the date or dates on which such person re-enrolled as a citizen.

Section 7 (code section 34) . Relinquishment

A. Any citizen or sponsor of a citizen of the Cherokee Nation may request a Tribal Citizenship Relinquishment Form, which shall be furnished directly to the citizen or Sponsor by the Registrar. Provided, however, if the person whose citizenship is to be relinquished is a minor child, the sponsor, in addition to the requirements of Section 4 of this Title, must also be that minor child's biological parent or Adoptive Parent and must have legal custody of the child at the time the Relinquishment Form is requested. A Sponsor who is not a minor child's biological parent or Adoptive Parent shall have no authority to act on such minor child's behalf in the relinquishment of the minor's Tribal citizenship. A Sponsor who is a biological parent or adoptive parent of a child but who has had legal custody of the child removed from him or her by a court of law shall not have authority to act on such minor child's behalf in the relinquishment of the minor's Tribal citizenship. The request for a Tribal Citizenship Relinquishment Form shall be made in person or in a writing signed by the citizen or the citizen's Sponsor and delivered to the Registrar.

B. The Registrar Office of the General Counsel of the Cherokee Nation is hereby authorized to prepare the Tribal Citizenship Relinquishment Form and any other necessary forms, which shall be consistent with the provisions of this section, to be used in connection with the relinquishment of Tribal Citizenship.

C. Upon receipt of a request pursuant to subsection A of this section, the Registrar shall issue to the citizen or Sponsor a Tribal Citizenship Relinquishment Form. Provided, however, prior to issuing the Form the Registrar shall enter thereon the name of the citizen, the citizen's Registry Number, the Sponsor's name (if any) and the date of issuance of the Form. No Tribal Citizenship Relinquishment Form may be used to relinquish the citizenship of any person other than that of the citizen whose name and Registry Number is entered on the Relinquishment Form by the Registrar.

D. The Tribal citizen or Sponsor shall complete and sign the Tribal Citizenship Relinquishment Form before a notary public, and deliver the completed Relinquishment Form to the Registrar. The Registrar shall determine whether the Relinquishment Form has been correctly completed prior to accepting the form. If the form is incomplete or the applicant does not meet the statutory requirement the Registrar shall inform the applicant in writing at the address listed on the Relinquishment form. and file the notarized Form with the clerk, of the District Court of the Cherokee Nation, who shall open a civil case styled "In re the relinquishment of citizenship of _____, a Tribal Citizen," without charging a filing fee, and shall assign the case a number. The relinquishment case so opened shall be set for an initial hearing on a date not more than 30 days after the date of filing of the notarized Form. The court clerk shall cause notice of the initial hearing to be delivered to the Citizen at the time of filing or subsequently by First Class Mail. Notice of the hearing shall also be mailed to the Cherokee Nation Department of Justice.

Upon receipt of a properly completed Relinquishment Form, the Registrar shall stamp the Form with the date on which it was received by the Registrar and place the form in the Tribal citizen's file.

E. The relinquishment of the person's Tribal citizenship shall become effective immediately upon receipt and acceptance by the Registrar. Upon receipt and filing of the Relinquishment form, the Registrar shall send a copy of each Relinquishment Form to the Election Commission which shall forthwith revoke said relinquishing citizen's voter registration.

E At the initial hearing, the Tribal citizen or sponsor shall be placed under oath, and the Court or the Nation's attorney shall inquire of the citizen or sponsor who is relinquishing citizenship-

1. In any case where the Tribal citizen whose citizenship is being relinquished is a minor, whether the sponsor is the biological parent or Adoptive Parent of the minor citizen and is otherwise qualified to act as a Sponsor under Section 4 of the title; whether the minor citizen is currently the subject of a deprived child, juvenile delinquency, adoption or other proceeding involving the custody of the minor; and whether any person with parental or custodial rights to the child disputes the relinquishment or who, if unaware of the relinquishment proceeding, would likely dispute the relinquishment if he or she were aware of same;

2. Whether the Tribal citizen or sponsor is aware that by relinquishing Tribal citizenship, all benefits and privileges to which the citizen is entitled as a consequence of being a citizen will be forfeited upon the effective date of relinquishment of citizenship; and

3. If the person whose citizenship is being relinquished is 18 years of age or older or will be of such age by the time the Relinquishment Form will be submitted to the Registrar pursuant to subsection I of this section, whether the Tribal citizen or Sponsor is aware that said person will not be eligible to re-enroll as a Tribal citizen for a period of five years following the effective date of the relinquishment.

F. At the conclusion of the initial hearing, the Court shall issue a written order authorizing the citizen or Sponsor to submit the Tribal Citizen Relinquishment Form to the Registrar *unless*, based on the citizen's or Sponsor's testimony, the Court finds-

1. In any case where the person whose citizenship is to be relinquished is a minor, that the person acting as a Sponsor is not the child's biological parent or Adoptive Parent or is not qualified to act as a Sponsor under the provisions of Section 4 of this Title; that the minor citizen is the subject of a deprived child, juvenile delinquency, adoption or other custodial proceeding pending in any court; or that another person with parental or custodial rights with regard to the minor citizen disputes the relinquishment or, if such other person is unaware of the relinquishment request, he or she would likely dispute the relinquishment if he or she were aware of same; or

2. That the citizen or sponsor indicates that he or she had been unaware of the consequences of relinquishment *and* requests of the Court additional time in order to reconsider the decision to relinquish, in event the Court shall reschedule the hearing for a later date to determine whether the citizen or Sponsor wishes to proceed with relinquishment. If at the rescheduled hearing, the citizen or Sponsor thereafter indicates that he or she no longer wants to relinquish citizenship, or fails to appear at the rescheduled hearing without first requesting a continuance, the Court shall dismiss the action without prejudice. Otherwise, the Court shall issue an order authorizing submission of the Relinquishment Form to the Registrar in accordance with this section.

G. If at the conclusion of the initial hearing the Court finds that the person whose citizenship is to be relinquished is a minor child and that the person seeking the relinquishment of the minor child's citizenship is not the child's biological parent or Adoptive Parent or is not otherwise qualified to act as the child's Sponsor, the Court shall issue an order dismissing the case without prejudice. If the Court finds that the person is qualified to act as the minor child's Sponsor but that the minor is the subject of a deprived child, juvenile delinquency, adoption or other custodial proceeding or that another person has parental or custodial rights with regard to the child and disputes or would likely dispute the relinquishment, the Court shall schedule another hearing no more than 30 days after the initial hearing and shall require that notice of same be given to all persons known to the Court to have parental or custodial rights with regard to the minor citizen. All such persons, including the Nation through its attorneys, may appear at the subsequent hearing and present evidence and testimony of witnesses on the issue of whether or not relinquishment of Tribal citizenship would be in the best interest of the minor citizen. Within 15 days after the conclusion of the subsequent hearing, the Court shall issue its order and decision on whether relinquishment would be in the best interests of the minor citizen. The party seeking to have child's citizenship relinquished shall have the burden of proving such by a preponderance of the evidence.

H. All Cherokee Nation District Court hearings required under this section involving minor citizens, and the Court files associated therewith, shall be confidential and closed to the public as in other juvenile cases; provided copies of any Court order authorizing or denying relinquishment shall be made available to the Registrar for filing in the minor child's citizenship records in accordance with this section but shall not otherwise be subject to public disclosure under this or any other law of the Cherokee Nation. The Registrar shall not reproduce, release or disclose the contents of any such order to any person except as expressly authorized by order of the Cherokee Nation District Court or Judicial Appeals Tribunal.

I. If after any hearing authorized by this section, the Court, having determined that the relinquishment process should proceed, issues an order allowing the citizen or Sponsor to submit the Tribal Citizenship Relinquishment Form to the Registrar, the citizen or Sponsor must, within 60 days following the issuance of the order, deliver certified copies of the order and the notarized Relinquishment Form to the Registrar, which copies shall be made available to the citizen or Sponsor by the court clerk without charge. Upon timely receipt of the certified copies of the Court's order and the Relinquishment Form, the Registrar shall stamp both with the date on which they were received by the Registrar and place them in the Tribal citizen's file. The Registrar shall not accept the Relinquishment Form without the certified copy of the Court's order authorizing relinquishment to proceed. The relinquishment of the person's Tribal citizenship shall become effective 60 days after the date on which the certified copies of the Court's order and Tribal Citizenship Relinquishment Form were delivered to the Registrar in accordance with this subsection, unless prior to the expiration of said 60-day period the Registrar receives a written request from the citizen or Sponsor that the Tribal Citizenship Relinquishment Form be revoked or withdrawn. If a written request by the Tribal citizen or Sponsor to revoke or withdraw his or her Tribal Citizenship Relinquishment Form is delivered to the Registrar prior to the expiration of the 60-day period, the Tribal Citizenship Relinquishment Form shall be deemed withdrawn and the person's status as a Tribal citizen shall continue as if the Relinquishment Form had never been received by the Registrar.

J. ~~F.~~ Except as provided in subsections ~~K.~~ G. and ~~M.~~ I. of this section, any person who has relinquished his or her Tribal citizenship may apply for re-enrollment at any time as a Tribal citizen pursuant to 11 CNCA §§ 11, 12, 13, and 14.

~~K.~~ G. Any person who relinquishes his or her own Tribal citizenship in accordance with the provisions of this section shall be ineligible to re-enroll as a Tribal citizen for a period of five years following the effective date of his or her relinquishment of Tribal citizenship if, but only if-

1. The certified copies of the notarized Tribal Citizenship Relinquishment ~~and the Court's order authorizing relinquishment to proceed~~ were as received by the Registrar on or after the effective date of the this Act Tribal Citizenship Relinquishment and Technical Amendments Act of 2002, (L.A. 16-02); and
2. The Tribal citizen whose citizenship was relinquished was 18 years of age or older on the date on which the certified copies of said Relinquishment Form ~~and order were~~ was received by the Registrar.

Upon the expiration of said five-year period following the effective date of his or her relinquishment, such person shall be eligible to re-enroll as a citizen in accordance with the provisions of this Title; provided, however, no person subject to the five-year ineligibility period of this subsection shall be eligible to re-enroll as a citizen if, at any time after the effective date of his or her relinquishment, the person was convicted of a felony ~~or any crime involving moral turpitude~~ under the laws of any federally-recognized Indian Tribe, state or the United States; and provided further that, in addition to all other requirements for enrollment under this Title, any person subject to the five-year ineligibility period of this subsection who thereafter seeks to re-enroll as a Tribal citizen must also execute an affidavit affirming under oath that at no time subsequent to the effective date of his or her relinquishment had he or she been convicted of any such felony ~~or crime of moral turpitude~~. Said affidavit must be presented to the Registrar together with the application to re-enroll.

~~L.~~ H. The provisions of subsection ~~G.~~ K. of this section shall not apply to any person who was under the age of 18 years of age at the time his or her Tribal Citizenship Relinquishment Form was received by the Registrar or whose ~~shoes~~ citizenship was relinquished through a Sponsor, or to any person, regardless of age, whose Tribal Citizenship Relinquishment form or other document requesting or declaring his or her relinquishment of Tribal citizenship was received by the Registrar prior to the effective date of this Act. ~~Tribal Citizenship Relinquishment and Technical Amendments Act of 2002 (L.A. 16-02).~~

~~M.~~ I. Any person who relinquished his or her citizenship but, as of the effective date of this Act the Tribal Citizenship Relinquishment and Technical Amendments Act of 2002 (L.A. 16-02), had not re-enrolled as a citizen, may apply for re-enrollment by delivering to the Registrar a completed application to re-enroll no later than 270 days following the effective date of said this Act (L.A. 16-02). Any such person who fails to deliver to the Registrar a completed application to re-enroll prior to the expiration of said 270-day period following the effective date of this Act, the Tribal Citizenship Relinquishment and Technical Amendments Act of 2002 (L.A. 16-02), shall be ineligible to re-enroll as a citizen for the remainder of the five-year period commencing on the effective date of said this Act (L.A. 16-02). Provided, however, the re-enrollment ineligibility period of this subsection shall not apply to any person who was at the time of his or her relinquishment less than 18 years of age or whose relinquishment was procured through a Sponsor. For the purposes of this subsection, the term "completed application" means an application to re-enroll as a citizen that substantially complies with the provisions of sections 11, 12, 13, and 14 of this Title and is submitted to the Registrar simultaneously with all documentation required by section 14 of this Title. No later than 30 days after the effective date of this Act L.A. 16-02, the Registrar shall cause notice of the provisions of this subsection ~~M.~~ I. to be sent by First Class Mail to the last known address of all persons who are subject to the re-enrollment ineligibility period of this subsection. The Registrar shall also cause notice of this

subsection to be published in the next issue of the Cherokee Phoenix and Indian Advocate published after the effective date of this Act ~~said L.A. 16-02~~.

J. A tribal citizen that has submitted a Tribal Relinquishment Form shall not be eligible to vote in any election once the Relinquishment Form has been accepted by the Registrar. Further, a former tribal citizen that has relinquished their citizenship shall not be eligible to vote in any Cherokee Nation election until they have re-enrolled as provided herein.

N. ~~K.~~ Commencing on the effective date of this Act e Tribal Citizenship Relinquishment and Technical Amendments of 2002 (L.A. 16-02), all Tribal Citizenship Relinquishment Forms shall include the following language above the signature line:

NOTICE

THE RELINQUISHMENT OF YOUR TRIBAL CITIZENSHIP HAS SERIOUS CONSEQUENCES

I, THE UNDERSIGNED, UNDERSTAND THAT ANY PERSON 18 YEARS OF AGE OR OLDER WHO RELINQUISHES HIS OR HER TRIBAL CITIZENSHIP LOSES ALL RIGHTS OF CITIZENSHIP IMMEDIATELY UPON THE ACCEPTANCE OF THE RELINQUISHMENT FORM BY THE CHEROKEE NATION REGISTRAR. I ALSO UNDERSTAND THAT ANY PERSON 18 YEARS OF AGE OR OLDER WHO RELNQUISHES HIS OR HER TRIBAL CITIZENSHIP DOES THEREBY ALSO WAIVE THE RIGHT TO RE-ENROLL AS A CITIZEN OF CHEROKEE NATION FOR A PERIOD OF FIVE YEARS FOLLOWING THE RECEIPT OF THE RELINQUISHMENT FORM BY THE REGISTRAR. EFFECTIVE DATE OF THE CITIZENSHIP RELINQUISHMENT.

I UNDERSTAND THAT BY RELINQUISHING MY TRIBAL CITIZENSHIP I AM VOLUNTARILY AND UNEQUIVOCALLY GIVING UP WILL LOSE ALL BENEFITS TO WHICH THAT I MAY BE ENTITLED TO BY VIRTUE OF MY STATUS AS A CITIZEN OF CHEROKEE NATION FOR FIVE YEARS. I UNDERSTAND THAT I WILL NOT BE ALLOWED TO REAPPLY FOR CITIZENSHIP FOR FIVE YEARS UNLESS THE CHEROKEE NATION COURT FINDS THAT I HAVE BEEN SUBJECTED TO FRAUD OR DURESS IN RELINQUISHING MY CITIZENSHIP.

I UNDERSTAND THAT THIS RELINQUIHSMENT OF TRIBAL CITIZENSHIP WILL BECOME EFFECTIVE IMMEDIATELY UPON MY PROVIDING THIS RELINQUISHMENT FORM TO THE REGISTRAR. 60 DAYS AFTER THE DATE ON WHICH THIS RELINQUISHMENT FORM IS RECEIVED BY THE REGISTRAR UNLESS, BEFORE THE END OF THAT 60 DAY PERIOD, I DELIVER TO THE REGISTRAR A WRITTEN REQUEST TO REVOKE OR WITHDRAW THIS RELINQUISHMENT FROM.

I FURTHER UNDERSTAND THAT DURING THE 60 DAY PERIOD PRIOR TO MY RELINQUISHMENT BECOMING EFFECTIVE I AM NOT ELIGIBLE TO VOTE IN ANY CHEROKEE NATION ELECTION.

I HEREBY SWEAR THAT I HAVE NOT RECEIVED OR BEEN PROMISED ANY MONEY OR ANYTHING OF VALUE IN EXCHANGE FOR THE RELINQUISHMENT OF MY CITIZENSHIP. I HAVE HAD THE OPPORTUNITY TO DISCUSS MY DECISION WITH MY FAMILY, MY FRIENDS, AND COUNSELORS, AND I HAVE GIVEN SUFFICIENT THOUGHT TO MY DECISION TO RELINQUISH MY CITIZENSHIP. I HAVE ASKED THE REGISTRAR OR HIS/HER DESIGNEE ANY AND ALL QUESTIONS THAT I HAVE ABOUT MY RELINQUISHMENT, AND I AM SATISFIED THAT THIS IS WHAT I WANT TO DO.

L. Within two (2) years of the effective date of a relinquishment of a citizen who is over the age of 18 years at the effective date of this act, the citizen who filed the Relinquishment Form may petition the Cherokee Nation District Court to have the relinquishment set aside upon the grounds that the relinquishment was made due to fraud or duress. Upon a finding by a preponderance of the evidence that the relinquishment was obtained through fraud or duress, the Court shall order that the Registrar reinstate the petitioner to citizenship effective as of the date of the Court's order.

Section 8 Provisions as cumulative

The provisions of this act shall be cumulative to existing law.

Section 8 Severability

The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

Section 9. Emergency declared

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this act shall take effect and be in full force after its passage and approval.

Section 10. Self-Help Contributions

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.