

**§ 714b. Membership rolls****(a) Opening; duty of Interim Council and tribal officials**

The membership roll is declared open. The Interim Council and tribal officials under the Tribe's constitution and bylaws shall take such measures as will insure the continuing accuracy of the membership roll.

**(b) Criteria for enrollment**

(1) Until a tribal constitution and bylaws are adopted, a person shall be a member of the Tribe and his name shall be placed on the membership roll if the individual is living and if—

(a) that individual's name was listed on the Tribe's Census Roll of 1940;

(b) that individual was entitled to be listed on the Tribe's Census Roll of January 1, 1940 but was not so listed. Any person placed on the membership roll must be listed on the January 1, 1940 Census Roll of the Grand Ronde-Siletz Indian Agency of nonreservation Indians as Coos, Lower Umpqua, or Siuslaw, be a descendant of such a person, or be a descendant of public domain allottee<sup>1</sup> of Western Oregon who was a member of one of these three tribes.

(c) that individual is a direct lineal descendant of an individual, living or dead, identified by subparagraph (a) or (b); and

(d) that individual or the lineal ancestor through whom he qualifies for membership under subparagraph (c) has never been an enrolled member of, or qualified for the payment of any money for the taking of land or otherwise through, any other Indian tribe, either federally recognized or acknowledged or not federally recognized or acknowledged.

(2) Until a tribal constitution and bylaws are adopted, a person shall be eligible for membership if the individual is living and meets the criteria established in subsections (b)(1)(a), (b) and (c) of this section. Such individual may submit an application for enrollment to the Interim Council for consideration and decision and the Interim Council shall place on the roll the name of all individuals who submitted an application and are meeting the criteria established under subsections (b)(1)(a), (b) and (c) of this section: *Provided*, That the Interim Council may reject the application of any person who is found to be a member or who is claiming membership in another Indian tribe. Nothing in this subchapter shall bar unsuccessful applicants for enrollment before the Interim Council from submitting an application for enrollment to the Tribe after the adoption of a tribal constitution and bylaws.

(3) After the adoption of a tribal constitution and bylaws, those documents shall govern membership in the Tribe.

**(c) Verification of eligibility for enrollment; appeal; finality of determination; possession of enrollment records and materials**

(1) Prior to any election pursuant to section 714d of this title, the Interim Council shall verify by tribal resolution the eligibility for enrollment and age of each member listed on the

Tribe's membership roll, which resolution shall be forwarded to the Secretary.

(2) With regard to the exclusion of any name from the tribal membership roll, any member may appeal to the Secretary, who shall make a final determination of each such appeal within ninety days after an appeal has been filed with him. The determination of the Secretary with respect to such an appeal shall be final.

**(d) Franchisement**

A member who is eighteen years of age or older is entitled and eligible to be given notice of, attend, participate in, and vote at, general council meetings and to nominate candidates for, to run for any office in, and to vote in elections of members to the interim council<sup>2</sup> and to other tribal councils.

(Pub. L. 98-481, § 4, Oct. 17, 1984, 98 Stat. 2251.)

**§ 714c. Interim Council**

Until such time as a new tribal constitution and bylaws are adopted in accordance with section 714d of this title, the Tribe shall be governed by an Interim Council, the membership of which shall consist of the members of the current council of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, Incorporated or such new members as may be elected in accordance with election procedures followed by the tribal corporate body prior to October 17, 1984.

(Pub. L. 98-481, § 5, Oct. 17, 1984, 98 Stat. 2252.)

**§ 714d. Tribal constitution and bylaws****(a) Election; time and procedure**

Upon the written request of the Interim Council, the Secretary shall conduct an election by secret ballot, pursuant to section 476 of this title, for the purpose of adopting a constitution and bylaws for the Tribe. The election shall be held after such written request and within sixty days after the Secretary has published in appropriate local media a certification copy of the Tribe's membership roll.

**(b) Preelection distribution of proposed constitution and bylaws and brief, impartial description; consultation by Interim Council with members of Tribe**

The Interim Council shall draft and distribute to each member described in section 714b(d) of this title, no later than thirty days before the election under subsection (a) of this section, a copy of the proposed constitution and bylaws of the Tribe, as proposed by the Interim Council, along with a brief, impartial description of the constitution and bylaws. The members of the Interim Council may freely consult with members of the Tribe, outside legal counsel and other consultants concerning the text and description of the constitution and bylaws, except that such consultation may not be carried on within fifty feet of the polling places on the date of the election.

**(c) Majority vote necessary for adoption of constitution and bylaws**

In any election held pursuant to subsection (a) of this section, the vote of a majority of those

<sup>1</sup> So in original. Probably should be "allottee".

<sup>2</sup> So in original. Probably should be "Interim Council".