

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

\_\_\_\_\_  
DATE

RESOLUTION NO. \_\_\_\_\_ (2025)

*A resolution calling for a referendum to amend Section 17 of the Charter and Governing Document to clearly state that a Tribal official who has been impeached and removed from office is thereafter ineligible to for or serve in office.*

WHEREAS, Cherokee Code Ch. 161 (the Election Ordinance) authorizes the use of referendum elections, provides for the development of the question to be presented in a Tribal referendum election, and provides that a referendum initiated by Tribal Council does not require a petition. C.C. §161-9(c)(5) and (1)(a); and

WHEREAS, in 2017, then-Principal Chief Patrick Lambert was impeached and removed from office by Tribal Council for violations of the Charter and Governing Document and violations of the Cherokee Code; and

WHEREAS, the violations, the votes, and the verdicts reached by Tribal Council are expressed in Resolution No. 596 (2017); and

WHEREAS, Section 17 of the Charter and Governing Document states that "No person shall ever be eligible for office or appointment of honor, profit, or trust who shall have aided, abetted, counselled, or encouraged any person or persons guilty of defrauding the Eastern Band of Cherokee Indians, or themselves have defrauded the Tribe, or who may hereafter aid or abet, counsel or encourage anyone in defrauding the Eastern Band of Cherokee Indians. Neither shall any person be eligible to such office, who has been convicted of a felony"; and

WHEREAS, Section 22 of the Charter and Governing Document states that "Any officer of the Eastern Band of Cherokee Indians who violates his oath of office, or is guilty of any offense making him ineligible to hold said office may be impeached by a two-thirds vote of council"; and

WHEREAS, C.C. Section 161-3(d)(3), which has been the law of the Tribe since 1996, states that a "person [who] has been impeached and removed by the Tribal Council from any elected office or appointed office, for having violated his or her oath of office or being guilty of any offense making the person ineligible to hold said office" is not "eligible to run for or serve" in Tribal office; and

WHEREAS, the understanding and tradition of the Tribe was that Charter Section 17 and Section 22, and C.C. Section 161-3(d)(3), combined to prohibit an impeached Tribal official from ever running for or serving in any Tribal office after they are impeached; and

1 **WHEREAS,** this understanding and tradition was recently destroyed by the Cherokee Supreme  
2 Court in the case of Patrick Lambert v. Board of Elections, in which the two non-  
3 enrolled justices held that C.C. Section 161-3(d)(3) violated the Charter by adding  
4 eligibility requirements to it, and a Tribal Official who was previously impeached  
5 and removed could run for office again; and

6 **WHEREAS,** a referendum should be conducted to amend Section 17 of the Charter and  
7 Governing Document to clearly state that a person who has been impeached and  
8 removed from office shall never again be eligible to run for or serve in any office.

9 **NOW THEREFORE BE IT RESOLVED** by the Eastern Band of Cherokee Indians Tribal  
10 Council assembled, at which a quorum is present, that this referendum is initiated  
11 by Tribal Council, and that during the general election this referendum question  
12 shall be conducted according to the laws of the Tribe to answer the following  
13 question:  
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15 Should Section 17 of the Charter and Governing Document be amended to state  
16 that a Tribal official who has been impeached and removed from office by Tribal  
17 Council is thereafter ineligible to run for or serve in office? The proposed  
18 amendment to Section 17 is indicated by the underlined language below:  
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20 **"Section 17.** No person shall ever be eligible for office or appointment of honor,  
21 profit, or trust who shall have aided, abetted, counselled, or encouraged any  
22 ~~person or persons guilty of defrauding the Eastern Band of Cherokee Indians, or~~  
23 ~~themselves have defrauded the Tribe, or who may hereafter aid or abet, counsel~~  
24 ~~or encourage anyone in defrauding the Eastern Band of Cherokee Indians.~~  
25 Neither shall any person be eligible to such office, who has been convicted of a  
26 felony, or who has been impeached and removed from office."

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28 **BE IT FURTHER RESOLVED** that the Cherokee Board of Elections, the Department of  
29 Justice and Attorney General, and the Principal Chief are authorized to carry out  
30 the intent of this resolution.

31 **BE IT FINALLY RESOLVED** that all resolutions inconsistent are rescinded and this resolution  
32 shall become effective when ratified.  
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40 *Submitted by: Solomon Slick Saunooke and Jacob Ivey.*  
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