

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

DATE

RESOLUTION NO. _____ (2026)

A resolution to hold a referendum vote to amend the Charter and Governing Document

WHEREAS, Cherokee Code Section 161-9 authorizes Tribal Council to pass a resolution to send important questions to the people for a referendum vote; and

WHEREAS, one such important question is whether the Charter and Governing Document should be amended to expressly state that a Tribal elected official who has been impeached and removed from office is thereafter prohibited from running for or serving in elected office; and

WHEREAS, several times the Tribe has experienced the trauma and disruption of having an elected official impeached and removed, or having the official resign under threat of impeachment, for violations of Tribal law and the oath of office; and

WHEREAS, the most recent impeachment and removal was in 2017, when a former Principal Chief was charged with violating Tribal law and his oath of office, was tried at Tribal Council, found guilty, and removed from office in Resolution No. 596 (2017); and

WHEREAS, this individual ran for elected office in 2025. They were denied certification by the Board of Elections on the grounds that the candidate was disqualified because they had been impeached and removed, and this individual appealed to the Cherokee Supreme Court; and

WHEREAS, in a two-to-one decision issued on August 5, 2025, the Cherokee Supreme Court ruled that even though a Tribal ordinance disqualified a person who had been impeached and removed from office, the Charter did not contain the same provision, and therefore the prohibition in the ordinance added a qualification that the Court struck down; and

WHEREAS, the decision went against Tribal custom and tradition that stands for the proposition that someone who is impeached and removed from office has profoundly betrayed the public trust and they should not be able to run for or hold office ever again; and

WHEREAS, these issues present the need to amend the Charter and Governing Document to expressly state that a person who has been impeached and removed from elected office is disqualified from running for or holding elected office thereafter.

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3 **NOW THEREFORE BE IT RESOLVED** by the Eastern Band of Cherokee Indians Tribal
4 Council assembled, at which a quorum is present, that Tribal Council authorizes
5 and directs that a referendum election shall be held to answer the following
6 question:
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8 Should Section 17 of the Charter and Governing Document be amended to clarify
9 that a person who has been impeached and removed from office is ineligible for
10 office in the future? The proposed amendment to Section 17 is indicated by the
11 underlined language below:
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13 “Section 17. No person shall ever be eligible for office or appointment of honor,
14 profit, or trust who shall have aided, abetted, counselled, or encouraged any
15 person or persons guilty of defrauding the Eastern Band of Cherokee Indians, or
16 themselves have defrauded the Tribe, or who may hereafter aid or abet, counsel
17 or encourage anyone in defrauding the Eastern Band of Cherokee Indians.
18 Neither shall any person be eligible to such office, who has been convicted of a
19 felony, or who has been impeached and removed from office, or who has
20 resigned from office after a resolution stating the Articles of Impeachment is
21 passed by Tribal Council.”
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23 **BE IT FURTHER RESOLVED**, that the referendum election authorized by this resolution
24 shall be held on or before the following date: _____
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26 **BE IT FURTHER RESOLVED**, that this referendum is initiated by Tribal Council, and no
27 supporting petition is required.
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29 **BE IT FURTHER RESOLVED** that the Cherokee Board of Elections, the Department of
30 Justice and Attorney General, and the Principal Chief are authorized to carry out
31 the intent of this resolution.

32 **BE IT FINALLY RESOLVED** that all resolutions inconsistent are rescinded and this resolution
33 shall become effective when ratified.
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36 *Submitted by: Michael Stamper, Painttown Tribal Council Representative*
37 *Bo Crowe, Big Y & Wolfstown Tribal Council Representative*
38 *Mike Parker, Big Y & Wolfstown Tribal Council Representative*
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