

# TABLED

Cherokee Council House  
Cherokee, North Carolina

APR 05 2018

Date: April 5, 2018

## RESOLUTION NO. 184 (2018)

WHEREAS, it is undisputed that a valid census has never been properly performed by the Tribal Council since the Federal District Court for the Western District of NC ruled against the EBCI as defendants, for violation of due process and equal protection; and

WHEREAS, prior to this federal lawsuit each member of the Tribal Council cast one vote and was counted as "one man one vote"; and

WHEREAS, the customs and traditions of our Tribe has always been to treat each community as one cohesive unit regardless of whether the community was larger than any other community, and until 1975 each community was looked at as equal and each Community has two Council members who each got one vote so that all our communities were viewed as equal and votes in Council were also equal; and

WHEREAS, following the district court decision there was a fundamental change in our Tribe and this foreign concept of "weighted votes" was pushed upon us. But this process of weighted voting has never been properly adhered to by the Tribal Council and this failure may have lead to many unjust decisions and actions to have taken place; and

WHEREAS, a valid census to get the proper weighted vote for each council member would require a counting of each living enrolled tribal member in each community and the truth is there has NEVER been a valid census performed by the Tribe for the purpose of counting Enrolled Tribal Members. A simple count (what has been termed as a census) being conducted by the Election Board from the voter registration or a count of surnames from the Enrollment records is ineffective to get a true census for the purposes of the weighted vote concept; and

WHEREAS, considering that this concept and ruling from the non-Indian court has never been fulfilled or properly instituted it makes most sense until a true census of all Enrolled Tribal Members is completed that the Tribal Council adopt on the temporary basis the process of each Council Member being equal to one vote in order to fulfill our traditional and historical basis of "one man one vote" for all decisions from Tribal Council; and

WHEREAS, the Cherokee Charter was amended by adding Section 19 which states,  
"A tribal census, for the purpose of determining the weight of the votes to be cast by each Tribal Council member, shall be conducted prior to the 1981 tribal election and prior to the election each ten

years thereafter to determine the number of enrolled tribal members residing in each township.”

NOW THEREFORE BE IT RESOLVED IN TRIBAL COUNCIL ASSEMBLED AT WHICH A QUORUM IS PRESENT that the Tribal Council will adhere to the Charter Section 19 as soon as practical after following an actual census being completed which shall consist and be conducted by a house-to-house count of every resident in each community in order to get a full and accurate count to give proper weight to each Tribal member in order to adhere to Section 19 of the Charter and the order from the Federal Court.

BE IT FURTHER RESOLVED that until it is possible for Charter Section 19 to be adhered to that Tribal Council votes shall be counted as traditionally and historically done on the basis of “one man one vote” based solely on each Tribal Council Member being equal to one vote and each community having two votes (one from each of two Council Members).

BE IT FINALLY RESOLVED that this ordinance shall be effective upon ratification by the Principal Chief.

*Submitted by: Lisa Taylor, Painttown Council Member  
Richard French, Big Cove Council Member*