

CHARTER AND GOVERNING DOCUMENT OF THE EASTERN BAND OF CHEROKEE INDIANS

Enacted and adopted May 8, 1986, by the Tribal Council of the Eastern Band of Cherokee Indians, Cherokee Council House, Cherokee, North Carolina, by Resolution No. 132 (1986), and amended by Tribal Referendum conducted October 8, 1986.

Section 1. The officers of the Tribe shall consist of a Principal Chief, Vice-Chief and twelve members of Council as follows: From Yellowhill Township two members; from Big Cove Township two members; from Birdtown Township two members; from Wolfetown Township two members; from Painttown Township two members; from Cherokee and Graham Counties, constituting one Township, two members.

Section 2. The Principal Chief or Vice-Chief and members of Council shall be elected to their respective offices by the enrolled members of the Eastern Band of Cherokee Indians, who have attained the age of eighteen (18) years. All officers elected by the Council shall hold office until the first annual council held after the next tribal election and all officers shall hold office until their successors are duly qualified.

Section 3. The election for Principal Chief and Vice Chief and Tribal Council shall be held on the first Thursday in September, 1987, and every two (2) years thereafter, under such rules and regulations as may be adopted by the council.

Section 4. There shall be an Executive Committee, which shall consist of the Principal Chief and Vice-Chief. The committee shall execute and carry out tribal laws and administer the daily operations of the Tribe.

Section 5. The representatives elected to the Tribal Council shall hold office for terms of two years. The Principal Chief and Vice Chief shall hold office for terms of four years.

Section 6. The Tribal Council shall establish a Board of Elections and enact election rules and regulations for the conduct of tribal elections. Election for Principal Chief and Vice-Chief must be by a majority of at-large votes cast by eligible voters.

Section 7. The Principal Chief shall receive as compensation for his services such sum as shall be appropriated by the Tribal Council, not to exceed one pay raise per annum. The Vice-Chief shall receive such sum as shall be fixed by the Tribal Council, not to exceed one pay raise per annum. Both the Principal Chief and Vice-Chief shall receive such traveling expenses as may be authorized by the Tribal Council. The members of the Tribal Council shall receive such compensation as shall be appropriated by the Tribal Council, with no pay raise to take effect until the next council is seated. All other officers and employees of the Tribe shall receive compensation for their services as shall be provided by the Tribal Council.

Section 8. The seat of government of the Eastern Band of Cherokee Indians shall be centrally located within the Qualla Boundary, North Carolina.

Section 9. In order to run for or serve as Principal Chief, Vice-Chief or Tribal Council member, a candidate must be an enrolled member of the Eastern Band. For the offices of Chief and Vice-Chief a candidate must also be at least thirty-five years of age by the date of the election and have resided on Cherokee trust lands continuously for at least two years immediately preceding the date of the election. For the Tribal Council a candidate must be at

least eighteen years of age by the date of election and have resided in the township which he is to represent for at least ninety days immediately preceding the date of the election.

Section 10. There shall be an Annual Council held on the first Monday in October of every year, and in cases of emergency the Principal Chief may call a Special Council, but no business can be transacted in either Annual or Special Council unless a quorum of the members shall be present, with a quorum consisting of a majority of the members of Council elected at the last preceding election. The Principal Chief shall have the right to call a Grand Council of all enrolled members to attend and he shall preside over such meeting.

Section 11. At the convening of the Annual Council a new chairman, vice-chairman and clerk shall be elected by its members and hold office until the next Annual Council; provided, that all officers elected or appointed by the Council shall serve during the pleasure of the Council and for failure to perform their duties may be removed by said Council and others elected in their stead.

Section 12. All acts of Council shall be signed by the chairman and the clerks, and countersigned by the Principal Chief or Vice-Chief.

Section 13. The Principal Chief shall have the power to veto all acts of Council but his veto shall not prevail against a two-thirds vote of Council. All acts neither ratified nor vetoed by the Principal Chief within thirty (30) days shall be deemed valid legislation.

Section 14. In the case of death, resignation or disability of the Principal Chief, the Vice-Chief shall become the Principal Chief and shall serve the balance of the elected term of office until removal or disability or his successor is elected. In case of death, resignation or disability of the Vice-Chief, the Council may elect a successor who shall serve until removal or disability or his successor is elected. In the event the offices of both Principal Chief and Vice-Chief become vacant simultaneously, the Chairman of the Council shall become Principal Chief and shall serve the balance of the elected term of office and the Council shall elect a Vice-Chief who shall serve the balance of the elected term. If the Chairman does not meet the qualifications for the office of Principal Chief, the vacancy shall be filled by an election under rules established by the Council.

Section 15. In case of death, resignation or disability of any member of Council a new member shall be elected by the Township under such rules and regulations as may be prescribed by Council or election rules.

Section 16. The Council of the Eastern Band of Cherokee Indians shall direct the management and control of all property, either real or personal, belonging to the Tribe, but no person shall be entitled to the enjoyment of any lands belonging to the Eastern Band of Cherokee Indians as a tribe, or any profits accruing therefrom, or any monies which may belong to the Tribe, unless such person shall be an enrolled member of the Tribe, and in case any money, derived from any source whatsoever, belonging to the Eastern Band of Cherokees, shall be distributed among the members thereof, the same shall be distributed per capita among the members entitled thereto.

The first generation of an enrolled member of the Eastern Band of Cherokee Indians shall enjoy all property, both real and personal, that is held in said enrolled member's possession at their death. First generation shall include all children born to or adopted by an enrolled member.

Section 17. 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.

Section 18. The Principal Chief, Vice-Chief and members of Council before entering on the duties of office shall take the following oath before some officer authorized to administer oaths: "I do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____ of the Eastern Band of Cherokees and will to the best of my ability, preserve, protect and defend the charter and governing document and laws confirmed and ratified by the enrolled members of the Eastern Band of Cherokee Indians. I do solemnly swear (or affirm) that I have not obtained my election or appointment to Tribal office by bribery or any undue or unlawful means or fraud, and that in all measures which may come before me I will so conduct myself as in my judgment shall appear most conducive to the interest and prosperity of the Eastern Band of Cherokees."

Section 19. In order to provide equal representation to all members of the Eastern Band, the members of the Tribal Council shall, in their deliberations, cast votes on a weighted basis, with the weight of each vote determined by each Council member.

A tribal census, for the purposes 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.

After the regular 1981 tribal election and each ten years thereafter, the Tribal Council, at its first regular meeting, shall determine the total number of votes to be cast in the Tribal Council and shall allot a voting authority to each Council member. The voting weight allotted to each Council member shall be determined by computing the mathematical ratio, fraction or proportion that exists between the number of enrolled tribal members residing in each township and the total number of enrolled tribal members. All Council members, including the Chairman, shall be entitled to vote on all issues.

Section 20. No money shall be paid out except upon warrant of the Principal Chief as authorized by an act of the Council.

Section 21. The Executive Committee shall present a proposed budget to Tribal Council no later than July 1 of each year.

Section 22. 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.

Section 23. The Tribal Council is hereby fully authorized and empowered to adopt laws and regulations for the general government of the Tribe, govern the management of real and personal property held by the Tribe, and direct and assign among its members thereof, homes in the Qualla Boundary and other land held by them as a Tribe, and is hereby vested with full power to enforce obedience to such laws and regulations as may be enacted.

Section 24. Whenever it may become necessary, in the opinion of the council to appropriate to public purposes for the benefit of the Tribe any of the lands owned by the Eastern Band of Cherokee Indians, and occupied by any individual Indian or Indians of the Tribe, the Council

may condemn such land for the aforesaid purposes only by paying to the occupant of such land the value of such improvements and betterments as he may have placed or caused to be placed thereon, and the value of such improvements or betterments shall be assessed by a jury of not less than six competent persons, who are members of the Tribe, under such laws and regulations as may be prescribed by the Council. The Eastern Band of Cherokee Indians will not use eminent domain under this section or any other Tribal or Federal laws to take an individual Tribal member's possessory holding except for bridges, roads, power lines, schools, hospitals, or sewer and water lines. Each Tribal member shall receive proper notice, proper hearings, and proper compensation for their lands.

(Amended by Res. No. 480, 6-8-95; approved by Referendum 9-5-1995)