

**TABLED**

**CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA**

**Date: JUN 01 2021**

**ORDINANCE NO.: 475 (2021)**

*An ordinance clarifying how applicants  
for enrollment return benefits to their current Tribe.*

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13 WHEREAS, the Eastern Band of Cherokee Indians is duly authorized to establish and regulate  
14 membership and enrollment under its sovereign powers as a federally recognized  
15 Indian Tribe; and

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17 WHEREAS, Chapter 49 of the Cherokee Code sets out the requirements for membership with  
18 the Tribe and the enrollment application process; and

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20 WHEREAS, Cherokee Code Section 49-3 sets out the conditions by which a member of a  
21 different Tribe may enroll as a member of the Eastern Band of Cherokee Indians;  
22 and

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24 WHEREAS, one of the conditions precedent to enrolling in the Eastern Band of Cherokee  
25 Indians after having previously enrolled in another federally recognized Tribe is to  
26 relinquish the current tribal membership and return any benefits of land or money  
27 to the other Tribe; and

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29 WHEREAS, applicants eligible for enrollment are accepted pending successful relinquishment  
30 and return of benefits to the other Tribe so that they do not become tribeless in the  
31 interim time; and

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33 WHEREAS, it has come to the attention of the Enrollment Committee that applicants often have  
34 no way to return benefits directly to their current Tribe because there is no  
35 mechanism or process for the other Tribe to accept the returned benefits; and

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37 WHEREAS, an amendment is needed in order to clarify the Cherokee Code to reflect the policy  
38 of allowing an applicant to return benefits to the other Tribe in the form of a  
39 donation to a charitable cause that benefits the other Tribe.

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41 NOW THEREFORE BE IT ORDAINED, by the Tribal Council of the Eastern Band of Cherokee  
42 Indians, in council assembled, at which a quorum is present, that Cherokee Code  
43 Chapter 49 is hereby amended as follows:  
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47 **Sec. 49-3. – In other Indian Tribes.**

48 Dual enrollment is prohibited.

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50 (a) Any person who applies for membership after the effective date of this chapter (9-11-  
51 1995) who otherwise qualifies for membership in the Eastern Band but who has been  
52 enrolled as a member of another federally recognized Indian Tribe may be enrolled as a  
53 member of the Eastern Band of Cherokee Indians provided:

54 1. The person has not received any benefits of land, money, or other financial gain of  
55 another Tribe other than benefits received while less than 21 years of age or  
56 otherwise unable to make legal decisions for him or herself, or the person has  
57 returned to the other Tribe or donated to a charitable cause for the other Tribe any  
58 benefits of land, money, or other financial gain received while 21 years of age or  
59 greater and able to make legal decisions for him or herself:

60 2. The person relinquishes, in writing, their membership in the other Indian Tribe;  
61 and

62 3. The person is admitted to membership by a majority vote of the Tribal Enrollment  
63 Committee.

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65 (b) Any member of the Eastern Band of Cherokee Indians who subsequent to enrollment  
66 with the Eastern Band becomes or is discovered to be a member of another Tribe and  
67 accepts any benefits of land, money, or other financial gain of such other Tribe while 21  
68 years of age or greater and able to make legal decisions for him or herself shall be  
69 disenrolled from the Eastern Band; however, any member of the Eastern Band of  
70 Cherokee Indians who subsequent to enrollment with the Eastern Band becomes or is  
71 discovered to be a member of another Tribe but has not accepted or received any  
72 benefits from that Tribe shall be given an opportunity to relinquish such other  
73 membership in order to prevent disenrollment in the Eastern Band. Failure to relinquish  
74 shall result in disenrollment from the Eastern Band.

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76 (c) The Enrollment Committee may accept an application pending the applicant's  
77 relinquishment and return of any benefits pursuant to subsection (a)(1). This pending  
78 acceptance shall be valid for a period of six months, after which the pending acceptance  
79 shall be deemed denied and the applicant may reapply.

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82 BE IT FINALLY ORDAINED, that all ordinances and resolutions inconsistent with this ordinance  
83 are rescinded, and this ordinance shall become effective upon ratification by the  
84 Principal Chief.

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86 *Submitted by the Enrollment Committee*