

# TABLED

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

Date: JUN 02 2022

ORDINANCE NO.: 302 (2022)

*An ordinance to clarify enrollment requirement  
applicability to Alaska Native Corporation.*

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

18 WHEREAS, Chapter 49 of the Cherokee Code sets out the requirements for membership with  
19 the Tribe; and

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

25 WHEREAS, while it is clear that the prohibition of dual enrollment applies to other federally  
26 recognized tribes, it is not clear that this prohibition also applies to Alaska Native  
27 Corporations; and

29 WHEREAS, Alaskan Native Corporations are not tribes, but have many attributes of tribes as set  
30 out in the Alaska Native Claims Settlement Act of 1971; and

32 WHEREAS, it has come to the attention of Enrollment Committee that persons who own stock  
33 and/or have ownership rights in Alaska Native Corporations should be treated the  
34 same as members of other federally recognized tribes for purposes of the Tribe's  
35 enrollment law; and

37 WHEREAS, in order to clarify the Cherokee Code to reflect the policy of enrollment  
38 requirements also applying to Alaska Native Corporations, the Enrollment  
39 Committee suggests an amendment to the Cherokee Code; and

41 WHEREAS, the Enrollment Committee deliberated the following proposed change at its May 2,  
42 2022 meeting and approved submitting this ordinance for Tribal Council's  
43 consideration.

45 NOW THEREFORE BE IT ORDAINED, by the Tribal Council of the Eastern Band of Cherokee  
46 Indians, in council assembled at which a quorum is present, that in order to make

1 clear that the enrollment requirements also apply to Alaska Native Corporations,  
2 Cherokee Code Chapter 49 is hereby amended as follows:  
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5 **Sec. 49-3. – In other Indian Tribes.**

6 Dual enrollment is prohibited. The rules of this chapter apply equally to both other federally  
7 recognized Tribes and Alaska Native Corporations.

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

12 (1) The person has not received any benefits of land, money, or other financial gain of  
13 another Tribe other than benefits received while less than 21 years of age or  
14 otherwise unable to make legal decisions for him or herself, or the person has  
15 returned to the other Tribe any benefits of land, money, or other financial gain  
16 received while 21 years of age or greater and able to make legal decisions for him  
17 or herself;

18 (2) The person relinquishes, in writing, their membership in the other Indian Tribe; and

19 (3) The person is admitted to membership by a majority vote of the Tribal Enrollment  
20 Committee.

21 (b) Any member of the Eastern Band of Cherokee Indians who subsequent to enrollment with  
22 the Eastern Band becomes or is discovered to be a member of another Tribe and accepts  
23 any benefits of land, money, or other financial gain of such other Tribe while 21 years of  
24 age or greater and able to make legal decisions for him or herself shall be disenrolled from  
25 the Eastern Band; however, any member of the Eastern Band of Cherokee Indians who  
26 subsequent to enrollment with the Eastern Band becomes or is discovered to be a member  
27 of another Tribe but has not accepted or received any benefits from that Tribe shall be  
28 given an opportunity to relinquish such other membership in order to prevent  
29 disenrollment in the Eastern Band. Failure to relinquish shall result in disenrollment from  
30 the Eastern Band.

31 (c) The Enrollment Committee may accept an application pending the applicant's  
32 relinquishment and return of any benefits pursuant to subsection (a)(1). This pending  
33 acceptance shall be valid for a period of six months, after which the pending acceptance  
34 shall be deemed denied and the applicant may reapply.  
35  
36

37 BE IT FINALLY ORDAINED, that all ordinances and resolutions inconsistent with this ordinance  
38 are rescinded, and this ordinance shall become effective upon ratification by the  
39 Principal Chief.  
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42 *Submitted by Melanie Lambert, Enrollment Office on behalf of the Enrollment Committee*