

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

Date: \_\_\_\_\_

ORDINANCE NO.: \_\_\_\_\_ (2025)

*An ordinance to correct special elections for School Board vacancies.*

WHEREAS, the Eastern Band of Cherokee Indians is a federally-recognized Indian tribe with inherent sovereign powers of self-government and self-determination; and

WHEREAS, Section 23 of the Charter and Governing Document empowers Tribal Council with lawmaking authority for the general government of the Tribe, including for schools and school administration; and

WHEREAS, Chapter 115 of the Cherokee Code addresses matters of education, including the Cherokee School Board, its members, responsibilities, and election; and

WHEREAS, Cherokee Code Section 115-9 sets out the process for addressing a vacancy on the School Board; and

WHEREAS, Section 115-9 currently only allows for a special election to fill a vacancy created by death, resignation, or removal of a School Board member; and

WHEREAS, death, resignation, or removal are not the only ways in which a vacancy on the School Board could be created; and

WHEREAS, a vacancy on the School Board will be created on October 1, 2025, when a School Board member's term expires, but no election was held for a successor because no eligible applicant filed to be a candidate before the filing period closed; and

WHEREAS, Tribal Council has the authority to call special elections to fill vacancies of other Tribal officials in other contexts, and also doing so here is in the best interests of students, parents, guardians, Cherokee Central Schools, and the entire Tribal community; and

WHEREAS, in order to clarify Tribal Council's ability and authority to call a special election for a School Board vacancy, Section 115-9 should be amended.

NOW THEREFORE BE IT ORDAINED, by the Tribal Council of the Eastern Band of Cherokee Indians, in council assembled at which a quorum is present, that in order to correct the special elections process for School Board vacancies no matter the cause as described above, Cherokee Code Chapter 115 is hereby amended as follows:

1  
2 **Sec. 115-9. – Vacancy in School Board.**  
3

4       If a vacancy occurs within the School Board ~~due to death, resignation or removal~~, the Tribal  
5 Council shall call a special election within 30 calendar days of the vacancy, and a new board  
6 member shall be elected in the community in which the vacancy occurs. However, if less than 90  
7 days remains in the original term on the date of vacancy, the seat shall remain vacant until the next  
8 regular  
9

10  
11 BE IT FINALLY ORDAINED, that all ordinances and resolutions inconsistent with this ordinance  
12       are rescinded, and this ordinance shall become effective upon ratification by the  
13       Principal Chief.  
14

15  
16 *Submitted by: Michael Stamper, Painttown Tribal Council Representative*  
17       *Perry Shell, Big Cove Tribal Council Representative*  
18       *Richard French, Big Cove Tribal Council Representative*