

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 3: Qualifications and Registration of Voters

§ 21. Eligibility to vote

Cite as: 26 CNCA § 21

A. Basic Requirements. Subject to the limitations contained herein, any person who meets the following requirements shall be entitled to vote in any General Election or Special Election held by the Cherokee Nation:

1. The person shall be a Citizen of the Cherokee Nation, eighteen (18) years of age or older as of the date of any General Election or Special Election; and
2. The person shall be registered to vote no later than the last business day in March of the election year. Provided that a Citizen of the Cherokee Nation that is seventeen (17) years old and can show that their birth date is on or prior to the date of the primary election shall be allowed to register to vote;
3. If said person is a Resident Registered Voter, as defined herein, he/she shall register for the district in which he/she resides.
4. If said person is an At-Large Resident Voter as defined herein he/she shall register At-Large, unless he/she elects to register in a district pursuant to Article VI, Section 3 of the Cherokee Nation Constitution.
5. Any person who voted in the last Primary, General or Special Election shall be deemed eligible to vote unless the Election Commission has notice that such person has relinquished their Citizenship with the Cherokee Nation. The Election Commission shall maintain the list of eligible voters.

B. Voting by Districts.

1. Resident Registered Voters. Every resident registered voter shall be registered to vote in the district of his or her residence. A resident registered voter shall have the right to vote only for the candidate for a Council seat for the district in which the voter resides.
2. At-Large Registered Voters. Every At-Large Registered Voter shall be registered to vote in the At-Large District, unless said voter has elected to remain a voter in a district pursuant to Article VI, Section 3 of the Cherokee Nation Constitution. Provided, when redistricting occurs, At-Large Registered Voters who elected to remain a voter within a district pursuant to Article VI, Section 3 of the Cherokee Nation Constitution, shall be notified by regular mail notifying the voter of his/her right to choose a new district that was part of their

original district. The At-Large Registered Voter shall have ninety (90) days from the date of the notice to notify the Election Commission of their choice of a new district. If, after the expiration of the ninety (90) day period, the At-Large Registered Voter fails to provide such notice, the voter shall be assigned to the appropriate district based on the Precinct chosen at the time of registration.

3. Re-registration for Purposes of Changing District and/or Precinct. A resident registered voter who has moved to a new district and who wishes to change precinct within their district, shall re-register for a *new* district and/or precinct on or before, but not after, the last business day in March of the election year, in order to effect a change of voting district and/or precinct for said election year; provided that the new registration form shall be delivered to the Election Commission Office on or before said day in order to be valid for said election year.

4. Effect of Failure to Re-register. Any Registered Voter who fails to change his or her voting Precinct by re-registering with a new Precinct within the district on or before the last business day in March of the election year must vote during the current election year for the Candidates for Council at the Precinct in which the person was registered to vote as of said date; provided, also, that a Registered Voter who in good faith moves to a new District after the last business day in March and becomes a bona fide resident of said District, shall be entitled to cast a Challenged Ballot in the new District of their residence, upon signing of an application for a Challenged Ballot on the form provided by the Election Commission, under penalty of perjury; and, if in proper form shall be counted by the Election Commission.

5. At-Large Registered Voters who have previously chosen districts. At-Large Registered Voters who have previously selected a district within the jurisdictional boundaries of the Cherokee Nation in accordance with the Cherokee Nation Constitution (Article VI, Section 3), may select to continue to be registered to vote in a district that was subsequently part of their original district, at the time of the 2013 election.

C. Voter Address. Voters giving a Post Office Box Address or a Rural Route Address must include driving directions and/or location of residence that is sufficient to allow the Election Commission to determine their district of residence.

D. Voter Registration. Registered Voters must complete the Voter Registration Form provided by the Election Commission and must contain the Voter's handwritten signature or copy of the Voter's original signature. Forgery or unauthorized alteration to a Voter Registration Form is a crime.

Historical Data

LA 06–10, eff. February 23, 2010. Amended LA 46–12, eff. December 17, 2012; LA 04–14, eff. February 19, 2014; LA 12–16, eff. May 18, 2016. Amended LA 22–20, eff. October 13, 2020. Amended LA 14–22, eff. May 16, 2022.