

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 4: Qualifications of and Filing by Candidates

§ 31. General Qualifications of Candidates for Elective Office—Certifications and Acknowledgments

Cite as: 26 CNCA § 31

A. General Qualifications. Each Candidate who desires to run for the Elective Cherokee Nation Office of Principal Chief, Deputy Principal Chief or Council Member shall meet the following general eligibility requirements consistent with the Constitution of the Cherokee Nation, Article VI, Section 3, Article VII, Sections 2 and 3, and Article IX, Section 2 and Federal and Cherokee Nation Supreme Court decisions:

1. The Candidate shall be a Citizen of the Cherokee Nation and shall not be an enrolled member of any other tribe or band of Indians, provided, however, that dual enrollment in the Cherokee Nation and either the Shawnee Tribe or the Delaware Tribe of Indians shall not affect eligibility.
2. The Candidate shall not have been convicted of or have pled guilty or no contest to a felony charge under the laws of the United States of America, or of any state, territory or possession thereof, or convicted of a crime in any Military General Court-Martial or Tribal Court of any federally recognized Indian Tribe that would be considered a felony in State or Federal Court, unless such person has received a pardon or an expungement of his or her felony conviction, guilty plea to a felony charge, or plea of no contest/defense to a felony charge from an authorized official of the jurisdiction in which the Candidate was convicted or pled guilty or no contest to said felony charge.. For the purposes of this section, a deferred sentence shall not constitute a pardon or expungement or affect or erase the felony conviction, a guilty plea to a felony charge, or a plea of no defense to a felony charge.
3. The Candidate shall not hold any office of honor, profit or trust in any other tribe of Indians, either elective or appointive, if elected to the Cherokee Nation office which he or she is seeking;
4. Any outstanding fines and civil penalties imposed by the Election Commission and any court ordered fines, costs, attorney's fees and/or civil penalties from a previous Cherokee Nation General or Special Election must be paid before a person can be eligible to run as a Candidate for an Elective Office in a subsequent General or Special Election.

B. Prerequisites for Filing. In addition to the general eligibility qualifications set forth in subsection A herein, no person shall be eligible for candidacy for elective office in the Cherokee Nation:

1. Who has been convicted of a felony in any jurisdiction; or,
2. Who is currently an employee of the Cherokee Nation, or any of its entities, unless such person resigns from such employment before the date and time of filing for office;
3. Who has unpaid fines, fees, or penalties owed to the Election Commission or the Cherokee Nation as of the date and time of filing their candidacy packet; or
4. Who has been previously disqualified from candidacy based upon an intentional violation of the Cherokee Nation Election Code pursuant to a finding of the same by the Cherokee Nation Election Commission pursuant to 26 CNCA § 39(F). Provided, disqualification pursuant to § 39(F) shall be limited to a period of five (5) years from the date of the Election Commission's finding of a intentional violation of this Title.
5. Who, having previously relinquished Cherokee Nation citizenship, has not yet been reinstated and granted citizenship within the Cherokee Nation for a period of five (5) years prior to the date of candidate filing.

C. Other Qualifications. In addition to the requirements set forth in this section, each Candidate shall meet any other applicable requirements as set forth in the Constitution of the Cherokee Nation and this Chapter.

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. Amended LA 20-26, eff. June 11, 2026.