

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 4: Qualifications of and Filing by Candidates

§ 36. Filing of Candidacy—Withdrawal of Candidacy

Cite as: 26 CNCA § 36

A. Filing Period. The filing date shall be for a four (4) day period commencing at 8:00 a.m. on the first Monday of February of the election year and ending at 5:00 p.m. on the first Thursday following the first Monday of February. The deadline for filing for an Elective Office of the Cherokee Nation shall be publicized by the Election Commission.

B. Certifications and Acknowledgments. To be eligible to run for Elective Office, each prospective Candidate shall submit an application established by the Election Commission, which at a minimum shall contain the following:

1. Proof of Citizenship and a Cherokee Nation Citizenship card issued in his or her name in accordance with Articles IV of the Constitution and Title 11 of the Cherokee Nation Code Annotated and Federal and Cherokee Nation Supreme Court decisions.
2. Proof of residency;
3. Proof of age;
4. Certification that at time of filing that he or she is not an employee, voting board member or a voting Commission member of the Cherokee Nation, including any corporation, agency or other entity which is at least fifty-one (51%) percent owned by the Cherokee Nation, and acknowledgment that he or she understands that should he or she become an employee during the General or Special Election process, he or she shall be automatically disqualified as a Candidate;
5. Certification that if elected to office, said Candidate shall resolve all conflicts of interest as defined by Title 28 of the Cherokee Nation Code Annotated;
6. Acknowledgment that said Candidate shall be automatically disqualified in the event that any false or misleading information or statements are made in filing for office; and
7. Certification that the prospective Candidate has no outstanding fines, unpaid balances owed, or missing reports due under 26 CNCA § 46; and
8. Such other documents, certifications and acknowledgments required by regulation of the Election Commission.

C. Background Checks and Eligibility Certification. The Election Commission shall conduct background checks and review all information necessary for a determination of eligibility pursuant to regulations prescribed by the Election Commission. The Election Commission shall issue an official letter certifying the eligibility of each Candidate or denying said eligibility within twelve (12) working days after the close of the filing period.

D. Withdrawal of Candidacy. Any Candidate who wishes to withdraw from the election shall submit a formal written notice of their intent to withdraw to the Election Commission, provided that no Candidate may withdraw from an election after the close of the business day on the Friday prior to the mailing of the absentee ballot. If a Candidate withdraws from an election after the ballots have been printed shall remain on the ballot; however, any votes cast for said Candidate shall not be counted or considered when determining the winner of a General or Special Election or if a Run-Off is necessary. This provision shall also apply to Runoff and Special Elections.

E. A person who has become a Candidate according to § 3(3) of this Title, and fails to actually file as a Candidate for office, shall be assessed a civil penalty equal to the filing fee of said office unless said civil penalty is waived by the Election Commission for good cause.

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.