

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 4: Qualifications of and Filing by Candidates

§ 37. Challenges

Cite as: 26 CNCA § 37

A. No Third Party Challenge of Eligibility. Unless a Candidate is unopposed, only opposing Candidate(s) shall have the right to contest the eligibility of any Candidate to run for office. The protest shall be received by the Election Commission in writing within five (5) business days after the close of the filing period. The hearing shall be conducted in conformance with Rules and Regulations adopted by the Election Commission for said proceedings. Said Rules and Regulations shall provide the Candidate reasonable notice of the challenge and the opportunity to respond at a hearing before the Election Commission. In the case of an unopposed Candidate, only a Registered Voter from within the Candidate's district may contest the eligibility of the unopposed Candidate. In the case of a challenge to an unopposed Candidate for At-Large Tribal Council, any at-large registered voter may challenge eligibility. In the case of a challenge to an unopposed Candidate for Principal Chief or Deputy Principal Chief, any registered voter may challenge eligibility.

B. Candidate Eligibility Determination Contest. Any Candidate who receives a notice of denial of eligibility for candidacy may contest such determination. Such contest shall be submitted in a form prescribed by the Election Commission relating to the reasons for denial of eligibility. A denial of eligibility contest shall be submitted to the Cherokee Nation Election Commission no later than three (3) business days after receipt of the notice of denial of eligibility. The Election Commission shall review the contest and issue a decision in the matter no later than three (3) business days after the contest submission date. An appeal of any decision of the Election Commission concerning a Candidate's eligibility shall be filed with the Cherokee Nation Supreme Court in writing no later than five (5) business days after receipt of the Election Commission's decision. Only the person denied eligibility, the opposing Candidate, or Registered Voter as provided above, who originally filed a protest challenging the person's eligibility shall be permitted to file a contest or an appeal. The Election Commission Chairperson shall deliver copies of each notice of appeal and all related documents constituting the record on appeal to the Cherokee Nation Supreme Court in a timely manner as directed by the Court.

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.