

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 4: Qualifications of and Filing by Candidates

§ 38. Interference with and improper influences of the Election Commission and Violation of Contribution and Expenditure Requirements

Cite as: 26 CNCA § 38

A. Any Candidate found to be directly or indirectly interfering or attempting to interfere with the Election Commission's performance of its duties, or improperly influencing or attempting to influence the Election Commission while it is performing its duties, shall be subject to disqualification by the Election Commission from running for elected office of the Cherokee Nation for the duration of the upcoming election period, as provided in § 39.

B. After a hearing held by the Election Commission in conformance with the regulations adopted by the Election Commission, any Candidate or other person who is an Indian found to be directly or indirectly interfering or attempting to interfere with the Election Commission's performance of its duties, or improperly influencing or attempting to influence the Election Commission while it is performing its duties, shall be deemed to have committed a crime, subject to the applicable criminal and/or civil sanctions set forth herein and shall be referred to the Attorney General of the Cherokee Nation for prosecution as applicable.

C. After a hearing held by the Election Commission in conformance with the regulations adopted by the Election Commission, any non-Indian person, corporation or other legal entity who or which has been found to be directly or indirectly interfering or attempting to interfere with the Election Commission's performance of its duties, or improperly influencing or attempting to influence the Election Commission while it is performing its duties, shall be deemed to have committed a civil violation and shall be subject to the civil penalties as provided herein.

D. Said regulations shall provide the Candidate, person, corporation, other legal entity, and/or Citizen with reasonable notice of the violations and the opportunity to respond at a hearing before the Election Commission, and shall specify the manner in which the violations shall be presented and by whom.

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.