

Cherokee Nation Code Annotated

Title 26: Elections

Chapter 4: Qualifications of and Filing by Candidates

§ 40. Appeals of Decisions of the Election Commission; Conduct of Appeal

Cite as: 26 CNCA § 40

A. Notice and Scheduling of Hearing. The Cherokee Nation Supreme Court shall issue notice of a hearing date within three (3) business days of the Court's receipt of an appeal of an Election Commission decision. The hearing shall be held no later than ten (10) business days from date of issuance of said notice. The hearing may be continued to a later designated date for good cause, provided that said date shall not be more than ten (10) business days from date of the originally scheduled hearing.

B. Record on Appeal. The following items constitute the record on appeal: (i) clearly reproduced exact copies of the original documents and exhibits presented to the Election Commission; (ii) the transcript of proceedings, if any; and (iii) the certified decision of the Election Commission that is the basis of the appeal.

C. Conduct of Hearing. In any Cherokee Nation Supreme Court hearing conducted pursuant to this Title, the Supreme Court's review shall be limited to the record on appeal. The appellant, the respondent, the Election Commission, and/or the Attorney General may each present legal argument. No witness testimony or evidence outside of the record on appeal may be presented in an appeal brought pursuant to this Section. The Election Commission may be represented by the Election Commission's independent counsel. The other parties to the proceedings may be represented by counsel at their own expense in accordance with § 44 of this Title. Provided that, no other attorney shall appear on behalf of the Cherokee Nation or the executive or legislative branches at the government's expense, other than the Office of the Attorney General or the Tribal Council Attorney. Neither the Office of the Attorney General nor the Tribal Council Attorney may be a party to an eligibility contest appeal brought pursuant to § 37.

D. Decision. The decision of the Cherokee Nation Supreme Court in any appeal brought pursuant to this Section shall be served on the parties no later than five (5) business days following the date of the hearing. Any decision of the Cherokee Nation Supreme Court regarding a Candidate's eligibility shall be final.

Historical Data

LA 14-22, eff. May 16, 2022.